Mrs Baylor has mentioned, for any breakdowns they would then have to contact the Lilydale office which is a considerable distance away, and breakdowns do occur in the hills, in a town like Healesville and in the surrounding area. I will make strong representations to my colleague tomorrow morning.

The motion was agreed to.

The House adjourned at 11.45 p.m.

QUESTIONS ON NOTICE

OVENS–BUCKLAND RIVER SYSTEM
(Question No. 323)

The Hon. D. M. EVANS (North Eastern Province) asked the Minister of Water Supply:

(a) Has the State Rivers and Water Supply Commission conducted any survey into future water needs in the Ovens–Buckland river system; if so, what indication did this survey give of projections of water requirements for irrigation of existing primary industry dependent on continuing irrigation and on future estimated needs to meet stock, domestic and urban supplies?

(b) Did the survey indicate any significant shortfall in natural stream flow ability to supply these future needs?

The Hon. F. J. GRANTER (Minister of Water Supply) —The answer is:

(a) The State Rivers and Water Supply Commission has informed me that foreseeable future water needs for urban supplies in the area can be conveniently met from local sources available to the various urban centres. The only water use currently identified that could require quantities as large as would be available from the proposed Buckland River Dam (about 13 500 megalitres per year) would be irrigation. The cost of the additional supply from such a dam, at full utilization, is estimated at about $80 a megalitre. Any projection of local requirements for irrigation would depend on the economic viability of high-value production which would return at least as much as $80 per megalitre clear of on-farm costs, and for which there is an under-supplied market. That is a matter for consideration by prospective irrigators. I would be glad to receive from interested parties a submission establishing that additional local irrigation development to use 13 500 megalitres per year, and return at least $80 a megalitre clear of on-farm costs, is feasible.

(b) There is no established need for which construction of the proposed Buckland River Dam would be justified to eliminate occasional shortfalls in water supply in dry years.

DEPARTMENT OF CROWN LANDS AND SURVEY
(Question No. 362)

The Hon. D. E. KENT (Chelsea Province) asked the Minister of Lands:

What standard does the Department of Crown Lands and Survey use for the measurement of height datum, and how does this standard compare with the mean low tide at Williamstown?

The Hon. W. V. HOUGHTON (Minister of Lands) —The answer is:

The Department of Crown Lands and Survey uses the Australian height datum as a standard for all heights.

The Australian height datum corresponds to a determination of mean sea level around the coastline of Australia from observations taken at 30 tide gauges, the closest gauge to Williamstown being at Point Lonsdale. The Australian height datum was adopted in 1972 by the National Mapping Council as the datum for all heights on maps in Australia.

The previous State datum was mean low water spring tides determined at Williamstown in 1884, known generally as low water mean Williamstown.

Zero of the Australian height datum at Williamstown corresponds to 0.524 metres on the previous State datum.

The Department of Crown Lands and Survey has no information on current records of mean low tide at Williamstown. However, it understands that the Port of Melbourne Authority maintains a gauge at Williamstown and could provide the appropriate information.

Legislative Assembly
Wednesday, 7 May 1980

The SPEAKER (the Hon. S. J. Plowman) took the chair at 2.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

INQUIRY INTO MEDIA CONTROL

Mr WILKES (Leader of the Opposition) —Will the Premier inform the House of what further progress has been made in his consideration of the appropriate form of an inquiry into the control and ownership of the media in Victoria? Is he yet able to agree that
the inquiry should be undertaken by a Select Committee of both Houses of this Parliament?

Mr HAMER (Premier)—One might be forgiven for wondering why this question is relevant to present circumstances, but the answer is that we have not yet completed consideration of the proper means of investigating this matter. Various questions are to be decided, including the nature of the investigation, but I hope before long I will be making a statement to the House on the matter.

MASSAGE PARLOURS

Mr ROSS-EDWARDS (Leader of the National Party)—Can the Minister for Police and Emergency Services advise the House whether it is Government policy to stamp out massage parlours in Victoria? If this is the case, what action does the Government intend to take in the immediate future to stamp out this illegal practice?

Mr THOMPSON (Minister for Police and Emergency Services)—A detailed review of policy on massage parlours is being conducted by the Attorney-General at the moment, as the major Acts affecting their operation fall within his jurisdiction. When that review has been completed, a policy statement will be issued by the Government.

BATMAN PARK

Mr DUNSTAN (Dromana)—In view of the decision by the Melbourne City Council to support the development of Batman Park on the banks of the Yarra River, will the Premier inform the House of the extent of the Government’s commitment to the proposal?

Mr HAMER (Premier)—So far the Government has not been involved in the preparation of plans or specifications for the proposed Batman Park. We have been asked by the Age newspaper whether we support the proposal. I have replied that certainly we do, and furthermore, that we would be prepared to give financial support when the Melbourne City Council makes up its mind on the changes it wants to make and how the park is to be designed and laid out. I understand that the Melbourne City Council has now reached some conclusion on that matter and I have invited the council to discuss with the Government the form of any financial support. I want to tell the House that there is no question of the Government paying for the total amount and I do not know that the Melbourne City Council really expects it, but it certainly passed a resolution to that effect. There is no justification for the Government carrying the whole burden, but we would be prepared to support the plan financially once we know what it is.

INTER-COUNTRY ADOPTIONS

Mr ROPER (Brunswick)—Has the Minister of Immigration and Ethnic Affairs yet prepared a report on his investigations and findings during his recent trip to South East Asia, particularly Kampuchea, or on any discussion in Kampuchea, and will be agree to circulate this report to all members of Parliament, or alternatively, table it in Parliament with an appropriate statement this week? If the Minister has not yet prepared such a report, can he inform the House when a report will be prepared, particularly in view of the public interest and public concern that have both been paid and subsequently seen in the newspapers on this matter?

Mr WOOD (Minister of Immigration and Ethnic Affairs)—Certainly a report has been completed and discussions have been held with the Minister for Community Welfare Services on any future action and future planning for any unattached children who may come to Australia as a result of our mission. The report is at present before Cabinet and I expect that it will be discussed by members of Cabinet and then I will determine whether the report will be issued. I will inform the honorable member accordingly.

CONFINEMENT LEAVE

Mr JASPER (Murray Valley)—Can the Assistant Minister of Education indicate to the House whether because of the disruption which is caused to many schools throughout the State, the Education Department is proposing
to make changes to the confinement leave provisions within the Education Department, particularly the part that relates to the retention by a teacher of a permanent position at a school for a period of eighteen months?

Mr LACY (Assistant Minister of Education)—There is widespread acceptance of the view that changes ought to be made to the provisions for confinement leave within the Education Department in view of the disruption it causes to classes. I am aware of the concern expressed by the Victorian Teachers Union on this matter as well as by many honorable members who have made representations. In fact, the concern is more than just disruption of classes because 2496 persons as at March 1980 were on confinement leave, and the annual cost of confinement leave is $5·7 million.

Mr Fordham—All are women?

Mr LACY—I assure the honorable member that they were all women. Because of that, as well as the disruption to classes, the Minister has had this matter under review for some time and I expect in due course, when other matters related to employment conditions are under discussion between officers of the department and the teacher associations, it will be possible to make an announcement on this matter.

FINANCIAL ASSISTANCE FOR BOARD OF WORKS

Mr COLLINS (Noble Park)—I refer the Treasurer to the significant and unjust financial contributions which have been made in recent years by metropolitan ratepayers within the Board of Works area towards the capital costs of significant water storage and water supply works, particularly for the Westernport—Mornington Peninsula area. Can the Treasurer advise the Parliament what steps the Government can and will take to alleviate this financial position which is causing considerable difficulty to the Board of Works in its budgeting processes?

Mr THOMPSON (Treasurer)—In the Budget speech of 1979–80, it was pointed out that the Government had taken account of the complaint of the Board of Works that it was providing water from the Thomson River for Gippsland, and, to some degree, that it was catering for the water supply of the Mornington Peninsula and because of this some compensation should be paid to the Board of Works out of State funds. In order to assess the amount which the Government can justifiably pay from State funds to the Board of Works for this purpose, an expert committee was formed. It consisted of representatives of the Treasury, the State Rivers and Water Supply Commission and the Melbourne and Metropolitan Board of Works. That report has recently been supplied to the Treasury and it is being carefully analysed at the moment. Some assistance will certainly be provided and the details will be announced as early as possible.

EDUCATION DEPARTMENT PUBLIC RELATIONS

Mr FORDHAM (Footscray)—Can the Assistant Minister of Education advise whether tenders have been invited by the Education Department from firms of communication and public relations and media production consultants to undertake a range of activities on behalf of the department for the coming financial year? What funds in fact have been budgeted for this contract and will the Minister explain why in the past this significant expenditure item was not subject to tender but was simply contracted out to a particular firm which I understand was associated with Mr John Boland?

Mr LACY (Assistant Minister of Education)—The matter raised by the honorable member is receiving my attention in detail and has for the past fortnight. In due course I will be able to answer all those questions that the honorable member has asked.

PENSIONER RATE REMISSIONS

Mr A. T. EVANS (Ballarat North)—I refer the Minister for Police and Emergency Services to the recent pensioner rate rebate legislation passed by both Houses earlier this session and which received Royal assent on 30 April. Will the Minister inform the House when these extended privileges
Questions without Notice will be available to those persons obtaining repatriation benefits, similar to benefits available to aged widows and invalid pensioners, and what is the machinery that applies to these new concessions?

Mr THOMPSON (Minister for Police and Emergency Services)—The legislation to which the honorable member for Ballarat North refers received Royal assent on 30 April. By the end of this week the necessary statutory declaration forms will be provided to all police stations. Pensioners will be asked to forward these, after filling them in, to the Motor Registration Branch and refunds in relation to both third-party insurance and motor registration fees will be handled through the branch.

Therefore, only the one approach is necessary once the statutory declaration form has been obtained from the police station and filled in. This will entitle pensioners of the class covered in the legislation to a 50 per cent rebate in relation to third-party insurance and a 50 per cent rebate in relation to motor registration fees paid, if they paid those fees between 1 January and 30 April.

The class of pensioners to which these concessions apply are repatriation pensioners—using the term in the general sense—who qualify for municipal rate concessions, plus those pensioners who are receiving disability pensions in excess of 75 per cent. That is an additional category on top of those who already qualify for municipal rate concessions.

The Government is also working in close co-operation with the Federal Department of Veteran Affairs so that adequate and complete warning can be given to pensioners on how to obtain the 50 per cent concession.

UNEMPLOYMENT

Mr EDMUNDS (Ascot Vale)—In view of the serious position of the unemployed in Victoria during the coming winter months of this year, will the Premier ensure that this matter is listed on the agenda of the Premiers Conference for June and that the Prime Minister is made aware of the plight of the unemployed in Victoria and the concern of the Victorian Parliament? Will the Premier also advise the House what positive steps the Government intends to take immediately to alleviate some of the difficulties that are being created by so many persons being unemployed in the community?

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member for Ascot Vale is asking two questions and I ask the Premier to answer the first one.

Mr HAMER (Premier)—It is hardly necessary to list unemployment as a separate agenda item at the Premiers Conference because it is a most important matter which pervades a good many of the discussions. I simply said that it is not necessary to list it as a separate item because it is in the minds of everybody when we discuss the economy of Australia, which is one of the matters which comes up at Premiers Conferences. Direct reference to it will be found in the economic statement which is put out by the Treasurer each time and in the comments made by every Premier on it. So, that matter will be very much to the fore, I can assure the honorable member for Ascot Vale, even if it is not a separate item, and we will be proposing whatever suggestions we have for the alleviation of unemployment. Honorable members will be well aware that we have already taken a number of initiatives.

EXPORT OF LIVE HORSES

Mr TREWIN (Benalla)—Is the Minister of Agriculture aware that a shipment of horses will be loaded for Japan in the near future? What part is the Department of Agriculture playing in the preparation of those horses for shipment?

Mr I. W. SMITH (Minister of Agriculture)—The answer to the first part of the question asked by the honorable member for Benalla is, Yes; I am aware of that. The answer to the second part is that the Federal Department of Primary Industry is in the process of drawing up regulations by which the export of live horses will be permitted and it is envisaged that State departments of agriculture will be delegated
the authority of ensuring that the conditions under the regulations will be properly administered.

However, as that has not been yet fully completed, I have asked my veterinary officers who will be supervising the loading of these horses to ensure that only those horses which are completely fit and sound and able to travel the distance involved will be loaded. Any other horses will be rejected.

PISTOL REPLICAS

Mr KENNETT (Burwood)—Is the Minister for Police and Emergency Services aware that an interstate firm is currently advertising in Victorian newspapers a range of pistols which have a loud report when fired with the use of blank cartridges? The pistols have been banned from sale in other States because of their realistic appearance and the report. If the Minister is aware of the promotion of these weapons in Victoria, will he ask his department to consider the advertisements with the intention of banning the sale of these instruments?

Mr THOMPSON (Minister for Police and Emergency Services)—Some time ago the Government amended legislation covering the use of these weapons in carrying out robberies. This is a different aspect of the problem which may require further legislative action. A copy of the advertisement was sent to the department last week, which is studying it to determine whether it is desirable to further amend regulations and legislation to prevent the use and sale—more particularly the use—of weapons of that type.

ADULT PAROLE BOARD

Mrs TONER (Greensborough)—I draw to the attention of the Minister for Community Welfare Services the release of the two annual reports of the Adult Parole Board for June 1978 and 1979 yesterday in which the 1979 report indicated the need for a greater depth of support for the Adult Parole Board to meet its statutory require-
PACIFIC AREA TRAVEL ASSOCIATION CONFERENCE

Mr BIRRELL (Geelong West)—Can the Minister for State Development Decentralization and Tourism inform the House whether there is any special significance in the fact that Melbourne has been chosen for the conference of the Pacific Area Travel Association to be held this week, and will the Government direct any special energies towards urging the conference to support Victoria's desire for increased tourism?

Mr HAMER (Minister for State Development Decentralization and Tourism)—The Pacific Area Travel Association is a grouping of all the people involved in tourism in the Pacific area—the air lines, bus lines, hotel operators, tour operators and travel agents, as well as Government departments engaged in promoting tourism. It is a comprehensive group and it is significant that it has chosen, for the first time, to have its meeting in Melbourne. The conference comes at a time when the association is considering a branch operation in Australia to cover the South Pacific.

Naturally, the Government supports that and also supports the new aim of the association to increase travel within the Pacific region, particularly Victoria, and to bring more tourists and travellers to the Pacific area from Europe. A special effort will be made in that direction, and the Government will support that effort. Cheaper fares on the routes from Europe to the area would be of assistance, because our remoteness is not the only problem; the cost to travellers of getting here, particularly for those on low incomes, is another.

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD

Mr ROWE (Essendon)—In view of the Government's decision to spend $300 000 on a public relations campaign in an endeavour to encourage people to use public transport, will the Minister of Transport explain to the House the remarkable decision by the Melbourne and Metropolitan Tramways Board to cancel two trams on the Essendon line earlier this week, because of lack of staff, and will the honorable gentleman give an assurance that in future sufficient staff will be provided to ensure that an efficient service on the Essendon line is maintained, which would be a far more effective method of encouraging people to use public transport?

Mr MACLELLAN (Minister of Transport)—The honorable member should put things in their proper perspectives. The Government's support for the tramways and railways amounts to more than $200 million of taxpayers' money each year. The expenditure of an amount of $300 000 should be put in that context. The increases in costs for wages, fuel and various other items will amount to between $60 million and $80 million next year, so, when the honorable member suggests an increase in the number of staff, his suggestion should be seen in the context of the wages bills of the two services.

The honorable member joins a large section of the Australian community that is prepared to knock or attack anything that suggests that people should be encouraged to use off-peak tram or train services, despite the fact that the capacity already exists, the staff is available and the opportunities are there. When those services are not used, the results the honorable member does not want are inevitable—cancellations have to follow. Because of the peculiar structure of tramway services and the award conditions that apply when shifts are involved, it is not possible simply to withdraw an off-peak service. A peak-time service is often involved as well. That produces less service for the people already using the system. I am sympathetic to the honorable member's claim in that regard, but if the Tramways Board has to live within the budgetary figures, and that is a command of Parliament through the budgetary processes, it has to make adjustments to services and control its costs.

Mr Fordham—It is public relations.

Mr MACLELLAN—The Deputy Leader of the Opposition may describe it as public relations. I remember pre-
7 May 1980

Questions without Notice

Previous questions asking whether the Minister was in the film. The answer was that he was not in the film and he will not be in this one, either. There is a need to draw to the public’s attention, especially in view of increasing fuel prices, the fact that other buses, trains and trams are available and to remind people of that. As part of that process it will be necessary to advertise other products on tramway and railway property and to use the money thus derived to advertise transport itself.

GIPPSLAND SCHOOL BUSES

Mr McINNES (Gippsland South)—Has the attention of the Assistant Minister of Education been drawn to the imminent closure of the Gippsland specialized school bus service that has been operating for fourteen years conveying physically handicapped, deaf, and paraplegic students to centres in Melbourne on Mondays and returning them on Fridays? Has his attention been drawn to the fact that the service is now $4000 in the red and, as a result, is unable to continue? Will the Minister take some action to ensure that this service is sustained, at least until the review of the conveyance allowances by the Treasury and Cabinet is completed?

Mr LACY (Assistant Minister of Education)—The honorable member has handed me a letter from the honorary treasurer of the Gippsland specialist schools bus committee with a statement of the receipts and payments that indicate the points he has just made in his question. Since this matter affects principally my colleague, the Minister of Education, I can assure him I will take that matter up with the Minister. In that it provides services for handicapped persons, I will be making particular representations on their behalf.

VISIT BY HER MAJESTY THE QUEEN

Mr McARTHUR (Ringwood)—I refer the Premier to the visit of Her Majesty the Queen to Victoria later this month. Would the Premier be able to indicate to the House the itinerary for the Queen while she is in Victoria?

Mr HAMER (Premier)—Yes. Publicity will be given in due course to details, but broadly speaking, Her Majesty will be in Melbourne only one day—rather less than one day—and every opportunity will be taken to make sure she is able to meet and be seen, and be greeted, by as many people as possible. There will almost certainly be a walk through part of the city. She is to open the new City Square. She is also to open a plaza at the Museum station to be named the Queen Elizabeth Plaza, and there will be a reception at night in the National Gallery to which all members of Parliament and many others will be invited. That is the broad description of what will be a very busy one day for the Queen in Melbourne.

TABLEING OF REPORTS

Mr REMINGTON (Melbourne)—Will the Minister for Police and Emergency Services agree to table in Parliament the following reports: The Sylvester report, the Sadler report, and for that matter the Crowley report? The Crowley report is an old report, but nevertheless a significant one. They all deal with the massage parlour industry and relate to its connection with the drug industry. If the Minister will not table these reports, will he please explain why?

Mr THOMPSON (Minister for Police and Emergency Services)—I will examine those reports and give the honorable member for Melbourne an answer at the appropriate time.

DOG SQUAD

Mr SKEEGGS (Ivanhoe)—Has the Minister for Police and Emergency Services had an opportunity of observing police dogs checking for narcotics being smuggled in through luggage at airports? If so, would he consider assisting Commonwealth agencies in expanding Victoria’s police Dog Squad into a canine crime-buster unit to sniff out drugs at points of entry into Victoria?

Mr THOMPSON (Minister for Police and Emergency Services)—Yes, certainly the Government supports the idea of expanding the crime-busting unit to help in the detection of the importation and sale of illicit drugs. The squad con-
Teacher Education

sists of about twenty dogs being trained in the northern area of Melbourne. Their skill has to be seen to be believed, and three of those dogs are specializing in the detection of drugs. I have seen them in action and they are far more effective than any human I have ever seen in detecting the presence of drugs. I know they will be of tremendous benefit to the Drug Squad.

Victoria is also training dogs on behalf of New South Wales and would be prepared to train some dogs on behalf of the Commonwealth of Australia so that it has at its command the same degree of canine skills. Indeed a start in this direction has already been made.

PETITION

Trafficking and export of live animals

Mr DUNSTAN (Dromana) presented a petition from certain citizens of Victoria praying that action be taken to prevent the trafficking and export of live animals for slaughter and to institute an inquiry into animal welfare with the view of providing adequate animal protection legislation. He stated that the petition was respectfully worded, in order, and bore 688 signatures.

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

SUBORDINATE LEGISLATION COMMITTEE

Liquefied gas regulations

Mr BIRRELL (Geelong West) presented a report from the Subordinate Legislation Committee upon the Liquefied Gases (Transportation and Gas Transfer) Regulations 1979, Statutory Rule No. 416/1979 and the Liquefied Petroleum Gas (Amendment) Regulation 1979, Statutory Rule No. 434/1979.

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

TEACHER EDUCATION

Mr LACY (Assistant Minister of Education)—By leave, pursuant to an order of the House dated 18 March 1980, I presented to the House a copy of the interim report of the Victorian inquiry into teacher education. I hereby present an amended copy of the report, in lieu of the report tabled on that day. By way of explanation—

The SPEAKER (the Hon. S. J. Plowman)—Is leave granted?

An Honorable Member—Leave is granted.

Mr LACY—The report tabled on that day referred to and contained a number of errors which Mr Justice Asche pointed out to the Minister of Education. The errors were apparently of sufficient importance to be of concern. It was requested that the report be amended and retabled.

It was ordered that the amended report be laid on the table and be printed.

COMMAND PAPER

Mr THOMPSON (Treasurer) presented, by command of His Excellency the Governor, the report of the Committee appointed to examine and advise in relation to the recommendations made in Chapter 8 of Volume I of the Report of the Board of Inquiry into Allegations Against Members of the Victoria Police Force, Part II—Investigations of Complaints Against Police.

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

PAPERS

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

Consumer Affairs—Report of the Director for the year 1978–79.—Ordered to be printed.

Superannuation Board—Report for the year 1978–79.—Ordered to be printed.

Town and Country Planning Act 1961—

Alexandra—Shire of Alexandra Planning Scheme, Amendment Nos. 9, 10, 11 (1979) (3 papers).

Ballaarat—City of Ballaarat Planning Scheme, Amendment No. 50.

Cranbourne Planning Scheme 1960, Amendment No. 27 (1978).

Echuca—City of Echuca Planning Scheme, Amendment No. 45.

Kilmore—Shire of Kilmore Planning Scheme, Amendment Nos. 41 and 42 (1980) (two papers).
POLICE REGULATION (CHARGES AND APPEALS) BILL

Mr THOMPSON (Minister for Police and Emergency Services) moved for leave to bring in a Bill to amend the Police Regulation Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

LIQUEFIED GAS REGULATIONS

Mr BIRRELL (Geelong West) —
I move:


The SPEAKER (the Hon. S. J. Plowman)—Is the motion seconded?

Mr ROPER (Brunswick)—I second the motion.

Mr BIRRELL (Geelong West) —
The documentation backing the motion appears in the report presented to the House five minutes ago. I cannot add a great deal to what is shown in the report. For the first time the system has developed a problem in that the publication of regulations, and these are a matter of statutory law, has actually been compromised by delay and therefore regulations have to be validated by some other means. In this case the recommendation from the committee, backed by the Attorney-General, is that the two sets of regulations enumerated here, numbers 416 and 434, should be repromulgated and re-presented and go through the normal process of adoption according to the statute law of Victoria. What course has the committee followed in this case? The Parliamentary Counsel or legal adviser alerted the committee that with the two regulations there had been some transgression in the law, in that publication of regulation No. 416 had not proceeded when the regulation was made. Part of the requirement of the law is that when regulations are made, copies must be available on the day the regulations are published in the Government Gazette, but that did not occur in this case. On that ground an invalid action appeared in the system.

The second requirement where transgression of the law occurred, and this is dealt with in a section of the Subordinate Legislation Act, relates to the actual presentation of the regulation to Parliament. In Victoria there is a time limit of fourteen days after the making of the regulation, which was on 19 November 1979, in which to present the regulation to the House if it is currently sitting. As the House was sitting until mid-December last year, the regulation should have been presented before the House went into recess, for the regulation to be legally presented.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! I draw the attention of the honorable member for Heatherton and the Deputy Leader of the National Party to the fact that they are transgressing Standing Orders by standing in the passage way.

Mr BIRRELL—The regulation should have been presented to the House by mid-December and not in the 1980 calendar year. The first thing I want to point out, and I do so particularly for the benefit of the honorable member for Morwell, is that there is nothing wrong with the regulations. I want that statement to sink in because there has been some publicity on this matter which was gleaned from the abysmal, dark reaches of someone's uninformed mind, but decisions should not be leaked from committee meetings or from departments. However, a press release issued by the honorable member for Morwell some two or three weeks ago was wide of the mark. The regulations were well put together and their composition was adequate. Everything about them was 100 per cent and I make the point that there was no fault in the work of the department concerned.

After the Minister's part in the process was completed with 100 per cent accuracy—these details are very important—the regulations were then forwarded to the Government Printing
Office in North Melbourne and it was at that level that something went wrong with the system. Can we predicate what has happened? It is not possible to do so in the initial stages because honorable members may recall that at that time there had been many weeks of industrial dispute at the Government Printing Office which had the task of putting together and printing the regulations. What happened was that there had been a “roll-on” of that confusion over the problems of printing in the Government Printing Office towards the latter part of last year. Honorable members will recall that when the Budget was presented in September the House experienced problems in holding its Budget session in the normal way because no printed material was coming from the Government Printing Office for a time.

Somehow because of these circumstances, some of the regulations were put to one side and were not printed until some time into the new year. That seems to be the background to what happened on this one odd occasion. There is no other evidence that it has occurred before. There are no grounds for believing it will occur again. Next week, the first week of the Parliamentary recess when time is adequately available, members of the Subordinate Legislation Committee will proceed to the Government Printing Office and by arrangement will follow through the system of the printing of regulations. That visit to the Government Printing Office will occur next Wednesday and subsequently the committee intends to report more fully to the House with some recommendations whereby this hiatus, this problem area, might be cleared up in some technical way, because there are methods for handling this, especially if we examine the field of Commonwealth law and even United Kingdom law on this matter.

I do not intend to go into great detail on that aspect because some of these items may be picked up by the honorable member for Brunswick to give the motion an all-party treatment. I remind honorable members that the Subordinate Legislation Committee is an all-party committee and the honorable member for Murray Valley may make his own contribution. I do not wish to squeeze those honorable members out of submitting relevant material by having all the argument appear in Hansard under my name.

The relevant words in the document presented to the House today are:

Doubt exists as to the validity of the regulations on the grounds that—

(i) Copies were not available at the time their making was notified in the Government Gazette, and

(ii) They were not laid before both Houses of Parliament within the time prescribed by the Subordinate Legislation Act 1962.

That is a summary of the documentation. A case went to the Attorney-General and to the Solicitor-General and they confirmed the advice of the Parliamentary Counsel which was given in the first instance. Therefore, the committee had little option but to make a report to Parliament. The committee decided, because of the unusual nature of what has happened recently within the regulation-making system, that it should move a motion and inform the House what had happened.

We have two important sets of regulations and immediately the committee was informed of the view that the regulations may be invalid, I addressed a letter to the Minister for Minerals and Energy informing him that the committee had grave doubts about the validity of the regulations and asking him not to enforce any charges which may already have been laid because of breaches of the regulations. There were no charges pending but I put that point on record to indicate the action which the committee had taken until it reached a firm conclusion.

It is obvious from the rather rudimentary examination which ought to be carried out in more detail in the coming weeks, that other regulations could be defective in the same way. Fortunately, the committee has before it an inquiry dealing with certain matters affecting subordinate legislation and one of the criteria for the
conduct of that inquiry deals with the precise matter, the printing and publishing of regulations.

That inquiry commenced twelve months ago and is proceeding. It has not arisen from what has occurred at this time but it does appear to be a coincidence that it has occurred when the committee was going into the matter in considerable detail. Later the committee will inform the House of its deliberations.

The committee was established in the late 1950s, and I have been a member and chairman of the committee for a large part of that time since it was established.

Mr Jasper—How many years have you been on the committee?

Mr BIRRELL—Fourteen years, but this is the first time the committee has reported adversely on a regulation on the basis of publication and printing. Other reports have always been on the invalidity of the regulation or some part of it, the need for more clarity or the fact that the regulation, on which the committee was reporting, could well have been introduced by an Act of Parliament rather than by regulation. It has been for those reasons that the committee has reported adversely on a regulation, but in this case the regulations are perfect. There is not one scintilla of criticism of the Minister or the department, but just the rather peculiar fringe element in the making of the regulations, the printing and publication of them. It is primarily some breakdown at the Government Printing Office that has caused the committee to submit its report to the House today.

Mr AMOS (Morwell)—This motion demonstrates the Government’s incompetence, complacency and its neglect of the safety of Victorians. I am taking the words used by the honorable member for Geelong West because he stated that there was no fault with these regulations. The only fault was that sufficient copies were not available for members of the public nor were they tabled in the Parliament within fourteen days of their approval by the Governor in Council.

I remind the honorable member for Geelong West that it has taken this lazy, incompetent Government, and this inept Minister for Minerals and Energy, almost twelve years to bring in those regulations. The honorable member will recall that year after year I have raised in the House the question of when proper and appropriate safety standards for the safe transport of gas would be introduced into this State, and year after year, on every occasion the Minister has replied and stated—

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The House may save considerable time in this debate if honorable members will follow the direction I am about to give. The remarks of honorable members must relate directly to the regulations and the reasons why they have not been in use. Another area for discussion is whether the regulations will be disallowed or whether it will have a particular effect on the public if the regulations are in operation.

Mr AMOS—I am pointing out to you, Mr Deputy Speaker, and to the House that these regulations were disallowed because no copies were available for members of the public, nor was the relevant Act complied with by having copies made available to the House. For those reasons, the regulations were disallowed and I am claiming that the reason why they were disallowed can be laid fairly and squarely on the shoulders of this incompetent Government. That is the reason and I was simply illustrating that it took the Government twelve years to produce the regulations to begin with and then having taken all that time to produce the regulations made under an Act passed in 1968, it turned around and could not produce the copies or make them available to the public so the regulations could be legally valid. That is the sad, sorry history associated with the motion moved by the honorable member for Geelong West.
The honorable member referred to the press release I may have issued. I issue many press releases on the question of this Government’s incompetence in not producing necessary regulations. The press release to which the honorable member referred was one in which I pointed out to the public that an examination was taking place on the validity of these regulations. I made no comment about whether the regulations themselves were poorly drafted or otherwise, but I had every right to alert the public that there were still no safety regulations appropriately operative for the State of Victoria.

The honorable member for Geelong West, as chairman of the Subordinate Legislation Committee, tried to infer that something was said by a member of the committee to somebody outside the committee. I do not need to remind the honorable member that this Government is always leaking matters, like a sieve. I remind the honorable member of the documents and papers that were found all over Parliament House during the last sessional period. I would say so far as complacency and incompetency is concerned, the honorable member and members of the Government should examine themselves to see where the leaks, which are now showing up all over the place, are occurring. Fancy hanging dirty linen in the open in the way that the Government does!

It is completely inappropriate for the honorable member for Geelong West, who is the Chairman of the Subordinate Legislative Committee, to blame the Government Printer or the workers at the Government Printing office for the regulations not being in operation today. To say that it is not the fault of the Minister for Minerals and Energy; that it is no one’s fault but the workers at the Government Printing Office because of strikes and lack of facilities to ensure copies are available for the House is a lot of poppycock. Fancy hiding under the skirt of the Government Printer when the Minister for Minerals and Energy has the responsibility of ensuring that the Acts are complied with and that those regulations are made available to the House! The Government cannot blame anyone but itself. After waiting for twelve years for those regulations, I hope there is nothing else wrong with them so that they can be resubmitted to the Governor in Council and brought into force as quickly as possible.

Mr BALFOUR (Minister for Minerals and Energy)—I should like to set the record straight on one or two points. The normal way of producing regulations or amendments to regulations is for the department, in conjunction with Parliamentary Counsel, to draft the amendments or regulations. That draft is then sent to the Government Printer who, in his own time, prints it. Proof copies are sent back to the department. They are corrected, if necessary, and then the necessary face papers are sent to the Governor in Council. After the Governor in Council has dealt with them they go back to the Government Printer, who, having set the type, has a copy of the regulations or amendments, retypes a new front page setting out the names of the Ministers who were present at the Executive Council. Finally, the Government Printer sends copies to the House and to all honorable members and then publishes a notice in the Government Gazette advising that the regulations or amendments have been made and that they are available at the Government Printing Office as at a certain date and stating the price of those regulations. Sometimes it does take a while for those first draft prints to come through from the Government Printer.

On this occasion, and I will admit that many questions have been asked about when these regulations would be available, it took a long time. I make no apologies for that. About June last year, I instructed my departmental officers that the regulations must be finished and ready by August. I brought some officers into the Ministry to ensure they were occupied full time on the job. Unfortunately, because of other circumstances, by the middle of August they were not ready. However, by the end of September they were and I was told that it would be some time before the Government Printer could
print the regulations, that there would be a hold up, and that it would probably be Christmas or later before they would be available.

I then instructed the officers of my department to determine whether the regulations could be printed either by the Gas and Fuel Corporation or by the State Electricity Commission. Both of these organizations have printing facilities. The Gas and Fuel Corporation printed a copy.

I shall nominate some dates. On 13 November, and this deals with statutory rule No. 416 for the transportation and transfer of liquefied petroleum gases, twenty photostat copies of the typescript were available for Ministerial and departmental use. On 14 November 1979, 100 reprographic copies of the typescript were obtained by the department from the Government Printer's reprographic unit. On 29 January 1980 a further 100 reprographic copies of the typescript were obtained by the department. Some time in late February and early March, and probably in the first and second weeks of March, the department received six typeset copies. On 21 April 1980, the Hazardous Materials Division received 250 typeset copies which had been ordered some months previously. From memory, the copies came to the House on 3 April.

For statutory rule No. 434, on 27 November 1979 six or eight photostat copies of the typescript were available for Ministerial and departmental use and were used for the Order in Council. On 28 November 1979, 100 reprographic copies of the typescript were obtained by the department from the Government Printer's reprographic unit. Some time again in late February or early March, the department received 6 photostat copies. At the end of March or beginning of April, the 100 typeset copies which had been ordered were delivered.

The copies comprise 80 or 90 pages of diagrams and one can realize, under the circumstances which existed at the time, that the Government Printer did have some trouble in producing them. When they were presented to the Governor in Council they were approved. The copies had the names of the Ministers inserted on them. They were given a number by the Government Printer, and on 21 November 1979 the Government Gazette stated:


And fourteen other regulations. The Government Gazette then stated that the copies of the statutory rules when printed could be purchased at the Sales Publications Branch of the Government Printing Office. The same type of advertisement appeared for statutory rule No. 434 in the Government Gazette of 5 December when thirteen regulations were advertised and again it was stated that copies when printed could be purchased at the Sales of Publications Branch of the Government Printing Office.

By getting approximately 100 copies of each statutory rule which had been given a number by the Government Printer, these copies were distributed around industry to people who were interested and it was thought that the department had fulfilled its obligations. It is unfortunate that the Government Printer did not send copies to Parliament House and also that sufficient copies were not available to send to each honorable member. Had someone had some foresight and advertised in the Government Gazette that copies were available from 151 Flinders Street, that may have well covered the situation.

I have provided the House with these details because it is easy to get into a situation such as this, particularly towards the end of a sessional period when the Government Printer is operating under difficulties. Had the department not taken the action it did, further time would have been lost. Although a number of people did ask to further examine the regulations before they were gazetted, the Government indicated that it had lost sufficient time and that it would carry on. Because of what happened, industry and
everyone else has had at least four months in which to examine the regulations, no prosecutions were pending and no one had suffered because they had not been properly proceeded with. I and my department will take the advice of the Attorney-General, and as suggested by the Subordinate Legislation Committee, these regulations will be repromulgated as soon as possible.

The committee should examine some of the other 30 regulations involved in this. I do not know whether they were all published in time but fourteen days in certain circumstances does seem a short time because, with two week-ends, that is only ten working days; that may be one of the problems. However, the committee must be congratulated for having advised the House of this situation. I apologize for any problems that have been created. Everything has been done in good faith and in the hope that the wheels would work smoothly because normally, once these go to the Governor in Council they are out of the department's hands and the rest of the provisions under the Act are carried out by the Government Printer.

Mr ROPER (Brunswick)—When listening to the Minister for Minerals and Energy, one would almost imagine that a new way had been found of properly analyzing regulations before they came into effect in that the four-month period of invalidity allowed industry and others to carefully examine them. As the honorable member for Morwell emphasized, for twelve years there was fooling and fiddling about with the regulations and the Minister talked of the numerous times he asked his department to finalize the regulations. It is fortunate that no serious accidents have occurred to threaten the lives of Victorians during the twelve-year delay and the following four months.

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It is of concern to the Labor Party that, as the shadow Minister for Minerals and Energy has stated repeatedly, the Government has not taken action.

Mr ROPER—You have almost wished for an accident to prove the point.

Mr ROPER—I do not know what the honorable member for Burwood believes—I am against accidents; sometimes they happen. On questions of safety and the transport of liquid fuel, the Labor Party believes the Government has been negligent. No matter what interpretation can be placed on the notes that the department has prepared for the Minister, the fact is that the Crown Solicitor is of the opinion that, although the matter is not free from doubt, the better view is that the regulations are invalid. That advice was given by the Crown Solicitor and transmitted to the Attorney-General, and in turn to the Subordinate Legislation Committee. One hopes there will be some speed now in the repromulgation.

Mr Kennett—How do you apply the speed?

Mr ROPER—The Minister says that it is set up in type. That might hasten it along, but some time ago there was a problem. One would have thought the wheels would have been set in motion to get it to the Governor in Council and to the Government Printer. The fact of the matter is that it is not the law and there is no level of protection. One of the aspects of the report is the importance of laws being available to citizens, particularly to citizens affected by the regulations.

As part of the committee's examination of this matter, we looked at a number of recent court cases and also various opinions by highly qualified legal practitioners and members of the judiciary. I have come to the view quite strongly, and I am sure my colleagues on the committee also have come to the view, that if a law is not available for view and purchase to the general community, it is not a binding and effective law. It is no good suggesting, as the Commonwealth does in its provision, that if something goes wrong it is all right.

It is not often I agree with Chief Justice Barwick, but in this situation he has strongly taken the view that this legislation, in either Act or regulation form, must be available to the public if the public is to be bound by that regulation and other forms of

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It is not often I agree with Chief Justice Barwick, but in this situation he has strongly taken the view that this legislation, in either Act or regulation form, must be available to the public if the public is to be bound by that regulation and other forms of
legislation. The committee is currently examining what can be done, and it hopes to be able to report to the Parliament at the start of the next session. The committee has also urged the Attorney-General to conduct an urgent inquiry into all the other regulations that may have suffered similarly; not only the ones that the Minister referred to that went through at the same time, but many other similar regulations that may be invalid if the Crown Solicitor's advice is taken. It opens up a Pandora's box of troubles where smart lawyers could have a client—

Mr Kennett—Smart lawyers get into politics, don't you know?

Mr ROPER—I do not know about that.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! I ask the honorable member for Brunswick to ignore interjections and to address his remarks to the motion before the House.

Mr ROPER—It is possible that lawyers could now examine particular regulations, under which their clients are being charged or are being summoned, to determine whether they are effective or not. There needs to be an urgent search of the regulations to nominate which are invalid, and although many members of the committee are not that much in favour of validating legislation, it may well be that validating legislation is required to overcome a number of legal problems that can unintentionally affect many thousands of people and Government departments.

The committee hopes the problem that has occurred with these two regulations is not as widespread as it is possible to think it is. The committee hopes the Attorney-General has it well under control.

The Opposition supports the motion, and is grateful for the assistance it received from Parliamentary counsel from time to time in these matters.

I make one special plea on behalf of the committee: At times, particularly during the Parliamentary session, when the Government Printer gets into difficulty, so does a committee of this Parliament that requires legal opinion on regulations. Frequently the committee can fall very much behind because of lack of opinions from Parliamentary Counsel who are engaged in other duties relating to new legislation. That can mean the time for consideration, and the possible disallowance of a regulation can be significantly affected. This has happened while I have been on the committee, and a particular disallowance has had to be moved in this Parliament because the legal opinion had not been finalized. The committee would like the Attorney-General to provide additional services, or guarantee services when the House is sitting, particularly when the last days of the sessional period are running away very quickly.

Mr JASPER (Murray Valley)—Firstly, I speak on behalf of the National Party and, secondly, as a member of the Subordinate Legislation Committee. The National Party believes government should be by the Parliament and not by the Executive. Many members of the National Party, and formerly the Country Party, have expounded this view in the past. We believe the ultimate control should be in the Parliament itself, particularly in relation to the setting of maximum charges within Acts that are passed through this Parliament. We also understand and realize that there needs to be delegation by way of the Subordinate Legislation Committee to back up the Acts which go through the Parliament and to put those Acts into effect. Because of that, the National Party places high importance on the role of the Subordinate Legislation Committee.

I pay tribute to the honorable member for Geelong West who has been on the Subordinate Legislation Committee for fourteen years, and has been chairman for a number of years. He has given excellent service to the committee and has given the members of the committee excellent guidance.

I also join with the honorable member in criticizing to some extent the comments that were made in a newspaper by the honorable member for Morwell, which seemed to impinge on the confidentiality of a Parliamentary
committee. There is no evidence to back that up, but it appears there could have been some break in the confidentiality of the Subordinate Legislation Committee. I believe, for the effective operation of any Parliamentary committee, it is imperative that the members of that committee treat it with the confidentiality that is required, and they should ensure that they live within the rules that are expected by most members of this Parliament when they are members of committees.

For members who are not completely aware of the practices of the Subordinate Legislation Committee, I refer to the first page in the report on section 2A which states:

Section 5 of the Subordinate Legislation Act 1962 requires that a copy of every statutory rule be laid before Parliament within fourteen days of making if the Parliament is then sitting. Parliamentary sittings extended beyond the fourteen day period into December 1979 but the regulations were not laid before either House at that time.

That is the crux of the problem that arose in this instance. It is of great concern to the National Party and to the committee that these regulations had to be disallowed. People within the electorate I represent were asking when regulations relating to gas would be available. I was supplied with a big volume that was roneoed, and there were few copies available. It was to the surprise of the committee when it found that this regulation had not been printed within the statutory fourteen-day period. It is imperative that the regulations be remade as quickly as possible because of the problems that may occur.

I also join with the honorable member for Morwell in expressing some criticism at the long time it has taken for these regulations to be produced and to come before the committee, before becoming law. With the increasing use and awareness of gas, it is imperative that these regulations, which should have been made at an earlier time, but now have been found invalid, be remade and distributed as soon as possible.

I refer to the recommendations on page 4 of the report, which have been mentioned by other members of the committee. The recommendation was that the regulations be disallowed and that they be remade as promptly as possible. However, the second part of the recommendation, No. 9, which was also alluded to by the honorable member for Brunswick, states that the Subordinate Legislation Committee is looking at this aspect in relation to other regulations and their validity.

It is interesting that the Commonwealth has various rules and regulations on the tabling of subordinate rules and finally states that if the rules are not followed and are not within the regulations as set down in the Act, it does not matter. I do not believe the Subordinate Legislation Committee of this Parliament will agree with that method. It would be very poor if it accepted the Commonwealth’s attitude to the validity of regulations made under Acts.

The Attorney-General wrote a letter to the committee on the regulations and on the actual printing of the regulations. No doubt the committee will comment on this in its report, but when the proof goes to the Governor in Council it needs to be in a proof form that can be printed immediately by the Government Printer once approved by the Governor in Council. We were at a busy time of the year with the autumn sessional period at its height, and Bills and many other papers having to be printed. The regulations were in type form and not in printed form, and this seemed to be one of the problems in the non-availability of the gas regulations.

I refer to the final paragraph of the report that states that many other regulations may not have complied with the statutory publications. The members of the committee are extremely concerned that there could be a large number of regulations that will not be within power, and until that is corrected there could be legal problems. There will probably need to be validating legislation.

Taking into account that this is the last sitting week in the autumn sessional period, it will be some months before the regulations can be validated.
by legislation. Members of the committee will be investigating as quickly as possible whether the regulations will be within power because of the problems that could be created.

The National Party supports the motion. It supports the operation of the Subordinate Legislation Committee as the most important part of the operation of Parliament. There is no doubt that the report highlights the work that is done by this committee. I trust that the confidentiality of the committee in the future will be retained, and that it will go on and work for the betterment of this Parliament.

The motion was agreed to.

STATUTE LAW REVISION BILL
Mr MACLELLAN (Minister of Transport)—I move:

That this Bill be now read a second time.

This is the regular Bill that is prepared from time to time to correct minor errors in the statute-book. It has been considered by the Statute Law Revision Committee and honorable members will have the report of that committee on the Bill.

The suggestions made by the Statute Law Revision Committee have been incorporated in the Bill now before honorable members in another place and in its present form has the support of the Statute Law Revision Committee. These Bills are even more important now that Victoria has adopted a system of frequently reprinting Acts. It enables the minor imperfections to be removed in the course of reprinting. I commend the Bill to the House.

On the motion of Mr MILLER (Prahran), the debate was adjourned.

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

ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) BILL

The message from the Council suggesting at the Committee stage amendments and relating to other amendments in this Bill was taken into consideration.

Council's suggested amendments:
1. Clause 5, paragraph (a), line 23, omit “eleven” and insert “twelve”.
2. Clause 5, paragraph (c), line 29, omit “ten” and insert “eleven”.
3. Clause 5, after paragraph (f) insert: “( ) In sub-paragraph (ix) for the word “two” there shall be substituted the word “three”.

Council's amendments:
1. Clause 8, omit this clause.
2. Clause 9, omit this clause.
3. Clause 13, omit this clause.
4. Clause 14, paragraph (b), line 30, after “Minister” insert “after consultation with the Advisory Committee”.

NEW CLAUSE
5. Insert the following new clause to follow clause 12:
‘AA. After section 22(4) of the Principal Act there shall be inserted the following sub-section: “(5) Any person who undertakes an archaeological survey of any land shall—
(a) notify the Director of his intention to undertake a survey prior to the commencement of the survey; and
(b) provide all site information collected in the survey to the Director in the prescribed form.”.’

Mr BORTHWICK (Minister of Health)—I move:

That this House do make the amendments suggested by the Council.

The amendments suggested by the Council enlarge the membership of the Archaeological Advisory Council by one, and the third of the proposed amendments increases the number of Aborigines who will be appointed by the Minister to the council from one to three. The increase was the result of a discussion that the Minister had with representatives of the Aboriginal community. Historically there have been two Aboriginal members on the Archaeological Advisory Council. The Aboriginal community believes its voice should be heard to an increased degree. The Minister met that suggestion by increasing the representation by one, and rather than replacing some other nominated member, decided to increase the total number of the advisory council by one. The Government accepts the suggested amendments.

Mr MATHEWS (Oakleigh)—It is a source of satisfaction to members of the Opposition that the Archaeological and Aboriginal Relics Preservation (Amendment) Bill has returned to this House a better piece of legislation than
when it left it. As the Minister has just explained to the House, the effect of the first group of amendments is to increase the size of the advisory council by one and in so doing to increase the number of Aboriginal representatives on the advisory council from two to three.

I believe honorable members generally will welcome the fact that this change has come about as a result of direct and spontaneous representations from the Aboriginal community. It is a mark of the increasing determination of Aborigines in this State to exercise an effective control over their own affairs and the life of their community, that so great a number of people from that community came together so rapidly when they first heard that legislation affecting their culture, history and religion was under discussion in Parliament, at a time when there had not been prior consultation between the Government and themselves.

When I spoke to this Bill on the second-reading debate I was concerned to emphasize the importance of members of the Aboriginal community having the opportunity of undergoing appropriate education and training which would enable them to take their places in the ranger service which I suggested was needed for the protection of Aboriginal sites and the conservation and preservation of Aboriginal relics in our museum. It is a welcome development that this attitude should have been applied by the Government in respect of the advisory council.

In the past this advisory council has not been an effective body. It has not met on a large number of occasions. Its advice has not been sought very often by the Minister with responsibility for administration of this legislation. If the act of increasing Aboriginal representations on the advisory council is not to be on the one hand wasted as a practical measure and on the other hand to be seen in symbolic terms as a piece of tokenism, it will be necessary for the council to meet more frequently and for the Minister to turn more frequently to the council for advice which it is uniquely equipped to offer, not only as was previously the case in terms of professional expertise but also now in terms of Aboriginal representation.

It is true that my colleagues in another place were anxious to ensure that a greater number of people from the Aboriginal community than the three proposed were added to this council. I understand that the Aboriginal community believes the council should be made up exclusively of Aboriginal members. The Opposition welcomes the progress that these amendments represent and looks forward to hearing some report at an appropriate time in the future on an augmented role for the council in the area of archaeological activity and the preservation of Aboriginal relics.

The motion was agreed to.

Mr BORTHWICK (Minister of Health)—Clause 8 in the original Bill amended section 12 of the principal Act, which dealt with the powers of inspectors and wardens. To those powers were being added:

Enter upon and be within an archaeological area or temporary archaeological area.

When the Minister met representatives of the Aboriginal people, the argument was put that the Aborigines should have the right to enter, and the Minister said that, in effect, everybody will be treated in precisely the same way and that power will be removed. Now everybody will be in exactly the same position regarding one of these areas. That was to be an additional power.

At present section 12 reads:

An inspector or a warden may for the purpose of the administration and enforcement of this Act—

(a) request any person whom he finds committing or whom he suspects on reasonable grounds of having committed or being about to commit an offence against this Act to state his full name and usual place of residence;

(b) seek information in relation to the situation of, inspect or examine any relic;

(c) impound any relic and retain it pending investigation and legal proceedings; and

(d) require any person in an archaeological area damaging or reasonably suspected of damaging or being likely to damage a relic to leave the area.
The Government should not be proud of this. It should be ashamed of the way that this has come about, but it appears to be the policy of the Government to introduce and debate a Bill and then consult later. Part of the reason for this occurring is that the Government does not have Bills ready at the beginning of the sessional period and no doubt during the remaining days of this sessional period this point will be brought out again and again. The Government has only itself to blame for people becoming very cynical over legislation which it has introduced without consultation taking place with interested parties. On this occasion the Government is not making a minor amendment but deleting whole sections of the legislation.

The motion was agreed to.

Mr BORTHWICK (Minister of Health)—The reason for the second amendment made by the Council has already been explained by me. That is the amendment which omits clause 9, and I move:

That amendment No. 2 be agreed to.

The motion was agreed to.

Mr BORTHWICK (Minister of Health)—The third amendment made by the Council was to omit clause 13. This was done for a different reason. The provision had been canvassed and discussed at some length by the honorable member for Glenhuntly who put the view that the Archaeological Society did not wish to obtain permission to carry out an archaeological survey. Honorable members will recall that at the time I indicated to the honorable member that I was aware—I do not think “dispute” is the word—that some uneasiness existed between academic archaeologists and the department. There was some awareness of what powers the department should have, through the Minister, over their desire to carry out scientific work. It was pointed out by the honorable member for Oakleigh that some of the greatest archaeological discoveries had not been made by professional archaeologists.

The Minister for Conservation took that point and as a result has removed the necessity for permission to undertake a survey and has replaced that provision with the proposed new clause 5 which is amendment No. 5 made by the Council and which provides:

Any person who undertakes an archaeological survey of any land shall—

(a) notify the Director of his intention to undertake a survey prior to the commencement of the survey; and

(b) provide all site information collected in the survey to the Director in the prescribed form.”.
I understand that provision meets some of the criticism of people outside the department, on who should have overall control of survey work. I move:

That amendment No. 3 be agreed to.

Mr MATTHEWS (Oakleigh)—Without wishing to labour the point that has already been made by the Leader of the National Party, this clause again brings home the necessity of adequate consultation preceding the introduction of legislation into the House, rather than consultation being carried out subsequently “on the run” while legislation is in the course of passing between here and the other place. There is very little doubt in my mind that if adequate discussions had been held with the Archaeological Society and with archaeologists working in our various universities, prior to the introduction of the legislation, there would not have been the need for this new clause being introduced at this relatively late stage in the proceedings.

As the Minister of Health has indicated, the likelihood of such an amendment being needed was foreshadowed by my colleague, the honorable member for Glenhuntly, during the second-reading debate and his judgment has been amply vindicated by the action taken in the other place.

It is probably true to state that the amendment meets all the legitimate representations of those from whom it has come forward and the Opposition welcomes and supports it.

Dr VAUGHAN (Glenhuntly)—The honorable member for Oakleigh has canvassed most of the aspects of the amendment being needed was foreshadowed by my colleague, the honorable member for Glenhuntly, during the second-reading debate and his judgment has been amply vindicated by the action taken in the other place.

It is probably true to state that the amendment meets all the legitimate representations of those from whom it has come forward and the Opposition welcomes and supports it.

Mr BORTHWICK (Minister of Health)—The fourth amendment made by the Council was to clause 14, paragraph (b) line 30, and after the word “Minister” the Council inserted the words “after consultation with the Advisory Committee”. Clause 14 amended section 23 of the principal Act and the amendment originally provided in clause 14 (b) inserted the words “unless the Minister otherwise directs”. The further amendment made by the Council provides that after the word “Minister” the words “after consultation with the Advisory Committee” shall be inserted. In other words, the amendment will now provide to insert the words, “Unless the Minister after consultation with the Advisory Committee otherwise directs”.

The SPEAKER—Was the debate in another place?

Dr VAUGHAN—No, in this place, Mr. Speaker.

The SPEAKER—It is on the same Bill?

Dr VAUGHAN—Yes, Mr Speaker.

The SPEAKER—Very well, the honorable member may proceed.

Dr VAUGHAN—Thank you, Mr Speaker. I quote from the Minister’s second-reading speech:

Clause 13 will require the consent of the Minister for site surveys. The consent of the Minister is already required for excavations of archaeological sites but the Government is becoming increasingly concerned at the number and the extent of site surveys which are being carried out by various groups. The purpose of the amendment is to enable a control to be exercised over this activity which, to some degree, will be analogous to the issuing of exploration permits to the mining industry.

In my remarks on the Bill, I described the last part of that speech by the Minister as being wide of the mark, and I am delighted that the Minister for Conservation has had second thoughts and realized how wide of the mark he was. I described the original mechanism as being a fairly heavy one, but the mechanism which the Minister has decided to adopt is exactly in accord with the one I described in my earlier remarks, and I congratulate the Minister on his receptiveness.

The motion was agreed to.

Mr BORTHWICK (Minister of Health)—The fourth amendment made by the Council was to clause 14, paragraph (b) line 30, and after the word “Minister” the Council inserted the words “after consultation with the Advisory Committee”. Clause 14 amended section 23 of the principal Act and the amendment originally provided in clause 14 (b) inserted the words “unless the Minister otherwise directs”. The further amendment made by the Council provides that after the word “Minister” the words “after consultation with the Advisory Committee” shall be inserted. In other words, the amendment will now provide to insert the words, “Unless the Minister after consultation with the Advisory Committee otherwise directs”.
That amendment came out of discussions with the Aboriginal people and I move:

That amendment No. 4 be agreed to.

Dr VAUGHAN (Glenhuntly)—I again quote from the previous debate on the Bill where I said in reference to this matter:

I trust the Minister in making such a decision would take the advice of the Archaeological Relics Advisory Committee.

I am delighted to see that provision is now written into the Bill.

The motion was agreed to.

Mr BORTHWICK (Minister of Health)—The fifth amendment made by the Council was to insert a new clause to follow clause 12. That amendment has been circulated and I have already explained its purpose. It meets the requirements and the attitude of the Archaeological Society. I move:

That amendment No. 5 be agreed to.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message acquainting them accordingly.

MINISTERIAL STATEMENT
Co-operative Farmers and Graziers Direct Meat Supply Ltd

The Order of the Day for the consideration of the Ministerial statement on the Inquiry into Co-operative Farmers and Graziers Direct Meat Supply Ltd was read.

Mr FOGARTY (Sunshine)—I move:

That this House take note of the Ministerial statement.

I remind the House that this is the second occasion within a little over a week when matters affecting the Co-operative Farmers and Graziers Direct Meat Supply Ltd have been subject to report, Ministerial statement and debate in the House. The report and Ministerial statement the House is now debating relates to the report tabled by the Minister of Housing. It is approximately an 800-page document, rather a comprehensive document known as the Chernov report. Honorable members may recall that the Premier made a Ministerial statement on the affairs of the Co-operative Farmers and Graziers Direct Meat Supply Ltd and that matter was debated, and if my memory serves me rightly, that occurred on 23 April this year.

The Chernov report is a very complex and comprehensive report both in its legal terminology and because it goes into all details of the unfortunate situation revolving around the Co-operative Farmers and Graziers Meat Supply Ltd from 1968 through to 1975. The circumstances and management at that time led to a situation where the Co-operative Farmers and Graziers Meat Supply Ltd found itself in very dire financial straits, so much so that in 1978 financial assistance, by way of guarantee, was required from both the State and Federal Governments.

I have not a copy of the report with me but it is a document which goes through all the details and transactions of the company and its administrators and directors to the final stage. We are now confronted with a situation —let us be honest and use terminology which can be understood by the public, plain simple language which can be used and understood by the 1800 shareholders and possibly 600 workers employed by that company—that quite frankly, someone has touched the till to the tune of more than $2 million.

Mr Chernov is a very respected person in the legal fraternity. Needless to say in making his report, although he makes full reference to certain areas, I would have preferred him to have been more direct, but being a legal man his standing was such that he preferred to leave the matter once the report went to the Government. What happens to the report after it is tabled in this place is for the Government and the courts of this country to decide, and had he given further information he may have been prejudging possible future litigation.

The Opposition has been placed in a similar position and that is why I have not brought the report with me because I can give an opinion. No matter what is said, it is known that more than $2 million has disappeared. I do not accept the statements made by Mr Chernov that a former director—administrator of the Co-operative Farmers and Graziers Direct Meat Supply
Ministerial Statement

Ltd made no pecuniary gain, because if more than $2 million has disappeared and that money was under the control of that person, no matter where or how he channelled the money, he was responsible and, therefore, must accept the responsibility for depriving the shareholders of $2 million.

Mr DIXON (Minister of Housing)—On a point of order, I seek your guidance Mr Speaker, and I believe the House would value your guidance on comments which could be described as sub judice, bearing in mind that there is a trial pending and a further trial has been foreshadowed. I wonder about the usefulness of honorable members, within that context, challenging the findings of Mr Chernov.

Mr FOGARTY (Sunshine)—On the point of order, I have been nice in the extreme. No charges have been laid as a result of the Chernov report. At this stage I have not even mentioned the name of the person or persons responsible, but I may have to later on. Honorable members have every right to debate the report which clearly spells out the names of the persons and companies involved.

Mr MACLELLAN (Minister of Transport)—On the point of order and in an effort to assist you, Mr Speaker, and the House in the matter, I sought advice from the Attorney-General, who in turn sought advice from Mr Graeme Golden, Director of Policy and Research of the Law Department. The notes I have received, state:

Arising from his association with the above-named co-operative Leslie Phillip Smart has been charged with and committed for trial on the following two charges:

1. On or about the 24 April 1975 at Melbourne he did dishonestly with a view to gain for himself or Lanifer Nominees Pty. Ltd. and with intent to cause loss to one Dern Langlands by a deception procured the execution of a valuable security namely a cheque Number 643235 drawn on the account of Dern Langlands at the ANZ Bank, Ivanhoe. Section 86(2) Crimes Act 1958

2. On or about the 24 April 1975 at Melbourne he did by a deception, namely false representation that certain sums of money had been borrowed from Lanifer Nominees Pty. Ltd. by Dern Langlands and or Regal Press Pty. Ltd. dishonestly obtain for Lanifer Nominees Pty. Ltd. by Regal Publications into the security of a debenture charge held by Lanifer Nominees Pty. Ltd. on the assets of Regal Publications Pty. Ltd. Section 82 (1) Crimes Act 1958.

The committal proceedings with respect to those charges commenced at the Melbourne Magistrates’ Court on 24 October 1978 and on 31 October 1978 Mr Smart was committed for trial at the Melbourne County Court.

As yet no date has been fixed for the trial.

Attached is a summary of the facts giving rise to the two charges, and a detailed list of references in the Chernov Report where those factual matters are recited as referred to.

The SPEAKER (the Hon. S. J. Plowman)—Order! I would ask honorable members to be silent in the Chamber. I am trying to listen intently to what the Minister of Transport is saying. It is most important, if the House wishes me to make a proper judgment, that I should be able to hear the Minister.

Mr MACLELLAN—I understand, Mr Speaker, you have a copy of what I am referring to. There is a detailed summary of facts alleged in respect of these charges and then an index of pages of the Chernov report which might present difficulties because they refer to factual matters which relate to the facts which relate to the charges.

I could perhaps spare you, Mr Speaker, and the House a recital of all the details, although I understand that Parliamentary officers have had the opportunity to go through the Chernov report and mark the relevant pages. I could procure further copies for the House in the matter.

There is a trial pending and a further trial has been foreshadowed. I wonder about the usefulness of honorable members, within that context, challenging the findings of Mr Chernov.

It is most important, if the House wishes me to make a proper judgment, that I should be able to hear the Minister.

If honorable members or you, Sir, wish me to give any of the detailed summary of facts alleged in respect of those charges, I would be prepared to do that. At this stage it would become relevant only if some reference were made to some area where those facts were appropriate and it would probably need either yourself, Mr Speaker, the Clerks or me to monitor the debate.
in case honorable members get onto tangled difficulties and need to be gently reminded that they are getting into a difficult *sub judice* rule.

Mr FORDHAM (Footscray)—It is in the interests of Parliament not to refer to the individuals who have since been referred to by some of the Ministers in explanation of what they see as the circumstances before the House. The *sub judice* rule has been subjected to consideration by the Standing Orders Committee, although much work still remains to be done. Certain principles have been clearly put forward and various rulings of the Speakers in the past have indicated that the matters which form consideration by the courts in themselves can be discussed in the House but that discretion has to be exercised especially by the Chair and honorable members in the interests of Parliament and in the interests of justice.

The thrust always has been that it is the Speaker who would intervene and I refer to the Speaker of the House of Commons, the Right Honorable Sir Selwyn Lloyd in his evidence to the United Kingdom Select Committee in 1963. I believe that principle has been followed by the House of Commons since that time and that matters of general interest can be discussed in the House unless the Speaker decides that on a specific issue or matter he ought to invoke the rule.

I would suggest that honorable members are very much in your hands, Mr Speaker, as to whether this is an opportune time to intervene, but a relevant example that was considered by the Standing Orders Committee was the West Gate Bridge. When that matter came up before the Speaker, he ruled that generally the matter could be discussed by the House despite the fact that certain matters were to be followed in the courts. It depends upon how the individual members contributing to the debate exercise their discretion and, if at a certain point the Speaker feels that honorable members are going beyond what is the right and proper thing for Parliament to do, obviously the Speaker would intervene.

The Opposition is prepared to leave this matter to your discretion, Mr Speaker, and I am sure my colleague, the honorable member for Sunshine, will continue to be the soul of discretion, as he was when this matter was debated earlier; although other honorable members in debate did choose to refer to individuals. The honorable member for Sunshine did not then and he has given me an assurance that he will not during this debate either.

The SPEAKER (the Hon. S. J. Plowman)—On the point of order, I would like to look at the *sub judice* principle and practice and what it sets out to achieve. It is something that is imposed by the Parliament upon itself. It is not imposed by anyone else, it is a self-disciplinary action of the Parliament with two main objectives: The first is not to prejudice the trial of an individual by discussion under Parliamentary privilege of matters which might well be reported in the press and, therefore, may influence a judge or jury or others who would be considering matters before them. The second principle of the *sub judice* convention is that the Parliament should not usurp the function of the judiciary whose role it is to study the facts as presented to it in a criminal trial and make its decision as to whether an individual is guilty or not under the law.

It was suggested by the Deputy Leader of the Opposition that in this case the Speaker should invoke the rule. Certainly the honorable member is correct in that but that does not at any stage preclude any honorable member who feels that the rule is being transgressed from drawing this to the notice of the Chair. The Speaker may have overlooked a point and an honorable member rising in his place may suggest to the Speaker that he should consider the particular point, giving his reasons as to why the Speaker should consider the matter of *sub judice* in discussions before the Chair.

On the matter of the West Gate Bridge inquiry, the rule was clearly expressed that certain matters of a
general nature could be discussed but that where an individual or individuals had been proceeded against for negligence or where other actions were pending, that discussion in this place would or might prejudice their trial and so the specifics of the West Gate Bridge were not considered to be appropriate to consider.

So far as discretion is concerned, it is probably the most important facet of debate of this kind: That discretion of all honorable members in consideration of the principles of sub judice should guide them in what they feel they can and cannot say in debate. Although the honorable member for Sunshine did not specifically name the individual concerned, I would judge from his comments that it would be very easy to determine precisely who he is talking about.

Mr Fogarty—I was getting pretty close.

The SPEAKER (the Hon. S. J. Plowman)—I think the honorable member for Sunshine would accept the fact that anyone with any knowledge at all would know precisely who he was talking about.

When the debate was last before the House, the honorable member for Rodney raised the charges as laid against the individual concerned. At that stage neither the House nor I had the opportunity to review the report and what was in the report. I ruled that the remarks of the honorable member for Rodney were not transgressing the sub judice principle in that the charges laid did not relate to the matters being debated. There was no apparent reason for me to believe that the charges related directly to the Co-operative Farmers and Graziers Direct Meat Supply Ltd or its funds.

With the wisdom of hindsight or the study now of the report now before the House, I would have ruled another way. I have studied the report in some detail and, although it is impossible to study it in complete detail, the report reveals that there was direct connection between the money that was channelled out of Co-operative Farmers and Graziers Direct Meat Supply Ltd and the two charges laid at that stage. Therefore, I would ask honorable members to use their discretion concerning the matter before the Chair in this debate as to the channelling of money by the individual concerned because to comment upon how he did it or how he went about it would be likely to prejudice the charges which have now been laid and I would urge honorable members to exercise that discretion.

It is certainly not the wish of the Chair to in any way impede honorable members in what they have to say but honorable members must exercise that discretion to see that fair play, particularly in a consideration like this, is seen to be done.

Mr FOGARTY (Sunshine)—I appreciate your views, Mr Speaker. My own view is that no honorable member should make a statement which he is not prepared to fully debate. I have always endeavoured to follow that principle, but on this occasion circumstances are such that certain misdemeanours that happened five years ago will be before the courts in the very near future.

The Opposition believes that is not good enough, particularly when dealing with a co-operative company under the co-operation and companies Acts and with a company which, by indirect means, has received a guarantee from the Government of a substantial amount of money and moneys from Federal and State Governments have been injected into that company. The main concern of the Opposition about the Co-operative Farmers and Graziers Direct Meat Supply Ltd saga is that the co-operative is backed by 1800 farmers and when working at its peak employs more than 600 people, a large percentage of whom live in the electorate that I represent.

The company has had a chequered career through mismanagement and other factors. In its annual report of 30 June 1978, the impact of the misappropriation of funds upon the financial position of the company is clearly
outlined. It affected the whole viability and liquidity of the company. The auditor’s report at page 11, item 2, states:

The accompanying balance sheet includes advances at 27 June 1978 of $2,392,254. As reported in Note 5 to the accounts, legal action has been taken for the recovery of these advances. No provision has been made in the accompanying accounts for any loss on the recoverability of these advances and ultimate collectibility cannot be determined at this time.

Even at that stage, towards the middle of 1978, the directors of the co-operative had some doubts whether they could get blood out of a stone and recover the money due to the co-operative. The balance-sheet demonstrates that, as a result of the funds that were channelled through other quarters, there was insufficient working capital. At page 8, the report states:

Repayment terms for Barclays Australia Limited loan are as follows:

<table>
<thead>
<tr>
<th>Due</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 April 1979</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>28 April 1980</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>28 April 1981</td>
<td>$7,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$9,000,000</strong></td>
</tr>
</tbody>
</table>

The interest on the Barclays loan has been set at 1 per cent above the prevailing rate for Bills of Exchange on a per annum basis as set by the Accepting Houses Association of Australia.

One can understand the feelings of the farming community and the many shareholders about someone who has knocked off more than $2 million from the company that they have built up and which they hoped would assist the Victorian meat industry and become an envied company in that industry. Those hopes went overboard because some person channelled money where he should not have channelled money and misappropriated the funds. As there are certain restrictions placed on the debate, I shall refer to the person as Mr “X”.

The Chernov report specifically mentioned:

So far as Mr “X” is concerned, he may have breached some sections of the Crimes Act dealing with obtaining or procuring financial advantage by deception and the making of false statements.

He may also have breached a section of the Companies Act which deals with the duties and liabilities of directors.

While dealing with the Co-operative Farmers and Graziers Direct Meat Supply Ltd, I remind honorable members that what happened with that company happens almost every day of the week somewhere in Victoria—someone tickles the till. It is brought home more so in this case because many of the shareholders are members of the National Party, the State Government is involved and the incident has highlighted many things that should have been highlighted before. As the co-operation and companies Acts now stand, it is possible for some shifty shyster to rip millions of dollars off the unwary public and be kept away from the courts for years—in this case upwards of five years. It is the duty of the Government to ensure that these things do not happen again. What happened with the co-operative should never happen again.

The Registrar of Co-operative Societies commissioned the Chernov report in June 1978. It was presented to the Minister of Housing in October 1979 and between October 1979 and 1 May of this year, the Minister has been running around Albert Park Lake, forgetting there was such a thing as the Chernov report. The Opposition and the corner party had no idea what was in the report. All parties are entitled to know.

The Government and the Minister should have taken more positive action. The Minister has had the report since October 1979. He has already stated in the Ministerial statement that he is preparing legislation. There are difficulties with the company and the persons involved in these transactions, but the Opposition believes that, if the Minister had that report placed before him in October 1979, it is not beyond the Minister—I give the Minister all credit for his ability—to have legislation before Parliament during the spring sessional period 1979 and not during the spring sessional period 1980.

The Chernov report goes into detail of what is required to bolster up the co-operation and companies Acts as they apply to certain misdemeanours which were highlighted in the unfortunate situation of the co-operative. I can only refer the Minister to pages 357 and 358 which clearly indicate
to the Minister the action that he should take. I know from the report which the Minister has studied and from the recommendations of the report, that the Minister does intend taking that action. I only wish to God that the Minister had taken action sooner. The Minister was very remiss. He should have taken the initiative sooner. History has a habit of repeating itself.

Once again, I shall make no reference to names, but I refer the House to the situation of the co-operative where in 1971-1972 $120 000 was channelled to a certain area, and a further $16 000 was also channelled, making the total for that year $136 000; in 1972-73 there were six transactions of $56 000 and in another area $136 000, totalling $696 000; in 1973-74 there were nine transactions of $457 762 and further transactions of $65 000 giving a total of $1 218 762; in 1974-75 there were ten transactions and further supplementary transactions making a grand total of $2 392 254. Thank God something happened in 1975 because there would not have been anything left in the till. That situation could not be permitted to continue. Every day of the week there are reports of someone in a responsible position disappearing with the funds.

Surely, the information now before the House and a report of approximately 800 pages in which a very learned gentleman has gone through all details of one company only and the many transactions associated with a director of that company and other companies with which that man was indirectly involved, must lead to a situation where the House must take action to protect the public.

Although I agree with most of the Chernov report and I accept that Mr Chernov was very guarded in that he did not wish to transgress against what may be future litigation, he was a little too kind in certain areas because there was a pecuniary gain.

If a man gains something and loses it at the races—a man last year at the Melbourne Cup touched the till and put all his money on Dulcify, who dropped dead on the way home, thus nullifying the man's intention to get out of the trouble he was in—that is still a pecuniary gain. The Minister was remiss in not acting on the recommendations made by Mr Chernov concerning amendments to the co-operation and companies Acts, following upon what was disclosed in this saga. The report could have been debated and a Bill passed through the House during the spring sessional period 1979.

Mr HANN (Rodney)—I am pleased that the Government has finally tabled the report in Parliament. It has taken approximately five years since the Government first was supposedly considering the question of an inquiry. In August 1975, a newspaper article quoted the Premier as saying:

The Victorian Government is considering investigating the collapse of Co-operative Farmers and Graziers Direct Meat Supply, the Premier (Mr Hamer) said last night.

Any investigation, however, would depend on the findings and recommendations of the receiver appointed to C F & G, he said.

On Wednesday the meat works' founder and first chairman (Mr L. W. Bott) backed a judicial inquiry into C F & G's collapse.

He suggested shareholders petition Mr Hamer for an inquiry as he believed this was the only way the full story would be revealed.

The article mentions that any inquiry will probably be by an independent barrister. No action was taken on that call for an inquiry for approximately two years and, subsequently, the directors of the company once again approached the Government and wrote a letter to the Premier calling on the Government to set up an inquiry under the Co-operation Act by appointing an inspector.

When my attention was drawn to this matter late in 1977, I asked the Premier, in a question without notice on 9 November, whether a request had been made to him for an inquiry to be conducted under the Evidence Act and whether a decision had been made on the inquiry. The Premier replied that a decision has not been made at that stage.

I again raised the matter on 10 November during debate on the motion for the adjournment of the sitting and
once again pointed out to the Premier that a request had been made for an inspector to be appointed under the Co-operation Act. There was still no action and subsequently historical events record the debate in Parliament on 8 March 1978 on a motion of want of confidence in the Premier and the Minister of Housing.

That the Treasurer and the Minister of Housing no longer possess the confidence of the House for their failure to initiate a full inquiry into the affairs of the Co-operative Farmers and Graziers Direct Meat Supply Ltd, particularly prior to the company being placed in receivership in 1975.

That was an extensive debate, in which a number of Ministers took part, including the Premier. A number of back-bench members of the Liberal Party and also the National Party took part in the debate. It is interesting with hindsight to look at some of the statements made by Ministers and back-benchers in that debate, and to see how adamant they were that the Government was not going to conduct an inquiry into this matter.

The Premier said as reported on page 112 of Hansard of 8 March 1978:

"It was not until approximately the middle of last year, as I recall it, that the idea of a public inquiry was raised. That was not an accurate statement, because the matter was first raised two years earlier. There was a discussion on how it could be arranged, and the Premier stated that the company was registered under the Co-operation Act. The Premier went on to say:

The best way of having a person who has committed any offence punished is through an investigation by the Company Fraud Squad followed by a prosecution.

This was the line that the Government took then, partly due to the advice that was tendered to it by its own departments, but it preferred a Fraud Squad investigation to the inquiry that was called for by the directors of the co-operative and supported by the National Party.

On page 114 of Hansard on 8 March 1978 the Premier is reported as having stated:

"Perhaps to appoint an inspector would be the way to do it, but the Government has been trying to help the company to survive. It does not want to drive it into the ground and stop it from operating. The almost certain result of appointing that sort of inspector is that nobody would lend the company money."

With the benefit of hindsight, the reality is that, until this report had been tabled, the same shareholders have been reluctant to supply money to the company for the very same reason that they wanted to know why a large sum of co-operative money was transferred improperly from the co-operative's funds, and they wanted an explanation for the failure of the co-operative.

A comprehensive report by Mr Chernov has now been tabled in the Parliament. His report not only deals with the transfer of that money, but also goes into some detail of the various commercial transactions that were carried out by Mr Smart. The report is severely critical of Mr Smart's commercial judgment in some of these areas, despite the fact that many influential people and most people involved in the Victorian meat industry had placed a great deal of confidence in this man.

The Minister of Agriculture, on 8 March 1978, dealt with the other area of responsibilities of directors and Mr Smart, and is reported at page 127 of Hansard as having said:

"I am sure that the directors of the Co-operative Farmers and Graziers Direct Meat Supply Ltd knew where the money was going and knew of the interest that was being charged on it. That was my source of information at that time. The directors were happy to go along with the money that was surplus at any one time being put by Marquands, into Maxwell Newton, at higher interest. If they knew about it and went along with it, they have no right to be whinging now, because they took a commercial risk, were a party to that risk, and lost their money."

Subsequently, Mr Chernov said in the report that he interviewed the Minister of Agriculture and corresponded with him, and the only evidence that he could get to back that statement was his recollection of a discussion he had with Mr Smart on the opening of the co-operative's cold store, and Mr Smart told him that the company was earning 18 per cent on that money and he said the directors were aware of it. Mr Smart subse-
Ministerial Statement

quently advised Mr Chernov that he did not advise the directors of the transfer of that money until June 1975.

It is interesting to go further and look at the comments by the then Minister for Conservation, Mr Borthwick, as reported at page 134 of Hansard on 8 March 1978, when he stated:

I put my judgment against anybody else's view that the pursuit of cash which has been syphoned off in some way is not helped by a judicial or any other form of official inquiry. The legal complexities in this matter are such that, in my view, this sort of action would have gravely disadvantaged the shareholders. That line of action would have seriously impeded the actions of the officially-appointed receivers and managers.

Once again it is important to record that statement in Parliament because with hindsight this report has assisted the co-operative in its endeavours to obtain settlement of the civil action and to get some justice. The Minister said that he would put his judgment against anybody else's view and in time he might be proved to be wrong.

According to the report on page 141 of Hansard of 8 March 1978 the then Minister of Housing indicated that he did not believe at that stage there should be an inquiry, and he made reference to the fact that the directors had queried the relevance of an inquiry. The former member for Lowan, Mr McCabe, is reported on page 145 of Hansard as having made this statement:

The quickest way to finish this co-operative would be to do what has been proposed in the motion, namely, to have a full inquiry. There seems to be some doubt about what is meant by a full inquiry. We have had demands for public inquiries, full inquiries and private inquiries; all three types have been mentioned by various speakers for the National Party.

Further on in the debate, the honorable member for Swan Hill, the present Minister for Immigration and Ethnic Affairs, indicated that he did not believe there was a need for an inquiry or, if there was a need for an inquiry, he suggested that there should be an inquiry into the actions of the directors.

One of the reasons why the directors wanted the Chernov report tabled in Parliament, and released to the shareholders, was to spell out what responsibility, if any, the directors of the co-operative had for the collapse of the company in 1975. I would like to quote from the report of Mr Chernov on page 306 which states:

All the evidence in this inquiry indicates very strongly that during the period prior to June, 1975 none of the directors knew that Mr Smart had been transferring money from the society to the Langlands interests and to the Newton company. They knew, of course, that during this period society funds were being invested by Mr Smart, but although they never bothered to question themselves or him as to where the money was actually placed, they told me that they believed that it was invested with the A.N.Z. bank on short-term deposit. They said that historically, that is to say, prior to 1972, whenever the society found itself in a position where it had surplus funds (even for relatively short periods), it used such money either to reduce the overdraft of its subsidiary or associated companies, or it deposited such surplus funds with the bank at call.

Mr Chernov goes on to say that, in his opinion, the directors did not know it was confirmed; they were not aware that money was being transferred.

If one looks at the detailed circumstances set out by Mr Chernov in the report, one sees that he points out that, from 1968 through until 1974, Mr Smart was appointed by the Supreme Court of Victoria as an administrator with sole responsibility for the day-to-day management of the co-operative. I understand that he consulted with the directors during that period, but was not obliged to seek their opinions on the day-to-day running of the co-operative.

Likewise, in 1974, when the co-operative came out of the scheme of arrangement and changed back to operating under the Co-operation Act, there was a requirement by the Australian Industries Development Corporation that the society change its rules so that four of the former directors could be replaced by representatives of the corporation. It is mentioned in the report that Mr Smart held the written resignations of four members of the society in his possession. They were not used, but it gave Mr Smart a great deal of power.

It is not my intention to go into great detail regarding the Chernov report. It will be read with great interest by the shareholders of the co-operative throughout Victoria, but it is a fascinat-
Ministerial Statement

ing situation where one man could influence so many people at high levels within industry, and within the Australian Industries Development Corporation. For example, they did not question until early 1975 whether Mr Smart was operating in a proper and efficient manner. Likewise, the Government of this State was equally influenced by this man because there was a decision by the State Government in 1974 to sell the Victorian Inland Meat Authority works at Ballarat and Bendigo to the Co-operative Farmers and Graziers Direct Meat Supply Ltd.

In the statement the Minister of Agriculture made at the opening of the freezing works at Brooklyn, which I believe was about the middle of 1974, the Minister stated that he was very pleased to be present that week. He said:

But I'm pleased and honoured to be able to do it, because today comes as a climax really to the end of a very exciting week, when as the Chairman said, farmers and graziers were successful in purchasing the assets of the Victorian Inland Meat Authority.

He went on to state that the Government wanted to preserve these works to help in its bid for decentralization. He further stated that the Government was very careful to give proper consideration to the various people who were interested in purchasing the works. In the latter part of his statement he said:

So in all having satisfied ourselves that farmers and graziers were the best people to meet the criteria which explained, I then had to look at the financial terms which we were able to extract from them. I'm pleased to say that give or take a few bob, it was exactly what we were hoping for. I think that we've made a responsible decision. Firstly on behalf of the taxpayers, because it is their money involved, and secondly, on behalf of the farmers and graziers the people who will work in the works and the people who will contract to have their stock killed, and ultimately of course the consumer who, Mr Smart said earlier, we cannot afford to overlook. We are confident that with these two additional works, farmers and graziers will have further economies of scale, particularly in the top echelon of management, will they now be able to compete for the best skills and brains that are available in the business. I think this will further add to the marketing ability in particular that the Farmers and Graziers Co-operative already has.

He also stated that the Government had given fairly careful consideration to the financial position of the Co-operative Farmers and Graziers Direct Meat Supply Ltd and that that was one of the reasons why the Government was prepared to sell the Victorian Inland Meat Authority works to the co-operative. One tends to wonder how efficient that investigation was because the Chernov report contains a criticism of the purchase. Mr Chernov says that, with hindsight, the directors and even Mr Smart, now admit the decision to purchase the Ballarat and Bendigo works of the Victorian Inland Meat Authority was a mistake. It extended the company beyond its normal borrowing limits and placed it in a difficult trading position, which ultimately assisted in bringing about its downfall.

The Government was involved in this matter and Parliament supported that measure at the time. The honorable member for Polwarth makes some very outlandish statements, but that measure had strong backing from the Government.

The employment prospects at Bendigo and Ballarat, when the Government was very nervous about its election prospects in those areas, were not good, and the Government was very anxious to sell the works to the Co-operative Farmers and Graziers Direct Meat Supply Ltd. That is a matter of history and, as a matter of record, I believe it was supported by all parties in this Parliament.

Mr Chernov said that Mr Smart entered into negotiations with the Government in 1973, and that it was not until late April that the board members were advised of the action he was taking to purchase those additional works. From 1968 through until 1975, it appeared that a great deal of faith had been placed in one man.

The early summary of Mr Smart's evidence suggests that he was being invited to rescue Co-operative Farmers and Graziers Direct Meat Supply Ltd. In the early days, he was successful in changing the operations of the co-operative into a profitable position. It is interesting to note that Mr Chernov
queried Mr Smart's commercial judgment. That is something that has not been queried to any major extent, apart from one or two of the senior directors, but certainly not on the basis of knowledge.

It is interesting to read the statement made by Mr Chernov on commercial judgment at page 268. This relates to the expansion of the co-operative, particularly because of the purchase of the Laverton and the Victorian Inland Meat Authority works. Mr Chernov states:

In view of all the circumstances, the responsibility for the rapid and seemingly excessive expansion programme which was undertaken by the society, must be borne primarily by Mr Smart. It was he who decided to commit it to such undertakings and on one view, he did so largely because he wanted to project the society (and himself) into the "big league" of established meat wholesalers and abattoir operators, such as the Gilbertson, Angliss and Smorgon groups. Although one now has the benefit of hindsight, it seems that Mr Smart's decision to launch the society into such expansion demonstrates that he lacked commercial judgment in this area.

Extensive criticism is made of the former administrator because of the transfer of funds, the subject of certain recommendations that have been outlined already during this debate. The report deals extensively with the criticism of Mr Smart's commercial judgment. If one considers the long-term contracts which were entered into by the co-operative in that 1974–75 period, particularly with the Jordanian army and overseas contracts, it is doubtful whether any profit resulted from them.

I hope the Parliament will learn from this. Recommendations have been made about changes to the legislation, but the lesson is that it is a bad principle and policy to place one man in control of an enterprise of this kind, particularly in a situation where the organization was a co-operative which, of course, has contrary principles.

The Premier suggests, by interjection, that it was a scheme of arrangement. That is correct. Mr Chernov recommends that provisions should be provided relating to a procedure so that the directors still carry some responsibility to apply back to the court if they think the administrator or the person in that position is not carrying out his responsibilities in a proper manner. Likewise, he recommends that the Registrar of Co-operative Societies should have that capacity to go back to court if he thinks there are some problems. That difficulty is highlighted.

One of the additional weaknesses in this whole area is that on this occasion the auditors were not efficient enough to discover that the money which had been transferred was not placed on proper security. It is amazing that between 1971, when the first transactions were made, and 1975 the auditors did not think fit to observe what would have been a normal procedure.

That raises a question in my mind as to what sort of procedures operate in Victoria to police auditors. Do they have their own system of cross checking and, if so, what is that system? I would be interested to know whether there are legislative provisions covering auditors, whether the Corporate Affairs Office carries an overview of auditors, or whether auditors police their own profession?

What worries me is that if this has occurred on one occasion, on many other occasions the auditors could have failed in their responsibility to companies and in those circumstances perhaps the failures have not yet been disclosed. That raises a serious problem.

Mr Chernov makes it clear that there is little likelihood of getting the money back because it was channelled into companies that were bankrupt when the money was transferred to them. This is a question of a civil claim. It is continuing along normal legal processes, so it is something about which the House does not need to go into detail.

The action of the Government in tabling the report will facilitate the settling of the claim. The tabling of the report was the correct procedure to follow. Mr Chernov has carried out an extensive and thorough enquiry and much of the information would not normally be available to the legal par-
ties concerned. The report is the legal property of the co-operative which should have the report available to it.

The share issue which the co-operative entered into in November 1979 closed on 2 May. The co-operative did not raise the amount of $2.5 million which it set out to raise but obtained $366,000, which is still a substantial amount of money. Much of the criticism that came from many areas of Victoria was based on the fact that one of the major reasons why people were not prepared to support the share issue was the failure of the Government to release the report. The shareholders and meat producers of the State were aware that the Government had carried out an inquiry, had appointed an inspector and that the inspector had reported to the Minister in October 1979 but they could not understand—as the National Party could not understand—why the Government delayed in either acting on the report or tabling it in Parliament.

Subsequently, the report was tabled one day before the prospectus closed on the share issue. I am hopeful that the co-operative will talk to the shareholders and farmers now that the matter has at last been aired and the directors have been cleared of any responsibility in the matter. The co-operative may still be able to raise sufficient capital to enable it to survive and become a vital meat processing company, financed and owned by the meat producers of Victoria. The co-operative has not given up the cause. Far from it, it intends to battle on and seek the support of the farming community, now that the Government has tabled the Chernov report, with a view to enabling the works to be retained for the meat producers of Victoria.

The Government no longer has any direct involvement in meat works. I suppose that is a correct procedure to follow. If the co-operative were to fail and close, the meat producers of Victoria would then be at the whim and fancy of proprietary interests. Honorable members have seen what goes on with some of those companies. One or two companies indulge in questionable practices which to my knowledge have not been brought to notice. It is therefore essential to retain the co-operative. The State Government has given strong support, albeit rather slow, to assist the co-operative in its endeavours to survive.

I express my appreciation, particularly to the Premier, for his support, and a number of Ministers. I hope they will continue to give that strong moral support in the future so that the co-operative will continue as a viable meat processing operation which could have a significant impact on meat marketing in Victoria in future.

Mr HAMER (Premier)—I wish to add a few words to this debate because it is not possible to have a report of this kind tabled in Parliament without trying to learn a few lessons from it. The fact that it became necessary to carry out an investigation in the first place, and the successive problems which the co-operative has had to face, must lead the House to reflect on what has happened and whether there would be any way in future to ensure that these problems do not occur.

I agree with several of the comments made by the honorable member for Rodney. First, the remarkable trust which people placed in the administrator of the co-operative, under the scheme of arrangement, up to the time of its second failure, is, with hindsight, difficult to understand. The bankers and the board at the time, and the Australian Industries Development Corporation, all had tremendous confidence in Mr Smart. He appeared to be performing well. He actually rescued the corporation from a very weak non-profit making situation to a position of making a profit. People had faith in him.

The honorable member for Rodney says that it is not right that so much power should be put in one man’s hands, and that is a true observation with the benefit of hindsight, but I am not sure how he would carry that into legislation in future. The system of a scheme of arrangement and receivership depends on appointing someone who will take charge in a dictatorial manner and
put the company on its feet or dispose of the assets of the company or do whatever, in his judgment, is right. It is a difficult situation and I do not think anyone has been any more successful in solving this problem than the Government and Parliament.

One of the difficulties, as I see it, is the equivocal position it puts the board of directors in, as they do not have the power that an ordinary board has because of the appointment of an administrator, and yet they obviously have legal responsibilities.

I am not sure what I would have done if I had been a director at that time or how much one should have examined what the administrator was doing. It is hard to understand why they would not call for a list of investments, because $2 million in surplus funds was involved.

Mr B. J. Evans—They relied too much on the auditors.

Mr HAMER—Other people have a responsibility. One would think that there would be a presentation at the board meetings of investments showing what their costs and present value were and a certification by the auditors of what scrip was held or other particulars about the security. It is hard to understand why they would not call for a list of investments, because $2 million in surplus funds was involved.

Mr HAMER—One cannot escape the impression that they did not even know what the security was, where this money had gone or where it was held. If they did know, I would have thought it was proper for them to make a report or at least to qualify their report or direct the attention of the board to the fact that the money had gone out through the Marquand and Company accounts in what could only be described as doubtful enterprises. That did not happen. One accepts Mr Chernov’s finding that the board of directors did not know and that the auditors either did not know or did not investigate the matter. That is the crux of the situation.

Honorable members have seen over and over again—this is not the first time it has happened—a failure either by boards of directors or auditors or both to fully discharge their responsibilities. Nearly always it is because they have put their faith in someone whose judgment turns out, with hindsight, to be flawed. Whatever changes are contemplated, that must be kept in mind. If a repetition of this kind of thing is to be prevented, responsibility must be made more firm, especially the role of directors and auditors.

The honorable member for Rodney spoke of delay, first of all, in initiating the inquiry. He spoke of hindsight and used a good deal of hindsight himself and was frank enough to say that he did so. The Government’s attitude to the co-operative throughout has been to assist it. It was in trouble twice and needed all the help it could get from anybody and everybody to pull it through. The assistance given
appeared to make it the sort of success that its farmer shareholders wanted it to be. It has been the attitude of the Government to assist the co-operative. In the past it has been proved over and over again that a public inquiry into an enterprise often means the end of that enterprise. One turns out to be conducting a post-mortem. Here the patient was alive and everyone wanted to keep it alive and flourishing. Honorable members will remember that that is why the Government considered that, if there was any malpractice, it ought to be found through investigation by the Fraud Squad. That took an inordinate time.

Mr Simmonds—Too long!

Mr HAMER—I agree with the honorable member. It is part of the problem. Inquiries take a long time and there is difficulty in getting the sort of financial and economic expertise necessary for the Fraud Squad for a thorough inquiry. That is another thing that has to be learned.

That being said, the Government was not reluctant to have the matter investigated. The Government wanted the matter investigated but in a way which would not damage the co-operative. There is no question that, if there is a public inquiry, a Royal Commission or anything like that, people develop a mistrust, a lack of confidence, and it is more difficult for a company to keep going, still less to recover its financial position, in these circumstances.

The inspector was finally appointed and did a good job. It took Mr Chernov a long time but he has completed a very thorough examination and produced an instructive report. The Government intends to act on the recommendations in the report. There was some criticism from the honorable member for Sunshine that the Government had not acted quickly enough. In his statement, the Minister indicated that the necessary legislation has been drafted and will soon be ready for introduction. The proposed legislation will give effect to the main recommendations of the Chernov report.

It is a sad day when something like this happens and a group which appears to be staging a recovery is found to have been afflicted by lack of proper judgment and proper financial sense. I believe that would have been a surprise to most people, and probably still is a surprise when people look back.

It is our job as legislators to learn our lessons and to ensure that whatever we can do through legislation and administration to prevent this sort of situation is done. I give honorable members the clear undertaking that the Government will do whatever is possible and reasonably necessary to achieve that in the future.

Finally, I wish the co-operative well in its efforts from here on. In the circumstances, it really did well to raise $366,000.

Mr Cathie—Why was not the report tabled.

Mr HAMER—I am not going into the reasons why the report was not tabled. The honorable member for Carrum may challenge the reasons, as perhaps he does. The fact is that the Government acted on sound legal advice which has been followed before. In the previous debate, all the reasons were gone into and I shall not go over them again except to say that the Government acted in good faith on the highest legal advice available to it and with the intention of honourably avoiding prejudice to the fair trial of any person. That is also part of the Government's job.

The Government deeply regrets what has happened and wishes the co-operative every success in the future. I am much encouraged by the attitude of the board. It intends to fight on and I hope it succeeds. Above all, it needs a change in seasonal conditions and in the availability of stock, money and other things with which many other meat companies at present are having difficulty. The Government hopes that sort of turnabout will happen, perhaps towards the end of the year, and that the company will perform for the farmers of Victoria the function it set out to perform in 1968.
Mr CATHIE (Carrum)—The State Opposition, as has been indicated by my colleague, the honorable member for Sunshine, welcomes the tabling of the report and the fact that it has been made available to the co-operative because it has assisted the co-operative. The Chernov investigations followed the co-operative's second economic collapse in June 1975. As has been indicated by the honorable member for Rodney, the report is a comprehensive report into the people and personalities involved, into the trading ventures of the co-operative, into its finances and into the commercial judgment or lack thereof of its administrator. The report deals with those events which resulted in sums amounting to $2 million being transferred out of the co-operative to unassociated companies and businesses. Without that money, those companies and businesses would have collapsed much earlier than they did.

It appears from the report that most of the transfers of these large sums were effected without the knowledge of the directors and that none of the money has yet been repaid to the co-operative. When interest is calculated, something like $3.5 million is involved and the companies concerned are not solvent. It is a matter now of civil action being taken to see what can be recovered. In response to the honorable member who interjects, I hope the money has not been dissipated.

In my view, the report exonerates the directors from any blame. It points out that they simply lacked the power to exercise any effective influence over the day-to-day affairs of the society. I believe the position was misrepresented to them. It is very difficult for directors to be faced with a situation like that and with the extensive powers vested in the administrator in this case.

The co-operative is a producer society and the Labor Party believes it is important to have an opportunity for producers to participate in the meat industry. Otherwise, meat producers would be entirely at the mercy of private processors. It is important for that reason that the co-operative should be able to survive in one form or another. It has traded successfully and profitably in the past and we of the Labor Party hope that it will survive and do so again in the future.

It is the view of the State Opposition that the Government has mishandled the whole affair. Honorable members have just listened to the Premier stringing together platitudes, telling us how important it is to learn lessons from experiences with this co-operative. He has pointed out that we ought to be considering ways of preventing such recurrences in the future.

Mr Wilkes—He is the one who should be learning the lesson.

Mr CATHIE—that is correct. He then went on to talk about what a difficult position it was for directors in terms of the law and in its conflicting requirements and the need to define the role of directors and the role of auditors. It was all very vague. He finished by saying that somehow we have to do something or other, although he did not clearly indicate to the House what precisely he proposed to do about it. He did agree that the Fraud Squad investigation is taking too long but he offered nothing more than the Minister’s statement, which refers to some projected legislation to be brought down during the next sessional period.

I shall deal firstly with the very long delays that occurred in the Government’s action in the matter. There was a delay of almost three years in setting up the investigation into the collapse of the co-operative. Then there was the delay after the Minister received the report in October 1979. It was not referred to the Fraud Squad until December of that year. Then there is the long-delayed process of interviewing many witnesses and the preparation of charges, if any. Finally, there is the long delay by the Government, a delay which my colleague, the honorable member for Sunshine, has indicated in the preparation and presentation of amending legislation to this Parliament.
On page 3 of his very brief statement, the Minister indicated that legislation will be approved and introduced during the spring sessional period and that the sorts of things to be examined are to ensure that the interests of members of a society will be protected against any abuse of power by an administrator and, secondly, that an administrator will be required to disclose his interest or association with any company or organization with which he or any member of his firm is connected in the relevant sense. Those are probably important amendments to the Co-operation Act. I agree with the honorable member for Rodney that the delays, either singly or collectively, reflect upon the credibility of the Government.

I give this warning to the Government and to the Minister: There has been a huge growth in the responsibilities of the Registrar of Co-operative Societies. That is a question of fact. Not only has there been the important growth of co-operatives, but society has also seen the growth of credit unions and credit societies which are handling increasingly large sums of money and have increasing responsibilities. There has been the huge growth in the assets of permanent building societies in this State which control huge assets amounting to many millions of dollars. The registrar does not have available to him the staff to handle this enormous growth in the responsibilities he carries out on behalf of the people of this State.

Unless the Government acts in the area to ensure that an adequate staff is made available to the Registrar of Co-operative Societies, Parliament will not be able to examine properly, in the public interest, what is happening in co-operatives, credit unions and permanent building societies. If that is the case the story that has been so clearly defined and documented by the inquiry will be repeated.

Further misappropriations of funds will take place if there is a lack of staff, and a lack of proper and appropriate direction and control over the growth of these large enterprises. The Minister is directly responsible for the matter and he ought to give attention to it. However, the Minister has not given the matter any attention today in the brief Ministerial statement he made on the subject.

Mr ROSS-EDWARDS (Leader of the National Party)—I join the debate on the Ministerial statement delivered by the Minister of Housing, Mr Dixon, at the time he tabled the Chernov report. Mr Chernov has prepared one of the most lucid and informative papers that has appeared in the Parliament for many years. The report provides important lessons for distinct segments of the business community. I commend Mr Chernov for the detail of his report and for the diligence he showed in compiling it. I do not think he would have realized when he began the report how far-reaching its results would be. Although to the uninitiated the report may appear to have taken a long time to prepare, one has only to read it and see the size of it, to realize what a mammoth task Mr Chernov undertook.

The first lesson arising from the report is that the directors of all companies have had highlighted the need to understand the techniques of financial management and to ensure that the reports they receive of the assets, liabilities and operating results of a company accurately reflect the actual situation. A message comes through loud and clear to every businessman in Australia stating what his responsibility should be, and not only to businessmen but also to honorable members who have been involved in business. It has been an experience to read the report and to learn from it. After having read the Chernov report a director would have a rather different attitude to his responsibility than he had previously. That is the effect the report had on me.

An Honorable Member—You would need to table every individual cheque at the meeting of the directors!

Mr ROSS-EDWARDS—I do not know about every individual cheque. However, I would certainly be asking for
a few safeguards for which I previously had not thought to ask. Another interesting point concerns the status of a director once a receiver has been appointed. The normal theory has been that the director is put into cold storage; he is put aside. The receiver has the sole responsibility and the director has a watching brief on behalf of the shareholders. Obviously the director must have much more than a watching brief on behalf of the shareholders. A director would still be expected to exert the same controls and supervision as he would if the company was not in receivership. Knowing some of the receivers who operate in Victoria—I am not referring to the receiver in this case—that would be a difficult task because they have dictatorial powers and status and, from my experience, they do not concern themselves much with the directors of the company as they carry out their duty.

The poor financial strength of the co-operative when it purchased the assets of the former Victorian Inland Meat Authority was, as all honorable members know now, at least a major factor in its actual collapse. At that time the Government was under considerable pressure to find a purchaser for the country meat works. The Cooperative Farmers and Graziers Direct Meat Supply Ltd wanted it. The farming community wanted the work of the authority to continue and all honorable members wanted it to proceed. Obviously, with hindsight, it is now apparent the Government did not realize that the co-operative did not have the financial strength to afford the responsibility and financial load involved in buying the assets of the authority.

It appears that the Government relied on the judgment of Mr Smart about the financial strength of the co-operative. In that instance Mr Smart's assessment was taken as being correct rather than the Government's assessment. Once again, it is easy to say this with hindsight; but that appears to be the fact. At the time it appeared to all honorable members that it was a satisfactory solution to the difficult problem of maintaining the country meat works.

As I have already mentioned, the report sent out a clear message to directors. It also sent out a clear message to the accounting profession because, during recent years, many large accounting firms have added to their practices a management advisory service as well as traditional services. Where such services are used to advise clients on personnel selection, computer installations and system reviews, they have performed a beneficial role. However, dangers exist, as can be seen with the situation at the co-operative. If partners in a management advisory function become involved in the so-called "company doctor" role, problems can arise. Clearly these accountants have a high reputation in their own field. However, when one becomes involved with an ailing company, it is difficult to keep a balanced view on what one ought to do. Obviously some of the companies to whom money was lent from the co-operative should not have received the loan. It would have been better if the good money had not chased the bad money.

When a company is involved in a "company doctor" exercise, a balanced view must be struck to ascertain whether the company should be kept afloat or whether "the doctor" should bite the bullet and say, "So far, no further". It is a pity that the tabling of the report has been delayed for so long, although its quality certainly makes it worth waiting for. With hindsight it was obvious that the inquiry should have commenced in 1975. At least if an inquiry had been held then, an assessment should have been made. The point made by the honorable member for Carrum about a matter that had worried him for some time and which struck a note with me also, was that the Registrar of Co-operative Societies carries a much heavier responsibility than most people realize. Along with members of the Opposition, I believe the registrar is sitting on some
tremendous time bombs. The Government knows that and it has been warned.

I am not speaking of the Cooperative Farmers and Graziers Direct Meat Supply Ltd now and I do not want to refer to any particular company or field because that would be wrong and could have a detrimental effect. Let this be a lesson to the Government so that it will realize that the Registrar of Co-operative Societies should have the staff and expertise available to make assessments when he considers action should be taken. The registrar must take the initiative from time to time when the warning bell sounds. If he does not, the Government will have to bear the responsibility for the inactivity.

If the report had been available before the receivers had completed their work, a clear decision could have been made on whether money could have been raised to allow the co-operative to continue or if the assets had to be sold. The co-operative now finds itself in a difficult position. It has gone to the public on what, to most of us, appears to be an impossible task. It is a credit to the directors and that band of people involved, and I include my colleague, the honorable member for Rodney, who has great faith in the concept of the Cooperative Farmers and Graziers Direct Meat Supply Ltd. Such people desperately want the co-operative to continue. This is illustrated by the fact that they have raised a sum  in excess of one-third of $1 million at a time when many problems are hanging over that co-operative and it says a lot for the loyalty and support of the farming community.

The problems facing the co-operative are tremendous at a time when the meat market is depressed and because the meat market is depressed, the co-operative is not profitable on a month-to-month basis. In recent months, the value of its assets has decreased.

If, say, nine or twelve months ago, a liquidation of the company had taken place, it would have been a different picture. However, if such a situation took place tomorrow, the likelihood would be a loss, not only to the shareholders but also to the creditors. I do not want to be pessimistic about the co-operative. It is now up to the shareholders to urgently determine what the future of the co-operative should be. I have been encouraged also by the reaction of the directors to continue the co-operative. That will mean that the farming community will have to decide whether or not it wants the co-operative to continue. If the farmers want their co-operative to continue they will have to raise $2.5 million and, if they are able to raise that amount, the Government will have to make good the promise of the Premier when he wished the co-operative well. One cannot help such a co-operative by merely wishing it well. If the farmers raise $2.5 million the Government has an obligation to stand directly behind it. A meat works cannot be run if there is a shortage of capital because it finds itself in a "boom or bust" situation extremely quickly.

The honorable member for Sunshine knows that it is an extremely dangerous trade but, nevertheless, it is a trade which is important for Australia, the primary producer, the export earner and for all those who work in the various related centres throughout Victoria. I certainly wish the co-operative well and I pay tribute to those people who have been associated with it over the troubled years for the time, energy and effort they have expended to make it work. The co-operative has worked in the past and, at different times, the proceedings have read like a novel with all the unfortunate series of circumstances unfolding which have brought the co-operative to its knees.

If the co-operative ceases to operate in the market place it will be to the detriment of Victorian farmers. That is the reason why I consider the farming community must give serious thought to putting its money into the co-operative, not on the basis of obtaining a dividend, but on the basis of achieving greater stability and a better market for the years ahead. It
will not be a financial, monetary dividend that the farmers obtain; it will be greater safety and security for the future.

The other two matters I wish to mention are not really connected with the co-operative. They relate to matters arising from the Chernov report. Firstly, despite the recommendation of the Chernov report that there should be controls over the receiver in a co-operative, there is not much difference between the receivership of that co-operative and a receivership in a public company from a practical point of view. A receiver is put into a company and given dictatorial powers. Honorable members will realize that receivers are appointed every week of the year in Victoria to carry out their duty and this is one of the few cases I have seen which has produced the problems that honorable members read about in the report. Receivers cost a lot. Many people believe they charge too much, but if there were to be a committee—as the Premier suggested—it would cost a jolly sight more.

I do not know the complete answer to the problem, but the only practical answer appears to me to be that where there is a board of directors, that board must act as the watchdog. I do not wish to criticize the directors of the Co-operative Farmers and Graziers Direct Meat Supply Ltd, but perhaps it could be said that they should have obtained certification concerning the investment of the funds by Mr Smart on behalf of the co-operative. I suppose, when one trusts another person and is given information by that person, one accepts it as being true, but when one is looking after other people's money it is vital to ensure that one obtains proper certification of the way in which that money is invested.

Another matter to which all honorable members will have to give some attention is how the publication and tabling of reports such as the Chernov report should be handled in the future. As it turned out, the report did not contain much that was not known in principle. Most of those who had their ears to the ground were aware of what was in the report—not in detail, but in principle. The delay in the tabling of the report was pointless, but what should we do in future? There have been many reports around Australia—I do not want to name them—during the past few years, the publication of which has acted to the detriment of people named in them when legal proceedings have followed. That is the last thing anyone would want to occur. If such a report is tabled, even if that tabling is not to the detriment of the person mentioned in the report, the odds are that any trial would be delayed.

In this case, the report should have been tabled in the public interest. There is no doubt about that. It would have been better for the co-operative, the shareholders, the employees, the meat industry in general and the Australian export trade. It should have been tabled last October. However, as a person who has had legal training, I can perceive the dangers to a person named in a report against whom charges may be made later if the report is tabled.

Parliament must have guidelines and certainty about how these matters are to be handled in future. If it does not, the Government will be accused of covering up, no matter whether that is true or untrue. The report in this instance achieved nothing for those involved with the co-operative until it was tabled. All the report does is to provide a basis for deciding whether charges should be laid. It did not help the general situation in any way until it was tabled. Now, people involved in the co-operative can go to the public to raise money. The co-operative has a six-month reprieve and the facts can now be bared to the public. The directors will no longer have to apologize and say, "We do not know what the report says about us". They can go out and campaign. The situation for the co-operative has been difficult in recent months and it has my sympathy.

The story of the Co-operative Farmers and Graziers Direct Meat Supply Ltd has been a sad one. I join with the Premier in wishing it well in the mammoth task ahead of it. It will not be easy and will require hard work and
much dedication to make that co-operative successful. It will be in the best interests of Victoria if the co-operative does succeed.

The motion was agreed to.

LOCAL GOVERNMENT (VALIDATION) BILL

The debate (adjourned from April 15) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr KIRKWOOD (Preston)—The Bill is designed to remove doubts regarding dispensations granted by the responsible Minister, who was, in the main, the former Minister for Local Government. I have placed a question on the Notice Paper seeking information about the various areas in which dispensations have been granted. Unfortunately, that question has not been answered, but it is well known that dispensations have been granted in many country municipalities as well as in city municipalities. They have been granted in the Shire of Colac, the Shire of Otway, the City of Shepparton and the City of Bendigo. In the case of the City of Oakleigh there was a hassle, as there probably has been in each and every case. The Shire of Mornington was involved, as was the City of Dandenong. However, the main area in which problems arose was the City of Melbourne.

There is considerable opposition to the validation of the dispensations granted to the City of Melbourne. Anyone who believes a blanket coverage should be given, after what went on in the City of Melbourne, is wrong. Many reports indicate that blanket dispensations should be treated warily. Most people would believe there was no harm in a blanket dispensation given in relation to the Mall, to enable the council to get on with a job that most people wanted to be done. However, when it comes to plot ratios in planning schemes, it is an entirely different matter. I do not intend to review what happened at the Melbourne City Council, because the honorable member for Melbourne will do that, but it is interesting to note that in April this year an article in the Age newspaper dealt with the plot ratio dispute. Anyone who has read that article and checked out the facts would be concerned about this area of local government.

As this matter is so important, I shall explain to the House in my own way what section 181 of the Local Government Act and pecuniary interest requirements for local councillors are all about. It must be obvious to anyone who is interested in public life that people who are elected to municipal councils have had a great deal of preparation at the grass roots level and that they will have to meet various requirements of the Local Government Act. That Act requires that a councillor shall attend every council meeting it is possible for him to attend and that he must vote if he is present in the council chamber when a vote is to be taken. The people in the suburbs and the country are aware that section 181 is a precarious aspect of local government life.

A councillor who has any pecuniary interest in a matter before the council must disclose his interest and must withdraw from the council chamber. I understand, as would most people who know anything about municipal life, that from time to time it is possible, because of the requirements of the section, that a council might be left without a quorum. In such a case, the Minister can grant a dispensation and many of those dispensations have been granted. They are justified and no one could dispute that, but blanket dispensations are another matter entirely.

Ministers of the Crown should never be in the position in which the Minister for Local Government finds himself today. The actions of the Minister have to be validated because legal opinion is that the granting of the dispensations has been illegal in many cases. The Melbourne City Council also has similar legal opinions. The seriousness with which section 181 is regarded is reflected in the way in which the different courts decide matters involving the section. Magistrates Courts in Melbourne have placed great emphasis on the section and the notification of the pecuniary interests of councillors. The duty of
councillors in this regard has been well known for many years and councillors are at some risk in this area, even though they devote many long hours without payment to the benefit of the community.

To my knowledge, no councillor has the benefit of legal advice on pecuniary interests. The town or shire clerk may advise a councillor and the Act provides that it is his duty to keep a book that has been specially prepared to record all disclosures of councillors' interests in any subject that is being debated in the council chamber. The book recording all these items is open for inspection and can be inspected at the municipality during the normal hours of business— I presume that is between 9 a.m. and 4 p.m. It is appropriate that disclosures should be made and that they should be public. Members of Parliament are responsible for the various Bills and regulations that flow from this place.

When present at a council meeting a councillor must not only disclose his interest but should also leave the council chamber and not return until the matter has been voted upon. The same procedure applies at council committees. If a councillor has a direct interest, he must record it and go out of the chamber. Every councillor should be aware of the pecuniary interest requirements, and in most cases he is. The interest through a spouse, a partner or membership of a company or club is also important. The councillor must state his interest there. It is immaterial whether he votes for or against his own interests; this Parliament and previous Parliaments have stated that he must not vote on any matter in which he has a pecuniary interest.

One would not be wrong in saying that the object of section 181 was to prevent possible conflict of interest and duty and possible misapplication of municipal or statutory funds for the personal gain of the mayor, councillors or officers. When this Parliament determined that section 181 would be part of the Local Government Act, it was endeavouring to preserve the purity of local government administration. Few honorable members would disagree that local government administration is one of the better aspects of administration in public life because at all times it is open to all sorts of scrutiny.

In a number of cases councillors do not heed the fact that an infringement of the prohibition can carry penalties. These penalties must be borne by the councillor concerned and must not be paid from council funds. Some people believe the council meets the expenses, but that is not the case.

Pecuniary interest is not just money involvement; property value is also covered. A council may desire to establish a parking area or a car park near or alongside an area owned by a councillor. That councillor should declare his interest in the council chamber and should never have an advantage over somebody else. Pecuniary interest extends to club membership. Many councillors throughout Melbourne have a club interest and if a council project of one type or another that is being carried out will affect that club in some way, the councillors concerned should state their interest.

The mayoral allowance is paid to the mayor for his personal use. He should therefore not be in attendance when a vote is taken on what amount he should receive. He cannot vote for himself, and if he does, he is in conflict with section 181 and has a pecuniary interest in the matter. The Minister interjects that the amount is decided before the mayor is elected, but I believe it is usually done the following week. It depends upon the administration in different areas. A mayor would be a fool to vote on this matter because the money will be construed as being for his personal use, not for the city or the shire.

Where a councillor has an interest only as a ratepayer and that interest is a common interest with those of other ratepayers, he can vote upon any matter before him. I mention voting on rates because every councillor has a common interest with the person in the street. In that case he is allowed to vote. It would be the right of a councillor on the allocation of council facilities, decisions on permits or ex-
penditure from the municipal fund even if he had a pecuniary interest because the pecuniary interest in that case would be common with that of every other ratepayer and voter in the city.

Section 181 (9A) and (9B) provides the Minister with the power to overcome council problems. It contains the power to exempt councillors from the operation of the statutory prohibition where the number of councillors make it difficult, because of the lack of a quorum, to transact business. The Minister may grant dispensation to a number or class of members in respect of such matters as he specifies. The exemption may be specific and may operate indefinitely. As I understand the meaning, dispensation means no restriction upon councillors taking part in voting on all matters as sought in the various applications. One must apply to the Minister for this dispensation.

There are obviously cases where dispensation must be seriously considered, and members of the Opposition, although they have much reservation mainly about the City of Melbourne, realize the validation must take place as soon as possible. However, they would like to ensure that those involved in local government understand the penalties for breaching the Act. They are clearly set out in section 53 (2). One can be disqualified from office of a councillor for seven years; and one is liable to a fine of up to $500. If conviction occurs in the Magistrates Court, one can appeal to the County Court.

The longer one goes through local government and looks at the regulations affecting section 181 on pecuniary interests, the more one realizes that any person involved in local government would be a fool to take a chance. He should declare his interest irrespective of whether it be a private interest, a money interest, a club involvement, or where he has an advantage over anybody else.

Members of the Opposition will not oppose the Bill. The plot ratio in Melbourne and the blanket coverage given by the Minister at the time will be highlighted by the honorable member for Melbourne. After that disclosure, every member of this House will be convinced that in the past section 181 of the Local Government Act has been loosely administered. Never again should validation legislation come before this House to ensure that legal opinions are not tampered with. It is unfortunate that this has happened. Dispensation in a blanket coverage is not good for government, whether State or local. In this country there are three tiers of government. The local government tier is recognized, responsible and effective. The nails should be put hard into the wood and honorable members should call upon the Ministers never again to do what is being done today.

Mr HANN (Rodney)—Although the National Party does not oppose the Bill, it is concerned about the reasons for its presentation to the Parliament and the circumstances surrounding it. It is even more concerned that the second-reading speech of the Minister contains no indication of the real reasons for this Bill being introduced. Vague references are made to the Minister, questioning whether he had the ability to provide these dispensations. Perhaps the situation in the City of Melbourne, is the reason for the introduction of the Bill. Honorable members are being asked to legalize an illegal action which has been carried out by the former Minister for Local Government, Mr Hunt.

On 7 April 1976, the Minister for Local Government granted a dispensation to the Melbourne City Council under section 181 (9) and (9A) along the following lines:

NOW THEREFORE, I, Alan John Hunt, Her Majesty’s Minister for Local Government for the State of Victoria, in pursuance of the powers vested in me by sub-sections (9) and (9A) of section 181 of the Local Government Act 1958 hereby remove any disability on the part of any Councillor of the City of Melbourne from taking part in any consideration or discussion of, or voting on, any question in respect of general planning policies and proposals, Interim Development Orders, planning schemes and amendments (but not applications for permits) affecting the City of Melbourne or any part thereof.
From information supplied to me by Mr David Johnston, it appears that the Melbourne City Council has subsequently used this dispensation on other occasions to enable city councillors to vote on the various matters in what the Minister has suggested he was providing the dispensation.

Only last week, in reply to a request that I made to the Minister for a dispensation in the Shire of Nathalia, I received a letter from the Minister for Local Government. In Nathalia a flood plain is presently being considered by the council. Five of the twelve councillors are likely to be affected because of the levee in the centre of the town and there is a doubt about whether the question of pecuniary interests arises. I asked that the Minister consider granting a dispensation to the Shire of Nathalia to allow the councillors to vote and discuss the matter. In his reply the Minister said:

I refer to your recent representations on behalf of the Council of the Shire of Nathalia relative to the question of pecuniary interests of councillors in the matter of the construction of levee banks along the Broken River.

Before turning to the two specific matters raised by the Council I must point out that it is the duty of each individual councillor to determine whether he has a pecuniary interest in any matter under discussion and to then act according to his decision. On this point however as the decision that the councillor makes may be subject to review by the courts, any such decision must not be lightly taken.

The Minister goes on to say:

The provisions of section 181(9) and (9A) of the Local Government Act 1958 enable me to remove any disability of councillors... in any case in which the number of members of the council so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business'. The interpretation which has been placed on that wording has been that the number of disabled councillors must be sufficient to prevent the council's forming and maintaining a quorum in respect of the issue concerning which the pecuniary interest arises.

In the present case, I am advised that the number of councillors involved is five of the total of twelve and from the above you will appreciate that there is no basis upon which I could remove the disability of the five councillors. If I did, as has been requested in Council's letter of April 2, clearly the dispensation would be ultra vires and accordingly worthless to the councillors concerned.

Mr Hann

It seems to me that the present Minister for Local Government is saying that what has been going on in the past is highly illegal and he cannot apply that sort of provision now. If one examines the situation outlined, it appears that this dispensation was given back in 1976 and subsequently used by councillors on the advice of the town clerk in which he indicated that there was this general dispensation.

In a letter dated 1 May Mr Johnston states:

I have spoken to Melbourne City Councillor Moffatt regarding the original scope and reason for Alan Hunt to issue the Pecuniary Interest Dispensation in April, 1976. Councillor Moffatt has given me to understand that the issue came up over the Bourke Street Mall matter, but from the first it was understood that the instrument was to operate on all planning matters for an indefinite period of time.

I am led by Mr Johnston to believe this dispensation has been used on subsequent occasions. In a further letter dated 1 May, he states:

At the 10 December, 1979 meeting of the Melbourne City Council. When the vote was being taken on the Strategy and City Planning Committees recommendation to raise the site-plot ratio in mixed use areas, Councillor Powell, if my memory serves me correctly, asked that the Town Clerk explain the position as to the Pecuniary Interest Section of the Local Government Act. Mr Rogan informed him and the Council that according to section 181 they were acting illegally if when having recorded a pecuniary interest on a matter under consideration they voted on the matter, he said the Council had been given a Dispensation by the former Local Government Minister, Alan Hunt in April, 1976, he admitted that the City Solicitor a month or so later had given his opinion that the Dispensation was not legal, but at this point the Minister gave the Council an undertaking that if they had any trouble, he would bring in retrospective legislation to correct the matter, making it possible for any Councillors who had contravened the Act to avoid prosecution.

For my part Alan Hunt in this case acted in a most irresponsible manner as a Minister. I hope the Members of whatever party consider that in the case of the Melbourne City Council we have the case of a Minister overriding the Local Government Act. For my part, it would be better to go back to the Act rather than by introducing a Local Government Validation Bill to make it even more difficult for the Section to act against infringements.

If one follows through the correspondence provided to me by Mr Johnston, when he first queried this question of
the right of the Minister to grant dispensation, the present Minister for Local Government gave him the following advice in a letter dated 12 February 1980:

I acknowledge your further letters of January 18 and February 4 in which you request that the dispensation given by my predecessor in April 1976 be withdrawn.

I also have the copies of an open letter to Melbourne city councillors and of a letter to the Town Clerk of Melbourne which you brought to my office on January 17.

In view of the issues which are raised by your request, I have sought legal advice and propose that any action in the matter should be deferred until that advice is available to me.

Subsequently, Mr Johnston received a further letter from the Minister for Local Government dated 16 April 1980 in response to his letter of 11 April. The Minister said:

I refer to your letter of April 11, 1980.

On February 12, 1980, I advised that I had sought legal advice and did not propose to take any action in the matters raised until that advice was available to me.

As the legal advice confirmed that there is doubt as to the validity of the form of instrument frequently used, I took steps to introduce the Local Government (Validation) Bill into Parliament. The Bill, if passed, will put the validity of any current instruments beyond question. It will also enable any instrument which has been issued to be revoked.

The Minister went on to advise Mr Johnston further in a letter dated 24 April:

I have already stated in Parliament that it is my intention to revoke all current dispensations as soon as practicable after the passing of the Bill.

I do not think there is any need for me to go through this matter in any further detail. There has been extensive correspondence between Mr Johnston and the former Minister for Local Government, Mr Hunt, the present Minister, Mr Crozier, and the Minister for Planning and various other Ministers. He also approached a friend of his at the Melbourne university who tendered the advice that the Minister was going beyond his powers in granting that general dispensation to the council.

It seems to me that the Government should, firstly, have been honest and should have owned up when it introduced the Bill in the other place and, secondly, when it introduced it in this House. It appears that Mr Johnston's inquiries regarding the matter and his complaints to the Minister were the reason why the Bill has been introduced into Parliament to validate actions which were carried out by Mr Alan Hunt.

Although the National Party is prepared to support the Bill and get the Minister off the hook on this occasion, one wonders how often it will be necessary to do that. It appears the Minister has not sought sufficient legal advice in the first instance, because the Act is fairly clear and the present Minister for Local Government, as I quoted from his letter of 1 May addressed to me, stated that in the case of Nathalia he was not able to grant the dispensation unless it was proven that the council would not have a quorum.

I ask the Minister to outline to the House on how many occasions that dispensation granted to the Melbourne City Council on 7 April 1976 has been used by that council since then. I also ask him to explain to the House in each instance where the dispensation was exercised whether the council would have lacked a quorum, or whether the council used the dispensation to enable individual councillors to vote on matters in which they had a pecuniary interest. If the last proposition was the situation, the whole thing is highly illegal and further action should be taken on the matter. Perhaps an inquiry should be instituted immediately. With those criticisms of the Government's action regarding the matter, the National Party is somewhat reluctantly prepared to support the Bill.

Mrs PATRICK (Brighton)—The honorable member for Rodney suggests that it is clear in the Local Government Act what powers the Minister has.

Mr Hann—The Minister said it is, because he spelled it out.

Mrs PATRICK—That may be so. However, in many councils work is delayed and people are disadvantaged by the problem of pecuniary interest. I have seen the difficulty of quorums.
It may be that there is a car parking plan proposed for a street and one happens to have a business in the street. It is suggested that one should leave the Chamber. The work of the Melbourne City Council was being stultified and brought to a halt. The Minister, having sought advice, issued a general dispensation in order that the work of the council could progress. The Bill before the House is a validation Bill because some legal doubts have arisen. Legal doubts often arise on actions performed in good faith. Therefore, this is a validation Bill to correct that problem.

Pecuniary interest is a difficult problem. At present, the Statute Law Revision Committee is attempting to come up with some solution. As a councillor, if one stays in the room and makes the decision that one does not have a pecuniary interest, one may later be taken to task and face legal action. It is an extremely vexed and difficult question and the sooner it is cleared up the better it will be and there will be no need for dispensations to councillors so that the work of councils may be conducted effectively.

The honorable member for Rodney went through a lot of correspondence and trenchantly criticized Mr Hunt, the former Minister for Local Government, yet he stated that the National Party supports the Bill. That demonstrates that the Bill is necessary.

Mr REMINGTON (Melbourne)—At the outset, I say that it is with some hesitancy and diffidence that the Opposition supports the Bill. It does so for reasons entirely different from those put forward by the honorable member for Brighton. I hope that in her previous law practice she was better briefed in the protection of the interests of her clients than in the case she has put to the House today. She said the dispensation was given in order that the work of the Melbourne City Council may proceed. She is totally and absolutely incorrect—misinformed—a false statement.

The reason the Opposition supports the Bill is because of difficulties that Labor councillors are confronted with on the Melbourne City Council in relation to amendments to plot ratios of the strategy plan, and the only reason the Labor Party will vote in favour of the Bill is that if it voted against it—and in this instance I am sure the National Party would support the Labor Party in such a stand—the result would be to hold up the undertaking given by the new Minister that as soon as this Bill is passed he will cancel the illegal, invalid and improper exemptions given by the former Minister. That will permit Labor councillors on the Melbourne City Council, together with independent councillors, to rescind previous decisions made regarding the alteration of plot ratios. Were it not for that particular reason, the Labor Party would have great pleasure in strongly urging the House to reject this second validation Bill brought before it.

It causes me to wonder that there is not some form of discipline available to be taken against Ministers who go beyond the law of the State. A fortnight ago honorable members saw the Wallace charade.

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member should confine his remarks to the Bill and should not traverse that ground again.

Mr REMINGTON—It is relevant indeed, Mr Speaker. The fact is that twice within a short time there is a Bill before the House to validate illegal actions taken by Ministers of the Government in the other House.

An Honorable Member—The third time.

Mr REMINGTON—The honorable member may be correct. It may well be the third time. The Government is extending the cloak of corruption to the Melbourne City Council. Certainly there is difficulty in local government in getting certain councillors to act in the true interest of their electors. That does not apply to all councillors but to a minute number of them. Some councillors do exploit their position in local government.
I come back now to validating the illegal actions taken by the former Minister for Local Government. He sets out to validate his illegal action in issuing exemptions to cronies and friends who are councillors on the Melbourne City Council. That council was in a situation in relation to the City Mall where vested interests were opposed to the establishment of the Mall. It was a critical vote and if those councillors had been excluded from voting on that development the passage of the Mall would have been assured. So they hot-footed it up to their friend, the Minister for Local Government. I do not know who did the hot-footing, but I do know that my old friend, Councillor Mick Ress, a very close friend of the Premier, boasts that he is the bag man for the Liberal Government.

The sitting was suspended at 6.15 p.m. until 8.7 p.m.

Mr REMINGTON—Before the suspension of the sitting I was speaking on the atrocious actions taken by the former Minister for Local Government in giving a blanket exemption to certain members of the Melbourne City Council so they could participate in debate on crucial issues concerning the establishment of the Mall, and a very crucial debate relative to the alterations in plot ratios.

The law is absolutely specific about dispensations under section 181 of the Local Government Act. Section 181 says that dispensations may be given on any question in any case at anyone time. Notwithstanding that, the Minister very arrogantly gave a blanket dispensation.

One would have thought that if any honorable member understood section 181 of the Local Government Act, it would have been the former Minister for Local Government. After all, he had been a practising lawyer and, I assume, knew section 181 of the local Government Act, chapter and verse.

Section 181 of the Local Government Act, clearly defines that the legal intent was to confer specific powers upon the Minister in any single case at any one time. This is what the Local Government (Validation) Bill is about. It is to validate the illegal actions—to legitimize the illegitimate. The Bill is to validate the actions taken by the Minister.

The people of Victoria ought to know of the total disregard that the Minister had for section 181. The only reason the Bill is before the House is that one of the businessmen in the City of Melbourne has threatened to take legal action against those councillors who, in his opinion and in mine, illegally and improperly voted on the Mall issue, and voted for the change in plot ratios. The former Minister for Local Government gave his blanket exemption some years ago, but as soon as it was tested, very smartly trotted in to the House with a Bill to validate his illegal actions.

Unlike the Pope, who has general powers of dispensation, under section 181 of the Local Government Act, the Minister had none whatsoever. He had no powers of general dispensation but, nonetheless, the honorable gentleman who is skilled in the law, the former Minister for Local Government, was rather sensitive because he had had other difficulties.

Mr Hayes—Which Minister?

Mr REMINGTON—The former Minister for Local Government. I will come to the present Minister for Local Government, Mr Crozier, in 1 or 2 minutes. The former Minister got into trouble once before—the only politician to cop $12,000 into his campaign fund.

The SPEAKER (the Hon. S. J. Plowman)—Order! That type of remark is very much out of place in this House and places the honorable member for Melbourne in a very poor light.

Mr REMINGTON—I acknowledge your remark, Mr Speaker, but I am pointing out that the Minister is inclined to be accident prone. That incident provoked great public controversy.

The SPEAKER—Order! I will name the honorable member if he persists with this line of argument.

Mr REMINGTON—With due respect, Mr Speaker, I am entitled to draw public attention to the actions of the Minister, in this case a man skilled in the law.
The SPEAKER—Order! For the benefit of the honorable member for Melbourne, as he does not seem to be able to take some sort of a hint from the Chair, I will read him a passage from May that is particular to this type of behaviour in the House. Under “Allegations against Members” it states:

Good temper and moderation are the characteristics of Parliamentary language. Parliamentary language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate.

I ask the honorable member to regard to the general tenor of members’ comments required in debate and to couch his remarks accordingly.

Mr REMINGTON—I thank you for your advice, Mr Speaker, and will endeavour to moderate the very great criticism I have in this case.

Other persons were concerned about the dispensation given by the Minister. When section 181 was debated in this House in 1960, it was spelt out that the exemption related to giving dispensation specifically where the possibility of having a quorum was in doubt. There is no question whatsoever that on the Mall issue there was the possibility of the lack of a quorum, as was the case on the plot ratios. There would have been no impediment to the proper functioning of the Melbourne City Council because, when the Minister gave his blanket exemptions on the Mall, only 8 councillors out of 33 were affected by declarations of pecuniary interest. There was no way that those councillors needed an exemption under section 181.

On the strategy plan, which was a highly controversial matter, they did not have the numbers. If those councillors with pecuniary interests had not participated in the debate and voted, the plot ratios could not have been changed. So they dashed away to the archives of the Melbourne City Council and got out the Minister’s exemption, dusted it down and used it again. There was no question of lack of numbers to form a quorum on the plot ratios because only five had pecuniary interests in voting on the plot ratios, it was only a matter of getting the numbers in favour of the change.

In June 1976, when doubts were raised about the exemption given by the Minister, the council took the matter to its legal advisers, a very eminent and authoritative firm in the City of Melbourne, Mallesons, Mr Trumble took the Minister’s blanket exemption and went through it chapter and verse in an unbiased, totally professional way and came out with his final paragraph. What does he say about the Minister’s exemption?

I consider that a councillor could be disabled under section 181 (1) and that an offence could lead to penalties under section 181 and even disqualification under section 53 notwithstanding the Minister’s Order of April 7, 1976 and notwithstanding his letter to Councilor Elms of June 2, 1976.

That was the unbiased opinion given by the solicitor for the Melbourne City Council on this controversial and illegal—as is now acknowledged—exemption granted by the Minister for Local Government.

Mr Hayes—When was this?

Mr REMINGTON—The honorable member should pay attention, because I gave the date. The letter from Mallesons was dated 11 June 1976 and it referred specifically to the order made by the Minister on 7 April 1976.

Mr Hayes—That is four years ago.

Mr REMINGTON—That is quite right, and I am grateful to the honorable member for Wantirna for bringing up that point. Four years later, despite that legal opinion, the Melbourne City Council used the same dispensation. Having learnt that, I am sure the honorable member will now understand my concern and the concern of other members of the Opposition. I do not know why councillors, having been in possession of that legal advice, would intentionally go ahead and use that exemption to allow them to vote on a matter in which they had pecuniary interests. It is not for me to say what the value of their pecuniary interests was, but I have a disclosure of interests from a number of councillors. I believe the schedule is a correct, full and complete summary. I seek the leave of the House to have it incorporated in Hansard.

Mr BALFOUR (Minister for Minerals and Energy)—Leave is not granted.
Mr REMINGTON (Melbourne)—Fair enough, I can understand the concern of members of the Government because it is a schedule that deals with the interests of friends of the Liberal Party and the bagman for the Liberal Party.

Mr MACLELLAN (Minister of Transport)—On a point of order, Mr Speaker, I point out that the honorable member for Melbourne did not make the document he sought to have incorporated in Hansard available to members of the Government. We have not had the benefit of reading it and do not know what it is. If the honorable member would like to show a copy of the document to the Minister for Minerals and Energy and seek leave for its incorporation at a later stage, when the Minister has perused it, the answer might be different, but he should not seek leave to have a document incorporated without making anyone else aware of what it is or showing it to someone.

The SPEAKER (the Hon. S. J. Plowman)—Order! Can the honorable member for Melbourne make a copy of the document available?

Mr REMINGTON (Melbourne)—I will make a copy of the schedule available to the Minister. It clearly sets out the interests of Councillor Meldrum, Councillor Rockman, the two Councillors Ress and a Councillor Wilson. As I said, it is not for me to determine the value of the pecuniary interests of the councillors involved, but the fact is that they declared those pecuniary interests and those interests are highly relevant to this debate.

The property on which the Chelmer Diagnostic Clinic is situated is owned by Ress Motor Inn Pty Ltd. It is located in St Kilda Road and, in 1972, was valued at approximately $400 000. I do not know what increase there has been in that value subsequent to the alterations to the plot ratios, but the owner of that property would now be able to construct an office block of some twenty storeys, so I would assume that there has been an increment in the value of the property.

The legal opinion from Mallesons was referred to the then Minister for Local Government, who read it and compared it with the wording of the section. In a letter to the council the Minister said:

I fully concede the force of the reasoning contained in it.

However, that did not worry the honorable gentleman because his letter then went on to say, in effect, “If you have any troubles with the dispensation, I will put through validating legislation”. He further went on to say that if the council had any difficulties under section 181 of the Local Government Act, in so far as that course may be necessary, changes would be made to the Act.

Like many other honorable members, I have served in local government and I did not believe section 181 of the Local Government Act existed to protect councillors. I believed it existed to protect the ratepayers. A councillor is very much like a trustee. A trustee is not permitted to make a profit from the assets of the trust for which he is responsible, and I place councillors in precisely that category.

The debate revolves around alterations to the plot ratios and the House should be aware that they are a vital part of the Melbourne Strategy Plan, which was a Government plan. The Premier was concerned about the planning problems in the City of Melbourne and he instructed the council to draw up a strategy plan. The Government provided $400 000 for development of the plan. It did so because, quite rightly, it recognized the important economic role that the Melbourne City Council plays in the metropolitan area and it was highly desirable that a properly planned development should take place. The strategy plan was an exercise in community participation and it was accepted by the central business district, the commercial and retail interests and the residents, but it was not accepted by people involved in the fringe areas of the city, the property Mafia who wanted to make windfall profits.
Their profits were restricted by the strategy plan because it was designed to contain the commercial development of Melbourne within the central business district and in the outer areas it prescribed that there should be residential development. The controversy arose in December when the influences within and close to the Melbourne City Council could not make money out of housing development due to the bad economic policies of the Fraser Government. The restriction of housing development in Australia is a direct result of the economic policies of the Fraser Government. The development of land in the area to which I am referring did not provide quick profits to the developers, so they went to their friends on the council and the plot ratios were altered. That is what the big controversy in December was about.

The Labor Party took a strong view. One of the councillors involved had served the Labor Party well over many years, but when he violated the party’s policy on the strategy plan he was expelled. That illustrates the seriousness with which the Opposition regards the plan. However, when friends of the Government violate section 181 of the Local Government Act they go racing to the Minister, and when a ratepayer says, “I will test the validity of section 181 of the Local Government Act at law”, the Government introduces validating legislation, notwithstanding the great harm that the alterations to the plot ratios have done to the general planning of Melbourne and notwithstanding that they mean the ultimate destruction of our boulevards.

The actions taken in the voting at the council on December 10 have forced the Government to introduce the Bill. The alterations to the plot ratios could not have been voted through if the Minister had not given a blanket exemption. Those alterations will mean the destruction of Royal Parade, Flemington Road and St Kilda Road, which are some of the most beautiful boulevards in the world. They will be destroyed simply because some people want quick profits rather than planning controls. The Labor Party stands for orderly Government and orderly planning.

An Honorable Member—What about yesterday?

Mr REMINGTON—That was democracy at work, but it was not democracy at work when the Melbourne City Council altered the plot ratios. It was not democracy at work when the council approved plans to permit a high-rise development in Royal Parade in an area set aside by the strategy plan for mixed residential use. The council has approved plans for the construction of an eight-storey building at 483 Royal Parade. I led a deputation to the Minister for Planning on this matter, so I am sure the honorable gentleman will be familiar with the facts. I hope the Minister for Planning will contribute to this debate because last December he advised me that he was having a survey made of the owners of properties in St Kilda Road. I am looking forward to the tabling of the report he commissioned, to discover who made the windfall profits from the alterations to the plot ratios.

Not only is the council despoiling and ruining Royal Parade by its misuse of planning powers given to it by the Minister for Local Government, but also, as late as last Monday, the operators within the council were at it again. They approved of a $13 million development in Victoria Street. Mr Baines would have been proud of the council’s performance. The application was slipped in on 28 February and 66 days later, on 5 May, the $13 million project had been rocketed through.

It was suggested to the council that it had violated the strategy plan and some councillors said that the councillors who voted for the motion did so at their own peril, but they were not concerned about that. They knew that their friend, the Minister for Local Government, would introduce validating measures to legitimize their illegal actions. The council has also pushed through a property development in Albert Road, which was covered by a section of the strategy plan that sets
out to protect the environment of Parliament House, but that did not worry the people who want quick profits.

There has been a great deal of public concern and I know the matter has been discussed in the Government party. It has been suggested that the powers of the council should be taken away and that an administrator should be appointed. I do not support that view. I believe democracy should work, notwithstanding the difficulties presently being experienced. The City of Melbourne should be governed by councillors who are elected by the ratepayers and responsible to them.

I have some criticisms of the central business district. The large interests, the banks, the insurance companies and the major companies in that area, do not sponsor capable, articulate and responsible men to serve on the Melbourne City Council. One of the problems associated with the Melbourne City Council is that big business takes a casual and indifferent attitude to it. If executives were encouraged to serve on the council many of the problems would be solved.

A well-respected local newspaper in the electorate of Melbourne, the Melbourne Times, has followed the activities of the Melbourne City Council very closely. In an editorial which appeared in the 23 April 1980 edition the headline appears:

Something stinks . . .

That is not the usual language for the Melbourne Times.

Something is very, rotten at City Hall.

That the State Government has to pass quickie laws to make the past actions of some councillors legal is appalling.

That is the lead comment. The editorial also states:

That smart operators exist in positions of trust must, by the nature of our laws not be mentioned.

However, it is a pity that a number of these smart operators have found their way on to the Melbourne City Council.

That is a direct quotation from the front page of a respected and responsible newspaper in Melbourne.

This Bill is tantamount to a cloak of corruption, not only for councillors who stand to make a direct capital gain, but also for their acquaintances who buy and sell property on a wink and a nod.

Mr BALFOUR (Minister for Minerals and Energy)—During the speech of the honorable member for Melbourne he asked leave to have a document incorporated in Hansard. He was waving a piece of paper around and I refused leave for it to be incorporated. However, it was suggested to him that if he gave me a copy of that document I would reconsider that decision. I regret that the document only deals with five councillors. There is no certification as to whether the document is correct and in fact one company is named as “Reliance Development Aust. (No Reliability)”. If the honorable member can certify that this document headed “Disclosures of Interest” was obtained from the Melbourne City Council and is easily obtainable perhaps there is no need to have it incorporated in Hansard. However, if the honorable member can satisfy the House that this is a true and correct statement I would not object to it being incorporated in Hansard.

The SPEAKER (the Hon. S. J. Plowman)—The honorable member for Melbourne may speak, by leave of the House.

Mr REMINGTON (Melbourne)—I seek the leave of the House.

The SPEAKER—Leave is granted.

Mr REMINGTON—It has been drawn to my attention that the word “reliability” is a typographical error. The document was provided to me through the Melbourne City Council as a photocopy of the Disclosures of Interest as recorded at the Melbourne City Council.

An Honorable Member—Is that a public document?

Mr REMINGTON—It is not a public document.

Mr BALFOUR (Minister for Minerals and Energy)—I grant leave to have the document incorporated in Hansard.

Mr Remington—Subject to the alteration?
The SPEAKER (the Hon. S. J. Plowman)—Is leave granted?

Mr BALFOUR—Yes.

Leave was granted, and the document was as follows:

Disclosures of Interest—

MELDRUM
Melcom & Associates Pty Ltd, Melplan Pty Ltd, Corporate Aircraft Services Pty Ltd, Corporate Aviation Co Pty Ltd, URB-Link Pty Ltd, Foundation of Victoria Planned Environment Services Pty Ltd, Meldrum Burrows & Partners, Melplan Pty Ltd, Land Owned—Premises at 464 Collins St, Melbourne leased by Partnership Meldrum Burrows & Partners.

ROCKMAN
Northrock Investments Pty Ltd, Aerojet Caterers Pty Ltd, Aust. Community Insurance Co Ltd, Northrock Builders Pty Ltd, Northrock Consolidated Pty Ltd, Tenancies—16 Collett St, Kensington. Beneficial Interests in—108 Lonsdale St, Melbourne, Regency Power Pty Ltd, IPR Nominees & Northrock Nominees, 544 LaTrobe St, 167 Queen St—IPR Nominees & Northrock Nominees Pty Ltd, 16 Jeffcott St, West Melbourne—Leased by Dan Murphy's Cellars Pty Ltd, Dan Murphy's Bulleen Village Shopping Centre Pty Ltd, Drummond Credit Corporation Pty Ltd, Dolphin Arcade Pty Ltd (Queensland registered Co).


RESS, Maurice

WILSON, Joseph
Companies—Silk Bros (Melb) Pty Ltd.
The motion was agreed to.
The Bill was read a second time, and passed through its remaining stages.

ESTATE AGENTS BILL
This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration later this day.

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL
The debate (adjourned from April 22) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr KIRKWOOD (Preston)—The time has again arrived for the House to consider the Local Government (General Amendment) Bill. Most honorable members have seen this Bill go through the House, changing the aspects of local government from year to year. One must be circumspect. In the vast majority of cases, it is possible to agree with the changes. The Opposition does not oppose this measure as it has been introduced. In many cases, the Opposition is prepared to say that the particular aspect of change is long overdue and should have occurred many years ago.
The Bill contains 52 clauses. The Bill has wide coverage and will affect many members of the community. Before I go through the various clauses of the Bill, the main point I should make about the Local Government Act is that the Minister and the Government should initiate a method of review regarding the layout of the Act. There are probably more amendments made every year to the Local Government Act than to any other Act. It is time that a new method was adopted which would make the legislation easier for people in the community to understand. I am not able to point in which direction the Government, or those who draft the legislation, should go, but a review is needed and a change of layout. This legislation must be understood simply.

One could talk about many aspects of the 52 clauses. The doubling of penalties for breaches of the compulsory voting regulations is a welcome addition so far as the vast majority of people associated with local government are concerned. In many suburbs, there is dense migrant population and very few of these migrants are naturalized. Those people are not subject to compulsory voting. One could ask what difference that makes. It makes a big difference, because the municipal or shire council is forced to produce forms which have to be posted and handled and the cost of producing them and dealing with them is high. Time must be spent by municipal officers in checking the rolls and whether people are naturalized Australians. It is difficult to enforce this regulation and it is doubtful whether it is worth while introducing such an impost.

The threat of being fined for not voting at municipal elections falls hard on the old and infirm members of the community. The view has been expressed in the City of Preston that the names of the old and infirm who can satisfy the council as to their infirmity should be dropped from the municipal roll because that type of person lives with a threat of being fined. He obviously has believed for most of his life that he has a role to play in the community as a citizen and wishes to honour that role, but because of age or infirmity cannot do so. Those people should not be put under threat.

By the same token, I am prepared to accept that the postal regulations that apply to local elections assist many of the elderly and infirm. But those associated with elections are aware that not many people avail themselves of the right to a postal vote. That is one of the unfortunate aspects of municipal elections. The old and infirm are usually driven to the polling booths by sons, daughters or next-door neighbours. Some are on crutches and are helped out of the car and into the polling booth and back to the car again. This happens at every election. If those people could be convinced to use the postal vote system it might be easier to apply the regulations for local government elections.

One of the really good aspects of this Bill is the portability of long service leave. It is now proposed to repeal the requirement for three years' service with the current employer. This will allow an employee after two months to re-enter council service with any other municipality. This is a tremendous step forward. Employees with skills and the ability to do something to help a municipality or local government in the broad sense ought to be applauded.

The other aspect of this which naturally follows is the appropriate payment by the old council to the new employer for each year of service the employee had completed. There is nothing wrong with that. It is a pity that this type of service agreement on portability was not introduced sooner. People in local government have varying views on long service leave. My view is that long service leave and the provisions relating thereto are to encourage people to serve in a particular municipality for as long a period as possible because the cost of training employees is ever increasing. The longer they can be kept, the better for the municipality and the people belonging to it. This provision could be extended to other areas but the community should be prepared to recognize and reward the skills of people in municipal govern-
ment in order to keep them in local government areas. The provisions of the Bill are excellent.

I commend the Government on its handling of the aspect of subdivisional councils. They have had their day, as the municipalities have been saying for the past 25 years. This will be applauded by all who are active in local government. It is the type of thing I would have liked to see removed years ago.

I feel I speak for people in the city municipalities when I say that municipal funding is used for the provision of land, buildings and equipment for local units of the State Emergency Service. I am not proposing any particular action or suggesting any amendment to the clause, but I am critical of it because local government in city areas will not go along with this. If a State is responsible for State emergency services, it should be prepared to pay for those services and should not palm off on to ratepayers and municipalities the provision of the buildings that are necessary. Perhaps I will be proved wrong, but I doubt it. I am quite close to people in local government and, as honorable members know, have had considerable experience in that field.

I have gone through only a few of the clauses and I will speak on them later. The nature of the Bill lends itself to Committee debate. There are many aspects in the 52 clauses on which members could put various points of view and could suggest improvements which may be taken up by the Government. Opinions have been expressed in local government over many years and perhaps the debate on this Bill is the appropriate place to air those opinions.

In conclusion, the Labor Party supports the Bill while making some criticism of it. I hope it will have a speedy passage through the House because it has already been debated at length in another place.

Mr Jasper (Murray Valley)—I support the Bill on behalf of the National Party and I mention at the outset that it has been widely aired in the Legislative Council. I have read with interest the debate that took place in the Upper House, especially the contribution of my colleague, a representative of the North Western Province, Mr Wright, who usually makes a valuable contribution to Bills related to local government.

In the second-reading notes, the Minister indicated that this is an annual Bill making general amendments to the Local Government Act 1958. A number of amendments are included in the Bill. I applaud the Government for presenting such a Bill on an annual basis and for the consultative process that takes place in the preparation of a Bill of this kind where the Bill is introduced into the House at an early stage and is distributed widely through the Municipal Association of Victoria to enable municipalities to express their opinions. Councillors and officers of municipalities generally are very well informed on the operation of the Local Government Act and, quite rightly, they jealously guard the rights of local government, the third tier of government within our system.

There are four areas in the Bill which are worthy of comment, remembering that the Bill has been widely debated in the Upper House and that honorable members want to see its speedy passage through this House this evening.

Firstly, the National Party in the Upper House had some reservations about the amendment dealt with by clauses 9 and 10 of the Bill which relate to the portability of long service leave. We of the National Party believed that there needed to be a three-year period during which a person remained with a municipality. As mentioned by the honorable member for Preston, there is a reasonable cost involved in the training of officers, and officers should give consideration to remaining and giving something back to the municipality.

In the Upper House, the National Party voted against this clause in the Committee stage. I indicate that it is not the intention of National Party members to oppose the clause tonight but I mention again that it was opposed by my party in the Upper House. Many of the smaller councils are used by
officers as a stepping stone whereby they get their initial training and can move to bigger municipalities to gain experience. I mention clauses 9 and 10 on that aspect to ensure that members of this House are aware of the attitude taken by my party in the Upper House.

Clause 15 relates to the cemetery trust and indicates that cemetery trusts will be required to make up accounts to 31 December each year, the accounts to be transmitted to the Health Commission. I criticized the Government's Budget last year on the amount of money going to many essential areas serviced by local government such as social welfare areas and essential service areas and other areas within municipalities which could be regarded as areas where there should be State Government funding assistance. I mentioned the fact that there had not been increases in areas such as Municipalities Assistance Fund grants to libraries and infant welfare centres.

I mention clause 15 in relation to the operation of cemeteries. In the last Budget there was an allocation of only $16,000 to small country cemeteries. There are always maintenance problems in country cemeteries and it is difficult for municipalities to justify spending money on these areas. I mention the town of Katamatite in the Shire of Cobram which has a small cemetery.

The SPEAKER (the Hon. S. J. Plowman)—If the honorable member wishes to speak on specific clauses rather than on the general nature of the Bill, he may do so in the Committee stage.

Mr JASPER—I seek your direction, Mr Speaker. I wanted to speak on four clauses and I thought that, if I covered those clauses in the second-reading debate, that would preclude my speaking to the clauses in Committee.

The SPEAKER—The honorable member would have every opportunity in the Committee stage, irrespective of whether he discussed them now. However, it is probably desirable that he does not discuss them both now and later. If he wishes to speak on specific clauses, rather than on the general nature of the Bill, which is the nature of the second-reading debate, I suggest that he make his specific remarks during the Committee stage.

Mr JASPER—Thank you for your guidance, Mr Speaker. I shall just finish dealing with clause 15 and leave the other two clauses until the Committee stage. In relation to clause 15, I would like to see consideration given to increasing this allocation. I mentioned the town of Katamatite where there is a keen cemetery trust. Over the past four years, it has applied for and gained small grants to assist in providing water around the cemetery and in repairing fences and other areas. It is now one of the most attractive cemeteries in the State of Victoria. Anyone looking at it would be impressed by it as being one of the best small cemeteries in the State. Over the past four years, it has gained $300 or $400 each year and to date has received $1250. The $16,000 allocated from the Budget is certainly not enough to assist small municipalities to maintain cemeteries in a presentable condition.

I have received representations from other areas within my electorate that their cemeteries become disreputable and do not enhance the municipalities to which they belong.

I mention clause 15 because it is an area of deep concern to the small municipalities which are appreciative of getting some sort of grant in this area. However, that $16,000 for the State of Victoria certainly is not enough. I would like to think the allocation would be increased in future.

I wished to speak on two other clauses. As suggested by you, Mr Speaker, I shall leave those two clauses until the Committee stage of the Bill. I indicate that the National Party supports the passage of the Bill.

I will need to mention clause 35 briefly because it was negatived by the Upper House following representations from Upper House members. The clause relates to permission being given by the Country Roads Board for cattle to be grazed on main roads as well as on highways. In the past, councils have decided whether to give permission for
cattle to graze on main roads and the suggestion was that this power should be transferred to the Country Roads Board, not only in respect of highways, but also in respect of main roads. Representations were made by my colleague, Mr Wright, during the Committee stage of the Bill in the Upper House and that clause was negatived. My party certainly supports that attitude. The Government reconsidered its position and removed the amendment. I shall speak on the other clause during the Committee stage.

However, the National Party supports the Bill which received a good airing in the Upper House and has certainly had a good airing in this House. The National Party believes it will assist local government to be more effective in this State.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 8 were agreed to.

Clause 9 (Amendment of No. 6299 s. 167A)

Mr KIRKWOOD (Preston)—During my second-reading speech, I mentioned the desirability of having portability of long service leave in local government. Local government generally is in favor of portability of long service leave for municipal employees. One has to examine the problem as it is associated with administration. That being the case, I should like to ask the following questions and perhaps at a later date the Minister might be able to inform local government, especially those who are responsible for administering the Local Government Act, of the decision of the Government.

The first question I bring to the attention of the Government is: Should an applicant for a position be required to declare prior employment which would render a council liable for the payment of long service leave? That question should be easily answered because, across the board, local government believes this is a very real benefit which it is asking for today.

The second question is: What would be the legal liability of a council to pay long service leave if such a disclosure was not made? That question is pertinent to the first item.

The third question is: Should councils be required to issue a record of employment to an employee upon resignation, including a statement of leave accrued?

The answers to the questions which I have put to the Minister should be produced in pamphlet form by the Local Government Department in the near future because the answers are important if the provisions of the Bill are to apply within the next few weeks. I have no doubt the Bill will receive Royal assent. Local government is generally in favor of portability of long service leave but there are problems associated with the three questions I have put to the Minister.

The clause was agreed to, as was clause 10.

Clause 11 (Amendment of No. 6229 s. 185)

Mr KIRKWOOD (Preston)—Actually my remarks are directed to clauses 11 and 12, as both clauses should be considered together. The clause concerns the period of notice that certain proposals must be given by councils. What is happening is that this period is being reduced from seven clear days to two clear days. I inform the Minister for Minerals and Energy and the Government that the Preston City Council has voted against the proposal because it considers two clear days is far too short a period. I inform the Minister for Minerals and Energy and the Government that the Preston City Council has voted against the proposal because it considers two clear days is far too short a period. I inform the Minister for Minerals and Energy and the Government that the Preston City Council has voted against the proposal because it considers two clear days is far too short a period. It submits to the Government that many pitfalls might be involved with these meetings which will be held to implement the provisions of the Local Government Act. This clause and the following clause relate to time limits, and the council considers it is not necessary for the present time limit to be reduced to two clear days, and that the current prescription should remain as it is. The change will make it more difficult to administer the Act but I put the submission because the Preston City Council covers the major portion of the electorate I represent.

The clause was agreed to, as were clauses 12 to 14.
Clause 15 (Accounts and audit to be undertaken by a council or trustee of a cemetery)

Mr KIRKWOOD (Preston)—One has to pay attention to the area of activity covered by the clause because its application really applies to those municipalities which have a responsibility for the operation of cemeteries. I have no doubt that it would appear to many people involved in local government, that the thrust of the amendment is to provide that accounts covering the operations of cemeteries should be kept separate from the general account of the municipality. There does not appear to be any sound reason for not including cemetery income and expenditure in the general accounts of the municipality, especially if there is a deficit, as the deficit has to be found from the general revenue of the municipality anyway.

This clause is dealing mainly with administration, but it is farcical to require municipalities to keep separate books and accounts, whereas, if the funds were intermingled, one would know what was available to administer the operations of the cemetery and so on. I bring those matters to the attention of the Minister and the Government and maybe within the next few months, something may be done.

Mr JASPER (Murray Valley)—During my second-reading contribution, I mentioned clause 15 and indicated that it had been submitted to me that many municipalities have received funds collected from cemetery burials and other operations within the cemetery itself, perhaps by way of leasing areas for grazing and so forth, and that in the past those funds have sometimes been hidden to the extent that money has not been spent in this area of activity.

It has been brought to my attention that people within one or two municipalities hold the view that funds have been withheld and not spent in this area of operation. This would probably show up better if all the funds being held by the municipality were shown. That would also assist in the provision of additional funds for that area. Perhaps it would also assist in an increase in the amount of money being allocated from the Health Commission to assist small municipalities which keep cemeteries in a good and presentable condition. As honorable members go around areas of the State they receive complaints about the disreputable state of cemeteries, and perhaps if the funds that are held by these trusts were available for expenditure on cemetery operations, the Health Commission would be able to keep a closer eye on the money that is being held and would be able to determine what funds should be made available to assist a cemetery trust in any developments which are occurring. Portability of funds which are in the account could be of assistance in the future.

Mr BALFOUR (Minister for Minerals and Energy)—The real thrust of the amendment is to assist the accounting of a municipality when that municipality is appointed by the Health Commission as trustee of a cemetery. Normally, in country areas there is a committee of management for a cemetery and those bodies have the responsibility of sending accounts to the Health Commission. Their financial year is from 1 January to 31 December each year.

The amendment to the principal Act is to enable a municipality, when it is a trustee of a cemetery, to keep those accounts on the same basis as the financial year of the municipality which ends on 30 September.

The clause was agreed to.

Clause 16 (Amendment No. 6299 s. 246)

Mr KIRKWOOD (Preston)—The amendment proposed in this clause authorizes a council to expend revenue collected from rates for any purpose not expressly authorized or prescribed. It has been suggested the power should relate to local government only and that this provision should be written into the legislation. The section in the Act is at variance with the findings of the Bains report, which favoured local government having general competence to act in this area.
There is relevance in the amendment which should be picked up by the Local Government Department. This is one of those administrative acts which will enable "softly softly" or "easy movement" in this context. I want to be helpful and I believe my suggestion is worth-while. I hope the Minister and the Government have a good look at it.

The clause was agreed to.

Clause 17 (Amendment No. 6299 s. 247)

Mr KIRKWOOD (Preston)—I cannot see the need for this amendment because most metropolitan municipalities bank daily. There are no problems, so this provision could be taken out of the Local Government Act and local government would be the better for its deletion.

The clause was agreed to, as were clauses 18 and 19.

Clause 20 (Amendments No. 6299 s. 251 (1))

Mr KIRKWOOD (Preston)—I am a supporter of those people who are associated with Returned Service League clubs or Air Force associations, but now in many of those clubs there are large groups of associate members. In the main associate members are not former members of the armed services from the first or second world wars, and in all fairness the Government should take notice that with this change of membership, it might have to review the operations of these associations or carry out a particular examination, which is contrary to what is being put to the Committee at this stage.

There is no doubt in my mind that with the new mixture of members of returned services clubs, there is no reason why an ability to pay should not be associated with them in the same way as with ordinary clubs. The Government may discover that it will have to differentiate between actual returned servicemen and those who are associate members with no record of service in the first or second world wars. The longer this goes on and exemptions are provided, and the further we move away from a third world war, the more likely it will be that a back lash will occur which is not related to other clubs in the community.

The clause was agreed to, as were clauses 21 to 32.

Clause 33 (Amendment of No. 6299 s. 505)

Mr KIRKWOOD (Preston)—Under this clause municipalities will be authorized to purchase bulk waste containers and to agree with the owners of blocks of flats or similar buildings, for the sale or leasing of the containers to them. If one has to commend the Government for taking action, then it should be commended for introducing clause 33. There would be very few municipalities in Melbourne—the same comment would probably apply to some of the larger provincial municipalities—which have not experienced problems with people in flats who seem to use cardboard boxes for the disposal of refuse. They do all sorts of things that cause all kinds of trouble for all types of people. The clause will be useful.

The same situation applies with the disposal of waste from shops. Not too many councils take special action to dispose of that sort of waste and the proprietors of some shops use public waste containers. There is nothing the municipalities can do in that case because the shopkeepers are within the law, although they are being a little miserable and not doing the right thing. Health problems could arise, particularly if the public fills up the containers, because then the waste may be left lying on the shop owner's property over week-ends or for many days.

I know private enterprise provides a service for the disposal of waste from hotels, and I do not criticize that service, but it may be that the council will allow municipalities to provide a better and more efficient service in this area. The clause is commendable and one should be prepared to say, "Well done". I certainly hope the provisions succeed.

The clause was agreed to.

Clause 34 (Amendment of No. 6299 s. 535)
Mr KIRKWOOD (Preston)—The clause covers the changing of street names and requires notice of 30 days. That is a reasonable requirement. A municipal council in the electorate I represent sought to change the name of a street. Many people used their home addresses for business purposes and the address was printed on their business cards. The municipality was causing financial damage and business interests were being disturbed because the council attempted to complete the change too quickly. It is time the provision requiring notice of 30 days was introduced.

The clause was agreed to, as was clause 35.

Clause 36 (Amendment of No. 6299 s. 555A)

Mr KIRKWOOD (Preston)—The clause will regularize the use of coins in parking meters. That is all I shall say on the matter. I could perhaps add that the Government has been a little slow in introducing the provision.

The clause was agreed to, as were clauses 37 to 43.

Clause 44 (Amendment of No. 6299 s. 756)

Mr JASPER (Murray Valley)—This clause relates to swimming pools and the charges that may be imposed. It will change the method by which charges can be made so that a specific order will no longer be required and councils can fix the charges by simple resolutions.

In many country municipalities the councils are not able to charge enough in admission fees to cover the costs of the operations of the swimming pools. In the Shire of Rutherglen, for example, despite the fact that the pool is run economically and is well managed, it runs at a loss of approximately $6000 a year. That is a burden on the ratepayers. The City of Essendon circulated municipalities throughout the State informing them that special courses were available for pool managers to train them in the better operation of swimming pools and their management, chlorination and first aid. Many of the councils in the electorate I represent, particularly the councils of smaller municipalities, although they believe that pool managers should be trained as well as possible, would not be able to pay the cost of providing that training. As I said, the swimming pool owned by the Shire of Rutherglen loses $6000 a year and it would have to increase its charges to cover the costs of specialized training for the pool manager or they would have to be added to the burden of the ratepayers.

I hope the Government takes note of the comments I have made. Perhaps it could consider providing a training course for pool managers and providing a subsidy so that pool safety will be better and pools will be better managed, but the costs of the training will not be imposed on the municipalities.

The clause was agreed to, as were clauses 45 to 47.

Clause 48 (Amendment of No. 6299 s. 803)

Mr KIRKWOOD (Preston)—I do not disagree with the provisions of the clause, but it will involve local government in health areas that have previously been the responsibility of the State Government. I and many other people who have an interest in local government would like to know the history that has led to the introduction of the clause. We would like to know whether this is the thin edge of the wedge. I know nothing of the history of this aspect of the State Emergency Service and I wonder if the Government knows it. I should like the Minister to give an explanation to local government and to members of the Opposition. As I say, I do not necessarily disagree with the provisions, but the clause will transfer the responsibility from the State Government to local government.

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

The Bill was reported to the House without amendment, and passed through its remaining stages.
The debate (adjourned from April 30) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr KIRKWOOD (Preston)—The Bill seeks to amend the Local Authorities Superannuation Act 1958, which provides for a system of superannuation for permanent employees of certain bodies, including municipalities, and the scheme is administered by the Local Authorities Superannuation Board. A "permanent employee" includes not only the usual permanent officers but also employees who have been in the continuous employment of a municipality for twelve months and employees who have, with the approval of the board, been declared by the municipality employing them to be permanent employees.

The Bill will increase the lump sum payments and provide other limited benefits to contributors. The wider power will be to grant disability benefits and deferred pension entitlements. Dismissed employees who have served for fifteen years will also have those rights, even though there has been a break in service. This is an improvement in the present situation.

The Opposition does not oppose the Bill. The employees involved negotiated an agreement with local government, and the Municipal Officers Association, the Federated Municipal and Shire Council Employees Union, the Association of Professional Engineers, the Municipal Association of Victoria and the associations covering water and sewerage authorities were all represented. Local government employees would have liked the Government to have gone further with the superannuation scheme and the Bill was the subject of a resolution at a meeting of the Municipal Officers Association, which resolved:

This meeting expresses its disappointment that the Government and employer associations have not as yet recognized the injustice of a contributory pension scheme, which, for many contributors, does little more than remove rights in terms of age pensions and associated benefits.

However, we welcome the improvements to the lump sum benefits envisaged in the proposed legislation and ask the Government to uphold its undertaking to pass this legislation in the coming session of Parliament.

They believed the operational date would have been 1 March. That was a bit premature, but it was the correct attitude for the employees of local government to adopt.

There is no doubt that the lump sum payments should be much higher than they are. If there are more negotiations, this could be made possible. The point the Minister makes is probably correct, because in the pension scheme the contributions are on a $1 for $1 basis, and the contributions could be much higher than they are. If the Government started looking at higher contributions, pension schemes in the future could be made worthwhile.

I relate the case of a person who worked in a municipal undertaking in the electorate of Preston. This man has to see his doctor twice a week, and his wife also has to see a doctor regularly. He has been retired for twelve months. He asked me to speak on his behalf to the Municipal Association of Victoria. I spoke to Ian Pawsey, the secretary of the Association and advised him that this man was prepared to hand back the municipal superannuation pension that he had received from the Preston City Council. On the following day, Mr Pawsey said that there were no regulations to cover this and he was unable to accept the pension rights of the person I had inquired about. This man receives less in superannuation than he would if he was on a pension. In other words, if he had not contributed to the superannuation scheme he would have been able to spend that money on his family over the years, but now he is being discriminated against because he was diligent during his working life. This is not right.

Another case concerns a serving officer in the Preston municipality. About 28 years ago, he joined local government, and when he started the superannuation benefits were fourteen times his annual salary. Under this Bill
it will be two and a half times his annual salary. This again is relative, and it shows how much less the superannuation benefits have become over the years. The man who contributes to superannuation in local government to try to ensure his future is being disadvantaged all along the line.

I can relate the case of another man, whom I shall not name, but I am prepared to put his case in writing. He was a senior officer in the Preston City Council and spent 30 years in its employ. He retired in 1970 on superannuation that was the same as his salary, $6000. The trifling superannuation benefits that are being paid to men who have spent a lifetime in local government is a tragedy.

I know that the Bill is to assist in the upgrading of lump sum payments, but local government employees pay contributions most of their working life to the superannuation fund and, as taxpayers they are paying to the Federal pension funds, but they are debarred from receiving the various benefits that are applicable to people who receive pensions, such as telephone benefits, health benefits and rebates on water and local council rates. There are 101 things they are losing out on. I believe superannuation payments should make their final years that much easier.

There is another aspect of superannuation in local government. A person who has had 30 years service in local government can retire on top superannuation. By retiring people from local government at the age of 60 years, this will help to create vacancies, and will bring more people into local government. This should improve the lot not only of the people who have reached 60 years of age and retired, but also of those further down the scale.

Parliament should relate local government superannuation benefits to those paid to State and Federal public servants. The council's contribution should be brought up to a $2 for $1 basis, and people in local government could pay higher contributions, because if they are going to be ineligible for social security pensions, there should be something for them on the credit side. A person who has worked in a particular institution for 30 years, should be adequately compensated for the money he has contributed to the superannuation fund over those years.

I do not know where the superannuation funds invest their money. I am not able to look up the return on invested money, but as an ordinary chap I doubt the ability of the people who invest the thousands of millions of dollars acquired in superannuation to get a better return. The retiring pension for those who have given a substantial period of their life to local government should be better than it is.

The Bill is an improvement, but it falls short of providing to local government employees benefits comparable to those received by State and Federal public servants.

The Bill provides for advantages that can accrue before a person retires. A person can now retire from local government at the age of 60 years. The various provisions in the Bill relate to the interchangeability of service, sickness benefits, and many other items, including long service leave on death, and on an approaching marriage a woman may resign and receive a benefit. I do not denigrate these benefits. They are all needed. They are desirable and most people accept them as part of their employment, but in the final analysis people who have given 30 or 35 years service to local government are being treated like second-class citizens. Maybe it is the fault of members of Parliament that we do not stand up and say that local government employees should have accrued benefits similar to those applying in the Public Service.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party is delighted to have the opportunity of supporting this amendment to the Local Authorities Superannuation Act. I suppose the Government could be criticized for bringing the Bill in at this stage of the sessional period, but on balance the fact is that members of the National Party are happy to see it here and to have it back-dated to 1 March.
I, as have other honorable members, have local government employees in the electorate that I represent who are desperately anxious for this measure to be passed and become law. It will make a tremendous difference to a person who is about to retire. The benefits are worth while. At present they are approximately 1·1 times the retiring salary, and this Bill will increase that to approximately three times the retiring salary.

It was put to me the other day that if a shire secretary or town clerk was to put his money in a savings bank for 30 years, he or she would be just as well off, or better off, than accepting the benefits from this fund. That is an indictment not only of the Government but of this Parliament. Local government employees have been a neglected body and, although their superannuation entitlements are being increased three times over, it is still below that of the Public Service of Victoria, and logically there is no reason for that. They carry out identical duties, have identical responsibilities, and it is only an accident of fate that they work for a different arm of government. They are a group of people who, for the most part, give dedicated service to the State over a lifetime, and it is only reasonable that they should be able to have some sort of reasonable compensation or superannuation on retirement. This Bill will get over the problem of councils giving retiring gifts to town clerks because they have been inadequately treated with superannuation benefits.

Local government will play a greater part, and take a greater burden of responsibility from now on, both from a financial and from an administrative point of view. The best government one can get is the government that is closest to the people.

I know of no harder working people than the town clerk, the shire secretary, the city engineer or the shire engineer. They carry a burden, which I admire, from day to day and from week to week, and they have the admiration of the community.

Mr Ross-Edwards

This amendment is long overdue. I am thankful it is here, and that it is back-dated to 1 March, but God help those who have missed out by accident, and who retired in January or February. There has to be a cut-off date. The date of 1 March happens to suit people in the electorate I represent, but it probably does not suit others.

Mr Birrell (Geelong West)—All honorable members are aware of the problems of local government vis a vis the State Government and the various authorities which, one by one, are swinging over to an exact replica of the State superannuation scheme because that scheme is identified as one of the most complete schemes available in Australia. It could perhaps be criticized as being too generous because those outside Government service find it difficult to emulate. Nevertheless, a couple of chinks in the armour are being dealt with here.

Nothing can be done about the contributions because that is the responsibility of local government, another branch of Government, and the contributions that have to be made can come from only two sources—the council and the contributions of individual employees. At the council level, trouble often arises because large sums of ratepayers' money have to be seconded to the fund to provide the wherewithal to pay the increased benefits. Since the move towards 2 per cent contribution from Canberra, I have urged local councils in the electorate that I represent to look generously at the requests of employees of local government as there now seems to be a new factor available that is not ratepayers' money; it is taxpayers' money from Canberra being refunded, which gives councils some new leverage.

Mr Remington—Is that not for specific purposes?

Mr Birrell—The argument that has been put by councils is that the ratepayers' money is at stake in the decision. I am saying that the Commonwealth money that comes to hand, whatever classification it has, is for
general purposes of local government and here a new factor enters the scene that bypasses the traditional argument that the council cannot contribute more heavily because ratepayers' money is involved.

The present scheme is inadequate. This measure raises the sights of local government superannuation considerably and I think a further Bill will come forward in the future and, over the next decade, through a series of Bills, the Local Authorities Superannuation Scheme will be upgraded to something more reasonable than in the past.

The motion was agreed to.

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

**DOG (AMENDMENT) BILL**

The debate (adjourned from April 24) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

**Mr SPYKER** (Heatherton)—The purpose of this small Bill is to remove the restrictions on the use of dogs under the control of the police Dog Squad which arise from certain provisions of the Dog Act. The position of members of the Dog Squad was recently brought to notice by court proceedings which included a counter summons against a police dog handler when an offender alleged that he was assaulted by the police dog. The three informations against the police constable were dismissed, but certain legal issues raised by the charges remain outstanding.

The difficulty is that under the Dog Act the handler of the dog is solely responsible for the actions of the animal and when the animal attacks somebody the handler, whether a policeman or any other officer of the Crown, is fully responsible for the dog's actions.

As honorable members are probably well aware, many police dogs are taken home and are family pets. They are intelligent dogs which can obey about twenty different commands. As a result of the Government's decision to increase the strength of the Dog Squad, many dogs are being trained in Victoria, the Australian Capital Territory and in other States and there will be more of these animals around. The purpose of the Bill is to clarify the position, making the Crown responsible instead of the handler.

Many people seem to fear police dogs and what they are about. I have had some contact with them and I find the animals no different from any other animals. In many instances they are probably better trained and more disciplined than the average back-yard dog which tends to stray. Many people purchase dogs and neglect them. After buying a small puppy they lose interest in it and the dog roams around uncontrolled.

It is anomalous that a police officer who is carrying out in good faith the duties of his office should thereby be guilty of an offence against a statute if the dog happens to attack somebody in the street. A further amendment is also proposed to ensure that the handler of a police dog shall, notwithstanding anything in the Act, rule, order or regulation, be entitled at all times and in all places while he is on duty to be accompanied by his dog.

The Correctional Services Division of the Department of Community Welfare Services already uses the dogs at Ararat Prison and it is now proposed, as the Minister outlined last week or the week before, to use them at Pentridge to sniff out drugs and devices. This raises the question of legislative protection for the officers in Pentridge and other corrective institutions because they are employed under the Public Service Act and are servants or agents of the Crown and are somewhat different from police officers. Their position needs to be protected.

The dogs will be used for such purposes as routine patrols around prisons and for drug detection and their service, apart from some training exercises, will be wholly on prison property. In these circumstances it is considered that similar provisions to those proposed for the police are not necessary. However, those employees of the
Crown need protection. The Opposition does not oppose this Bill, and I commend it to the House.

Mr TREWIN (Benalla)—The National Party supports the Bill which deals with the determination of the owner of a dog in the case of a person under the age of eighteen years, two or three minor interpretations as to when a dog is on a property, when a dog attacks farm animals or animals used in farming and with the handling of dogs used in the course of duty by police officers.

It is well worth mentioning that a dog is considered to be man's best friend. One could tell many stories of the faith and loyalty of dogs watching over their masters. One could also tell many stories of the attributes of dogs in work, whether on the farm or in other areas where they are used. Only about three weeks ago six samoyed dogs were on the front steps of Parliament House to advertise the coming snow season, whenever that will be. I mention that to show that dogs are used in many areas of daily life.

The several amendments before the House refer to activities in which dogs are used and to how dogs are dealt with when they are not cared for properly. It is well known that every dog must have a collar and a tag. It must be registered in the municipality in which it is owned. Some people conveniently forget to do this, and the dogs become strays. A person nominated as a proper officer is appointed by the municipality. He has the responsibility of collecting a dog if complaints are brought to him or if a dog is a nuisance. The proper officer must take charge and carry out the normal processes of disposing of the dog if no one collects it within a certain time. That is the practice in any municipality.

The interpretation of certain portions of the Dog Act have been altered to suit circumstances of the day, and in the metropolitan area and in the country a dog must be kept on a chain at night or kept in a yard from which it cannot escape. The words "wander at large" have now been changed to include "outside the premises of the owner". On many occasions car yards which normally have high fences around them are protected by German shepherd dogs which, more than any other breed, are used for security purposes. Sometimes one wonders why that is so, because a blue heeler or a blue heeler cross dog is as good a watch dog as one could want. If a dog wanders outside the premises of the owner, irrespective of how it gets out, the owner is responsible.

It does not happen often in rural areas but in the metropolitan area where municipalities are not far apart dogs may wander from one municipality to another. The provisions applying in one municipality will now apply to an adjoining municipality. A small amendment has been made to clarify the position.

A further amendment proposed in the measure will assist the small farmers who live close to metropolitan or rural city areas. On occasions dogs wander into particular localities. It is interesting to note that, prior to this measure coming before the House, the definition of animals did not cover all the animals which are now engaged in farming operations. One animal in particular is the goat, especially with the current popularity of goat farming. The provision is being altered so that it will refer to animals or birds kept for farming purposes.

The provision will be wider within the Dog Act, but basically animals not connected with farming could cause harm or damage to any of the animals which are used in farming pursuits.

There is no provision for the disposal of wild dogs, this coming under another Act, but the problem has arisen during the past couple of years. One finds that people get tired of keeping a dog. People purchase a pedigree dog and when the dog appears at a show and wins a prize, no matter how large of small the show is, the dog becomes the hero or heroine of the family. However after another four or five shows extending over one or two years and the dog does not win any further prizes, it loses its attraction for the family.
In many instances, instead of the dog being destroyed or sold to another dog lover, it is allowed to wander off and this leads to the problems in some of the closer rural areas of Melbourne and the hilly areas of the countryside where wild dogs are found. Many people claim that the worst type of wild dog is a dingo, but I consider that the worst type of wild dog is a domestic dog which has gone wild and cross-bred with whatever happens to come along. Perhaps a fox terrier, greyhound or German shepherd will be released and in turn that dog breeds with a dog in which two or three other breeds have been knitted and welded together. One then finishes up with a dog which can be vicious, become very angry or even a killer dog.

In my electorate, which is rural in nature, but which adjoins a forest area and timbered country, many farmers find that they cannot graze sheep because of the problem of wild dogs. This has come about because the dogs have been left to wander or even left by the roadside and subsequently they have cross-bred with whatever has been about and the problem arises.

One of the most important features of the Bill is the clause which relates to handlers of police dogs. As has already been mentioned by the honorable member for Heatherton, a case involving a police officer is still before the courts. Honorable members know that the handlers of police dogs, which are usually German shepherd dogs, treat the dogs very well. Most dogs will respond to proper treatment—if every dog were treated properly many of the problems would not arise. With the larger dogs, even if they are on a leash when they are outside, they tend to jump up on someone and have even accidentally knocked people over. With police dogs, they are well trained but I have also seen watchmen with this type of dog carrying out certain duties with the dog on a leash. When I have been talking to a watchman in this situation, on occasions the dog has jumped up and put his paws on my chest. If one is not properly awake one could receive an awful fright.

The measure clarifies the position of the police officer who has to handle these dogs for a particular purpose. The main purpose of using police dogs is the discovery of drugs in the community, in storage areas or other places where police officers may consider the drugs are hidden.

The Bill amends certain provisions of the Dog Act which have been causing concern. As I mentioned earlier, one area of concern related to ownership of a dog and the need to have a person who is responsible and who can support a minor who owns a dog. Today a person, before obtaining the ripe old age of 18 years, can accept grave responsibilities and this measure is extending the coverage to allow that person to own a dog by providing that a parent or guardian can be the person who is accepted as being responsible for the ownership of the dog.

The National Party hopes there will be adequate opportunity for municipalities to dispose of unwanted dogs and to ensure that dogs are kept off the streets. Quite recently a friend of mine who lives in Caulfield and who regularly walks the family dog at 10 p.m., stated to me that one does not realize how many dogs there are in the neighbourhood until one takes a walk in the evening. The noise of one's footsteps on the footpath leads to the awakening of all dogs in the vicinity, and this regularly occurs when this friend of mine is exercising his dog to ensure that it receives proper care.

It is worth telling a little story about two dogs to illustrate the breeds and types of dogs available in the community. The story refers to a Daschund, which is a small, short-legged dog, and a German shepherd which is a larger dog. The story is set in Somerset, England. The dogs were walking in the snow and the German shepherd dog, after ploughing through the snow, lifted one leg and said, "My word, my foot is cold." The Daschund replied, "You think you have trouble, sir!"
This measure is responsible legislation and is supported by the National Party which thanks the Government and the Minister for ensuring that it was presented to the Parliament.

The motion was agreed to.

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

PROTECTION OF ANIMALS (AMENDMENT) BILL

The debate (adjourned from April 17) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Mr MATHEWS (Oakleigh)—I move:

That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until a Joint Select Committee has reported on all aspects of animal welfare, particularly those aspects recommended by the Statute Law Revision Committee and the Royal Society for the Prevention of Cruelty to Animals and those previously foreshadowed by the Government”.

The ACTING SPEAKER (Mr Skeggs)—Is the amendment seconded?

Dr COGHILL (Werribee)—I second the amendment.

Mr MATHEWS (Oakleigh)—It should be possible for the Bill to be discussed in a way which will establish common ground and identify common goals on the part of all honorable members, irrespective of where they sit around this Chamber. It is the belief of Opposition members that such a purpose would be served most effectively if a Select Committee of this House were established to examine animal welfare and protection in all its aspects.

The Bill, as it has been presented to honorable members, is an important piece of legislation representing, as it does, the first occasion on which the Protection of Animals Act has been opened for significant amendment since 1966—the first time in fourteen years—and yet the Bill is deficient in three important aspects.

In the first instance, the Bill fails to honour important undertakings which were given on behalf of the Government by the responsible Minister, the then Minister for Local Government, the Honorable Alan Hunt, at the time of the election last year.

Secondly, the Bill fails to give effect in its entirety to the most important recommendation so far brought down as a result of the work of the Statute Law Revision Committee in this field.

Finally, the Bill fails to give expression to the recommendations of the most experienced organization working on behalf of the community in this area, and indeed on behalf of the Government and with assistance from the Government, namely, the Royal Society for the Prevention of Cruelty to Animals.

It would be possible to approach the thrust of this Bill on an emotional level but I take it that it is common ground around this House that there is a real need in society for the Protection of Animals Act; that the Government was right in 1966 when it first brought forward its Protection of Animals Act, and that it is right again on this occasion when it recognizes the need for that Act to be strengthened. If anyone is in doubt on that point they would need to do no more than read reports which appeared in Melbourne newspapers on 15 March this year concerning an incident of cruelty which, although extraordinary, is all too typical of the world in which we live. I quote one of these reports which refers to the death of a large number of goats on a property outside Metcalfe. The report states:

Bendigo RSPCA officer Mr John Snowball said he told Mr Robertson on February 24 to move the weaker animals from the property.

Mr Snowball said he was forced to “pester” Mr Robertson for 10 days before the first goats were removed.

He said that during that time, hundreds of goats, including does in kid, suffered agonising and unnecessary deaths.

Mr Robertson said the goats he destroyed this week did not suffer from malnutrition.

He said: “There was nothing wrong with them that a few weeks in the paddock wouldn’t have fixed.

“But such pressure was brought to bear on me that I had to put them down.”

He said the operation was senseless slaughter done to placate the RSPCA and animal lovers who had branded him an ogre.
Most of the goats were processed into blood and bone, he said.

A Truth team went to the 700-acre property, near the Metcalfe shire offices and the local schoolhouse.

The property resembled a battlefield. Hundreds of dead and dying goats littered the tinder-dry grass which crackled underfoot.

Many goats died in bizarre, almost ritualistic poses, kneeling, necks twisted and bodies distorted.

Some died standing in a marshy pond, an oasis of doom in the stark surroundings.

Too weak to lift their legs out of the ooze, they died on their feet.

Others, huddled together in near freezing morning temperatures, had fallen to the bottom of the herd and were crushed.

Mr Snowball destroyed several kids whose eyes had been picked out by crows.

The stench from rotting carcasses was nauseating. A mass grave of decaying bodies caused a vile smell which some locals claim they can smell when the wind blows their way.

When we got out of the car to photograph the grave a dark cloud of flies ascended momentarily then settled back on to their prey.

It would be possible to go on quoting reports of that type at length, but I do not believe that is necessary. Every honorable member has become all too uncomfortably familiar over recent months with details of the trade in wild horses for the petfood industry. Those horses are brought from Central Australia where 10 000 of them are available every month for rail shipment to Victoria and, in several instances, have become the subject of public scandal as a result of the conditions under which they have been transported and the condition in which they have arrived at their destination.

The uncomfortable fact is that as a community we are not really aware of the dimensions of these problems and the Government cannot say what is the incidence of cruelty to animals in the community or what success has been achieved in enforcing the provisions of the Protection of Animals Act 1966.

The Government seems to have arrived—and rightly I believe—at the conclusion that the Act needs strengthening but, when pressed for details, it is unable to provide them, whether in relation to prosecutions, investigations or inspections. Last year I asked the Chief Secretary, who was then the responsible Minister, the following question on notice:

In respect of animal welfare legislation, how many inspections were carried out in each of the past five years, indicating—

(a) the categories of places inspected;
(b) the designation of the inspectors; and
(c) whether the inspections were made on a routine basis or arose from specific complaints?

The then Chief Secretary replied:

There is no power under the Protection of Animals Act 1966 to enable any person to conduct a routine inspection of any premises or place to determine whether or not the provisions of the Act are being breached.

Details of the number of inspections conducted by police as the result of complaints alleging that the provisions of the Act had been breached are not readily available from the records maintained by the Police Department.

Information in relation to the number of such inspections conducted by the appropriate officers of the Royal Society for the Prevention of Cruelty to Animals and officers of the councils of municipalities is not available to me.

Similarly, I asked the Chief Secretary in respect of animal welfare legislation this question:

How many complaints were—

(a) received;
(b) investigated; and
(c) made the subject of—

(i) successful; and
(ii) unsuccessful prosecutions in each of the past five years?

The Chief Secretary replied on 19 July last year:

Information in relation to complaints made to police, alleging that the provisions of the Protection of Animals Act 1966 had been breached, is not readily available from the records maintained by the Police Department.

Details of complaints which were investigated by the appropriate officers of the Royal Society for the Prevention of Cruelty to Animals and officers of the councils of municipalities are not available to me.

On 11 September 1979, the honorable member for Rodney, who has taken a close interest in these matters, asked the Chief Secretary:

1. Whether there is a requirement under the Protection of Animals Act 1966 that the quarterly return to the Chief Secretary from persons registered to perform vivisection be tabled in Parliament?
2. Whether any person registered under the Act to perform vivisection has been prosecuted for failure to supply a return of animal experiments?

3. Whether he has received quarterly returns for the years 1972 to 1978 from all persons registered to perform vivisection?

4. Whether there is provision for the effective surveillance of experiments performed by registered persons?

5. Whether there is any evidence of any unregistered persons performing animal experiments in Victoria, if so, what are the details?

6. Whether he can give an assurance that no painful animal experiments are being performed in Victoria?

The Chief Secretary at the time replied:

1. There is no such requirement.

2. No.

3. Under the Protection of Animals Regulations made pursuant to section 12 of the Protection of Animals Act 1966, only those practitioners performing experiments under the regulations are required to forward to the Minister a quarterly return relating to such experiments.

Mr MATTHEWS—The amendment which I have moved includes the expression, “particularly those aspects recommended by the Statute Law Revision Committee and the Royal Society for the Prevention of Cruelty to Animals”. As I will be demonstrating shortly, this is the subject of one of the major recommendations put forward by the Royal Society for the Prevention of Cruelty to Animals. The answer supplied by the Chief Secretary continues:

4. There is no surveillance of experiments performed by registered persons.

5. I am not aware of evidence that unregistered persons are performing animal experiments in Victoria.

The ACTING SPEAKER—Order! Would the honorable member for Oakleigh relate the matter of vivisection to the recommendations of the Royal Society for the Prevention of Cruelty to Animals?

Mr MATTHEWS—I have only a few words to go, Mr Acting Speaker, and they are:

6. As far as I am aware all experiments on animals performed in Victoria are in accordance with the Protection of Animals Act 1966 and Protection of Animals Regulations 1974.

The picture which emerges from those three replies to questions on notice is clearly one of complete ignorance on the part of the then Chief Secretary who did not have available to him information on inspections carried out pursuant to the Protection of Animals Act. The Chief Secretary did not have available to him information, either on the number or on the outcome of investigations pursuant to complaints under that Act. He did not have available to him information on the conduct of scientific experiments involving the use of animals which may involve cruelty. In other words, the Chief Secretary was not in a position, nor is the Minister for Conservation now in a position, to give the House or indeed the community at large any assurance that the requirements of the Act are being observed.

At the time of the 1979 elections, the then Minister for Local Government, Mr Hunt, was willing to give specific assurances to the community on action which the Government would take with a view to ensuring that these shortcomings in the Act were overcome. The Minister came to my area on 8 April 1979 and, in the course of an address to a meeting of combined animal welfare and protection organizations, he stated:

There has been consultation of course, at the Ministerial level and there will be continuing consultation but what we have decided to do however is to formalize that consultation by appointing a Ministerial committee on a formal and permanent basis to deal with all matters relating to animal welfare and animal interests. That committee will consist of myself as Minister for Local Government, the Chief Secretary, the Minister for Conservation, the Minister of Agriculture and the Minister for Youth, Sport and Recreation. Below the Ministerial committee, there will be a special back-bench committee chaired by a senior long-serving back-bencher on animal welfare and animal interests.
It will be the job of that Back-bench Committee to maintain constant liaison with animal bodies and keep the Ministers informed of new information, new facts, new issues of which they may not be aware.

At the lay level, we propose in the field of companion animals to establish a Companion Animals Advisory Committee which will have upon it representatives of animal interests, municipal interests and other interests as a formal committee advising the Ministers responsible in this field, on legislation and on matters of administration and on changes which are desirable. One of the first subjects to be referred to that committee will be the Protection of Animals Act and the committee will be asked to advise on amendments which it believes ought to be made to that Act.

At the Parliamentary level, we will continue to use the Statute Law Revision Committee as an all-party, autonomous and independent body not subject to party direction from any source to examine difficult issues and try to overcome what might otherwise be barriers to action. We believe that that is a tried and tested system which ought to be maintained and supported by those who are really concerned for obtaining action in the long term. We propose to extend the right to enforce the Protection of Animals Act to local government rather than having it enforced solely by police and the RSPCA.

We will also specifically authorize approved Animal Welfare Organizations to take proceedings and to apply the returns towards the cost of their administration.

The ACTING SPEAKER (Mr Skeggs)—The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived.

On the motion of Mr MACLELLAN (Minister of Transport), the sitting was continued.

Mr MATHEWS (Oakleigh)—I suggest to the House, those were three very specific assurances which were given to the community at large, as recently as a year ago, and I believe a very large audience of representatives of animal welfare and protection organizations should justly feel a sense of let down and disappointment over the fact that none of those assurances have been translated into legislation through this Protection of Animals (Amendment) Bill 1980. In particular, those organizations would be justified in feeling a sense of disappointment that the companion animals advisory committee, which the Minister for Local Government promised would be established, has not in fact been established, given the fact that the Minister's undertaking included a referral of the Protection of Animals Act to that committee as its first area of responsibility.

Members of the Opposition feel confident that as the Select Committee envisaged, if the amendment were to be set up, it would be possible to translate those election promises on animal welfare into reality.

The second area of deficiency in the Bill is in respect of the recommendation of the Statute Law Revision Committee released last year. Honorable members will recall that the Statute Law Revision Committee concluded that the steel-jawed leg-hold trap can cause pain and suffering to a trapped animal. It stated:

The committee is, therefore, of the opinion that the use of the steel-jawed leg hold trap should be prohibited.

The committee is of the opinion that the methods of trapping should again be reviewed when the results of the world-wide study concerning the whole of the trapping industry are available.

I have not the figures in front of me, but the fact is that that was the conclusion of the committee of this Parliament. The committee recommended:

(a) The possession and use of the steel-jaw leg-hold trap should be prohibited; and

(b) The methods of trapping be again reviewed when the results of the world-wide study concerning the whole of the trapping industry are available.

That decision by the Statute Law Revision Committee was taken against the background of some investigation having been carried out into the results of the use of this particular form of trapping. I quote from a report on the matter in 1975 by Dr Elwood Darke, who accompanied trappers employed by the Vermin and Noxious Weeds Destruction Board on their rounds and compiled a record of what they caught:

In three months the traps caught two dingoes, nine foxes and six wild dogs, some of which had already escaped by chewing off their broken paw.

Also found, mostly dead or dying, were: Nine wild cats, 53 wombats, 105 goannas, 34 eagles, 34 lyrebirds, 16 wallabies, seven possums, seven pigeons, three joey-kangaroos, two hawks, three echidnas, one black snake, one blue-tongued lizard and one currawong.
It might have been expected that after the Statute Law Revision Committee had devoted five years of inquiry into the reference on animal welfare that was given to it by this Government, there might have been some sense of urgency on the part of the Government in seeing that the recommendation of the committee was given legislative form. It is a matter of unhappy record that in fact that has not been done, and the Bill includes a recommendation for a ban on the use of the steel-jawed leg-hold trap only in urban areas.

However, it is in the area of the experience and recommendations of the Royal Society for the Prevention of Cruelty to Animals that the Bill is most seriously deficient. This Government has a high opinion of the Royal Society for the Prevention of Cruelty to Animals. The Minister said in his second-reading speech:

Since the Protection of Animals Act 1966 was transferred to the administration of the Minister for Conservation in July 1979, departmental officers have had long and detailed discussions with officers of the Royal Society for the Prevention of Cruelty to Animals on the problems which the society has met in operating under the provisions of the present Act.

As the major animal welfare organization in Victoria, the Royal Society for the Prevention of Cruelty to Animals is well placed to monitor community attitudes and advise the Government on changes which it considers necessary in the legislation from time to time.

In fact, one of the jobs of the society is detailed in the schedule to the Royal Society for the Prevention of Cruelty to Animals Act 1966 as "procuring the passage of such legislation as may be thought expedient", and therefore it is competent for the society to make recommendations to the Government on amendments to animal welfare legislation.

In the fourteen years that have gone by since the Protection of Animals Act was first adopted in 1966, the Royal Society for the Prevention of Cruelty to Animals has had ample opportunity to explore and recognize the limitations of that Act because, after all, the Government has delegated to the society the major role in enforcement of the Act. It is the society, with its limited resources, which has to follow up the enormous volume of complaints involving animal cruelty, which flow into its Burwood headquarters day in day out.

Mr. Mathews said:

Mr Burgin—Where do most of them come from?

Mr. MATTHEWS—Most of the complaints coming into the Burwood headquarters of the Royal Society for the Prevention of Cruelty to Animals originate, I suppose as one might expect, from the metropolitan area.

Mr Burgin—Why would you expect it?

The ACTING SPEAKER (Mr Skeggs)—The honorable member should ignore interjections.

Mr. MATTHEWS—The Royal Society for the Prevention of Cruelty to Animals, having positively identified offences against the Act of 1966, has the responsibility of prosecuting in the courts and seeing that convictions are obtained. As a result, both of its experience in following up complaints where the power of routine inspection is not available to it, as a result of the problems it has experienced in obtaining convictions under the Act in its present form, the Royal Society for the Prevention of Cruelty to Animals put forward to the Government detailed proposals for a redrafting of the legislation. It is fair to say it has been a source of considerable shock and disappointment to the society that overwhelmingly the recommendations embodied in that draft legislation have been knocked back.

It is an extraordinary situation when one considers that last year the Government paid the Royal Society for the Prevention of Cruelty to Animals $130,000, and this year it will pay it $160,000 for services rendered in terms of enforcement of the provision of the Protection of Animals Act 1966, and also for guidance and advice on the subject of prevention of cruelty to animals. But the Government, having received that advice on the basis of all accumulated experience, has not been prepared to translate the recommendations of the society and give them legislative form. In the past the Royal Society for the Prevention of Cruelty to Animals has always been a relatively acquiescent organization so far as this Government is concerned.
On one celebrated occasion, I understand when the former Leader of the Opposition in the Upper House was moving one of the many private members' Bills seeking greater welfare and better protection for animals, the Minister of the day had the secretary of the Royal Society for the Prevention of Cruelty to Animals sitting in the adviser's box prompting him in his replies in the debate. But on this occasion, the Royal Society for the Prevention of Cruelty to Animals has been, not to mince words, disgusted with the attitude the Government has taken and, indeed it held the first public meeting since its establishment in the last century, to protest against the discrepancy that exists between this Bill and the proposals that the Royal Society for the Prevention of Cruelty to Animals had put forward as the basis for the Bill. They held that meeting at their Burwood headquarters. The news release on the subject reads:

A Public Meeting to discuss the implications of Amendments to the Protection of Animals Act will be held at the premises of the R.S.P.C.A. on Monday, April 28, 1980, at 7.30 p.m.

The Society has already publicised its opposition to the Act, introduced into the Victorian Parliament this month.

A report, following the release of that statement by the Royal Society for the Prevention of Cruelty to Animals, was published in the Age on 12 April, and it quoted the society's president as follows:

To some degree the reputation of the RSPCA as being ineffectual has been a result of the law, which is magnificently ineffectual and is not getting much better.

The State Government has been deliberating on a bill to amend the Protection of Animals Act of 1966 but has ignored most recommendations made by the RSPCA to the Minister for Conservation, Mr. Houghton, to bring the regulations up to even a minimum standard.

"Our minimum requirements are certainly not radical," says Dr Wirth. "The bill is a farce."

The RSPCA put an advertisement in the daily Press last week to voice its disapproval publicly.

Members of this House who have had anything to do with the Royal Society for the Prevention of Cruelty to Animals over the years will agree with Dr Wirth's assessment that the society is not a radical body. It is not a body that at any time has sought to put forward extreme views or extreme requirements in this area of animal welfare and animal protection. It is a body that has been careful to keep in step with community opinion as the society identified that opinion. I think it is fair to say that the society has reached a point of frustration and desperation in trying to give effect to the aspirations and goals that were behind the Protection of Animals Act 1966, but which were given inadequate administrative enforcement and judicial effect in that Act.

It is for that reason that the Royal Society for the Prevention of Cruelty to Animals approached the Government in plenty of time with a thorough draft Bill which in the view of the society, would have led to those goals and aspirations which the Parliament had before it in 1966, finally after a fourteen-year delay, being given effect.

As I said at the outset, it should be possible for this Protection of Animals (Amendment) Bill to be discussed in a way which will establish common ground on the part of members around the Chamber which will identify goals to which they can all subscribe and which will give effect to matters about which there is a growing body of community concern. Members of the Opposition hope the Government will respond to the amendment which has been moved calling for a Select Committee which will have no other business than to look into the subject of animal welfare and protection.

Mr Acting Speaker, you would agree that the reference of this topic to the Statute Law Revision Committee has been largely ineffectual, as a result of the other pressures of business that bear down on the committee. The committee has never been able to give its undivided attention to the reference that it received five years ago because of the other topics it has had to consider. I am not reflecting in any way on the industry of the committee by recording the fact that only two of a great number of specific references on ani-
mal welfare have been finalized over that five year period, and the second of them has been contemptuously tossed aside by the Government. It is not a remarkable or reassuring record for the people who have a concern in this field of animal welfare to contemplate.

Members of the Opposition believe the concern which has arisen as a result of the necessarily slow pace of work by the Statute Law Revision Committee on this matter could be remedied if a Select Committee were appointed. If the proposal for a Select Committee is not acceptable to the Government, members of the Opposition will move a series of amendments which simply bring the Bill into line with the recommendations that the Royal Society for the Prevention of Cruelty to Animals has put forward, confident that those recommendations represent the distilled wisdom and experience of the body in the community which has had the greatest opportunity of seeing the problem and understanding it in all its aspects.

The ACTING SPEAKER (Mr Skeggs) —Order! Honorable members now speaking to the Bill will be deemed to be speaking to the second-reading motion and the reasoned amendment.

Mr B. J. EVANS (Gippsland East)—The honorable member for Oakleigh made a plea to the House to support an amendment which he has put forward on the basis of seeking a consensus on the question of protection of animals, believing it is possible to find common ground. He went on to make it abundantly clear that the only basis on which he would accept a decision on common ground was on his own ground. Without hesitation I say I can see no possibility of reconciling my point of view with the point of view that the honorable member for Oakleigh has been expressing.

This is just the first step in what will be a long and hard battle with the growing activities in the community of so-called animal libbers who are irrational and emotional in their arguments and who have no real concept of what goes on in the animal kingdom. Cruelty is rife from one end of the animal kingdom to the other. Probably the most cruel of all is man's cruelty to his own kind. A lot more could be done and those people would be serving mankind and animal kind better by doing something about that than by making over-emotional comments in this matter.

I am not happy with many of the provisions of the Bill which go too far. The first sub-clause in the definition of cruelty refers to a person who wounds, mutilates, tortures, over-rides and so on. A jockey riding a horse up the straight on a Saturday is over-riding the horse. The provision includes the word "beats". Does not a jockey beat a horse when riding it up the straight to win a race? I am sure that worries the horse. It may be tormenting or torturing the animal. It may torture a dog to hold it in check when it wants to kill a rabbit or other animal because it is natural for the dog to want to kill. People say that we must not torment a dog, but that we should restrain it when it wants to kill another animal.

The Bill also canvasses the prospect of the banning of steel rabbit traps, the jaws of which close upon one another. I should like to know whether advocates of that course of action have ever considered the alternatives. Would they rather have a rabbit die from myxomatosis? Have they ever seen a rabbit with myxomatosis? Of course they would have to ban it because it is infinitely more cruel than the rabbit trap. The eyes of the rabbit fill with pus, and the blinded animal dies a slow, agonizing death from starvation. Is that preferable to its being caught in a rabbit trap? What is the alternative if both rabbit traps and myxomatosis are banned, because they are both obviously cruel? There will be rabbits in plague proportions, as in years gone by, starving not only themselves to death but all wildlife in the area. Is that the alternative? Where is the logic of the argument? The people who put forward these ideas do not know what they are talking about: I
hope the Minister reflects the attitude of his interjections in the legislation, if he has influence in the future, because there will be a long hard battle on these areas.

Much of the Bill will concern people on the land with normal farming practices although I concede that one clause in the Bill provides for the exemption of normally accepted farming practices. That clause is extremely vital to me because without it the Bill would be totally unacceptable to the rural community. I agree with the honorable member for Portland that it is the guts of the Bill, and without it people who carry out farming operations would be in dire straits. How can anybody, for example, husband sheep without running into conflict with many of the provisions of cruelty? One might also pose the question: If it is acceptable farming practice and therefore not cruel, how could the same thing be cruel if it is not acceptable farming practice and is carried out in other circumstances? The same sort of thing is happening to the same sort of animal. In one case it is cruel according to the law, and in another case it is not.

This Bill goes as far as to say that it is cruel to catch a rabbit in town and not cruel to catch a rabbit in a rabbit trap in the country. The Bill is getting to the point of absurdity. The Minister interjects that the purpose is to avoid catching dogs and cats, but there are dogs and cats in the bush and also children, who occasionally are caught in rabbit traps. As a child I have been caught in a rabbit trap. That type of provision makes the whole Bill ridiculous.

The honorable member for Oakleigh relied to a degree on a report by Dr Elwood Dark. Obviously he has not heard about Dr Elwood Dark because the report which he quoted was the result of an alleged statement made by Dr Dark when he was given permission by the Vermin and Noxious Weeds Destruction Board to go with a dog trapper into the Bendock area in East Gippsland. When the report came out, it naturally worried me that such a thing could happen, but on reflection I could see that there was something wrong with the report. Dog trappers are not idiots. They do not go about setting dog traps in such a way that they will catch magpies, lyre birds and things of that nature.

Do honorable members believe those dog trappers do all that had work, and it is hard and lonely work, in the back blocks, setting traps for dogs that will catch small animals? Those trappers have more sense than that. On rare occasions they catch other than dogs but they try to make sure that they are as cunning as the dogs are, because that is the only way to catch the dogs. They use all their wiles to make sure they catch a dog and not other animals in the traps.

Admittedly there are occasions when they do, and on this occasion a lyre bird happened to get its claw caught in a dog trap. The trappers do not set out to catch the things listed by the honorable member for Oakleigh. The trapper hopped out of the land rover that he was driving to release the lyre bird, which would have hobbled around for a few days and survived but before he could do that Dr Dark shot the bird.

When I heard these reports I endeavoured to find out the background of Dr Dark. I went to the Parliamentary Library and asked whether I could find out the qualifications of a Dr Elwood Dark. The Librarian assured me that the Library provided that sort of record and if it did not have it, it would obtain the information from La Trobe University. After some days, the report came back to me that no record of a Dr Dark could be found. Apparently he had never written a thesis to obtain his alleged doctorate. Some time later I was at a police function in the far eastern area of Gippsland at Cann River and the question came up for discussion. Because of certain knowledge he had of activities in the area, one of the local policemen said he would be interested to know a little more about Dr Dark. He said he would be interested if I could help to unearth the gentleman who seemed to be difficult
to find. I requested that a bit of a study be done on Dr Dark, because he was not an Australian by birth, and on the circumstances of his admission to this country. I found that he was a British citizen who was being sought by Interpol because at that stage he was suspected of some 37 cases of false pretences. That is the background of the authority that the honorable member is using. The Statute Law Revision Committee also was given this report as an authoritative report on what takes place when a Lands Department dog trapper goes about the business of keeping down the wild dogs which are becoming increasingly prevalent in the mountain country in the eastern portion of this State.

If one is talking about cruelty, I wonder whether some people have ever seen what dogs can do to sheep. Do they kill them quickly and cleanly, or do they just tear their throats out and leave them slowly bleeding to death, or what happens to them? How many hours do they spend worrying sheep? I can assure honorable members that they do that in no uncertain terms and in increasing numbers.

The honorable member for Lowan reminds me of an important point. A very high proportion of these dogs originate from people who take dogs into the mountain country and lose them, deliberately or otherwise. In some respects the abandonment of a dog could be regarded as cruelty under the terms of the Act. If one looks at the situation objectively, many of those dogs would probably be living in their wild, natural state, the way Nature intended them to live, so is it cruelty? Yet the definition in the Act says it is cruelty. These are anomalies which must be given serious thought.

My colleagues in the National Party and I are 100 per cent behind the point of view that we do not believe the legislation needs tightening up at all. We believe there is a need for more positive policing of the existing legislation because none of us would support unnecessary cruelty to any animal. Those of us engaged in animal production of various kinds probably have far more care for animals of all kinds than the people who are our critics. Frankly, much of the violence prevalent in big cities today could be avoided if every child had the care of a dumb animal at some stage during his life and learned to love and care for an animal that was dependent upon him; but too many city children never have that opportunity and that is where much of the cruelty arises.

If the honorable member for Oakleigh devoted more of his emotions towards those sorts of problems, he would be doing much more for the community than by advocating illogical, over-emotional approaches to the question of the protection of animals.

Mr Coleman (Syndal)—On 28 April, the RSPCA held a public meeting at its headquarters which the president indicated was the first public meeting held by the association since its formation. At that meeting, Dr Wirth, the president, reiterated some of the things that had led up to the introduction of this Bill. He went on to state that the RSPCA accepted four of the propositions included in the Bill.

The four propositions accepted by the association were that the increase in penalties was necessary and no-one would dispute that the penalties in the old Act were too low. The association supports the section 4 amendment which embraces sections 4 and 5 of the old Act. The new section 4 makes very similar provision to the provisions of the old Act. He indicated that the aggravated cruelty, as it is expressed in clause 5, was a welcome provision and went on to indicate that the prosecution processes will be much improved. As I understand the amendment proposed by the honorable member for Oakleigh, all of that will be thrown out and whatever has been achieved by the RSPCA will be put to one side while the Select Committee investigates the matter all over again. That would be a retrograde step and the RSPCA would believe that to be the case, too.

It was less than twelve months ago that the honorable member for Oakleigh was an outspoken critic of the RSPCA and at that time called for an investigation into the way the association was
handling Government funds. That preceded a meeting which was held in the Oakleigh electorate where he quoted from an undertaking given by the Minister for Local Government at the time.

At the meeting held on 28 April, Dr Wirth indicated that there were three deletions from the Bill which the RSPCA thought ought to have been included. One of those was transportation of animals; another was experimentation and the third was disposal. So far as experimentation and disposal are concerned, those matters are still before the Statute Law Revision Committee and all honorable members await that committee's deliberations. So far as transportation is concerned, a code ought to be developed to enable the Ministry of Transport to have an input into the way animals are transported in this State, and I hope that point can be reached.

There is criticism of the clause in the Bill referring to traps being used in cities, towns and populous areas and the exemption that goes with that. The New South Wales legislation, which was supposed to be the paragon of all virtue, provides in clause 22 that a person shall not, in a prescribed area of New South Wales, set a prescribed trap. That would seem to allow all sorts of outlets. The Bill before the House specifies where traps may be used whereas the New South Wales Act prescribes areas that can be altered at any time.

The Bill exempts certain practices which would be accepted farming practice. If the RSPCA has any criticism, it is of this clause. The society states that the exemption will enable the farming community to be outside the normal, accepted code for others in the State. I hope that the point can be reached where codes of practice will be set, especially for intensive farming which is being carried on in Victoria. In my view, the intensive farming practices—that is, the keeping of fowls in close range, the keeping of pigs in close range, the lot feeding of cattle—ought to have parameters established so that community norms can be set for this new development.

When one examines extensive farming practices where the controls that can be exercised in intensive farming practices are not available, then it will be difficult to set down codes. In extensive farming, Nature is very much the dominant factor in the organization of farming practice. Although the Bill does not achieve it, I hope codes can be provided by regulation to ensure that those people embarking upon intensive farming practices conduct their activities in such a manner as will not cause anguish to the community as a whole, to the RSPCA or to any of the other protection bodies.

The Bill provides for increases in penalties which are substantial enough to be a deterrent to those who may habitually mistreat animals. Here, it is only a very small proportion of the population that is being dealt with. A large proportion of people have a caring nature for animals, be it for their own pleasure or for their own profit. I hope the Bill can go ahead in its present state and that the codes that should rightly belong with it can be further developed.

Dr COGHILL (Werribee)—I congratulate the honorable member for Oakleigh on a thorough and careful consideration of this sensitive issue. His presentation and consideration of the issue are in marked contrast to the very emotional response of the honorable member for Gippsland East. If one examines the arguments put forward by the honorable member for Gippsland East, they are the ones based on emotions, the ones based on quite absurd interpretations of the principal Act and the amendments before the House, interpretations which would certainly not be endorsed by most courts in this State. If anyone in this debate to date has spoken with deep emotion on the matter, and thus misrepresented it, it is the honorable member for Gippsland East.

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The honorable member for Syndal made some reference to the New South Wales Act, suggesting that some people saw it as the paragon of all virtue. I suggest to honorable members that those who have most misrepresented the New South Wales Act are the conservative New South Wales Opposition members.
If one takes the trouble to obtain a copy of the Act, as I have done, and to study it, one sees that it is not very different from the Act which has been proclaimed in Victoria since 1956. There are not such wide differences as have been implied by conservative New South Wales politicians in both the Liberal Party and the New South Wales Country Party.

The honorable member for Noble Park made a valuable contribution to the debate on this subject when he spoke at a meeting in Oakleigh in April last year and I hope honorable members will hear his considered view presented again this evening. At that meeting on 8 April 1979, the then Minister for Local Government, Mr Alan Hunt, said that this issue ought not to be a party political issue. That sentiment has been endorsed by the honorable member for Oakleigh and is also endorsed by me. It ought not to be a party political issue.

The then Minister for Local Government went on to say that the views of the community on the question of animal welfare and interests had changed. That is something with which all honorable members who are familiar with the area will agree. The definition accepted by the community in regard to cruelty is certainly changing. In the past some persons held the view—a view which is still held by some—that cruelty is simply defined as physical violence or deprivation of food and water.

The community is coming to accept a much broader definition than that. To provide a summary of that view, I will quote a statement that was made by some eminent British sociologists including J. S. Huxley who said:

As scientists familiar with the behaviour of animals, we agree strongly with the Bramble Committee that every possible step must be taken to prevent a degree of confinement of an animal which necessarily frustrates most of the major activities which make up its natural behaviour.

That is a very different philosophical definition to that which has prevailed in the past. The older, narrower definition of cruelty involves physical injury, loss of weight, failure to grow or even death but not much beyond that.

Dr Coghill

The broader definition may involve preventing animals exercising their limbs in the normal manner. That is the type of disparity which exists but the wider definition is now gaining increased acceptance over the older, much more restrictive view which has been traditionally accepted in the community. That broader definition is the basis of the objections to the present live horse export trade to Japan.

There is some danger to the health of horses in that trade, as honorable members would be aware but for many persons the basis of the objection is the restriction of those animals in a very tight, small compartment for 14 to 21 days while they are on the ship between Australia and Japan. I have a lot of sympathy with that view and if it is possible to replace that trade with a carcase export trade, I endorse it.

The trends in community opinion on animal welfare are trends which Parliamentarians can only ignore at their peril. They are trends which the Government can only ignore at its peril. That peril was recognised by the former Minister for Local Government in the statements he made in Oakleigh last year. The then Minister suggested that the matter was one which should be for the individual conscience of honorable members. That will become apparent when one hears different members of the Liberal Party debating the issue because it is well known that there are deep philosophical divisions in the Government on this issue.

The then Minister went on to make some specific promises before the last election. These promises have been well outlined by the honorable member for Oakleigh. The promises, which were part of the Government’s election platform at the last election, were firstly for a Ministerial committee to coordinate the activities of Ministers having some responsibility related to animal welfare and, secondly, to set up what the then Minister described as a “special back-bench committee” and he suggested that one of its duties would be liaison with animal bodies. I am not
quite sure what sort of liaisons with what sort of animals the then Minister was proposing, but that is what the honorable gentleman said.

The Minister went on to suggest that the Government would establish a companion animals advisory committee. Each of those promises would have been worth while and valuable. The persons who attended that meeting and those who heard of that meeting expected the Government to implement those promises after its re-election. That has not happened. Not one of those promises has been kept and that in itself has made the issue a political one.

Mr Ross-Edwards—Were they promises?

Dr COGHILL—They were deliberate promises by the then Minister.

Mr Collins—I was there as well.

Dr COGHILL—Yes, and I have an exact transcript of what the then Minister said.

The ACTING SPEAKER (Mr Skeggs) —Order! There are too many interjections. The honorable member for Werribee will continue without the further interruption.

Dr COGHILL—Because the Government has failed to implement its promises, other bodies have attempted to fill the gap and one of those is the Australian Veterinary Association, Victorian Division. The immediate past president of that body, Dr. Hogarth-Scott, has proposed—and it has been accepted—that there should be a Joint Advisory Committee on Pets in Society.

Had the Government proceeded with its promised companion animals advisory committee, that would not have been necessary, but because the Government failed to act the veterinary association and its leaders in Victoria have found it essential that they take the initiative. The proposed committee will have these objectives:

1. To examine and review the role of companion animals in society.
2. To formulate guidelines for the successful integration of companion animals in the community.
3. To advise Government and other interested parties on:
   - The solution to problems of companion animals in society;
   - Improved social responsibility by owners of companion animals; and
   - the needs of companion animals and responsible owners.

I congratulate Dr Hogarth-Scott and the others who have sponsored those proposals because they are very welcome and will play an important role.

The next step which, it is to be hoped, will be accepted by the Government, is that the Government accepts a position or positions on that committee. However, in so accepting those positions, the Government will not be honouring its election promises. This is a separate, distinct proposal which has arisen because the Government has failed to keep its promise.

The Joint Advisory Committee on Pets in Society, will have different membership, powers and roles from that announced by the then Minister for Local Government. However, it will play a valuable role when it is established.

The most valuable suggestion made by the then Minister was that there should be a committee of Parliamentarians to examine animal welfare issues and the proposal is essentially the same as that included in the amendment moved by the honorable member for Oakleigh, which I strongly urge all honorable members to support.

Mr BURGIN (Polwarth)—I support the Bill in its entirety. I am surprised that the Opposition finds cause to reject the Bill by the amendment moved because it is a Bill which has been needed for a number of years. The Bill tightens up the cruelty that can be done to animals and the offences that can be created because of cruelty.

It is a big step forward for the Royal Society for the Prevention of Cruelty to Animals. From my discussions with members of the society, I felt that was its opinion too. However, the Opposition believes that the Bill is not worthy of discussion and honorable members opposite are willing to discard it completely and leave everything in abeyance for many more months. The
Opposition had better go back and talk to the society and establish whether that is what the society wants because I do not believe it is.

During the debate no honorable member mentioned some of the clauses contained in the Bill that relate to an offence of cruelty to animals and, at the risk of taking up the time of this House, I intend to read those proposals so that anyone who reads Hansard in the future will know what the Bill contains instead of reading what the Opposition says is not in the Bill. Clause 4 (1) states:

For the purposes of this Act a person commits an act of cruelty if—

(a) he wounds, mutilates, tortures, over­rides, overdrives, overworks, abuses, beats, worries, torments or terrifies an animal;
(b) he knowingly overloads or overcrowds an animal;
(c) he knowingly or negligently does or omits to do an act with the result that unnecessary, unreasonable or unjustifiable pain or suffering is caused to an animal;
(d) he conveys, carries or packs an animal in such a manner or position as to subject the animal to unnecessary pain or suffering;
(e) he knowingly or negligently works, rides, drives or uses an animal when it is unfit for the purpose;
(f) he drives, conveys or kills an animal in any manner or position or circumstances involving unnecessary pain or suffering to the animal;
(g) having the possession or custody of an animal which is confined or otherwise unable to provide for itself he omits to provide the animal with proper and sufficient food, drink and shelter;
(h) being the owner of a dog which is habitually or usually tethered or kept in close confinement he fails to exercise the dog for a reasonable time each day;
(i) he sells, offers for sale, purchases, drives or conveys a calf which appears to be unfit by reason of weakness to be sold or purchased or to be driven or conveyed to its intended destination; or
(j) he abandons an animal of a species ordinarily kept in a state of confinement or for a domestic purpose.

(2) A person shall not commit an act of cruelty upon an animal.

These are the clauses the Opposition wishes to throw out and not have debated. It is difficult to understand because the clause is one of the tightest wordings on cruelty to animals that could ever be produced in a Bill.

The honorable member for Oakleigh made a reasoned speech on the subject and I appreciate his views; he has his point of view and I have mine. I might have some knowledge the honorable member does not have and he certainly has knowledge that I do not have. However, the honorable member did mention—and this was verging on the emotional—a press article on a very severe case of cruelty to animals, that is, goats being held in the Bendigo area. All I have to go on are the news reports that were referred to, and they certainly seem to describe shocking deaths. Cruelty to animals was involved and something should be done about it. I believe it was done.

I shall transfer that situation to the farmer. Naturally, I am leading to an explanation of why the Bill should include an exemption for accepted farming practices. I shall put forward a hypothetical situation involving the shearing of sheep. Before being shorn, the sheep have had to go without food for 12 hours and after being shorn they go out to a sheltered paddock. I happen to live near the southern ocean, which may not be important, but in that area we get blizzards, just as the plains in the Western District do. The sheep would be in good condition, having just been shorn, but if a blizzard blows up the farmer may have to spend all night looking after the animals because they will crowd away from the wind and gather at the farthest fence. They may smother, their fat may solidify and they may die. If the wording of the Bill were taken at its face value, despite the fact that the farmer may have spent all night tending his animals and may be just as exhausted as the sheep he has looked after—and he will probably have lost 20 or 30 sheep which will have died in unnatural conditions and in horrible positions—he could be found guilty of cruelty.

Dr Coghill—What court would convict him of that?

Mr BURGIN—If the wording of the Bill were taken at its face value and there is no exemption for that type of situation, what court may not convict him of it? Should he have known that the blizzard...
was going to come? It is very easy for a young— I was going to say "wet behind the ears" veterinarian, but I shall withdraw it—

The ACTING SPEAKER (Mr Skeggs) —Order! I am pleased that the honorable member has withdrawn the remark because it is unparliamentary.

Mr BURGIN—A young veterinarian whose education was probably subsidized— I do not know whether he has ever worked with large animals because most veterinarians today seem to prefer working with small pets in the metropolitan area—to say that sort of thing. It was only a few years ago that farmers had difficulty in persuading veterinarians to come to farms to look after the big animals in which I am interested, but things are changing. The situation is getting worse in the city. It is interesting that the honorable member for Werribee, who is a veterinary surgeon, pointed out that the association of veterinary surgeons has taken up a particular aspect of this matter. What aspect did the association take up? Not the big farm animals with whom most of the husbandry occurs, but the companion animals for humans. I wonder why that is so.

An Honorable Member—There is more money in that area.

Mr BURGIN—That is what it is all about. That is all a lot of these people are interested in. I do not want to be emotional about these matters, but I shall put forward the point of view of the farming community. I will not let the farming community down on matters that I know something about in comparison with people from the metropolitan area who may have no experience in them. I will discuss these matters any time and endeavour to put my point of view forward.

The Bill lists the acts of cruelty and then, in proposed new section 5(1), provides:

For the purposes of this Act, a person commits an act of aggravated cruelty upon an animal if he commits an act of cruelty upon the animal that results in the death, deformity or serious disablement of the animal.

I was interested to hear the honorable member for Oakleigh, in answer to an interjection of mine, state that most complaints made to the Royal Society for the Prevention of Cruelty to Animals come from the metropolitan area. That would also be my assessment of the situation. There is a grave problem in that people who own pets and the proprietors of pet shops are often unaware of how to look after the pets for which they are responsible. I do not know how it is possible to educate them, but it would be wonderful if that could be done. The farming community and residents of the metropolitan area who know how to look after pets know that a pet is one of the finest assets a family can have. Everything possible should be done to ensure that cruelty involving pets does not take place.

I shall now make several points to illustrate why farmers believe generally accepted farming practices should be exempted from the provisions of the Bill. I have mentioned the shearing of sheep, and I will continue to use that example. If one takes this to extremes, cruelty would certainly be involved in the shearing process. I shall take the words from the Bill.

Dr Coghill—How would shearing be cruel?

Mr BURGIN—if there is no exemption it would be inevitable. If the honorable member for Werribee does not know that, he should have a look at a shearing shed in action. The shearer must worry the sheep because it is not natural. It must be strange for the sheep to go to the shearing shed to be shorn. The shearer must torment the sheep, because he puts it in many different positions. He must terrify the sheep, because the sheep is not used to sitting there and is not used to being handled by man. He must do all those things in the simple act of shearing the sheep, but everyone would agree that the sheep must be shorn, because, with the type of sheep we have today and the mass of wool they grow, it would be cruel to leave them unshorn.
I have already mentioned protection from weather during the shearing period. If the exemption were not granted the farmer could be taken to court because of circumstances beyond his control. If somebody came along the morning after a blizzard, which could be quite a fine morning, and saw the sheep lying in the paddock, the farmer could be charged.

The next subject with which I shall deal is the paring of footrot. Footrot is one of the most disastrous diseases, as I am sure the honorable member for Werribee would agree, that the sheep industry faces in this country. It would be cruel to allow the disease to continue in a flock, apart from the commercial considerations. The only method, despite years and years of research, for controlling footrot in sheep is the severe paring of the hooves. Every lesion must be cut out. I am sure the honorable member for Werribee will still agree that there is no other way of handling footrot. Injections, various antibiotics and mixtures of antibiotics have been tried, but paring is still the only effective method of controlling the disease.

In order to remove all the lesions, it is necessary to cut right into the foot, and it is a horrible business, particularly when one has to do it for a month on end to get through the entire flock. Not being satisfied with that cruelty—it is cruel, even though it is necessary and is an accepted farming practice—the veterinarians say that the animals' feet must immediately be immersed in a solution of formalin. Anybody who has dealt with a solution of formalin and who has had a small cut on his hand—probably obtained from the secateurs while paring the hooves—would know how that stings. Nonetheless, the farmer has to do that in order to look after his animals. I have given enough examples of why accepted farming practice should be exempted.

The honorable member for Oakleigh gave the House some information about Dr Dark. I was fortunate enough some years ago to be a member of a committee that examined alpine dingoes. I had the opportunity of meeting with the doggers, who were some of the most magnificent and interesting people I have met in a long time. I made some inquiries about Dr Elwood Dark and I can verify exactly what the honorable member for Gippsland East told the House tonight, although I did not go so far as to learn that Interpol was looking for him.

I have referred to the types of problems that are involved. It is difficult to establish the truth of many of these matters, but even accepting that Dr Dark has his facts straight and these native birds and animals were caught in these traps, that does not take into account that these native animals, such as the dingo and the wild dog, kill for food. For every dingo and every wild dog that is caught in the traps there are countless smaller animals saved in that wilderness area. Honorable members must keep that in mind.

Following my investigations and studies of material from overseas, I do not believe any trap is available that can handle that type of animal. Clause 8, which covers steel jaw traps, goes as far as it is possible to go at this time. I reject the amendment. I am disappointed that the Opposition is not willing to accept the valuable clauses contained in this measure. The Bill should be proclaimed so that the Royal Society for the Prevention of Cruelty to Animals will have some authority to more adequately handle cases of cruelty.

Mr Spyker (Heatherton)—I wish to raise a couple of matters which have not already been covered in the debate. I refer to the use of animals to test cosmetics. There are no regulations covering this practice. I realize that animals are used for medical research and that unfortunately cruelty is involved, but I am gravely concerned that animals are used to test cosmetics. They are cornered and caged and hair spray is sprayed in their eyes. They are covered with lipstick and the other cosmetics women use to test their reaction, and to see whether they will break out in a rash or contract some form of skin disease. This matter needs
attention. Surely in these days, animals should not have to be used for that purpose. It is totally unnecessary.

From time to time, I have written to the Minister for Police and Emergency Services who has said that he will investigate the matter and let me know the results. Legislation should be introduced or some guidelines laid down for that industry. Honorable members are probably not aware of the large nature of the industry. In many cases, because the cruelty is out of sight, it is out of mind. If an animal is in a paddock and is neglected it can be seen by anyone, but animals that are used to test cosmetics are not seen. I am concerned that this is allowed to continue without restriction.

I am also concerned about farming methods used. There are also no regulations covering that area. Many animals such as cows, geese, pigs and chickens are locked up and force-fed. They are held in confined spaces. Surely it is possible to be more humane. I know that is part of life and must be accepted but I cannot accept some of the views expressed by members that it is necessary to be cruel. It seems totally unnecessary to me that cruelty to animals must continue.

Many people in country areas have a great affection for animals and are heartbroken when they lose their cattle or sheep due to a drought or frost. I do not know how the honorable member for Polwarth can say that if a farmer happens to lose ten per cent of his sheep because of frost he is naturally cruel to the animals. That is unrealistic. He said that members were being emotional about this debate, but I think he should take a look at himself. No-one in their right mind would suggest that a farmer should be fined if his sheep died because of frost.

I shall now refer to domestic pets. Not enough is done to protect domestic pets. At Christmas, young children are given pets but no thought is given by many people about the facilities available to keep them. Many people go to a pet shop with no idea about what type of animal they are buying or, if it is a dog, how large it will grow or how to look after it.

The honorable member for Gippsland East said that every child should have a cat or dog to look after. I support that contention wholeheartedly but in many areas of high density living in the metropolitan area that is not possible. Children from the metropolitan area should be educated about the care of animals. That is not done now.

Pet shops should provide guidelines regarding the animals they sell. Some years ago pet shops sold kittens, young puppies, canaries and budgerigars. These days they sell goannas, crocodiles and snakes. It must be terrifying for some people to discover what neighbours keep in their backyards and what animals crawl under fences.

That is a matter that needs to be closely examined and some sort of guidelines should be laid down.

The Bill provides many fines for cruelty to animals. It is better to educate the community on cruelty rather than to fine people when it has occurred. It is much better to overcome that sort of thing rather than to fine people. I fully understand that fines are necessary because some people will not be told. Although drastic action is necessary, an education programme in the care of animals would be far better. When animals are sold in pet shops, people should be instructed in the type of feed they need and the care of the animals, because many people are not aware of that. Many times I have seen people bring animals home and, realizing that I have lived in the country for some years, they have come and said to me, “How do I look after them? What do I feed them? How big will they grow? What can I do with them?” Obviously, that kind of situation could be avoided if those things were explained. It should be explained when people buy a puppy that a puppy grows up and needs a certain amount of attention. In many ways, the domestic animals we keep need more upkeep and are more worry than children.
As I represent an electorate which still has a number of large sand track areas, residents often complain to me about animals being dumped in quarry holes, sandpits and other areas. They are dumped near market gardens and become a nuisance to growers, and it is of concern to me that that is continually happening. One municipality in my electorate picks up about 16,000 animals a year, which seems an astronomical number of animals to be collected from a relatively small metropolitan area. I commend the amendment to the House.

Mr McGrath (Lowan)—On behalf of the National Party, I offer a little more support for the passing of the Bill. The honorable member for Werribee, in his opening remarks, said that the honorable member for Gippsland East had become very emotional in his remarks on the Bill. I certainly could not go along with that sentiment because I believe the honorable member for Gippsland East spoke very sincerely rather than emotionally on the subject. If he was emotional at all, he could be excused for that, because he is a man from the country who has been a cattle farmer and understands some of the ramifications that could occur if the amendment moved by the Labor Party were accepted.

One should ask who are the people who look after most of animals in this State. Naturally enough, the answer is the people in the primary sector. Many comments have been made relating to the intensive farming that is taking place throughout Victoria. These comments relate to hens in cages, pigs in various sheds and cattle in feed lots. Intensive farming is a growth industry derived from the American way of life. Cattle are becoming a profitable investment because they can be locked up in a confined space and fed. They also produce a good product for city dwellers to enjoy when they have meat on their plates.

Another interesting aspect of my electorate is an intensive farming situation where a man named Mr Wallace Reynolds has placed some fine merino wool sheep in an intensive care situation. Those sheep are producing an ultra-fine fibre which the Italian mills are buying. They have said this fibre is better than wool and they have given it a special name, the Charolet fibre. It is an innovation in the sheep industry that will promote the wool fibre.

Clause 3 proposes to insert a new clause 4 in the principal Act. Paragraph (g) of the proposed new section is as follows:

having the possession or custody of an animal which is confined or otherwise unable to provide for itself he omits to provide the animal with proper and sufficient food, drink and shelter;

If the amendment were accepted and the Bill were taken away and redrafted to omit clause 7, the result could be that a farmer experiencing drought conditions who was in a situation where he was unable to provide animals with sufficient food, drink and shelter could find himself in a difficult situation.

Dr Coghill—Should he let them starve to death?

Mr McGrath—He quite possibly does not have much option but to allow them to starve to death. Does the honorable member suggest he should throw open the gate so that they can become a nuisance to others? In reality, there would not be much use in throwing open the gate because there is nothing for them to eat outside. If the honorable member for Werribee had followed his history of Australia, he would know that during a drought such as the drought at the turn of the century, farmers had no other alternative.

Mr Coleman—There have been more recent droughts than that. There was the 1967 drought, for instance.

Mr McGrath—The drought at the turn of the century was the most notable one.

An interesting fact that has led to a sensible solution of a lot of the cruelty which took place in sale-yards is the penned selling of cattle. This is a far better system. This relates to paragraph (a) of proposed new section.
4 (1). I suppose most honorable members have seen cattle in rings or saleyards where they have come in singly or as a pair of cattle being upset and charging violently around in a ring selling situation. Nowadays, with the acceptance of penned selling, much of the cruelty which formerly occurred in the sale-yard situation has been relieved.

I do not think much more needs to be said. I have been speaking on the Bill for about five minutes and it has now been debated for about one and a half hours. Perhaps, instead of this House spending too much time debating this Bill, honorable members should be working together to provide a better standard of living for the people they represent.

Mr EBERY (Midlands)—I do not want to unnecessarily delay the House but there are a few comments I wish to make on this measure. In my view cruelty is a matter of opinion. I am certain that if honorable members were asked to give an opinion on whether or not a certain action was cruel and constituted cruelty to animals, they would differ in their replies. In my opinion there are some actions which are quite cruel and, in this regard, I refer to the Lost Dogs Home in North Melbourne, which destroys thousands of dogs annually. I understand that the figure is about 12,000 a year, but it is important to remember that the majority of those dogs are caught over the Christmas holiday period. Many people living in the metropolitan area buy a pup for their children and, when it is six or eight months old, it has grown bigger and naturally is costing the people more to keep than when it was smaller. They may then decide to go on holidays and they leave the dog behind and let it wander. To me that is cruel, but it is something which has become a tremendous problem.

In regard to normal farming practices, it has been suggested that dehorning of cattle should not be allowed on animals over the age of twelve months without oversight by a veterinarian. It is almost impossible to implement this provision and there is no point in having an Act or regulations which cannot be enforced. I do not know how anyone can be subjected to court action on a charge of dehorning an animal that is twelve months and three days old or eleven months and 20 days. There is no way the court could decide whether the animal was twelve months old. There is no point setting such a period of time because calves do not have birth certificates hanging around their necks.

Honorable members have mentioned the use of steel-jawed leghold traps. I am a member of the Statute Law Revision Committee which made a report on the use of these traps. It was mentioned in another place that I was not present in the committee when the vote was taken on the matter. That was not of my own choice but, if I had been present, I want it recorded that I would have voted for the retention of the steel-jawed leghold traps because there is no alternative method for trapping and killing dingoes and wild dogs. My vote would have made the voting six all, but I was unable to be present at the meeting of the committee on that day. However, I want to record my views.

I conclude by repeating my earlier statement, that cruelty to animals is a matter of individual opinion. Honorable members should remember that generally farmers value their stock animals and look after them as well as one can expect. However, how the animals are treated is a matter for the individual people concerned. I know that some farmers are cruel to their animals but generally speaking their stock are well looked after. Sometimes I think if there is such a thing as reincarnation I would like to come back as "Ebery's dog".

The Bill will cover the majority of problems that are likely to arise, if its provisions can be implemented. I cannot accept the amendment moved by the honorable member for Oakleigh because it would not go far towards overcoming the problem of cruelty to animals.
Mr SKEGGS (Ivanhoe)—I am supporting the Bill before the House but with a number of reservations. Honorable members would be aware through questions I have raised in the House from time to time that I do have very deep concern for animal welfare.

I also serve on the Statute Law Revision Committee but unlike the honorable member for Midlands, I did take part in the vote on the use of steel-jawed leghold traps. I voted against the use of steel-jawed leghold traps totally on a State-wide basis because the report of the Statute Law Revision Committee left no doubts in my mind that this is a cruel device which must be withdrawn as soon as possible.

I am supporting the Bill because it does make an important advance towards defining cruelty and providing much more effective penalties generally than we already have under the Protection of Animals Act.

I do not see the need for the amendment proposed by the honorable member for Oakleigh for the appointment of a joint Select Committee to report on all aspects of animal welfare because the terms of reference already under consideration by the Statute Law Revision Committee are extensive. They would cover all of the matters which would normally be covered by a joint Select Committee and of course the Statute Law Revision Committee is an all-party committee of the Parliament.

Evidence from the Royal Society for the Prevention of Cruelty to Animals and other agencies has already been invited by the Statute Law Revision Committee. Animal welfare agencies and other persons have been invited to make submissions to the Statute Law Revision Committee within the wide terms of reference given to the committee. These include the matter of rodeos which is currently being reviewed by the committee.

The destruction of unwanted animals has already been reported to the Parliament by the Statute Law Revision Committee and although the committee by a narrow vote did not go as far as to recommend the discontinuance of the use of the lethanair chamber for the destruction of unwanted animals, the fact is that the practice is no longer in use in Victoria. I voted against the use of the lethanair chamber for the destruction of unwanted animals and I believe intravenous injections to be the most humane method for the destruction of animals.

The terms of reference directed to the Statute Law Revision Committee also include consideration of provision of regulations for the keeping and use of animals and birds in commercial undertakings, the practice of vivisection, and the use of whips in horse racing and trotting. The transit of animals is another important matter for consideration. This brings to mind the very distressing practice of the shipping of horses for destruction in another country and for human consumption. This is a matter of distress to most Australian horse lovers. I described it yesterday in the Chamber as “un-Australian” and most Australian horse lovers would agree with me. If horses have to be destroyed, then let it be done in our own country and not in foreign lands.

The Statute Law Revision Committee will also examine whether reptiles should be brought within the provisions of the Act and the size of cages for birds and animals will also be a matter for the committee.

The committee has very wide terms of reference and as the honorable member for Oakleigh has stated the complete review will be a lengthy task and admittedly, the Statute Law Revision Committee does have many questions before it of great significance. However, a good deal of attention has already been given by the committee to the Protection of Animals Act and it is making very good progress in considering various aspects referred to it.

The measure before the House makes substantial advances in defining cruelty and therefore it would be disadvantageous to animal welfare if the Bill was amended and referred to a Select Committee. That would also cause confusion because the Statute Law Re-
vision Committee is already dealing with this matter and it would delay progress in achieving positive steps to increase the protection of animals and apply greater penalties against people who commit cruelty against animals.

The proposed new section 4(2) as contained in clause 3 makes it an offence for a person to commit an act of cruelty upon an animal and penalties are prescribed.

By new section 4(5), clause 3 provides that a person who commits an act of aggravated cruelty upon an animal if he commits an act of cruelty upon the animal that results in the death, deformity or serious disablement of the animal, will be guilty of an offence, the penalty being $5000 or imprisonment for twelve months.

Clause 8 refers to the use of steel jaw leghold traps, a device which has caused myself and many other lovers of animals a good deal of distress. It has been the subject of many letters to honorable members and to the newspapers. The report of the Statute Law Revision Committee of 1978 revealed that the use of this device is banned in many countries, including Great Britain, Denmark, Norway, West Germany, Austria, Switzerland and France. There are limited bans in some States of Australia; in New South Wales the trap is banned from use in a number of coastal areas; in South Australia it is banned within the limits of 36 municipalities and it is banned in nineteen urban areas of Tasmania. This cruel trap ensnares many non-target animals but the Vermin and Noxious Weeds Destruction Board has found no alternative method for trapping wild dogs and other feral pests.

The conclusion of the Statute Law Revision Committee's report acknowledged that the steel jaw leghold trap can cause pain and suffering to a trapped animal and the committee was therefore of the opinion that the steel jaw leghold trap should be prohibited. Further, the committee was of the opinion that the method of trapping should again be reviewed when the results of a world wide study concerning the trapping industry are available.

The committee was informed of a large number of the devices which had been proposed in other parts of the world and it was aware that investigations are taking place in Australia to produce an effective alternative. Even the padded trap has been shown to be ineffective. When a suitable alternative is eventually produced, amending legislation should be introduced to bring about a complete and total ban in this State on the use of steel jawed leghold traps.

This Bill at least makes an important step towards that goal by restricting the use of the trap within certain areas, cities, towns or populous places. For this reason I am prepared to support the Bill with reservations but with a good deal of hope that a breakthrough will come in finding a humane device for trapping.

Farmers have enormous problems with vermin and pests and I am not unsympathetic towards them, but this should not justify the perpetuated use of a cruel device and it is to be hoped that the Lands Department will expedite steps to find a suitable alternative method for trapping.

The Government should also turn its attention to such disturbing practices as vivisection and the uses to which it is applied. It will be carefully analysed by the Statute Law Revision Committee. This is a question which needs to be considered in the more enlightened perspective of the 1980's. People today are perhaps more aware of the distress of animals. It is a field which did not receive much public attention until recent years.

It is to be hoped that the matter of shipment of live horses will continue to receive attention and that at some time the Federal Government can be persuaded to ban the export of live horses for destruction and human consumption in other countries. This is a most "unAustralian" practice and one which should be discontinued.
Nevertheless, I commend the Government for introducing a Bill which makes a positive advance in upgrading animal protection measures in this State.

Mr EDMUNDS (Ascot Vale)—I support the remarks of the honorable members for Oakleigh and Ivanhoe in respect to steel-jaw leghold traps. Without affecting the sensitiveness, the concerns and the practicalities of the farming community, the Statute Law Revision Committee, of which I am a member, examined the matter in close detail and came to the conclusion that steel-jaw leghold traps were inhuman and their use should be prevented until such time as a report from a world wide survey on the capturing of animals and the facts associated therewith were known to the committee.

The trap was designed over 100 years ago when it was designed to capture humans at Eaglehawk Neck and in areas of Great Britain. It was outlawed then in Great Britain. It was outlawed years ago in Tasmania and it ought to be outlawed in Victoria. I am not a bleeding heart in these matters. I understand the problems of the farming community with ferral animals rampaging through animal herds and so on, but the trap is not doing what it was designed to do, and that is to reduce the predatory animals. It is capturing native animals of all description. It is an inhumane trap and I know the mouse trap is just as painful for the mouse which gets its foot caught or for a dog that is caught in a leghold trap, but these are animals we can relate to. I appeal to the House to accept the report of the Statute Law Revision Committee. That committee examined all aspects of the matter. I know the vote was closely tied, but the final decision was that the trap should be abolished. There is no reason why it should not be banned. Farmers in Gippsland and the north and west of the State use other methods to destroy unwanted animals. The honorable member for Gippsland East can shake his head, but he knows that myxomatosis is used to handle the problem of rabbits.

Mr EDMUNDS—It was against the law covering cruelty to children. It is a most inhumane way in which to handle the situation in the farming community. I am aware of the problems of feral animals, but the solution is not to trap them in this way. Other methods ought to be used.

I appeal to the House to accept the report of the Statute Law Revision Committee. That committee examined all aspects of the matter. I know the vote was closely tied, but the final decision was that the trap should be abolished. There is no reason why it should not be banned. Farmers in Gippsland and the north and west of the State use other methods to destroy unwanted animals. The honorable member for Gippsland East can shake his head, but he knows that myxomatosis is used to handle the problem of rabbits.

Mr B. J. Evans—Is that not cruel?

Mr EDMUNDS—I do not suggest that is not cruel, but I point out that the trap catches native animals. How many native animals have been caught in these traps? The honorable member for Gippsland East must know as well as I do that the traps are indiscriminate. They catch all sorts of animals. Myxomatosis is confined to rabbits and will destroy them, which should be done because rabbits are an introduced pest.

Mr Burgin—How will you handle foxes?

Mr EDMUNDS—in the same manner. Foxes are a feral problem, but I am attempting to point out that the House should accept the principle and not continually go back in time. It has been accepted in New South Wales and in the States of Northern Europe. The House should accept it and accept some of the propositions put forward by the honorable member for Oakleigh in connection with the traps. The problem ought to be considered seriously.

Mr TREWIN (Benalla)—I have been involved in farming all my life and I have seen the improvements in the methods of handling livestock and the approach of farmers to the care of livestock. Over the years, the genuine farmer, who is interested in making a
success of farming, will continue to seek out methods that will provide better protection for his stock or improve the strains so that the need for care is less.

This evening, much has been made of the activities of the Statute Law Revision Committee. For a number of years, with other honorable members, I was a member of the Parliamentary Meat Industry Committee. On many occasions members of that committee inspected the handling of livestock from the farm to the market, methods of marketing and the stock-yards erected by municipalities to hold the animals. The committee also visited abattoirs to view the slaughtering.

The activities of the committee that dealt with cruelty to animals related mainly to what occurred prior to slaughter. On two or three occasions the committee reported on those matters, but it was not given the responsibility of making a report that would have fitted in admirably with the debate and the Bill.

Honorable members may have noticed that these days most road transport for livestock, particularly for cattle, now has closed sides. It was discovered that the stock were bruised if they were not packed correctly and if they looked outside the vehicle they became extremely stressed. That affected the quality of the meat. The new system means that bruising does not occur and the animals are not stressed. The committee also encouraged municipalities to obtain expert advice on the construction of stock-yards.

I recall in my earlier days working with horses. The coming of the tractor eliminated much cruelty to animals because not every farmer was prepared to do the extra work and give his horse team the extra feed that made the animals easier to handle. The work that was done by horses is now done by tractors in an efficient and thorough manner. The coming of the iron horse eliminated the draught and Clydesdale horses from the farms. Those tremendous animals made a magnificent contribution to the opening up of the country and to early agricultural production.

Intensive farming of poultry, pigs and cattle encourages the animals to increase their weight more quickly than was possible previously. Caponizing chickens and roosters means that the young cocks stay quietly on the ground instead of chasing around as they would normally do. That means that they put on weight much more quickly and their flesh is more palatable.

Ram lambs and bull calves are marked at an early age, whether by knife or with a rubber ring, and if the operations are performed at an early age they have no serious effects on the animals. The pain is no more than the pain suffered by you or me when we jam our fingers in a door. It is gone in no time.

The neutering of older animals should be done with an anaesthetic. I have had that done on my farm on two or three occasions. That is the normal way to geld an eight or ten-year-old stallion. A yearling colt can be roped, but today farmers are not using that method, or do not know how to carry it out. Veterinary surgeons are not as prevalent as they could be, although some of them inform me that they are not making the living that they were. I believe the honorable member for Werribee has been more involved with small house animals in his profession as a veterinary surgeon in the Albury-Wodonga area.

Mr Speaker, you have been brought up on a farm where merino sheep were bred, and maybe you are breeding them now, but you know what mulesing means? If it is carried out on a lamb, there is no effect. It leaves a mark similar to a shearing mark. It minimizes the blow-fly strike around the crutch of the sheep, and this operation prevents cruelty in the life of the sheep.

In regard to steel-jawed traps, I used them as a kid, but we went around the traps regularly every three or four hours, even getting up in the middle of the night, because we did not want to see the rabbit suffer anymore than it had to. I believe some of the traps set in the noxious areas are left for
three or four days, and the poor rabbit, dog or bird, that is caught is dead when found. It is back to the human being, because that is where a lot of cruelty starts. If people go around the traps regularly, the animal that is caught is not there for long and can be disposed of rapidly.

I am sure that the Bill is an improvement. The responsibilities on the farming community are greater than ever before. In this year of 1980 there is a reflection on the ability of farmers to care for their stock. When I drive around the countryside I see the different methods of farming and the different attitudes of the farmers and also the different appreciation of farmers towards the welfare of their stock. On one farm I see reasonable feed and stock in good condition; on another property, not much feed and stock in poor condition; and on another farm, no attempt is made to feed the animals that are there, and the stock are in poor condition. Some of the non-professional farmers along the Hume Highway, who do farming as a sideline business, depend on advice from here and there, and this is where cruelty to animals takes place. I have seen a paddock full of cattle, which have been bought and left in the hope that the season will be good, but little consideration is given to feeding. This is creating cruelty to animals. Animal welfare officers, and veterinary surgeons, watch for this type of cruelty as they travel around, and on occasions they have taken action.

I support the Bill, but there is much to be done. There was a great sporting activity with greyhounds when live hares were used. This was an accepted method of sport, but today that has gone. I will not comment on what the honorable member for Ivanhoe said about trotters. It is a wonderful sport, but it would be better if the drivers got soft whips. Some drivers do not use a whip, and others wave it in the air and still get a good result. Also with thoroughbred racing, some jockeys will use the whip on a horse in a certain way, so that it does nothing more than ruffle the hair.

Mr BORTHWICK (Minister of Health) —The Government does not support the amendment put forward by the honorable member for Oakleigh. Before explaining the reason in some detail, I shall refer to steel-jawed traps. I was Minister of Lands at the time when a good deal of debate took place on this subject. About 700 dogs a year are caught in this State. The honorable member for Oakleigh quoted a catch of a couple of dingoes, six foxes, several dogs, and nine wild cats. I would like honorable members who are generally interested in wild life to contemplate the inroads that the wild life population of this State make through living off other species of wild life. If one calculates the number of native species that are destroyed year after year by feral dogs, feral cats and foxes in this State, one wonders where the balance lies so far as cruelty is concerned.

I am reminded of Bernard Shaw, who was a vegetarian. He was proud of the fact, and prior to his death he was asked what he would like to happen in the event of his death and he said, “I would like to be followed by sheep and cattle”. That was a gesture to the dumb animals, because he did not eat them.

This debate has highlighted that members from all parties have a genuine regard for creatures, and it becomes a matter of personal attitude and personal interest. I think frequently the attitude one adopts to it depends on one’s personal background. The debate has been a very good one, and it could be said that extremes were heard from all parties, yet each member was extremely sincere in his own personal attitude to the animal kingdom.

I do not doubt anybody’s sincerity on this matter but, as the Minister of Lands in this State who had a job to do, and I am not begging that question, and as Minister for Conservation at the same time it seemed to me that the ravages of predators, and in particular feral cats, were a lot more damaging to the wildlife population, particularly small animals, than traps set to bring down the
numbers of dogs in the community. Honorable members should not lose sight of that. Dr Dark did. I spoke to the doggers, as Minister of Lands and also wearing the hat of Minister for Conservation investigating ways in which the alpine dingo might be protected. I found amongst those men a genuine concern for the wildlife of this State.

It is not a question of becoming emotional about the matter but of reaching a balance in the things on which we place values. Every member of this House must of necessity aim for an ever-increasing capacity of feeling for animal life, whether in the farming or the metropolitan community. Of necessity the farming community will always see the matter in a slightly different way from a person who lives all his life in the city. As members of Parliament, it is our job in what is largely a non-political issue to reach a balance between the two things and that is why we must reject the amendment moved by the honorable member for Oakleigh. Honorable members who have a genuine concern, will agree that this Bill contains provisions that are a considerable advance. I know that the honorable member for Oakleigh agrees. On those grounds the Bill should be passed.

There is yet another ground, that only relatively recently in Victoria has the responsibility for this legislation gone from one department to another. It is the first attempt of the Ministry for Conservation. In some minds it might not go far enough; in others with just as sincere a concern, it may have gone too far. There is much room yet for discussion between interested parties, and in the meantime honorable members should reject the amendment and get on with this measure for reasons which are important.

Clause 3 of the Bill contains wider provisions for defining cruelty, as was pointed out by the honorable member for Polwarth. Aggravated cruelty is a new offence and a good one. There has been an increase in penalties, from $250 to $1000, from $500 to $2500; and from $1000 to $5000 and further increased penalties up to five times what they previously were, for a whole series of offences. There is a provision for the laying of information by any officer of the Ministry for Conservation over and above the Police Force, the council or the Royal Society for the Prevention to Cruelty to Animals.

It has been suggested that steel-jawed traps have been banned in many countries of the world. They have been banned in some countries, but they have never been banned in a country with a wild dog problem.

Mr Fordham—Do you believe they should be?

Mr Borthwick—I do not believe they should be banned across the board at this stage. I did not, as Minister of Lands and I took that stand over and again because there is no alternative to them where dogs are concerned. No country in the world with a dog problem has ever banned this form of trap. It was stated in the House tonight that in South Australia some 30 shires have banned the trap. Honorable members should investigate which shires were involved. They were not remote country shires but heavily populated shires. In this Bill cities, towns and populous areas are nominated, very much following what has occurred in other States. No other State in Australia, whether a Labor or Liberal Government, has put a complete ban on steel-jawed traps, and honorable members should not be misled about that. It is not that we or they or any member of this House is less humane on the question. The Government rejects the amendment.

The House divided on the question that the words proposed by Mr Mathews to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

Ayes . . . . . . . 43
Noes . . . . . . . 32

Majority against the motion . . . . 11
Protection of Animals (Amendment) Bill

AYES

Mr Austin  Mr McKellar
Mr Balfour  Mr Mackinnon
Mr Birrel  Mr Maclean
Mr Borthwick  Mrs Patrick
Mr Burgin  Mr Ramsay
Mrs Chambers  Mr Reynolds
Mr Coleman  Mr Richardson
Mr Collins  Mr Ross-Edwards
Mr Dixon  Mr Skeggs
Mr Crellin  Mr Smith
Mr Ebery  Mr Smith (South Barwon)
Mr Evans  Mr Smith (Warrnambool)
Mr Evans (Ballarat North)  Mr Tanner
Mr Evans (Gippsland East)  Mr Templeton
Mr Hamer  Mr Thompson
Mr Jasper  Mr Trewhin
Mr Kennedy  Mr Weideman
Mr Lacy  Mr Whiting
Mr Lieberman  Mr Williams
Mr McArthur  Mr Wood
Mr McCance  Tellers:
Mr McClure  Mr Brown
Mr McInnes  Mr Cox

NOES

Mr Amos  Mr Remington
Mr Cain  Mr Roper
Mr Cathie  Mr Sidiropoulos
Dr Coghill  Mr Simmonds
Mr Crabb  Mr Simpson
Mr Culpin  Mr Spyker
Mr Edmunds  Mr Stirling
Mr Ern  Mrs Toner
Mr Fogarty  Mr Trezise
Mr Fordham  Dr Vaughan
Mr Ginifer  Mr Walsh
Mr Hockley  Mr Wilkes
Mr Jolly  Mr Wilton
Mr King  Mr King
Mr Kirkwood  Tellers:
Mr Mathews  Mr Gavin
Mr Miller  Mr Rowe

The motion was agreed to.

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

Mr MATTHEWS (Oakleigh)—By leave, I move—

That it be an instruction to the Committee that they have power to consider new clauses to (a) Authorize a justice of the peace to issue a warrant to a full-time officer of the Royal Society for the prevention of Cruelty to Animals or a registered veterinary surgeon to enter and search premises where there is reason to believe that an offence against the Protection of Animals Act 1966 is being committed upon an animal; (b) authorize certain persons to enter, inspect and examine without warrant, premises wherein animals are kept for commercial purposes or wherein it is suspected that an animal is being kept for the purpose of a surgical operation or an experiment involving the infliction of pain; (c) empower the Governor in Council to make regulations with respect to the conduct of commercial enterprises involving animals; (d) allow a court, in addition to imposing any fine or penalty, to disqualify a person convicted for the first time of an offence of cruelty to an animal from keeping certain animals; (e) establish an Animal Experimentation Control Board with power to recommend to the Minister regulations relating to experimentation on animals and to register or de-register persons who may perform such experiments; (f) make it an offence to obstruct, hinder, molest or assault a person acting under an authority vested in him by or under the Protection of Animals Act 1966; (g) allow a court in certain circumstances to require a member of the police force to prosecute an information laid by someone else; and (h) provide that monies recovered as penalties for offences against the Protection of Animals Act 1966 shall be paid to the Animal Experimentation Control Board or (if the amount exceeds the requirements of the Board) animal welfare organizations nominated by the Minister.

Dr COGHILL (Werribee)—I second the motion.

The motion was agreed to.

The Bill was committed.

Clause 1 was agreed to.

Progress was reported.

ADJOURNMENT

Noise of trail bikes

Mr MACLELLAN (Minister of Transport)—I move—

That the House do now adjourn.

Mr GINIFER (Keilor)—I raise a matter for the attention of the Minister for Police and Emergency Service. It refers to a family named Richter of 7 Hermes Court, Keilor, who live adjacent to an area where people are using trail bikes on Saturday and Sunday. I bring this matter to the attention of the Minister because it is in the Green Gully area and there have been occasions when both the by-laws officers from the Keilor City Council and the police have been present. Although it is a relatively remote inaccessible area for normal vehicular traffic, the sounds of 20 or 30 trail bikes on Saturday and Sunday is causing a nuisance to the residents of this area.

I am led to believe that there is based in Brunswick a flying squad of some kind. I would suggest that members of this squad may also have access to trail bikes. If that is so, they could get...
into the area where these people are where it is not possible to take normal police vehicles.

Could the Minister arrange for some surveillance of this area so that the police may contact the people at 7 Hermes Court, Keilor, with a view to giving some assistance to the residents of that area of my electorate?

Mr THOMPSON (Minister for Police and Emergency Services)—I should be pleased to examine the matter raised by the honorable member for Keilor in an endeavour to arrange for a group from the Brunswick depot to visit the area to see what can be done.

The motion was agreed to.

The House adjourned at 1.5 a.m. (Thursday).

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

BUS FARE CONCESSIONS FOR UNEMPLOYED

(Question No. 330)

Mr AMOS (Morwell) asked the Treasurer:

Whether, in view of the high unemployment in the Latrobe Valley area, he will give favourable consideration to providing moneys for inter-town bus fare concessions for people seeking employment?

Mr THOMPSON (Treasurer)—The answer is:

No. However, through a scheme which commenced operation on 17 March 1980 travel concession vouchers are available on Government owned public transport for unemployed persons in the Latrobe Valley.

HOSPITAL WAITING LISTS

(Question No. 369)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of hospital waiting lists, whether there has been any further survey of waiting lists carried out since 5 April 1978; if so, when, and what were the results; if not, why?

Mr BORTHWICK (Minister of Health)—The answer is:

A further survey was conducted by the Commission requiring information to be submitted by the 7 May 1979. Details of the results are listed below.

Waiting List Survey—as at the end of April, 1979

<table>
<thead>
<tr>
<th>Teaching hospitals</th>
<th>Hospital patients</th>
<th>Private patients</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfred</td>
<td>967</td>
<td>236</td>
<td>1203</td>
</tr>
<tr>
<td>Austin*</td>
<td>416</td>
<td>89</td>
<td>505</td>
</tr>
<tr>
<td>Prince Henry's*</td>
<td>395</td>
<td>Nil</td>
<td>395</td>
</tr>
<tr>
<td>Queen Victoria*</td>
<td>318</td>
<td>60</td>
<td>378</td>
</tr>
<tr>
<td>Royal Children's</td>
<td>345</td>
<td>725</td>
<td>1071</td>
</tr>
<tr>
<td>Royal Dental</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royal Melbourne</td>
<td>755</td>
<td>227</td>
<td>982</td>
</tr>
<tr>
<td>Royal Victorian Eye and Ear</td>
<td>147</td>
<td>222</td>
<td>369</td>
</tr>
<tr>
<td>Royal Women's</td>
<td>572</td>
<td>Nil</td>
<td>572</td>
</tr>
<tr>
<td>St. Vincent's</td>
<td>1763</td>
<td></td>
<td>1763</td>
</tr>
<tr>
<td>Southern Memorial, Caulfield</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairfield</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-total</td>
<td>5578</td>
<td>1560</td>
<td>7138</td>
</tr>
<tr>
<td>Non-teaching hospitals with more than 200 beds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Box Hill</td>
<td>277</td>
<td></td>
<td>277</td>
</tr>
<tr>
<td>Dandenong</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preston and Northcote Community Hospital</td>
<td>175</td>
<td>174</td>
<td>349</td>
</tr>
<tr>
<td>Western General</td>
<td>641</td>
<td></td>
<td>641</td>
</tr>
<tr>
<td>Caulfield</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-total</td>
<td>893</td>
<td>174</td>
<td>1067</td>
</tr>
<tr>
<td>Base hospitals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballarat</td>
<td>163</td>
<td>192</td>
<td>355</td>
</tr>
<tr>
<td>Bendigo</td>
<td>88</td>
<td>245</td>
<td>333</td>
</tr>
<tr>
<td>Geelong</td>
<td>262</td>
<td></td>
<td>262</td>
</tr>
<tr>
<td>Mildura**</td>
<td>66</td>
<td>242</td>
<td>308</td>
</tr>
<tr>
<td>Murooona*</td>
<td>20</td>
<td>81</td>
<td>101</td>
</tr>
<tr>
<td>Wangaratta*</td>
<td>32</td>
<td>142</td>
<td>174</td>
</tr>
<tr>
<td>Warrnambool</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geelongland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamilton</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wimmera</td>
<td>611</td>
<td>902</td>
<td>1513</td>
</tr>
<tr>
<td>Grand Total</td>
<td>7082</td>
<td>2636</td>
<td>9718</td>
</tr>
</tbody>
</table>

* as at end of May, 1979
** as at end of June, 1979

SCHOOL ATTENDANCE OFFICER

(Question No. 1128)

Mrs TONER (Greensborough) asked the Minister for Community Welfare Services:

What action will be taken to fill the position of school attendance officer at the North Western Suburbs Regional Office?

Mr JONA (Minister for Community Welfare Services)—The answer is:

The position of School Attendance Officer at the North Western Suburbs Regional Centre was vacant in the period 25 July 1979 until 4 February 1980. During that time, as part of the Government's policy of containing expenditure, it was not possible to recruit staff from outside the employment of Government Departments so therefore the vacant position could be advertised only within the Victorian Public Service.
Questions on Notice

The first advertisement appeared in the Government Gazette on 31 July 1979 and there were three applicants. However at interview none were found to be suitable for the position and so a non-recommendation was made. A further advertisement was placed in September and interviews were conducted on 30 October 1979. Following that, a suitable candidate was found and the recommendation was accepted. He was unable to take up the position until 4 February 1980.

EMERGENCY HOUSING
(Question No. 1147)

Mr GAVIN (Coburg) asked the Minister of Housing:

Whether the Government provides funds to municipal councils for emergency housing; if so, what funds are available during the financial year 1979-80?

Mr DIXON (Minister of Housing)—
The answer is:

The Ministry of Housing does not provide funds to municipal councils for emergency housing. However, I am informed the Department of Community Welfare Services will provide some $43 000 in 1979-80 for this purpose. The commission does have a scheme where accommodation is rented to local councils to be used as emergency housing. These premises are usually supplied at low weekly rentals and the commission foregoes the income that it would normally derive if the full market related rent had been charged. This amount varies over time, but in 1979 it amounted to $11 774.

In addition, an Interdepartmental Committee (Community Welfare Services/Housing Ministry, Victoria) meets bi-monthly and studies, in depth, problems common to both departments.

A joint working party was established in October, 1978, to examine the responsibility of the government and non-government sectors in the provision of emergency housing, and to suggest options for the operation of an emergency housing programme. These options were extensively discussed with community groups engaged in emergency housing provision at a seminar held by the working party. The major recommendation of the interdepartmental committee, based on the working party's report, was that an Emergency Housing Unit be established, and funded as a twelve month pilot scheme. This Emergency Housing Unit would be responsible for the co-ordination and funding of emergency housing services on a State-wide basis.

The recommendations of the I.D.C. have been approved in principle by Cabinet and the question of funding for the scheme will shortly be the subject of a joint submission by Community Welfare Services and the Housing Ministry to the State Treasury. Also, five joint working parties have been established between the Commission and the Department of Community Welfare Services to study the following areas:

Accommodation for Homeless Youth.
Accommodation for Aboriginals.
Accommodation for the Indigent.
Community Development and Neighbourhood House.
Housing for Elderly Persons.

SCHOOLS IN WAVERLEY
(Question No. 1652)

Mr COLEMAN (Syndal) asked the Assistant Minister of Education, for the Minister of Education:

In respect of schools within the Waverley Inspectorate during each of the past three school years:

1. How many primary and secondary schools, respectively, have purchased books and supplies from the Fact and Fiction Bookshop of 206 Blackburn Road, Glen Waverley?

2. Which schools purchased those books and supplies?

3. What was the value of supplies purchased by each school during each such year?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

The Minister of Education has advised the honorable member by letter dated 17 January 1980 along the following lines:

"1, 2 and 3.

Replies received from the Principals of the twenty-four primary and five secondary schools of the Waverley Inspectorate indicate that only one primary and two secondary schools have purchased supplies from the Fact and Fiction Bookshop during the years and to the value as indicated:

<table>
<thead>
<tr>
<th>School</th>
<th>1977</th>
<th>1978</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glen Waverley Primary</td>
<td>$1750</td>
<td></td>
</tr>
<tr>
<td>Brentwood High School</td>
<td>$1750</td>
<td></td>
</tr>
<tr>
<td>Wellington High School</td>
<td>$1750</td>
<td></td>
</tr>
</tbody>
</table>


SCHOOLS IN SCORESBY INSPECTORATE
(Question No. 1653)

Mr COLEMAN (Syndal) asked the Assistant Minister of Education, for the Minister of Education:

In respect of schools within the Scoresby Inspectorate during each of the past three school years:

1. How many primary and secondary schools, respectively, have purchased books and supplies from the Fact and Fiction Bookshop of 206 Blackburn Road, Glen Waverley?
2. Which schools purchased those books and supplies?

3. What was the value of supplies purchased by each of the schools during each such year?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

The Minister of Education has advised the honorable member by letter dated 17 January 1980 as follows:

"1, 2 and 3.

Replies received from the Principals of the nineteen primary and nine secondary schools of the Scoresby Inspectorate indicate that eight primary schools and seven secondary schools have purchased supplies from the Fact and Fiction Bookshop during the years and to the value as indicated:

<table>
<thead>
<tr>
<th>School</th>
<th>1977</th>
<th>1978</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood East Primary School</td>
<td>16.64</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordanville South Primary School</td>
<td>75.56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ashwood Primary School</td>
<td></td>
<td>81.70</td>
<td></td>
</tr>
<tr>
<td>Syndal Primary School</td>
<td></td>
<td>45.35</td>
<td></td>
</tr>
<tr>
<td>Bayview Primary School</td>
<td></td>
<td>6.61</td>
<td></td>
</tr>
<tr>
<td>Parkmore Primary School</td>
<td>32.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waverley North Primary School</td>
<td></td>
<td>92.96</td>
<td></td>
</tr>
<tr>
<td>Syndal South School</td>
<td>30.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ashwood High School</td>
<td>28.48</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burwood Heights High School</td>
<td>4.86</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glen Waverley High School</td>
<td></td>
<td>10.62</td>
<td></td>
</tr>
<tr>
<td>Monash High School</td>
<td>150.00</td>
<td>300.00</td>
<td></td>
</tr>
<tr>
<td>Nunawading High School</td>
<td>123.60</td>
<td>90.75</td>
<td></td>
</tr>
<tr>
<td>Syndal High School</td>
<td>41.12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Syndal Technical School</td>
<td>10.90</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

REMEDIAL EDUCATION

(Question No. 1717)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

In relation to the Working Party on Remedial Education:

1. Who are the members, and in each case what are their particular areas of experience and/or expertise?

2. How often the working party has met?

3. What support staff and other resources are to be made available?

4. What time-table has been established for the working party's operation?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

1. David Holloway, Chairman—Assistant Director of Primary Education (Curriculum).

Heather Gilmour—Reading Treatment and Research Centre.

Don Goodger—Deputy Principal, Lalor West Primary School.

Chris Nugent—Officer in Charge, Heidelberg Special Education Unit.

Des Pickering—Senior Lecturer, Institute of Special Education, State College of Victoria (Burwood).

Alex Rickard—District Inspector of Schools, Moorabbin.

Des Ryan—Curriculum Research Branch, Education Department.

Jean Ryan—Principal, Botanic Park Primary School.

Maureen Savage—Senior Lecturer, State College of Victoria (Coburg).

Jocelyn Williams—Special Education, Education Department.

Rosemary Wealthy—Guidance Officer, Counselling Guidance and Clinical Services, Dan- denong.


3. Assistant Minister's personal assistant is executive officer.

4. A short report was requested by the early weeks of 1980. This was delivered to the Assistant Minister after 7 February 1980.

GOVERNMENT ENERGY MANAGEMENT

(Question No. 1739)

Mr ROSS-EDWARDS (Shepparton) asked the Minister of Health, for the Minister of Lands:

1. In view of the policy announced by the Premier that all departments and instrumentalities of Government would play their part in a co-ordinated and comprehensive programme of sound energy management, why the Budget provision in Division 459 for fuel, light, power and water is estimated to be $21,400 in 1979-80 compared with an actual expenditure of $16,766 in 1978-79, an increase of 27 per cent?

2. What steps are being taken to control this expense item?

Mr BORTHWICK (Minister of Health)—The answer supplied by the Minister of Lands is:

1. The main reason for the increase in the Budget provision in Division 459 for fuel, light, power and water was the increase of 103 per cent in the cost of distillate from July 1978 to July 1979.

The Vote 459.2.6 meets the cost of distillate fuel and electricity used at the Royal Botanic Gardens and National Herbarium.
The major proportion of fuel use is in maintaining temperatures necessary for the survival of plant collections in cold weather in glass-houses and the Herbarium.

The amount of fuel used in the glasshouses, which house unique plant collections, depends on weather and seasonal conditions. The extended warm period in the autumn of 1979 resulted in a cut in fuel use in 1979-80.

Further, an increase in electricity charges of 8.3 per cent operated from 2 October 1978, the full effect of which was taken into consideration in the 1979-80 estimates.

2. The Department of Crown Lands and Survey is continually aware of the necessity to conserve energy sources.

CHILD PSYCHIATRIC SERVICES
(Question No. 1885)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of child psychiatric services in the outer-eastern region—(a) what services currently exist to assist children and families living in that region and where they are located; and (b) whether it is proposed to provide child psychiatric services in the region; if so, when and in what manner?

Mr BORTHWICK (Minister of Health)
—The answer is:

(a) Child Psychiatric Services are provided to the Outer Eastern Region directly by two specialist facilities of the Mental Health Division (South Eastern Child and Family Centre, and the Austin Hospital Department of Child and Adolescent Psychiatry) and indirectly through consultative services being provided for other agencies in the Region dealing with families and/or children, e.g. Mitcham Community Mental Health Centre and Boronia Counselling and Guidance Centre.

South Eastern Child and Family Centre deals with cases from the Knox area and is located at 25 Queens Road, Melbourne. The Austin Hospital Department of Child and Adolescent Psychiatry deals with cases from Croydon, Lilydale, Healesville, Ringwood and Mitcham, and is located at 9 Martin Street, Heidelberg. Agencies in the Mitcham area can also contact the Mitcham Community Mental Health Centre and Boronia Counselling and Guidance Centre.

(b) The relocation of Queen Victoria Medical Centre to Clayton would provide services for the southern half of the Outer Eastern Region, and planning is underway for a psychiatric unit as part of the Maroondah Hospital Complex, that will provide a range of psychiatric services including child psychiatric services.

REHABILITATION IN HEALTH SERVICES
(Question No. 1900)

Mr ROPER (Brunswick) asked the Minister of Health:

Whether he or officers of the Health Commission have yet examined the Commonwealth Department of Health report Rehabilitation in Health Services and its recommendations; if so, whether discussions have commenced with the Commonwealth in order that the State may assist in putting into effect those recommendations which specifically affect State responsibilities or joint Commonwealth/State responsibilities; and, in that event, what matters are being discussed, and when is it expected that action will be taken?

Mr BORTHWICK (Minister of Health)
—The answer is:

1. Officers of the Health Commission have examined the report emanating from the Commonwealth Department of Health entitled Rehabilitation in Health Services and the recommendations contained therein.

2. Discussions have not yet commenced with the Commonwealth Department with a view to seeking funding by Health Services Research and Development Grants.

3. It is my intention in the near future to set up a Consultative Council on Handicapped Persons and their rehabilitation to advise me and the Health Commission on this and other matters.

PEST CONTROL
(Question No. 1912)

Dr COGHILL (Werribee) asked the Minister of Health, for the Minister of Lands:

What legislative controls there are over the capture of—(a) cats; and (b) other animals, for pest control purposes?

Mr BORTHWICK (Minister of Health)
—The answer supplied by the Minister of Lands is:

The position in respect of animals declared to be vermin for the purposes of the Vermin and Noxious Weeds Act 1958 is as follows:

(a) Cats are not declared vermin;

(b) The Act contains no provisions regarding the "capture" of vermin but rather provides for the destruction and suppression of vermin.

INDENTURED APPRENTICES
(Question No. 1942)

Mr GAVIN (Coburg) asked the Minister of Labour and Industry:

1. How many indentured apprentices in each trade are unemployed, indicating how many are girls?
2. What is the total percentage increase or decrease compared to 1979?

Mr RAMSAY (Minister of Labour and Industry)—The answer is:

1. Records maintained by the Industrial Training Commission indicate that the number of apprentices unemployed as at 19 March 1980 was:

<table>
<thead>
<tr>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft Mechanics (Airframe)</td>
<td>1</td>
</tr>
<tr>
<td>Boilermaking</td>
<td>11</td>
</tr>
<tr>
<td>Structural Steel Fabrication</td>
<td>9</td>
</tr>
<tr>
<td>Boilermaking and Structural Steel Fabrication</td>
<td>14</td>
</tr>
<tr>
<td>Bricklaying</td>
<td>4</td>
</tr>
<tr>
<td>Butchering</td>
<td>13</td>
</tr>
<tr>
<td>Butchering and Small Goods Making</td>
<td>3</td>
</tr>
<tr>
<td>Carpentry</td>
<td>47</td>
</tr>
<tr>
<td>Joinery</td>
<td>12</td>
</tr>
<tr>
<td>Carpentry and Joinery</td>
<td>38</td>
</tr>
<tr>
<td>Cooking</td>
<td>55</td>
</tr>
<tr>
<td>Apparel Cutting</td>
<td>2</td>
</tr>
<tr>
<td>Dry Cleaning</td>
<td>1</td>
</tr>
<tr>
<td>Electrical Fitting</td>
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</tr>
<tr>
<td>Armature Winding</td>
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</tr>
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<td>Electrical Fitting and Armature Winding</td>
<td>2</td>
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<tr>
<td>Automotive Electronics</td>
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<tr>
<td>Electrical Mechanics</td>
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</tr>
<tr>
<td>Electroplating (First Class)</td>
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<tr>
<td>Fitting</td>
<td>1</td>
</tr>
<tr>
<td>Fitting and Turning</td>
<td>44</td>
</tr>
<tr>
<td>Machining</td>
<td>1</td>
</tr>
<tr>
<td>Fibrous Plastering</td>
<td>7</td>
</tr>
<tr>
<td>Floor Finishing and Covering</td>
<td>8</td>
</tr>
<tr>
<td>Farming</td>
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2. This represents a total increase of 4.25 per cent in comparison with corresponding figures as at 4 April 1979.

FLUORIDATION PLANTS

(Question No. 1955)

Mr HANN (Rodney) asked the Minister of Health:

1. What is the text of the instruction and the number of notices sent to non-metropolitan water trusts, directing the cessation of fluoridation plants in non-metropolitan water trust areas?

2. In view of the Premier's instruction that the installation of fluoridation plants in country areas should be halted—(a) what is the situation with regard to the Geelong fluoridation plant; and (b) whether any fluoridation plants outside the metropolitan area are still in progress?

3. What entitlement have individuals demonstrated harmed through drinking fluoridated water to an alternate fluoride free source of drinking water at no additional cost?

4. Whether in relation to section 4 of the Health (Flouridation) Act 1973 he will consider an amendment to the Act to give right of action by the public where drinking of fluoridated water is shown to be harmful to them; if not, whether he will advise what other forms of redress are available to the public in such circumstances?

5. Whether there is a master plan for the introduction of fluoridation in Victoria; if so, whether any of the capital projects presently being carried out in country areas in Victoria are related directly to the introduction of fluoridation to those towns?

Mr BORTHWICK (Minister of Health)—The answer is:

1. As you are aware, my predecessor the Honorable W. V. Houghton, announced during the latter part of 1978 that all work on new country plants would cease until the Committee of Inquiry into Fluoridation had completed an investigation and reported to the Honourable the Premier.

However, he also stated that works already underway were to continue, and consequently installation has been allowed to proceed at stations where construction was underway at the time the inquiry was proposed.

As there was no suggestion that existing fluoridation plants were to cease operation, no directive has been issued to that effect.

2. (a) As the directive to fluoridate was issued to the Geelong Water and Sewerage Trust in 1975 and work was underway at two stations by 1978, construction and installation were permitted to proceed. No work has been carried out on the third remaining station.

(b) Apart from the Geelong plants, improvements are being incorporated in the Melton fluoridation system which was installed
prior to the enactment of the existing legislation. The modifications were postponed to enable provision of a new plant room at the same time as works were underway to incorporate filtration at the water treatment plant.

Further modifications have been approved to the Tongala fluoridation system which was installed in 1966.

3. I am not aware that any scientific study by a recognized medical organization has demonstrated that health can be harmed by drinking water fluoridated in accord with accepted practice.

The Committee of Inquiry into Fluoridation is to seek and examine any new evidence and advise the Honourable the Premier whether a review of the Health (Fluoridation) Act is warranted.

Unless new evidence is revealed to alter the current position, I see no need to provide an alternate supply of drinking water to certain individuals.

4. I do not believe an amendment to Section 4 of the Health (Fluoridation) Act is desirable. The purpose of the Section is to protect a water supply authority against action when acting in accordance with the legislation.

The question suggests that fluoridated water has been shown to be harmful to certain members of the public, and as already indicated, I do not accept this premise.

5. No specific master plan has been formulated for the introduction of fluoridation in Victoria.

However, in 1978 the former Commissioner of Public Health directed fluoridation of certain water supplies pursuant to the Act, based on the concept that when implemented, all water supply districts serving a population in excess of ten thousand persons would be fluoridated. Prior to that date, the former Commissioner of Public Health had requested the State Rivers and Water Supply Commission to ensure that all new water clarification plants were designed to facilitate the future installation of fluoridation equipment.

BALTARA AND ALLAMBIE RECEPTION CENTRES
(Question No. 1957)

Mrs TONER (Greensborough) asked the Minister for Community Welfare Services:

1. How many children were admitted to Baltara and Allambie reception centres, respectively, in 1978 and 1979?

2. How many children remained in Baltara and Allambie, respectively, for periods in excess of 4 months in 1978 and 1979?

3. Which regions are not yet provided with adequate Foster Care Programmes?

Mr JONA (Minister for Community Welfare Services)—The answer is:


2. (i) Baltara: 56 children remained in Baltara for in excess of 4 months in 1978 and 34 remained over 4 months in 1979.


3. It is extremely difficult to define exactly what is meant by an “adequate” foster care programme. Approved programmes start at very basic levels, have to acquire staff, then must build up a useful group of foster parents before the region feels satisfied that all referrals for foster care are placed successfully, especially as foster care now covers such diverse activities as emergency care of only two to three weeks, care of children awaiting adoption, or in reception before a court appearance. Children placed for long terms away from their parents are becoming the minority.

There are currently seven regions without an approved foster care programme. These are:

Central Gippsland
Inner Eastern Suburbs
Mallee
Southern Suburbs
Glenelg
Loddon Camcaspe
Outer Eastern Suburbs

An additional region, Inner–Urban Suburbs, has an approved programme in half of what is a very complex region, and expects to have its programme commence over the whole region by the end of this year.

Four of the above mentioned regions have completed submissions to initiate programmes. These are Central Gippsland, Loddon Campaspe, Mallee and Outer Eastern Suburbs. The programmes will commence as funding becomes available.

Resources have been provided for a foster care programme in the Western Suburbs Region, by reallocation from the closure of Northcote Children’s Home. That programme is currently being developed.

Almost every region in the State has at least one small scheme providing local emergency foster care. These are usually receiving some partial support, pending the establishment of fully comprehensive foster care along approved guidelines.

UPPER FERN TREE GULLY PRIMARY SCHOOL
(Question No. 2005)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What funds have been provided to the Upper Fern Tree Gully Primary School council in response to their submission last year for grounds improvement?
Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

The School Council has advised that no submission for funding of grounds development has been made to the Education Department. However, a request has been made to the Shire Council for assistance.

TULLAMARINE PRIMARY SCHOOL

(Question No. 2006)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

In respect of the Tullamarine Primary School:
1. What is the present enrolment?
2. What is the expected enrolment in 1982 and 1983?
3. When it is expected that a multi-purpose room will be made available to this school?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

3. The Public Works Department is preparing suitable designs for the consideration of the School Council. There are a number of options and sketch plans are expected to be ready in four weeks. The project will be subject to special grant assistance and the budget is $80,000.00; to be shared on a $1 for $1 basis.

MALVERN GIRLS HIGH SCHOOL

(Question No. 2013)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

With regard to the Malvern Girls High School—(a) what capital works were undertaken in 1979; and (b) what capital works are proposed for 1980 and 1981?

Mr LACY (Assistant Minister of Education)—The answer is:

Major Works undertaken in 1979
Science upgrade—under construction
Administration—under construction.

Major Works proposed for 1980-81
Upgrade of local shop (owned by Department)
Library upgrade
Home Economics upgrade
Art/Craft upgrade
Siteworks.

MAILOR'S FLAT PRIMARY SCHOOL

(Question No. 2014)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What was the basis of selection of students from the Mailor’s Flat primary school for participation at the Warrnambool district school camp at Somers held from 23 October to 1 November 1979?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

Five places had been allocated to Mailor’s Flat School, 6 children were eligible, one made a late application.

One of the original five withdrew his application, and the late-comer was able to go anyway.

SCHOOL FIRE RE-INSTATEMENT

(Question No. 2015)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What was the basis of the Minister’s decision to charge any school fire re-instatement costs against capital funds of the particular region concerned rather than be funded from central funds held by the Education Department?

Mr LACY (Assistant Minister of Education)—the answer supplied by the Minister of Education is:

No decision has been made to charge fire reinstatement projects against the capital funds of the particular region concerned. They remain a centrally funded item.

WOORI YALLOCK PRIMARY SCHOOL

(Question No. 2022)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

What is the reason for the further delay in the relocation of the Woori Yallock primary school and when it is now expected that the relocation will be completed?

Mr LACY (Assistant Minister of Education)—The answer is:

This project has a high regional priority but I am unable to advise when it will proceed.

Land Operations advise that they are currently negotiating purchase of a site but this is likely to take some time.
MORNINGTON TECHNICAL SCHOOL
(Question No. 2026)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

With regard to the Mornington technical school:

1. What is the current enrolment and what is the expected enrolment in 1981, 1982 and 1983, respectively?
2. When the school building will be completed on the school's own site and what is the estimated cost?

Mr LACY (Assistant Minister of Education)—the answer supplied by the Minister of Education is:

1. 1980— 86
   1981—239
   1982—393
   1983—567
   1984—658
   1985—729 (i.e. up to Year 12)

2. Although the department owns a site in the area other options are at present under consideration and no indication can be given as to when the department will be able to provide a permanent building for this school.

COUNTRY HIGH SCHOOLS STAFFING
(Question No. 2027)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

Whether, in view of the serious difficulties faced by small country high schools in offering an appropriate curriculum due to the small number of staff provided under the present staffing formula, the Minister will agree to establish a working party involving both the Secondary Division and representatives from the schools concerned in order to prepare a more equitable staffing policy?

Mr LACY (Assistant Minister of Education)—the answer supplied by the Minister of Education is:

1. That small country schools are not in a position to offer an appropriate curriculum;
2. That the number of staff appointed is relatively small and presumably smaller than it was under previous formula; and
3. That the number of staff appointed to small schools is inequitable under present policy.

I believe and the Secondary Staffing Officers assure me that none of the assumptions is correct.

METROPOLITAN REGIONAL MUSIC SCHOOLS
(Question No. 2028)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

1. Whether he intends making a grant to approved metropolitan regional music schools to provide musical instruments, sheet music and equipment for the benefit of music students at those schools, including those students coming outside the schools' normal area for the purpose of furthering their musical education?
2. What are the intentions of the Education Department in providing and upgrading musical facilities at metropolitan regional music schools and in particular at Blackburn High School?

Mr LACY (Assistant Minister of Education)—The answer is:

1 and 2. The use of the term "regional" is misleading. There are 5 "music schools" sponsored by Secondary Division in the metropolitan area. They are Blackburn High School, University High School, MacRobertson High School, Macleod High School and MacKinnon High School. The major requirement is for augmented music staff and this has been provided in each case. The emphasis in the music programmes is on the senior secondary music courses that lead to tertiary studies in music. There are no special funds available for provision of instruments and other materials. The very limited funds available through Secondary Division are used to supply basic music equipment and materials to newly established music programmes.

Proposals for building specialized facilities for music programmes in these schools have been considered through the appropriate regional priority review committees. Some have been identified in short-term programme plans. Provisions may involve conversions of existing spaces in the school. A project, along these lines, has received detailed investigation (including acoustic research) for Blackburn High School. The project holds a good priority position on the regional building priority list.

PROPOSED PRE-DRIVER TRAINING CENTRE
(Question No. 2040)

Mr ERNST (Geelong East) asked the Assistant Minister of Education, for the Minister of Education:

In relation to the proposed pre-driver training centre at Breakwater Road, East Geelong, for the East Geelong Technical School:

1. Whether the Minister has given his approval for the project to proceed; if not, what is the expected date of such approval?
2. What are the expected dates for the—(a) tender stage; (b) commencement of construction; and (c) completion and operation of the project?
3. What is the estimated cost of the project?
4. What schools will be using the centre?
5. When the centre is operational who will be responsible for—(a) maintenance of the area; and (b) administration of the centre?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:
1, 2, 3, 4 and 5. No specific proposal has yet been received.

The current position is that following a request for support by the President of the Geelong East Technical School in March 1979 to the then Minister of Education, the Geelong East Technical School submitted a proposal to the Geelong Regional Commission and the Regional Office of Education.

The commission has conducted a feasibility study to determine predicted usage by schools, resources required and possible sites. The commission now intends to ascertain what resources can be made available from local community bodies.

It is expected that when this is achieved a final submission will be made to the Government.

COMMUNITY WELFARE SERVICES ACT
(Question No. 2045)

Mr GAVIN (Coburg) asked the Minister for Community Welfare Services:
1. How many breaches of section 74 of the Community Welfare Services Act 1970 have been reported to the Department of Community Welfare Services in each of the past five years?
2. What action has been taken on these breaches?

Mr JONA (Minister for Community Welfare Services)—The answer is:
1. None.

Section 74 of the Community Welfare Services Act 1970 deals with family substitute care for children under the age of five years where the accepting family take the entire care of a child, without fee or reward, for which purpose my department maintains registration of these arrangements to ensure security to the child and its parent(s).

The numbers of Protection of Infant Applications has declined significantly over the past five years due to:
(a) Use of alternative placement procedures becoming available through my department's funding of statutory and voluntary foster care agencies which must meet stringent standards for the delivery of service to foster parents, the natural parent and the child.
(b) Use of alternative funding arrangements through the department's non-parent assistance scheme, administered through regions.
(c) Use of voluntary wardship under section 35 of the Community Welfare Services Act 1970 which allows for admission of a child to the care of the Director-General.

Over the past five years, following are the numbers of applications taken under section 74 of the Community Welfare Services Act 1970.

Figures are for the annual years:
- 1974-75: 255
- 1975-76: 171
- 1976-77: 174
- 1977-78: 99
- 1978-79: 45

(d) The whole of the section dealing with protection of infants (section 64-74) is under review by my department at this present time (family substitute care) and it is expected that late in 1980, I shall announce the results of the review in the light of the existence of community alternatives to family care in times of crisis.

2. None—on the basis of the answer to part 1 of the question (above).

SCHOOL CAMPS BRANCH
(Question No. 2067)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

Whether the School Camps Branch of the Special Services Division is sufficiently staffed so as to allow it to provide an advisory service on excursion safety to non-Government schools; if not, why?

Mr LACY (Assistant Minister of Education)—The answer is:
School Camps Branch do provide a limited advisory service by post and telephone contact to non-government schools.

ASHWOOD PRIMARY SCHOOL
(Question No. 2068)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

When it is expected that—(a) the multipurpose room; and (b) an art/craft facility, will be provided at the Ashwood primary school, particularly as the school was advised in 1978 that the planning had been completed?

Mr LACY (Assistant Minister of Education)—The answer is:
Following the recent fire the scheme has been revised. Stage 1 which is expected to proceed during 1979–80 includes demolition of damaged classrooms, relocation of 2 x 5 modular temporary relocatables, relocatable toilets and a multi-purpose room which is being funded on a $1 for $1 Regional grant.

The remainder of the scheme is being revised and is on the programme to be considered for 1980–81 depending on the level of funding available to the region.
CARDROSS PRIMARY SCHOOL
(Question No. 2069)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

When it is expected that the building up-grade programme will be completed at Cardross primary school, and what works will be included in this programme?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

This school has a high Regional priority and is expected to be advertised for tender in 1980-81. Completion will take approximately 9 months from acceptance of tender. Works to be carried out include general upgrade, cyclic maintenance, staff administration and toilets.

TEMPORARY TEACHERS
(Question No. 2073)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What progress has been made in planning for the extension of the present scheme of retiring gratuities to temporary teachers in Victoria based on their years of service?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

Retiring gratuities are payable to School Council staff employed under the Education (School Councils) Act 1975. Retirement benefits under the State Employees Retirement Benefits Act 1975 to Exempt—From—Service employees, that is to those School Council employees to whom, by direction of the Governor in Council the provisions of the Public Service Act are not applied.

Temporary teachers are employed by the Education Department under the authority of the Director-General. There is no provision in their case for the payment of superannuation benefits, retirement benefits or retiring gratuities. Similarly, temporary public servants are not entitled to any such benefits.

Earlier this year officers of my department’s personnel division discussed with the Superannuation Board the possible extension of retirement benefits to temporary public servants. At the time it was mentioned that temporary teachers might also be considered for coverage similar to that provided by the State Employees Retirement Benefits Act.

The discussions are continuing.

MERBEIN PRIMARY SCHOOL
(Question No. 2075)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

When it is now expected that the rebuilding programme at Merbein primary school will be commenced, particularly bearing in mind that the original planning was completed in July 1978?

Mr LACY (Assistant Minister of Education)—The answer is:

The Regional Director of Education has recommended that the rebuilding project be advertised for tender during the 1980-81 financial year. Following the adoption of the core-plus policy the design/documentation for the project was completed in mid-1979.

DAFYDD LEWIS SCHOLARSHIPS
(Question No. 2081)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What steps are to be taken to allow girls to receive the Dafydd Lewis scholarships administered by the Education Department?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

These scholarships are not administered by the Education Department. They are awarded by the Dafydd Lewis Trust care of the Trustees Executors and Agency Co Ltd, 401 Collins Street, Melbourne.

MORDIALLOC-CHELSEA HIGH SCHOOL
(Question No. 2084)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education:

What is the reason for the withdrawal of the services of a teacher aide at Mordialloc-Chelsea high school, and in view of the need for such an appointment in order to gain maximum use from the school’s audio-visual equipment, whether the Government will reconsider its earlier decision?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

Funds provided for employment of teacher aides in secondary schools are provided within the appropriation for secondary education. The Secondary Schools Division has the administration of the deployment of these funds. A policy has been developed and circulated by the division. The major criterion used in this deployment of funds is that of school disadvantage and there are insufficient funds
to make an allocation of funds to every secondary school. The measure of school disadvantage employed is the schools priority index as calculated for the supplementary grants programme, and schools in the "marginally disadvantaged" category are assisted.

Mordialloc-Chelsea high school had been funded to the extent of a half-time teacher aide until the end of 1979. Because the index lists this school at a significantly higher level than many other schools that have never received funds it was necessary to raise the priorities of those schools for supplementary grants above that of Mordialloc-Chelsea high school.

All funds available for this purpose in the secondary budget have been allocated to the "marginally disadvantaged" category and no surplus funds are available for allocation to Mordialloc-Chelsea high school.


**TRACTOR ACCIDENTS**

(Question No. 2090)

Mr ROPER (Brunswick) asked the Minister of Labour and Industry:

In respect of tractor accident figures:

1. What statistics there are for each of the past ten years of—(a) the number of tractor accidents; and (b) the number of tractor accident fatalities, indicating the number of—(i) adults; and (ii) children, killed?

2. Whether there are comparative figures for other States; if so, what are the details?

3. Which municipalities have requested that safety frame regulations apply?

4. Whether he is recommending to the Government that the use of new safety frames on new tractors should be compulsory; if so, when is it expected that a decision will be made?

**Mr RAMSAY** (Minister of Labour and Industry)—The answer is:

1. (a) None.
   
   (b) The statistics are figures prepared by the Australian Bureau of Statistics. The statistics are—

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2. I am not aware of any comparative figures being published for other States.


4. This is a matter of Government policy.

**HOUSE BUILDERS' LIABILITY**

(Question No. 2105)

Mr MATHEWS (Oakleigh) asked the Minister of Consumer Affairs:

What was the nature of the action which led to Mr Justice Brooking ruling that any award made in favour of a proprietor against a guarantor pursuant to the housing builders' liability provisions of the Local Government Act 1958 does not constitute a small claim, indicating—(a) the name of the proprietor; (b) the name of the guarantor; (c) the date and origin of the award; and (d) any further action taken or contemplated?

**Mr RAMSAY** (Minister of Consumer Affairs)—The answer is:

(a) On 30 March 1978, Mr C. G. and Mrs B. L. Fischer lodged a claim with the Small Claims Tribunal against Mr Hann Schweda in respect of a house they had purchased from Selmar Pty Ltd. In making their claim the Fishers also referred to Selmar Pty Ltd (the vendor), Aufco Constructions Pty Ltd (the builder) and the Master Builders Housing Fund as interested parties. Aufco Constructions Pty Ltd was a builder recognized by the Master Builders Housing Fund and accordingly there was a guarantee in force in respect of the house because it had been constructed by Aufco Constructions Pty Ltd.

(b) On 30 May 1978, the Tribunal ordered the Master Builders Housing Fund to pay $678.00 to the Fishers.

(c) The Master Builders Housing Fund took proceedings in the Supreme Court and satisfied the Court that the Tribunal had exceeded its jurisdiction.

(d) No further action is contemplated.

**SECONDARY SCHOOL FOR CHURCHILL**

(Question No. 2122)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

When it is now expected that a secondary school will be established in Churchill, and whether the Minister will confirm that it will be a technical-high school in accordance with the overwhelming wishes of parents in the district?
Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

The Regional Director indicated that the Region has no priority at the moment for such a school, and therefore there has been no discussion to this stage as to the type of school it should be.

I would add that there is currently an over-supply of secondary school accommodation in Morwell. Neither Morwell High School nor Maryvale High School has ever reached saturation enrolments and both are in a situation of continuing enrolment decline.

NAME OF SCHOOL IN RAWSON
(Question No. 2125)

Mr AMOS (Morwell) asked the Minister of Agriculture, for the Minister of Water Supply:

1. Whether the Minister’s attention has been drawn to an article in the Latrobe Valley Express of 19 February 1980, which states that the Minister supported the retention of the name of Robertson for a school located in the Melbourne and Metropolitan Board of Works construction town of Rawson?

2. Whether the Minister has made any representation which favoured the retention of the school name of Robertson; if so—(a) to whom; and (b) why, in view of the Government having already accepted the Place Names Committee recommendation of the name of Rawson for the town where the school is located?

Mr I. W. SMITH (Minister of Agriculture)—The answer supplied by the Minister of Water Supply is:

1. Yes, I have now had an opportunity to examine the article referred to by the honorable member.

2. I have not made any representations to any person or group of persons favouring the retention of the school name of Robertson.

WATER CLEANING RIGS
(Question No. 2131)

Mr STIRLING (Williamstown) asked the Minister of Labour and Industry:

1. Whether the Department of Labour and Industry regulates the use of high pressure water cleaning rigs which operate at approximately 10 000 psi; if so, under what provision?

2. How many such rigs are operating in Victoria?

3. Whether there have been any fatal accidents involving the use of these rigs?

Mr RAMSAY (Minister of Labour and Industry)—The answer is:

1. No. These rigs are not pressure vessels within the meaning of section 3 of the Boilers and Pressure Vessels Act 1970 nor are they regulated by the Labour and Industry Act 1958 or by regulations made under that Act.

2. This information is not available within the Department of Labour and Industry.

3. There is no record within the Department of Labour and Industry of any such accidents.

HIGH SCHOOL STUDENTS
(Question No. 2138)

Mr KIRKWOOD (Preston) asked the Assistant Minister of Education, for the Minister of Education:

1. How many final year students who attended East Preston, Thornbury, Newlands, Heidelberg and Preston high schools, respectively, left school last year before sitting for the Higher School Certificate?

2. What was the percentage pass rate for the Higher School Certificate at each school in 1979?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

1 and 2. Information received from schools indicates the following:—

<table>
<thead>
<tr>
<th>High School</th>
<th>Initial Year 12 Enrolment 1979</th>
<th>Number sitting for Higher School Certificate</th>
<th>Number &quot;Passing&quot;</th>
<th>Percentage of passes of those sitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Preston</td>
<td>40</td>
<td>29</td>
<td>10</td>
<td>34.5</td>
</tr>
<tr>
<td>Heidelberg</td>
<td>81</td>
<td>66</td>
<td>32</td>
<td>48.5</td>
</tr>
<tr>
<td>Newlands</td>
<td>57</td>
<td>48</td>
<td>15</td>
<td>31.3</td>
</tr>
<tr>
<td>Preston Girls</td>
<td>65</td>
<td>64</td>
<td>27</td>
<td>42.2</td>
</tr>
<tr>
<td>Thornbury</td>
<td>74</td>
<td>72</td>
<td>62</td>
<td>86.1</td>
</tr>
</tbody>
</table>
NATIONAL PARKS FUND
(Question No. 2149)

Mr B. J. EVANS (Gippsland East) asked the Minister of Health, for the Minister for Conservation:

1. What are the estimated receipts and expenditure of the National Parks Fund budgeted for the year 1979-80 detailed in a similar manner to the information contained in Appendix 1 (A) of the Report of the National Parks Service for the year 1978-79?

2. How many—(a) public servants; and (b) exempt employees, are employed at Head Office and in each district, respectively, and what is the total of salaries and wages paid in each case?

3. Of the sum set aside for fire protection, what amount has been provided for the Forests Commission to carry out fire protection work and where it is proposed to expend the remainder?

Mr BORTHWICK (Minister of Health)—The answer supplied by the Minister for Conservation is:

(a)

National Parks Fund

(b)

<table>
<thead>
<tr>
<th>Location</th>
<th>Public Service Staff</th>
<th>Exempt Staff</th>
<th>Total No.</th>
<th>Total Salaries and Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Salaries</td>
<td>Number Wages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head Office</td>
<td>66 650 312</td>
<td>18 206 784</td>
<td>84</td>
<td>857 096</td>
</tr>
<tr>
<td>East Gippsland</td>
<td>16 139 722</td>
<td>21 137 600</td>
<td>37</td>
<td>277 322</td>
</tr>
<tr>
<td>South Gippsland</td>
<td>15 117 475</td>
<td>53 358 346</td>
<td>68</td>
<td>475 821</td>
</tr>
<tr>
<td>Melbourne</td>
<td>16 163 845</td>
<td>25 127 579</td>
<td>41</td>
<td>291 424</td>
</tr>
<tr>
<td>Nepean</td>
<td>9 103 491</td>
<td>18 157 070</td>
<td>27</td>
<td>260 561</td>
</tr>
<tr>
<td>North East</td>
<td>17 159 120</td>
<td>29 246 272</td>
<td>46</td>
<td>405 392</td>
</tr>
<tr>
<td>North West</td>
<td>13 87 163</td>
<td>15 82 772</td>
<td>28</td>
<td>169 935</td>
</tr>
<tr>
<td>South West</td>
<td>10 95 758</td>
<td>10 66 209</td>
<td>20</td>
<td>161 967</td>
</tr>
<tr>
<td>Geelong</td>
<td>12 115 283</td>
<td>15 31 606</td>
<td>27</td>
<td>146 889</td>
</tr>
<tr>
<td>Central Gippsland</td>
<td>7 54 641</td>
<td>1</td>
<td>8</td>
<td>54 641</td>
</tr>
</tbody>
</table>

Total | 181 1 686 810 | 205 1 414 238 | 386 | 3 101 048 |

Note: (a) This amount will be reduced from $270 000 to the actual expenditure for these purposes in accordance with the condition attached to the Treasury allocation.

Staff and employees as at 26 February 1980.

Salaries and wages paid to 20 March 1980 from both Consolidated Fund and Works and services Account

Salaries and wages shown for Head Office include some of the costs of persons whose employment is directed from Head Office although their actual work is at District Offices or in parks, e.g. park interpretation staff in holiday periods, and engineering construction, building and fire protection works crews.
(c) The Joint Forests Commission/National Parks Service Fire Protection Committee prepared a budget for $422,000 for various projects for 1979-80, consisting of:

- $12,000 held in Forests Commission trust accounts at 1 July 1979.
- $410,000 allocated by Treasury for 1979-80.

This money was allocated as follows:

- $44,000 for fire protection works to be carried out by the Forests Commission.
- $21,000 to be expended by the National Parks Service's Head Office Park Protection Branch on fire protection training, maps, fire protection, plans and equipment maintenance.
- $357,000 budget for fire protection works, fire control, fire equipment and related expenditure by the National Parks Service in 56 parks throughout the State, including provision for items ordered centrally:
  - Radio purchase, installation, maintenance, repairs and spare parts $72,705
  - Capital equipment including tanker, tank pump unit complete; building fire equipment stores; proportionate cost of heavy equipment $51,700
  - Equipment maintenance and minor purchases $31,995

Fire protection costing does not include radio licence fees paid to the Post and Telegraph Department (estimated cost $10,000) and similar charges which are met from Vote.

Costing also does not include charges against time spent by permanent staff and employees on fire protection matters, although this may be a considerable proportion of the work of many officers.

MONTMORENCY HIGH SCHOOL
(Question No. 2157)

Mrs TONER (Greensborough) asked the Assistant Minister of Education, for the Minister of Education:

1. Why the new branch of Montmorency High School in Progress Road, Eltham North, which caters for approximately 162 pupils, has not been given an Establishment Grant?
2. When the branch can expect financial assistance from the Education Department to cover the purchase of library books, physical education equipment, musical instruments and science apparatus?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

1. "Establishment Grant" is applicable to completely new schools. The branch of Montmorency High School is simply the entire Year 7 enrolment of the school being accommodated at a separate location. No Establishment Grant is applicable.

2. The total School Grant funds paid to Montmorency High School have been adjusted in accordance with the normal grant formula but an additional allowance has been made on account of the dual locations of the total school.

Since the Year 7 level enrolment is operating at the branch location it is expected that relevant educational materials possessed by the school should be made available to the branch enterprise.

CARLTON PRIMARY SCHOOL
(Question No. 2160)

Mr REMINGTON (Melbourne) asked the Assistant Minister of Education, for the Minister of Education:

Whether the Minister will outline the reasons for the exclusion of Carlton primary school, Rathdowne Street, from the Disadvantaged Schools Programme, particularly bearing in mind that an adjacent non-Government school is included in the programme?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

Catholic Schools use an index different from State systems index and the factors affecting the schools may well in any event differ from those applying to nearby State schools.

Carlton Primary School has never been classified as a Disadvantaged School. It is ranked Number 764 of 2064 State owned schools, which does not qualify it for inclusion in the Commonwealth Disadvantaged School's Programme on an objective and comparative basis.

CROWN LEASES AT PHILLIP ISLAND
(Question No. 2168)

Mr McINNES (Gippsland South) asked the Minister of Health, for the Minister of Lands:

In respect of Phillip Island:

1. What is the total area of Crown leases?
2. What are the names of the present lessees of leases in excess of 6 hectares, indicating what rental is received annually from each of the leases?

Mr BORTHWICK (Minister of Health)—The answer supplied by the Minister of Lands is:

1. 2.47 hectares contained in three Crown leases.
2. There are no leases for areas in excess of six hectares.
STATE AND PRIVATE SCHOOLS
(Question No. 2169)

Mr KIRKWOOD (Preston) asked the Assistant Minister of Education, for the Minister of Education:
1. What was the total number of students attending—(a) State; and (b) private schools, in each year since 1976?
2. What amount of Government funds was directed to—(a) State; and (b) private schools, in each of those years?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

1. Enrolments in Victorian Schools.

<table>
<thead>
<tr>
<th>Year (as at August)</th>
<th>Government schools</th>
<th>Non-Government schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>624 707</td>
<td>201 083</td>
</tr>
<tr>
<td>1977</td>
<td>626 143</td>
<td>203 318</td>
</tr>
<tr>
<td>1978</td>
<td>621 609</td>
<td>207 160</td>
</tr>
<tr>
<td>1979</td>
<td>614 419</td>
<td>211 141</td>
</tr>
<tr>
<td>1980*</td>
<td>613 299</td>
<td>215 000</td>
</tr>
</tbody>
</table>

* February 1980

2. Government Funds expended on Schools.

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Government schools*</th>
<th>Non-Government schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976-77</td>
<td>903 207 000</td>
<td>49 274 668</td>
</tr>
<tr>
<td>1977-78</td>
<td>1 014 867 000</td>
<td>60 277 000</td>
</tr>
<tr>
<td>1978-79</td>
<td>1 089 899 000</td>
<td>67 816 276</td>
</tr>
</tbody>
</table>

* Expenditure on TAFE is excluded.

FUNDS FOR PORTABLE DEMOUNTABLE RELOCATABLE CLASSROOMS
(Question No. 2197)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

What funds have been provided in each of the years—1975-76, 1976-77, 1977-78, 1978-79 and 1979-80, respectively, for portable demountable relocatable classrooms, and how many classrooms were involved in each case?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-76</td>
<td>3·563 Million</td>
</tr>
<tr>
<td>1976-77</td>
<td>7·500 Million</td>
</tr>
<tr>
<td>1977-78</td>
<td>11·400</td>
</tr>
<tr>
<td>1978-79</td>
<td>10·745</td>
</tr>
<tr>
<td>1979-80</td>
<td>15·695 (Excludes “plus” components)</td>
</tr>
</tbody>
</table>

Relocatables Built

<table>
<thead>
<tr>
<th>Year</th>
<th>Relocatables</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-76</td>
<td>199</td>
</tr>
<tr>
<td>1976-77</td>
<td>233</td>
</tr>
<tr>
<td>1977-78</td>
<td>365</td>
</tr>
<tr>
<td>1978-79</td>
<td>291</td>
</tr>
<tr>
<td>1979-80</td>
<td>479</td>
</tr>
</tbody>
</table>

TURANA YOUTH TRAINING CENTRE
(Question No. 2198)

Mrs TONER (Greensborough) asked the Minister for Community Welfare Services:

1. Whether the Minister has sought an immediate grant from the Treasury to improve the physical conditions at Turana Youth Training Centre, namely broken and unhygienic toilets, lack of heating and hot water, exposed wiring, faulty plumbing and broken floors?

2. Whether he will ensure that maintenance works at the centre will begin as a matter of urgency in order to avert industrial action by officers and to provide a reasonable environment for the rehabilitation of young offenders?

Mr JONA (Minister for Community Welfare Services)—The answer is:

Since early March last, a great amount of work has been carried out to improve the physical conditions for both the young people residing at Turana and staff at the centre.

Joint meetings involving officers of the Public Works Department, Treasury and Officers of the department have enabled work to proceed and finance to be made available for this project and the co-operation of all parties.
9454 Questions on Notice

has been of enormous benefit. Most, if not all, of the items referred to in the question have either been completed or steps are in process of being taken to expedite repairs.

In addition, work is about to commence on a new accommodation unit for approximately eighty wards and trainees which will replace the old dormitory accommodation at the centre with bedroom accommodation. This, and associated renovation of the building, will cost $900,000 over the next two years, and will substantially improve the standard of accommodation and service areas.

VERMONT HIGH SCHOOL
(Question No. 2204)

Mr FORDHAM (Footscray) asked the Assistant Minister of Education, for the Minister of Education:

In relation to the Vermont High School:
1. What is the current enrolment?
2. How many staff work in the school library?
3. How many additional staff are to be appointed to the library in order to cope with the school's need for an expanded library service?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:
1. Enrolment at Vermont High School is 1018.
2. Three teacher-librarians (total: 2.6 equivalent full-time) plus one library assistant are employed in the library.
3. Nil; it is a matter for the school itself to deploy the staff available to it in the most effective possible way.

NORTHCOTE TECHNICAL SCHOOL STAFFING
(Question No. 2208)

Mr WILKES (Northcote) asked the Assistant Minister of Education, for the Minister of Education:

In view of the shortage of staff at Northcote Technical School, what additional staff are to be appointed in order to meet the full needs of students at the school?

Mr LACY (Assistant Minister of Education)—The answer supplied by the Minister of Education is:

The staffing establishment at Northcote Technical School comprises—

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic establishment</td>
<td>49.7</td>
</tr>
<tr>
<td>Needs component</td>
<td>10.0</td>
</tr>
<tr>
<td>Total establishment</td>
<td>59.7</td>
</tr>
</tbody>
</table>

It should be noted that the allocation of staff under the needs component is one of the highest in the State.

On 9 April I found that the number of staff actually available at the school was 68.2 or 8.5 in excess of establishment. I furthermore found that according to the staffing schedule sent to the department teachers were teaching only an average of 15.7 hours a week. This meant that the students were being denied teaching equivalent to 7 teachers. In other words, the generosity of the staffing has been used for the benefit of teachers rather than pupils.

I instructed the Technical Schools Division that this situation be rectified. I am advised that teachers at the Northcote Technical School are now teaching an average of 18 hours a week.

PORT FAIRY HOSPITAL
(Question No. 2215)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of the Port Fairy Hospital, whether there are any proposals to change the current bed usage; if so, what proposals and when it is expected that they will be put into effect?

Mr BORTHWICK (Minister of Health)—The answer is:

There are no proposals to change the current bed usage at Port Fairy Hospital.

DISTRICT NURSING SERVICE
(Question No. 2219)

Mr ROPER (Brunswick) asked the Minister of Health:

Whether he or the Health Commission has received a submission for a District Nursing Service for the Shire of Goulburn and the Town of Nagambie; if so, whether he will favourably consider the appointment of a district nurse on either a full time or part time basis in view of the fact that Seymour District Memorial Hospital is unable to provide a service?

Mr BORTHWICK (Minister of Health)—The answer is:

On Wednesday 23 April 1980, I met with a deputation from the Shire of Goulburn during which the matter of a district nurse for the town of Nagambie was raised.

It was explained to the deputation that because of the introduction of the Commonwealth's policy of zero growth, funds could not be made available this financial year for the appointment of a district nurse on either a full time or part time basis in view of the fact that Seymour District Memorial Hospital is unable to provide a service.

The commission is fully sympathetic with the situation and subject to availability of funds for expansion in the 1980-81 financial year a district nurse will be approved to service the town of Nagambie based on Seymour District Memorial Hospital.
PROPOSED AMBULANCE SERVICE AT INGLEWOOD
(Question No. 2223)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of the proposed ambulance service at Inglewood:
1. When approval in principle was first given to the proposal?
2. What is the expected capital and recurrent cost?
3. When it is proposed that approval will be given and in the event that it is not this financial year, why?

Mr BORTHWICK (Minister of Health)
— The answer is:
1. 20 March 1979.
2. Capital: $150,000 for premises, furnishing and equipment; $22,000 for a fully equipped ambulance. Recurrent: Approximately $40,000 p.a.
3. Approval to develop the branch will be subject to finance being available, and to the other development priorities of the Central Victoria District Ambulance Service. Funds are not available this financial year.

AMBULANCE STATION AT RUSHWORTH OR MURCHISON
(Question No. 2230)

Mr ROPER (Brunswick) asked the Minister of Health:

In respect of the report prepared on the location of an ambulance station at either Rushworth or Murchison, whether he will make available to the member for Brunswick and to the public copies of the full report; if not, why?

Mr BORTHWICK (Minister of Health)
— The answer is:

The report is available to the public. A copy is being forwarded to the honorable member for Brunswick.

B. F. GOODRICH CHEMICALS LTD
(Question No. 2257)

Dr COGHILL (Werribee) asked the Minister of Health:

Further to the answer to question No. 2030 given on 15 April 1980:
1. What limits or other controls apply to vinyl chloride levels in the atmosphere inside factory buildings of B.F. Goodrich Chemicals Ltd Kororoit Creek Road, Altona, indicating and monitoring which is carried out?
2. Whether workers at the buildings have regular tests for exposure to vinyl chloride; if so, what is the nature and frequency of the tests?

Mr BORTHWICK (Minister of Health)
— The answer is:

1. The National Health and Medical Research Council publication Atmospheric Contaminants, gives for vinyl chloride “the time weighted average exposure level for a workman over an eight hour shift as 10 parts per million.”

A further note indicates that the ceiling value, which may be exceeded only momentarily, is 30 parts per million. The standard of 10 is to be reduced to zero wherever practicable.

It should be noted that vinyl chloride is a gas which can be treated in a special reaction vessel to make the solid polyvinyl chloride. Vinyl chloride exposure in the past has caused an exceedingly rare tumour of the liver to occur in less than 100 cases in the world. The levels of exposure were of the order of thousands of parts per million and there has been a delay of 20 years or more between first exposure and tumour development. Present day levels are generally held to be quite safe but on principal, stringent precautions are taken to ensure an absolute minimum of exposure.

There is an Australian Code of Practice for the handling of vinyl chloride, which B. F. Goodrich conforms. Continuous monitoring of vinyl chloride levels is practiced. The levels in general range from 2 to 4 parts per million.

Men entering the reaction vessels for clean up purposes, must wait until these vessels are purged of gas by clean air. The men wear respirators and full body cover, i.e., overalls. These respirators have recently been upgraded, and have been changed. They operate using a source of clean air pumped to the face piece, rather than a cartridge filter.

2. Workers in the reaction plant undergo regular two yearly medical examination and annual pathology testing of their liver function.

NOXIOUS WEED CONTROL PROJECT
(Question No. 2314)

Dr COGHILL (Werribee) asked the Minister of Health, for the Minister of Lands:

Further to the answer to question No. 1852 given on 15 April 1980, what are the terms of reference of the assessments of the Blackberry and Golden Thistle projects, indicating the date on which each assessment will be completed?

Mr BORTHWICK (Minister of Health)
— The answer supplied by the Minister of Lands is:

The Blackberry and Golden Thistle projects are aimed at significantly improving the control of these weeds. The terms of reference are to assess and document the effectiveness of the projects in relation to that aim. As meaningful assessments cannot be made for some
twelve months after treatment and extensive field work is involved, it is expected that the first reports will be available at the end of 1980.

REPAIRS TO FRANKSTON PIER  
(Question No. 2330)

Mr CATHIE (Carrum) asked the Minister of Public Works:

What repairs are currently taking place or are being planned for Frankston pier, indicating—(a) the nature of the repairs; (b) the effect these repairs will have on existing users; (c) when it is expected the repairs will be completed; and (d) whether the pier will be ready for the blessing of the waters?

Mr AUSTIN (Minister of Public Works)—The answer is:

(a) Extensive replacement of piling and superstructure.
(b) Light vehicles and limited pedestrian traffic only is permitted.
(c) Subject to financial allocations, about March 1981.
(d) Yes, but with exclusion of spectators from some areas.

Legislative Council  
Thursday, 8 May 1980

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 2.13 p.m. and read the prayer.

ESTATE AGENTS BILL

This Bill was returned from the Assembly with a message intimating that they had agreed to the amendment made by the Council and had made a further amendment with which they desired the concurrence of the Council.

Assembly's amendment:

Clause 15, line 31, omit "11 March 1980" and insert "23 April 1980".

The Hon. HADDON-STOREY (Attorney-General)—I move:

That the amendment be agreed to.

This is a consequential amendment to bring the clause into line with other amendments made by the House.

The motion was agreed to.

ABSENCE OF MINISTER

The Hon. HADDON-STOREY (Attorney-General)—I announce to the House that the Minister of Education has been delayed through pressing Government business and will not be present until later in the day. I propose that question time be postponed until the Minister arrives.

MINISTERIAL STATEMENT

Funding of sewerage works

The Hon. F. J. GRANTER (Minister of Water Supply)—I wish to make a Ministerial statement with respect to the funding of sewerage works. The Government has for some time been concerned both at the rising level of rates required to finance sewerage works throughout the State, and at the rate of progress in overcoming the sewerage backlog in urban areas as a result of the Commonwealth’s cutbacks on funds for capital works.

Since 1973 when Sewerage Acts were amended by the Local Government (Subdivision of Land) Act, a number of local authorities have sought to mitigate these problems by making use of power to install the necessary sewers at the cost of owners whose properties will be served. Although there has been some opposition to this principle, it has at least enabled works which would otherwise have been deferred to proceed, and at the same time to prevent rates from reaching intolerable levels.

It is apparent that, if the capital contribution could be limited and some reduction in rates made possible, then the strongest basis for objections would be eliminated. Firstly, the Government wishes to reiterate its policy that all substantial urban dwellings should be sewered as early as reasonably possible. Sewerage is not only a necessity for the protection and maintenance of public health and the environment, but is also regarded as an essential and basic service in every modern community of size.

At the same time, the Government is also concerned that costs should not be excessive, and it is for this reason that substantial subsidies are paid to country
sewerage schemes where the comparatively small numbers tend to impose costs much higher than exist in the metropolitan area. No subsidies are paid to the Melbourne and Metropolitan Board of Works, the Geelong Waterworks and Sewerage Trust, the Dandenong Sewerage Authority or the Springvale and Noble Park Sewerage Authority.

With inflation and a rapidly increasing interest rate, the amount of annual subsidy has risen over the past 6 years from $3.17 million to $8.6 million in 1979-80. Even with these subsidies plus capital grants amounting to $2.3 million in 1979-80, the average annual charge to be met by ratepayers for recently installed country sewerage schemes in most cases exceeds that for metropolitan ratepayers.

Even if the supply of loan funds were adequate to meet the cost of sewer extensions—which is not the case now, nor likely to be in the foreseeable future—the amount of revenue returned by way of rates would be far less than the additional costs associated with the works. To illustrate this point the average annual cost of loan servicing and of operating and maintaining sewers in the Waverley area is some $269 per lot, whilst the average rate revenue per property is only $131—leaving an average annual deficit of $138 per allotment to be met by existing ratepayers. Larger deficits occur in many other areas where costs of construction are higher, and without new approaches would occasion ever increasing burdens upon existing ratepayers.

In country towns, particularly in places such as Ballarat where some of the original loans have now been repaid and rates are comparatively low at present, the revenue return from new extensions would represent only a small fraction of the additional annual costs. Thus, even if it were possible to provide loan funds for necessary sewerage extensions, it would also be necessary to increase the level of rating on existing sewered properties by as much as 50 per cent in constant money terms by 1990-91 if all the capital costs of new extensions were to be met by ratepayers who have already borne the cost of the initial capital works required for the system. This conservative estimate makes no allowance for additional costs due to inflation or increases in interest rates. The 1973 amendments were brought about as a result of recommendations by an all-party committee which had been established to consider alternatives for the provision of services, including sewerage, to new subdivisions.

Sections 152A of the Sewerage Districts Act and 184c of the Melbourne and Metropolitan Board of Works Act were introduced to provide that developers could be required to pay the cost of reticulation sewers within their subdivisions, together with a contribution towards the authorities' outfall sewers and disposal systems. The board and all local authorities have made good use of these powers which have ensured that new lots totalling some 45,000 in the board's area and 19,000 in local authority sewerage districts have since been released with sewers available.

The inclusion of sections 120A and 142A of the respective Acts provided that sewers could be installed to serve existing unsewered properties, and the costs, together with a contribution towards the outfall and disposal systems, received from benefiting owners. Where schemes of this kind are implemented, the Acts provide that an owner may pay his share of the cost over ten years by 40 quarterly instalments.

Compulsory schemes have been widely used by local authorities throughout Victoria since 1975. In all some 5900 existing subdivided lots have been sewered at a total cost to the landowners amounting to $8.8 million. The estimated cost of schemes approved during 1978-79 to serve 2300 lots was $3.7 million, which represents some 12.7 per cent of the total amount expended on all sewerage works in country towns.

The Portarlington Sewerage Authority has recently submitted proposals to sewer some 4400 lots in the towns of Portarlington, St Leonards and Indented
Head by a self-help scheme under the provisions of section 120A of the Sewerage Districts Act. The authority has estimated that capital contributions of about $900 per normal size lot will be required to meet the cost of the sewers at a total cost of $4.13 million, and it is proposed to finance the outfall and disposal works amounting to $2.6 million by subsidized loans. On this basis the average rate per residence will be about $65 per annum—a low figure indeed—to meet the costs of loan servicing after subsidy, operation, maintenance and administration.

By this method of funding the authority could proceed immediately and avoid increased costs due to inflation, reinstatement works and higher interest charges. Many new home builders would be saved the expense of installing and maintaining a septic tank, and those wishing to pay cash could avoid high interest charges on long-term loans which would otherwise have to be taken up by the authority. A similar self-help type scheme for Lara, requiring contributions of some $1350 a lot, is being prepared at present by the Geelong Waterworks and Sewerage Trust on behalf of the Shire of Corio. If this scheme proceeds, it will be possible to keep the rates at Lara down to the same level as in the Geelong area.

The concepts underlying both these schemes clearly have a great deal of merit and go a long way towards meeting the objections by owners of unsewered lots adjoining an existing system, which have three main thrusts.

Firstly, it is argued that it is inequitable that they be required to pay a capital contribution when nearby owners did not. Secondly, it is claimed that the cost of the sewer and levy is too high, and lastly that they should not have to pay the same rates as other owners who have not had to pay for the sewer mains. On the other hand, existing ratepayers maintain that their rates should not have to be increased to meet the considerable deficits caused by extension and amplification works to service new areas.

The Hon. F. J. Granter

Bitter arguments have developed as a result over the use of compulsory schemes, and campaigns have been mounted in several areas to have owner-financed schemes abolished without an appreciation of the limits of available capital funding. However, as earlier explained, even if the supply of loan funds were sufficient to finance reticulation extensions, the high level of current interest rates would result in substantial annual increases in rate levels. Under these conditions it is clearly essential that owner-financed works be retained as the only equitable means of maintaining a programme which the community and the Government regard as important for the future.

The Government recognizes the valuable efforts of local authorities in the provision of services and facilities which benefit communities both large and small. Authority members, acting in an honorary capacity, are often subjected to personal criticisms over matters in which they have little or no powers.

After a thorough investigation by the Victoria Water Resources Council of all methods and variations of funding reticulation extensions, the committee of the council makes the following recommendations:

(a) there be no change in the present legislation and procedures which provide for developers to meet the full cost of all works associated with the provision of a sewerage service to each lot of new urban subdivisions;

(b) where sewers are being installed to serve existing subdivided lots the contributions be limited to the actual cost of reticulation plus a nominal contribution towards the outfall and disposal system, up to a maximum amount as specified by the Minister in the circumstances;

(c) authorities find any excess cost by way of unsubsidized loans or from revenue;

(d) legislation would need to be presented to enable authorities to grant a rebate on rates on those required to contribute capital sums towards sewerage installation. Rebates should not ex-
ceed 10 per cent per annum of the amount of capital contributed to the scheme, and will be limited to a ten-year period. In no case however should the debate reduce the rate to less than 50 per cent of the normal rate for a property of the same value in the particular applying year;

(e) authorities be empowered to apply the rebate principles retrospectively to properties already connected by way of schemes under section 120A of the Sewerage Districts Act and section 142A of the Melbourne and Metropolitan Board of Works Act; and

(f) contributors to any such scheme to have the right to elect to pay by 40 quarterly instalments.

In general terms, these recommendations would enable the amount of contribution to be limited to a reasonable sum, and provide for rate relief to be given for up to ten years for any owner who has been or is to be required to pay a contribution towards the cost of a sewer extension.

For pensioners, the rebate would apply to the net amount of rate to be paid by the pensioner ratepayer. In such cases pensioners would be relieved of 50 per cent of the normal rate through the pensioner rate relief scheme, and up to 50 per cent of the residual amount could then be rebated under the proposed rate rebate scheme.

Although these recommendations do give relief to those making a capital contribution, the groups of ratepayers are not satisfied. I therefore state that the Government does not wish that section 120A or 142A schemes proceed where there is not general approval.

On the motion of the Hon. D. R. WHITE (Doutta Galla Province), it was ordered that the Ministerial statement be taken into consideration forthwith.

The Hon. D. R. WHITE (Doutta Galla Province) — I move:

That the Council take note of the Ministerial statement.

The statement, as the Minister announced, represents a compromise, but it will in no way satisfy the groups that have been agitating, particularly the groups from Chirnside Park, Mount Helen, Mount Martha and Geelong, who have been seeking significant relief. The compromise does not answer that fundamental question that has been addressed to the House over the past year.

To put the debate in its proper perspective, I point out that this is not a new problem. Attention was first drawn to it by a former Prime Minister, Mr Whitlam, in one of the first speeches he made in the House of Representatives in 1952, when he said that over the next 20 to 30 years there will continue to be problems arising with the provision of sewerage facilities in new urban areas. He said that for that reason the Commonwealth Government has a direct responsibility to provide funds to the States to ensure that the problems are overcome.

If Mr Whitlam was able to get that point across to the electorate in 1972 and 1974, it is regrettable that, under the guise of new federalism, the Fraser Government has not seen fit to take up the support clearly given to Mr Whitlam for that proposal on those two occasions. Mr Whitlam demonstrated
the need in logic and in receiving the mandate of the people on the issue. During the 1975 Federal elections an assurance was given by the then Federal Leader of the Opposition, Mr Fraser, that he would persist with that kind of initiative, but under the guise of new federalism sewerage funds to the States have been watered down. That is why Victoria is in its present position.

If one speaks to members of the Liberal Party who are members of either House in this Parliament, particularly those representing areas where schemes under the provisions of section 120A are contemplated or are about to be introduced, one is left with no doubt about their feelings on the matter. The justice of it is clear. The Ministerial statement is, in a sense, convoluted, because although it recognizes that double payments are made it makes categorical assertions about the principles under which sewerage schemes should be introduced. It fails to recognize, firstly, what Mr Whitlam and others have been saying since 1952 and, secondly—and perhaps more importantly for the State—the principle upon which sewerage is provided in the metropolitan area by the Melbourne and Metropolitan Board of Works.

It has been a long standing principle that people being provided with new sewerage facilities in the new housing estates on the urban fringe, as new home-owners, are the people least able to meet the burden of providing the capital funds required for the new sewerage schemes. There has always been a form of subsidy in that the owners of established homes in the older areas provide a form of assistance for new home-owners, so that they do not have to meet the capital costs of the new works. That has been a long established and well recognized tradition and it would be most regrettable if schemes under the provisions of section 120A were to be brought into the area covered by the Board of Works.

Although the Minister has enunciated a principle, he has not indicated that he is prepared to walk away from the existing Board of Works practice. That practice has been that new home-owners

The Hon. D. R. White

get some relief from the owners of established homes because the capital costs are absorbed into the rates. The Opposition wished that principle to be extended to areas outside the area covered by the Board of Works—Chirnside Park, Mount Helen, Mount Martha and Geelong—in the immediate future and other areas in the years to come.

It is not sufficient for the Minister to make the Ministerial statement and offer the proposition he has offered. I am aware that, because of new federalism, he does not have any funds, but the proposal is only a form of tokenism. It does not address itself to the problem or to the fact that one of the reasons for Victoria's present dilemma is the failure of the Federal Government to provide adequate loan funds and grants for urgent public works, not only in order to provide employment but also to provide for proper sewerage facilities.

The Opposition recognizes that it is essential that these public works be carried out, as I have said, not only to provide employment but also for environmental and public health reasons, and they could have been carried out if, firstly, the Fraser Government had provided the necessary funds or, secondly, if those funds were not forthcoming, there were sufficient funds available to the State Government to rectify the problem.

On page 2 of the statement the Minister said:

The average annual charge to be met by ratepayers for recently installed country sewerage schemes in most cases exceeds that for metropolitan ratepayers.

The problem could have been overcome if this Government had taken the recommendations of the Bains report into account more speedily and expeditiously than it has seen fit to do. That report suggested that economies of scale could be gained by the amalgamation of certain sewerage and waterworks trusts.

The Hon. D. G. Crozier—Don't you believe in consultation?

The Hon. D. R. White—There is no doubt that, after significant consultation, the Minister has indicated to the
House that he may introduce proposed legislation in the spring sessional period. I will lay a bet now that the House will not see it in the spring sessional period!

The Hon. D. G. Crozier—I said I may introduce proposed legislation, depending on the attitude of the Government towards particular recommendations.

The Hon. D. R. White—There is no doubt that the Minister for Local Government is already slipping away from the promise and assurance that the Bill would be introduced in the spring sessional period. In accordance with the Ministerial statement, there will not be legislation before Christmas. One of the means that this Government has had within its scope to overcome the problems associated with excessive costs because of the failure of country sewerage authorities to have economies of scale has been postponed. The Minister for Local Government has failed to put into effect expeditiously some of the major recommendations of the Bains report.

The Hon. D. G. Crozier—Without the opportunity of consultation.

The Hon. D. R. White—During the course of the Bains inquiry every local sewerage authority and water trust had the opportunity of providing information, as the Minister knows. In the context of the debate, it is important to remember the principles. An owner in a new home in a housing estate outside the Board of Works area has a double payment—the capital cost of the new sewerage programme and the cost of the rates once a year. The double payment is unequivocal. There is no doubt that it exists. Once the sewerage is installed, the owner is up for the capital cost of installing it and he has to pay his rates.

In the Board of Works area the owner does not have to pay the capital cost of the sewerage connection. He continues to pay his rates. Existing Board of Works ratepayers meet the capital cost of the new sewerage works. The reason for the subsidy continuing to exist is to assist those who have to meet the new sewerage programme, either newly married couples or, in the case of the residents of Mount Martha, elderly retired persons. Both groups are least able to meet the capital costs. All people who live in existing housing areas, as I do, who pay normal Board of Works rates, look forward to the opportunity of being able to contribute in the Board of Works rates to the extension of the Board of Works sewerage area so that young married couples can move out into new housing estates which have sewered blocks.

This Ministerial statement does not rectify that problem. It is a form of tokenism. All that is provided is a 10 per cent rate rebate for people who will have to meet the capital cost of new sewerage works. The statement recognizes to a degree the principle that members of the Labor Party are trying to espouse, but it does not bring about equity. On page 6 of the Ministerial statement the following appears:

Rebates may not exceed 10 per cent per annum of the amount of capital contributed to the scheme, and will be limited to a ten year period. In no case however will the rebate reduce the rate to less than 50 per cent of the normal rate for a property of the same value in the particular applying year.

It still does not produce equity for the new home owner, given the capital cost of the works. Firstly, the Government should make a direct attack on the Fraser Government and new federalism for failing to provide funds for essential public works. Secondly, there should have been a recognition that this step does not bring about equity to the people. It is not sufficient to say that where there is general agreement, section 120A schemes will proceed. It is quite possible to have the agreement of more than 50 per cent of the homeowners in Mount Martha, Chirnside Park, Mount Helen or Geelong under the 120A scheme, because they can afford capital costs, but what about a substantial minority who may be in the less than average income group—young married couples or retired elderly people who would be significantly disadvantaged financially by such a scheme being introduced?

The Minister merely indicates that where there is general approval he will accede to such a scheme. The problem
will not go away simply because he recognizes that more than 50 per cent may agree to such a scheme.

The Hon. F. J. Granter—I would want more than 50 per cent.

The Hon. D. R. WHITE—At some stage it would be interesting to know what support the Minister is seeking, and how he will handle specific categories of home-owners. There is the elderly retired group who may have gone into an estate, purchased a house and undertaken to put in a septic tank installation. They have then gone on to a pension and have not contemplated being part of a section 120A scheme. When they undertook purchase of the house five or ten years earlier they might have thought that when the sewerage installation occurred the cost would be met from the general rate revenue and that as pensioners they would receive a significant rate remission.

That group is worthy of special and serious consideration, as are newly married couples who, when they move into a new home and establish a family, are up for serious and significant financial burdens in the first few years of their married life because of the impost of their mortgage commitments which remain a burden for at least five, if not ten, years. If, during the course of that five years, they are expected to meet the capital costs of a new sewerage programme, as many are, they often protest, and understandably. Those are genuine protests. There is no indication in this statement of relief being made available for those people.

Whatever view the Minister took to the Cabinet and whatever view was expressed in support of the case that I am putting, it is clear that the Cabinet collectively did not espouse a humanitarian outlook for these groups. This Ministerial statement is not sufficient to overcome the problem. Moreover, in new sewerage estates there will still be groups who protest about the dilemma they are facing. It is also obvious to anyone who has the slightest interest in State and Federal politics that in the urban fringe of the Melbourne metropolitan area, and Ballarat and Geelong, there are marginal seats.

The Hon. Glyn Jenkins—Geelong?

The Hon. D. R. WHITE—Portarlington is in your province.

The Hon. Glyn Jenkins—It does not have any relevance to this statement because it is a new scheme.

The Hon. D. R. WHITE—There is no doubt that this measure is not sufficient to meet the needs of the two groups who make up a significant proportion of new home-owners, not only in areas where proposals have been made and are under way but also in contemplated new schemes. It is not a significant recognition of the financial problems that exist. To provide the relief that the Government is providing is a form of tokenism. During a Federal election year, this State Government should at least have begun to take on the Federal Government in an attempt to obtain a fair deal for the people of Victoria. Not one member on the Government side of the House has been prepared to stand up and speak on the significance of this issue and the relationship it has to the new federalism and the deal that the States are receiving. No important public works programme is more intimately related to Federal funding than new sewerage works.

Not one word appears in the statement about the relationship between new sewerage works and the failure of the Fraser Government to meet the undertakings it made in 1975 and 1977 to give the States a fair deal. The people who must meet the burden are those in marginal quarters, newly married couples, new home-owners, elderly couples and retirees in Mount Martha. No member of the Government party has spoken out for those people to insist that in an election year Mr Fraser should give them a new deal.

All that honorable members have received is a gesture of recognition that there is a double payment, and a slight faltering step towards dealing with the problem. Not one word of interjection
Ministerial Statement

has been made, because every honorable member knows that the new federalism is a fraud and here is the measure of it. Members of the Labor Party expected that at least one Minister with a bit of spine would take on the Federal Government and get a better deal for the people of Victoria and particularly for the disadvantaged groups who look to their Parliamentary representatives to act as their spokesmen. There is complete silence from the Government side of the House and from the Government front bench, and that silence is a consensus that every word I am putting to the House today is valid. In his statement the Minister has not recognized that he has had to make this Ministerial statement because of the failure of the Government to do something about new federalism.

Members of the Opposition look forward to a prolonged debate on this issue. I realize that it is late in the sessional period and that today is supposed to be the last day of sitting. That is why the Ministerial statement was introduced. The Government is deliberately attempting to keep this House meeting for prolonged hours, not because it wishes to concede that it cannot manage its business but as a deliberate ploy to take the heat out of debates and off itself. It would have liked this debate to have occurred at 2 a.m. or to have been adjourned until later this day so that it could have been undertaken at 11 or 12 o' clock at night, when the deadlines of the morning newspapers have passed. I received this statement five minutes before it was produced in the House.

Members of the Labor Party have been pushing this issue for more than a year. It was hoped that one member of the Government side would have understood or known of the points Mr Whitlam was making from his earliest days in 1952 about the responsibility of the Government in Canberra to make some contribution out of taxpayers' income to new sewerage works. That was forgotten in 1974. The present Liberal Government argued for it when it went to the electorate in 1975 but forgot about it the next day. It is the dishonesty under which it has always operated, but not one member of the Government side has the guts to take on Mr Fraser at present.

In this State the Government should have a fair deal. It is not receiving it because of the calibre of men like the Minister for Local Government, who is laughing like a jackal on the front bench. This Ministerial statement is of extreme importance, not only to people in Chirnside Park, Mount Helen, Mount Martha and Geelong. The issue will not go away.

The Hon. J. V. C. Guest—You are repeating yourself.

The Hon. D. R. WHITE—Because of this remedial class to which I have to speak so often, it is necessary to make statements on numerous occasions. In addition, so often men of the standing of Mr Guest are not in the Chamber because the Government party receives passes for theatre nights. Members of the Government party go down town to the pictures when the House is sitting because the Government has 27 people elected by gerrymander, and therefore it has the numbers to allow members to take the night off.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! Mr White is straying somewhat from the Ministerial statement. I suggest that he return to the statement.

The Hon. D. R. WHITE—There is no doubt about the importance of this statement to the people directly and intimately affected who will not be satisfied by the terms the Minister has offered on behalf of the Government. The problem will not go away and, more importantly, it is a reflection on how this State, the Premier and the Treasurer have seen fit to deal with the Government in Canberra. They have been prepared to lie down on their backs and accept any deal offered to them. Victoria should have a Government with backbone and courage, prepared to go to Canberra and obtain a better deal, so that people in the areas I have mentioned will receive the essential public works programmes that the State requires. The building sector is on its
back and the sewerage works programme is also on its back because of the failure of the Government to get a better deal on behalf of the people of Victoria.

I look forward to an extensive debate on this matter by a number of honorable members because of its importance. I also look forward to the day when members of the Government side of the House will go to Canberra to obtain a better deal for the people of Victoria.

The Hon. W. R. BAXTER (North Eastern Province)—Although I have not heard about it, apparently a Federal election has been announced for next week. The Minister admits that his statement is a compromise but, nevertheless, I welcome it because it will now enable some schemes which had the general approval of the participants to proceed.

It was regrettable that the Minister took the action of freezing approvals because there was some dissension on certain projects. It is quite clear that the dissidents will not be happy with this statement and will continue with representations to both Governments for a better deal. That is their prerogative and their right. Of course, I will assist them in endeavours to obtain a better deal and what they would consider to be a fairer deal. However, there are certainly some section 120A schemes in Victoria which have overwhelming approval to proceed. I was pleased and interested to note that on page 7 of his statement the Minister said that where there is such general approval, he will allow the schemes to proceed as planned.

I want to invite him today to give approval to a scheme in Benalla because it is a scheme on existing subdivisions for sewerage. It is a composite scheme which involves reconstructing a road and providing State Electricity Commission power and sewerage to that area. There is universal agreement among the participants. A tender has been received which is some thousands of dollars below the estimate and any further delays can only put up the costs to the people who are paying—the people who own the lots and the houses on them. Constant delay has occurred in obtaining approval because the Minister put a blanket freeze on all section 120A approvals. I hope the Minister is able to approve that scheme this afternoon or tomorrow, so that the work can start immediately before the onset of wet weather and before further costs are loaded upon the participants.

In general, I welcome the Minister’s announcement that he will approve schemes which have the general approval of the beneficiaries and participants and that he intends to proceed towards producing an equitable scheme in the future. In the meantime, those people who do not want to go ahead with section 120A schemes will not do so. I invite those people to consider carefully the situation in which they are putting themselves and what the ultimate result might be, bearing in mind the present inflationary costs which look like continuing in the future, albeit possibly a little less than at present. The longer these capital works are delayed, the higher the costs will be and, ultimately, the community pays one way or the other.

I was interested to note the points made by the Minister concerning the Bill he anticipates introducing in the spring sessional period. Like Mr White, I look forward to it. I was interested to note that it will include a retrospective provision as well as encompassing section 120A schemes to be carried out in the meantime. I hope the Minister can give his early attention to approving those schemes where the participants are anxious to proceed.

On the motion of the Hon. GLYN JENKINS (Geelong Province), the debate was adjourned.

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

QUESTIONS WITHOUT NOTICE

LOCAL GOVERNMENT ACT

The Hon. W. A. LANDERYOU (Doutta Galla Province)—Is the Minister for Local Government aware that section 276 (3) (a) of the Local Government Act refers to reading and con-
staining words of section 273 as if they were other words, but the substitutions proposed are not in that section? Is the Minister also aware that section 276 (3) (b) attempts to substitute words for a different reading and construction purpose but it appears that section 273 (2) has previously been repealed? Is the Minister aware of this legislative mistake and, if so, can he give some indication of when he will introduce the appropriate amendments correcting this and other errors in the Local Government Act?

The Hon. D. G. CROZIER (Minister for Local Government)—I am flattered that the Leader of the Opposition would expect a detailed reply to such a question. However, I must say that I am indebted to him for his diligent research. I shall certainly have the aspect to which he alludes investigated, with a view to establishing its authenticity and if, after examination, the point of view expressed by the Leader of the Opposition concurs with my opinion, and there seems to be reason for amending that section of the Act, certainly consideration will be given to an appropriate amendment.

ASSISTANT DIRECTOR-GENERAL OF EDUCATION

The Hon. B. P. DUNN (North Western Province)—My question is addressed to the Minister of Education, further to a question I asked last Tuesday. It concerns the resignation of the Assistant Director-General of Education, Mr Allan Hird. The Minister gave an undertaking on that occasion that he would discuss with Mr Hird the possibility of his reconsidering his decision to retire early from the department. Has the Minister had time to discuss this matter further with Mr Hird since my question was asked on Tuesday and, if so, has there been any outcome to those discussions?

The Hon. A. J. HUNT (Minister of Education)—At the time of answering Mr Dunn’s earlier question, I indicated that I had already invited Mr Hird to reconsider his decision to retire at this stage. I have since had several discussions with him and, whilst he has in no way changed his views, he has agreed—in view of the request made formally to him on behalf of the Government, and in view of the assurances I have given him as to the part he will be called upon to play in future issues which arise—to postpone his retirement to a time to be chosen by him, so that he may continue to participate and assist in bringing to fruition a number of projects on which he is currently engaged. I must say that I am extremely grateful to him for the decision he has taken. His work will be of real value to the people of Victoria.

TATTSLOTTO FUNDS

The Hon. H. G. BAYLOR (Boronia Province)—Will the Minister of Water Supply please procure from the Minister for Youth, Sport and Recreation a detailed breakdown of the dispersal of funds resulting from Tattslotto each week?

The Hon. F. J. GRANTER (Minister of Water Supply)—I will endeavour to obtain that information from the Minister for Youth, Sport and Recreation, Mr Dixon. Perhaps I could suggest that Mrs Baylor place her question on notice. However, I will certainly take up the matter with him.

FOOTSCRAY TECHNICAL SCHOOL

The Hon. JOAN COXSEDGE (Melbourne West Province)—I seek an assurance from the Minister of Education that the migrant English teacher from Footscray Technical School, who is going on long service leave in the second term of the school year, will be immediately replaced given the fact that the migrant population of the school has increased from 54 per cent to 60 per cent in 1980 and that there are 25 per cent more students, mainly new arrivals and refugees, using the school’s migrant centre this year.

The Hon. A. J. HUNT (Minister of Education)—When issues such as this arise in individual schools, it would be quite wrong of me to announce a decision without checking on the matter. I will check on the facts stated by Mrs Coxedge without delay and assure her that appropriate action will be taken.
WATER COMMISSION RATING POLICY

The Hon. K. I. WRIGHT (North Western Province)—I direct my question to the Minister of Water Supply. It concerns the recent decision of the High Court with regard to the boundaries of the River Murray. Can the Minister inform the House as to how this decision will affect the rating policy of the Water Commission?

The Hon. F. J. GRANTER (Minister of Water Supply)—I have heard a little about this decision of the High Court and two days ago I contacted the Water Commission to ask what the implications of the decision may be in respect of water usage on the Victorian side of the River Murray.

The Water Commission informed me that it had not yet received a copy of the judgment but that it was endeavouring to obtain one. I was also informed that the charge for water supplied by the commission is for services rendered and that the charge denotes the rate. Therefore, I do not think it will affect the water rate in Victoria.

TRUSTEE COMPANIES

The Hon. J. V. C. GUEST (Monash Province)—Is the Attorney-General aware that concern was expressed by witnesses before the Statute Law Revision Committee in a recent inquiry for which a report has been made to this House, that one or more of the trustee companies was engaged in business which was possibly of an undesirable character for trustee companies? Is the Minister also aware that changes have taken place in the costs incurred by trustee companies since they were given the right to charge higher commissions a few years ago as a result of the introduction of electronic data processing and the virtual abolition of death duties? Is he further aware that much greater flexibility in the charging of fees by trustee companies has recently been granted in New South Wales? In the light of these matters, does he accept that a comprehensive review of the trustees company industry should be undertaken in the near future?

SCHOOL EXCURSIONS

The Hon. D. M. EVANS (North Eastern Province)—My question is addressed to the Minister of Education. I refer to a question asked by my colleague, Mr Wright, on 12 June last year, referring to the fact that a new regulation was introduced making it mandatory for a male teacher and a female teacher to be present on excursions attended by both male and female students. I ask whether that regulation was a result of an action of the department or the Teachers Tribunal and whether it would be possible to have some relaxation of that regulation for small country schools from which parties involved in excursions are extremely small and the cost of providing teachers of both sexes can make the excursion rather expensive.

The Hon. A. J. HUNT (Minister of Education)—I understand that publication last year was not a publication of a new regulation but the republication of a long-standing departmental requirement. That requirement was not precisely in the terms set out by the honorable member. A teacher must be
present on any excursion and if there are male and female children present on the excursion, a male adult and a female adult must accompany them. Thus it is possible to have a male teacher and the mother of a pupil on the excursion or, vice versa, a female teacher and an adult male who may be on a school council or a parent accompanying the excursion.

The requirement exists for reasons which I believe are obvious and which are considered to be in the interests of children and likely to create confidence amongst parents. There is no thought of abandoning that requirement at this stage.

STATE CLASSIFICATION OF PUBLICATIONS BOARD

The Hon. B. A. CHAMBERLAIN (Western Province)—Can the Attorney-General advise whether any changes are intended to be made to the four major restrictions that apply to publications classified by the State Classification of Publications Board as being unsuitable to be read by people under the age of eighteen years?

The Hon. HADDON STOREY (Attorney-General)—This matter is the subject of attention by the Government. Under the Summary Offences Act, the board has power to classify restricted publications as unsuitable for persons under the age of eighteen years.

The Hon. C. J. Kennedy—What are they?

The Hon. HADDON STOREY—if Mr Kennedy wants a list of them, I will arrange for one to be given to him later. The criteria is not whether material is pornographic, as it is understood by people generally, but whether it refers to sex, violence, amphetamines and the use of drugs generally, and a number of other subjects that are unsuitable to be made available to people under the age of eighteen years.

The Act states that when the board classifies a publication as unsuitable for people under 18 years, four conditions apply. They are that the publication cannot be sold to people under eighteen years, cannot be made available for perusal by somebody under the age of eighteen years, cannot be displayed in a place where they might be seen by a person under that age and cannot be advertised.

The range of publications covered by the classification board extends from pornography, in its most extreme sense, to material that is marginally unsuitable for people under the age of eighteen years. The board is of the view that all four conditions should automatically apply in every case and that it should have discretion with the last two conditions. Therefore, the Government is considering the introduction of legislation to give the board that flexibility.

CORRECTIONAL SERVICES DIVISION

The Hon. R. J. EDDY (Thomastown Province)—I direct my question, of which I have given prior notice, to the Minister for Conservation, as the representative of the Minister for Community Welfare Services. Can the Minister advise whether the two prisons that were closed by the Correctional Services Division, namely, French Island and the Cooriemungle prison farm, are still owned by the Government? If so, due to the serious overcrowding in Victorian prisons, will either of these prisons be reopened? If not, how does the Minister propose to overcome the present serious situation?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I believe the two prisons in question are still owned by the Crown. The French Island prison has recently been examined to see whether it ought to be reopened, but it was decided that it was not feasible to reopen it. The Victorian prison population has increased by about 200 people since last year. Between May 1979 and May 1980 it increased from about 1580 to 1780. The problem occurs mainly in the medium security areas and French Island prison was a medium security prison; Cooriemungle prison was not. The department is examining ways in which it will cope with the increasing prison population.
BLACKBURN HIGH SCHOOL

The Hon. C. J. KENNEDY (Waverley Province)—What action will the Minister of Education take to remedy the serious injustice suffered by Ian Smith, a form I student at Blackburn High School, who was detained for half an hour last Friday because his parents failed to complete every section of a fee list from the school?

The PRESIDENT (the Hon. F. S. Grimwade)—Order! Has that question been asked before?

The Hon. C. J. KENNEDY—I can assure you, Mr President, that it is not the same question as I asked previously.

The Hon. A. J. HUNT (Minister of Education)—If Mr Kennedy gives me details in writing about this incident, I will arrange for the matter to be inquired into and have a reply sent to him.

PORTLAND ALCOA SMELTER

The Hon. E. H. WALKER (Melbourne Province)—My question is directed to the Minister for Conservation. In view of the report that appeared in the Age of 19 April that a Government working party prepared a location report on the site of the Alcoa smelter relating to conservation and environmental aspects, why has the report not been made available to Parliament? Will the report be made available to honorable members and, if so, when? If not, what are the reasons?

The Hon. W. V. HOUGHTON (Minister for Conservation)—I did not read the report in the Age to which Mr Walker refers. In fact, I am not aware of the report to which the honorable member refers. I think that probably answers all the questions he asked.

MUNICIPAL AUTHORITIES

The Hon. D. N. SALTMARSH (Waverley Province)—I direct my question to the Minister for Local Government. Problems have been highlighted within some municipal authorities which desire to rearrange some of their staff allocations in the cause of efficiency and effectiveness, especially to help inspectorial services. However, because of certain conditions required by the Health Commission, they find that they are unable to make changes that may affect incomes or salaries paid. Is the Minister aware of the problem that is caused by this situation and is he able to indicate any likely flexible approach that can be taken in regard to efficiency in local government?

The Hon. D. G. CROZIER—(Minister for Local Government)—I was not aware of the problems to which Mr Saltmarsh alluded. I am grateful to him for bringing this to my attention. I suggest that he, and any other honorable member, advise municipalities that if they encounter a problem of this sort they should get in touch with me and I shall be happy to take up the matter with any of my Ministerial colleagues to assist municipalities to obtain the degree of administrative flexibility to which they aspire.

STATE CLASSIFICATION OF PUBLICATIONS BOARD

The Hon. B. P. DUNN (North Western Province)—My question is directed to the Attorney-General and relates to the Government’s intention to allow restricted advertising of literature relating to explicit sex and violence. Is it the Government’s intention to allow advertising of this material? If so, will the Government seriously reconsider this move in view of the widespread concern in the community over the spread of pornographic literature and material throughout the State?

The Hon. HADDON STOREY (Attorney-General)—The Government has no intention of allowing advertising of publications of explicit sex and violence. If the Government had listened to the answer I gave earlier, he would have noted that publications that are restricted cover a full range of publications, from those which would display explicit sex and violence, to those which one might describe as barely touching on the fringes of things suitable to people under the age of eighteen years. The changes that I said were
under consideration will certainly not allow the advertising of the sort of material to which the honorable member refers.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Auditor-General's Report 1976–77

The Hon. N. F. STACEY (Chelsea Province) presented a report from the Public Accounts and Expenditure Review Committee on the Auditor-General's Reports for 1976–77.

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

PAPERS

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

Education Act 1958—Resumption of land at Gisborne—Certificate of the Minister of Education.

Melbourne University—Financial statements for the year 1978.


Soil Conservation Authority—Report for the year 1978–79.

Victorian Dairy Industry Authority—Report and statements of accounts for the year 1978–79.


TOWN AND COUNTRY PLANNING (AMALGAMATION) BILL

The debate (adjourned from May 6) on the motion of the Hon. A. J. Hunt (Minister of Education) for the second reading of this Bill was resumed.

The Hon. E. H. WALKER (Melbourne Province)—This is a Bill to abolish the Town and Country Planning Board, to transfer the staff of that board into the Public Service, to establish a planning consultative council, to repeal the Ministry for Planning Act 1973, to make certain consequential amendments to the Town and Country Planning Act 1961 and to various other Acts, and it has other purposes.

The essence of the Bill is to amalgamate the Town and Country Planning Board with the Ministry for Planning. In other words, it involves some major and real changes to the structure of planning in Victoria. The Opposition is not in favour of this measure. I say that for two reasons: Firstly, it does not go far enough and, secondly, it goes too far.

The Hon. J. A. Taylor—What do you mean by that?

The Hon. E. H. WALKER—I realize that Mr Taylor may have difficulty in understanding that comment, but I shall explain both remarks. If one is to restructure planning in Victoria, it is necessary to restructure it in a more complete fashion. However, if one is not to have a complete job, it is better not to have a half job. In other words, the measure either does not go far enough, or it goes too far.

The Opposition would prefer that the Town and Country Planning Board remain in business rather than having this change occurring. The board has been in operation for 35 years and has about 120 employees. It is large. The Ministry for Planning has been in operation for only about seven years and has about 60 employees.

If honorable members believe this Bill will do away with a rather small board by amalgamating it with a large Ministry, that is wrong. The problem is quite different. The board is far bigger than the Ministry and, of course, has some extensive authorities and, in my view, has functioned extremely well over the years. I do not mean that restructuring should not occur. I believe it should occur, but not in this fashion. If this Bill is passed, the Minister will be enabled to take over the authorities of the board. The Bill includes some of the recommendations of the Building and Development Controls Systems Committee.

The Opposition supports the report of that committee but is not happy with the recommendations which have been
adopted because that goes only half-way towards solving the problem. In that sense, the Opposition opposes this measure.

The Town and Country Planning Board should be maintained for the moment because it offers an independent view in planning matters. There is no indication that the proposed restructure allows for that. It brings all the functions within the control of the Minister for Planning, and planning is a very sensitive function. The independent stance taken by the board has been good.

The Hon. J. V. C. Guest—it has the security of the Public Service.

The Hon. E. H. Walker—I do not disagree with that. In the past the board has been able to offer advice to the Minister on planning issues. That is a reasonable role. It has acted as a buffer. Any Minister for Planning requires a degree of protection because a lot of emotion and heat develops around planning issues. The board has been able to act as a buffer to the Minister and it is a pity if that filtering system is to be taken away and not replaced with something else.

Perhaps more importantly, it is the view of the Opposition that this measure has come in too early and it will create more problems than it solves. It will create some very complex problems. Therefore, I move:

That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for:

1. The establishment of a Ministry for Planning and Regional Development to take over the responsibility for planning, State development and decentralization; the Ministry to formulate strategy plans for the whole of Victoria; and

2. The establishment of a Land Commission with power to acquire, develop and market land."

I began by saying that the Bill did not go far enough. The reasoned amendment indicates the type of measure the Opposition would have preferred; that is, a more complete scope for a Ministry, incorporating aspects of State development and decentralization which are part of planning which would help the Ministry develop strategy and plans for the whole of Victoria. The Opposition would have welcomed and supported such a measure, but this Bill does not do that. If it did, it would mean that there would be real possibilities of coordinating major infrastructure systems, and I refer in passing to the structure of transport which is in need of coordination. It could have handled land issues, and, in that regard, the second part of the amendment proposes the establishment of a land commission. The Government has taken some measures in the past in that regard, I am talking of a broader scope but the Opposition believes some social planning factors have been brought in. The amendment indicates the scope the Opposition would have preferred in the Bill.

The planning role of the Melbourne and Metropolitan Board of Works should be included. It is true that the Board of Works is a large organization, and I make no reflection upon its capacity to undertake a planning role. However, because of its size, its huge budgets and responsibility, it is in a sense the tail that wags the dog.

It would be preferable if the responsibility that the Board of Works has carried in the past was incorporated in a fully co-ordinated Ministry for Planning so that it would be a State-wide role.

The Bill creates more problems than it will solve by creating a kind of conglomerate. It pulls the large Town and Country Planning Board into the much smaller Ministry and the Bill is written in such a way that it tries to take parts of the Town and Country Planning Act 1961 and build them into this amendment in a very awkward fashion. That is poor drafting and messy.

The complaints of the Opposition are such that we would have preferred a Bill in a different form. It should have either been a more complete job or the status quo should have been maintained. It is a difficult position to put
because, in the long run, the coordination of planning will require some inclusion of a body such as the board, along with the planning powers of the Board of Works, but at present it is only a half-baked job. The Bill does not attack the heart of the problem. It is messy and poorly put together, and it would be better if the status quo were maintained.

I refer honorable members to a debate that took place recently in another place, where the position of the Opposition has been put in detail. In Committee, I will be moving one or two amendments and making certain detailed comments. However, in the interests of efficiency, I simply indicate that the Opposition is unhappy with the Bill and I commend the reasoned amendment to the House.

The Hon. K. I. WRIGHT (North Western Province)—I speak to the motion and the amendment. The Bill will implement the recommendations of the Building and Development Controls Systems Committee. Those recommendations are of interest to those involved in local government and planning.

The Bill will consolidate the planning resources. This concerns a major policy decision to amalgamate the Town and Country Planning Board into the Ministry for Planning. In my capacity as a Parliamentarian and, as a result of my involvement in local government, I have had dealings with both bodies and have found them well led and comparatively efficient organizations. While the duties of the board will be absorbed into the Ministry, the board or a similar body will continue as an independent adviser. That is a worthwhile provision.

The Bill proposes a Planning Consultative Council which shall consist of seven members who will provide the Minister for Planning with a broadly based second opinion. There is merit in that proposal. However, I do not know how often the Minister will avail himself of that second opinion but, no doubt, that will be up to him.

I understand from my colleague in another place that the Ministry for Planning currently has a staff of 60 and the Town and Country Planning Board has a staff of 120 and, therefore, approximately 180 employees will be enmeshed in the one organization. It is to be hoped the new organization will work successfully and harmoniously. No Ministry has been criticized as much as the Ministry for Planning. That is because planning is a complex area and there is a lack of understanding by the Government of the various provisions governing it. Frequently, the public criticizes the various planning regulations and decisions that have been made. There is a considerable amount of overlapping between the provisions of the various schemes and different regulations in planning.

Lengthy processes are involved in obtaining a successful decision on any specific matter. Even in the case of appeals there are many problems. I instance briefly a problem that often occurs with a newly decentralized industry. In St Arnaud there is a turkey farm producing thousands of turkeys a year and providing much needed employment well out of the town. It took three months before an appeal could be heard. I have an opinion on the relevance of that appeal but I will not say anything about that here and now. The situation is that one could have an appeal against a town planning decision and that appeal could be on the flimsiest possible basis. It could be disposed of in a matter of days but it could take three months to be dealt with. I brought that matter to the notice of the Minister and maybe the problem has been overcome.

Many of the regulations are of a pinpricking nature. There was an example in the Westernport area where a decision had to be made with regard to the colour of the roofs of houses. That is not something in which planning should be involved. As a result of a number of changes to the Ministry, different functions have moved from one Ministry to another and those changes have not helped matters at all.

Problems exist in country areas. For example, often a big shopping centre will be proposed for a provincial centre.
The big multi-national company comes in and proposes a development to be situated two miles from the central business district. If permission is granted for that project to proceed it can often spell the death knell of the central business district. I am a great believer in development taking place within the central business district because that is a type of urban renewal. Many opportunities exist for worn-out areas to be redeveloped. The local municipal council should have full and complete rights in that regard.

In summary, the Bill is not perfect. Criticism has been made but the amendments will improve the Bill. The National Party does not support the amendment moved by Mr Walker. Planning and regional development should be separate matters and the National Party opposes the establishment of a land commission. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title)

The Hon. E. H. WALKER (Melbourne Province)—As I understand it, amendments No. 1 to 5, as circulated in my name are all consequential. If it is agreeable to the House, I will deal with amendment No. 1 as a test.

The CHAIRMAN (the Hon. W. M. Campbell)—At this stage the honorable member can move only the amendment on clause 1, and then move the other amendments later. However, he can speak about them if he so desires.

The Hon. E. H. WALKER—I will do that, Mr Chairman. Amendment Nos. 6 to 8 are substantial, and I will deal with them on clause 1. I will require only one division. The amendments distributed in my name are to simplify working with the relevant Acts as they exist. The Opposition would prefer, and I alluded to this in my second-reading speech, that a number of the provisions that have been brought into this amending Act should reside in the Town and Country Planning Act 1961, because it is getting extraordinarily complicated, even for professionals, to work in the planning area. It will be impossible for certain laymen under the present situation properly to understand the planning legislation.

As the Government has not disclosed its intention in relation to the Town Planning Appeals Board—that is to come—the Planning Appeals Tribunal is to remain. The Opposition sees that as a further reason for amending the Bill because it believes the whole issue to be connected, and it is not satisfactory that only a first step should be taken at this stage.

If the Town Planning Appeals Tribunal is to be maintained in its present form, I suppose until the spring sessional period, the Opposition does not believe this Bill should be under consideration now. The Government should have waited until the spring sessional period before introducing amending legislation.
When the Town Planning Appeals Tribunal comes into being, the Town Planning Appeals Board will deal in a quasi-legal fashion with issues, as it has done in the past, and the Opposition is not happy that it will come under the Ministry for Planning. It would be more sensible if it became a responsibility of the Attorney-General.

I have had considerable experience with the Planning Appeals Tribunal over the years, and it does function in a quasi-legal fashion. I do not complain about it. The Opposition looks forward to the amending legislation as the tribunal will function better as a board. However, it ought to be within the Law Department and under the administration of the Attorney-General, not as is intended in the Bill being brought into the Ministry for Planning. This will produce a sense of conflict where decisions of a mutual kind will have to be made by the board, when the Ministry will be involved in the issue itself.

Many of the provisions in the Bill should have remained in the 1961 Act, and the Opposition does not believe that a change should occur at this time. It would prefer that the Planning Appeals Tribunal function should go to the Attorney-General.

I, therefore, move:
Clause 1, page 2, line 6, omit “4” and insert “3”.

The Hon. A. J. HUNT (Minister of Education)—The Government does not support the amendments which are contingent on amendment No. 1. I point out that the issues raised by Mr Walker would be better suited for discussion on the Planning Appeals Bill, which is listed on the Notice Paper in another place, and is due for discussion, according to the Notice Paper, on what appears to be the next day of meeting. A prominent member of the Opposition moved the adjournment of the debate on that measure.

It is clear that the Government has given attention to the tribunal. It is proceeding. It is not provided for in this Bill in which the Government does not intend to start changing the structure of the planning tribunal or the way in which the tribunal is administered. It is not the subject of this Bill; it is the subject of another Bill.

The Committee divided on the question that the expression proposed by Mr Walker to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair).

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<th>Ayes</th>
<th>Noes</th>
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Majority against the amendment .. 13

AYES
Mr Baxter Mr Hunt
Mrs Baylor Mr Jenkins
Mr Block Mr Knowles
Mr Crozier Mr Lawson
Mr Dunn Mr Radford
Mr Evans Mr Reid
Dr Foley Mr Saltford
Mr Granter Mr Storey
Mr Guest Mr Taylor
Mr Hauser Mr Wright
Mr Hayward Teller
Mr Houghton Mr Bubb
Dr Howard Mr Chamberlain

NOES
Mr Butler Mr Trayling
Mrs Cox debated Mr Walker
Mr Kent Mr White
Mr Landeryou Tellers:
Mr Mackenzie
Mr Sgro Mr Eddy
Mr Thomas Mr Kennedy

PAIR
Mr Hamilton Mr Walton

The clause was agreed to, as were clauses 2 to 9.

Clause 10 (Planning Consultative Council)

The Hon. E. H. WALKER (Melbourne Province)—I move:
Clause 10, lines 11 to 36, omit all words and expressions on these lines and insert—
“(c) one (who shall be the chairman) shall be a person having knowledge and experience in town and country planning and who is nominated by the Minister;

(b) one shall be a person having experience in local government and who is nominated by the Minister;

(c) one shall be a person having experience in community affairs and who is nominated by the Minister;

(d) one shall be a person having experience in economic planning and who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with economic planning;
(e) one shall be a person having experience in social planning and who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with social planning;

(f) one shall be a person who is nominated by the Minister after consideration of panels of names submitted to him under this section by industrial or commercial organizations; and

(g) one shall be a person who is nominated by the Minister after consideration of panels of names submitted to him under this section by organizations concerned with the conservation of natural resources."

This amendment relates to the constitution of the Planning Consultative Council that is being set up by this Bill. My earlier comments apply.

I do not believe this consultative council properly takes the place of the board that is now going out of existence. The Labor Party is unhappy about the composition of the council. As honorable members are aware, some alterations have been made to the composition of the council. The Labor Party agrees that the chairman should have town and country planning experience but disagrees on the issues of local government and community affairs. It is suggested that one person should come from each of those areas rather than two from the joint area, as proposed in the Bill.

The major change the Labor Party makes is that it suggests that a person with economic planning experience and a person with social planning experience be appointed. This is covered in proposed clause 10 (d) and (e) rather than the general wording of the Bill which simply talks about two persons concerned in town and country planning. As the chairman is directly related to town and country planning it would be preferable to have persons with economic and social planning expertise.

It is agreed that one person should have experience in an industrial or commercial organization but the Labor Party would simplify the wording regarding a person experienced in conservation by referring to one person chosen by the Minister from a panel of names who will have had experience in organizations concerned with the conservation of natural resources.

The changes appear minor, but in the view of the Labor Party the composition of the council would be more workable and sensible if this amendment were agreed to.

The Hon. A. J. HUNT (Minister of Education)—The question of a composition of a committee or council is a matter of fine judgment and one could argue one set of criteria against another on any occasion. The Minister responsible for the Bill exercised his judgment and that judgment received the authority of Cabinet and his party.

The matter was argued in another place where similar amendments were moved to those proposed by Mr Walker. The amendment Mr Walker has moved was negatived in another place. In those circumstances, I must follow the precedent set in another place and indicate that the Government cannot see its way clear to accept the amendment.

The Hon. K. I. WRIGHT (North Western Province)—The National Party is more attracted to the composition of the board as expressed in the Bill, so opposes the amendment, mainly on the basis that the National Party prefers to see as complete as possible a composition from local government.

The Committee divided on the question that the expressions proposed by Mr Walker to be omitted stand part of the clause (the Hon. W. M. Campbell in the chair).

Ayes... 26
Noes... 12

Majority against the amendment... 14

AYES

Mr Baxter
Mrs Baylor
Mr Block
Mr Bubb
Mr Crozier
Mr Dunn
Mr Granter
Mr Guest
Mr Hauser
Mr Hayward
Mr Houghton
Dr Howard
Mr Hunt
Mr Jenkins

Tellers:
Mr Knowles
Mr Lawson
Mr Long
Mr Radford
Mr Reid
Mr Saltmarsh
Mr Stacey
Mr Storey
Mr Taylor
Mr Wright
Mr Evans
Dr Foley
The debate (adjourned from the previous day) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

Mr Butler Mr Sgro
Mrs Coxsedge Mr Thomas
Mr Eddy Mr Walker
Mr Kennedy
Mr Kent Tellers:
Mr Landeryou Mr Trayling
Mr Mackenzie Mr White

The clause was verbally amended, and, as amended, was adopted, as were the remaining clauses and the schedule.

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

PROTECTION OF ANIMALS (AMENDMENT) BILL

This Bill was returned from the Assembly with a message relating to amendments.

Assembly’s amendments:

Clause 4, line 37, after “any” insert “coursing”.

Clause 8, line 19, after “operations” insert “from vermin”.

The Hon. W. V. Houghton (Minister for Conservation) — I move:

That the amendments be agreed to.

Two small amendments to the Protection of Animals (Amendment) Bill were made in the Assembly. The word “coursing” was inserted into the provision dealing with the use of live animals as lures for the purpose of bleeding greyhounds or in connection with the training or racing of any dog. The effect of the amendment is that the provision now refers to “any coursing dog”.

The second amendment deals with the addition of the words “from vermin” to clause 8 where an exception is made for the use of steel-jawed traps in populous areas. That part of the clause will now read, “land for the protection of his commercial livestock or cropping operations from vermin”.

The motion was agreed to.

STAMPS (AMENDMENT) BILL (No. 2)

The debate (adjourned from the previous day) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.
was that credit unions should not come under these provisions. The association was not consulted by the Government about the proposal which was included in the Bill when it was introduced in another place. Honorable members can only hope that before any action of this kind occurs in the future, consultation with the credit unions and their association will take place. I hope such action will overcome some of the difficulties that occurred when the proposed legislation was first introduced. The National Party commends the Government for altering the clause because credit unions have an important role to play and it would have been an unnecessary impost on them. The National Party has no objection to the Bill.

The motion was agreed to.

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

LIQUIFIED PETROLEUM GAS SUBSIDY BILL

The debate (adjourned from the previous day) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of the Bill was resumed.

The Hon. I. B. TRAYLING (Melbourne Province)—The Bill must be enacted by the State Parliament to carry out provisions of a Commonwealth Act and concerns the provision of a subsidy for certain eligible users of liquefied petroleum gas. Honorable members will know that since November 1978, when the price of liquefied petroleum gas stood at $67 a tonne, the price has dramatically increased until, in January this year, it moved to the incredible price of $252 a tonne.

The Commonwealth Government subsequently reduced the price to $205 a tonne. Nevertheless, the Government found it necessary to provide further subsidies for certain users, especially the rural community. Additionally, it was determined that non-profit organizations, such as schools, hospitals and certain charity users, would also qualify for the $80 a tonne subsidy. The Bill classifies those who will qualify for the subsidy and determines the machinery by which the subsidy will be paid.

Whilst it could be said that it is a welcome gesture—and I make it clear that the Opposition does not oppose the Bill—It must be borne in mind that the price of liquefied petroleum gas increased enormously from $67 to $252 and was subsequently reduced to $205 a tonne. The Commonwealth Government reaped a windfall benefit from the increase in price through a policy of adopting world parity pricing. The Government used the findings of the Conservation of Energy Resources Committee to justify its stance. However, it was not made clear what the money collected would be used for. There are many uses which it could be put to and one of those is the extension of the natural gas pipeline so that those persons who are presently using liquefied petroleum gas would be able to avail themselves of the benefit of natural gas and thereby help conserve the reserves of the gas for other purposes. Nevertheless, the Opposition agrees with the subsidy being provided for those who need it and supports the Bill.

The motion was agreed to.

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

TRANSPORT (ROAD FUNDS) BILL

The debate (adjourned from May 6) on the motion of the Hon. D. G. Crozier (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. G. A. SGRO (Melbourne North Province)—The Opposition does not oppose the Bill. However, in Committee I will move an amendment.

The Hon. D. M. EVANS (North Eastern Province)—The National Party does not oppose the Bill. However, it is an interesting one in that when the Business Franchise (Petroleum Products) Bill was before the House the National Party strongly opposed it here and in another place by emphasizing that the money derived should be used for road funding. At that time the Government was not prepared to accept or consider any amendment beyond the 25 per cent originally specified in that Bill. The fact
that the Government has now lifted it to 75 per cent justifies the stand taken at that time, and the National Party were supported by many members of the Government party who had a better understanding of road funding than some other members.

There was substantial support for the proposition and that support has surfaced in the form of widespread community support for the measures we proposed. However, it is still only 75 per cent. All the funds obtained should go into road funding because money is derived directly from those persons who use the road.

From time to time the Federal Government is criticized by members of all political parties for accepting large amounts of duties from the sale of fuel in Australia and directing substantial proportions of those moneys into consolidated revenue for use in other areas. There is no sense in the State Government or the National Party being sanctimonious on this issue because the State Government does the same thing. In his second-reading speech, the Minister for Local Government commented on the multiplicity of Commonwealth funding and categories. This is a permanent and running battle between the two Governments, each trying to impose its will on the other as to the direction of those funds. That position is made even more difficult because both Governments provide a source of road funds in one way or another.

I do not intend to canvass whether the State or Federal Governments are doing more or less for roads, nor do I intend to canvass the rate at which the contribution of either Government is increasing or decreasing. As Disraeli said, "there are lies, damn lies and statistics"; and I am not sure whether that argument is applicable. Nevertheless, neither the State nor the Federal Governments need be particularly proud of their contribution to the road funding area. As I am a State Parliamentarian, I believe it is reasonable that one should criticize the area over which someone has some influence and control. The State Government does have substantial responsibilities which it does not meet anywhere near as well as it could.

Once again, even though there is a substantial shift in the proportion of funds derived from the Business Franchise (Petroleum Products) Bill going to the Country Roads Board and directly into road funding, some goes to the road transport fund for purposes such as level crossings, grade separation work, research work, some salaries and, rather curiously, assistance to private bus operators. There is no reason why that area should be funded by a tax on the motorists, worthy and necessary though that particular subsidy may be.

The National Party welcomes the provisions but they do not go far enough. The initial part of the Bill refers to purchases of land in Alexandra Parade between Gold and Brunswick streets. It is equitable that persons whose properties are downgraded in value, or whose lives or amenities are disadvantaged because of public works, deserve reasonable compensation and consideration. The Bill is intended to bring justice in that direction.

There is a constant concern that the procedures of the Country Roads Board in forward planning of a highway or freeway in advance of construction where some sort of caveat is imposed on the properties concerned, can disadvantage property owners by adversely affecting property values. Far too often one discovers that persons with properties in forward planning areas of freeway zones are placed at some disadvantage in being in no position to obtain compensation. The Country Roads Board plans too far ahead and must take account of the disadvantages caused by that planning and provide compensation. The present situation is unfair. However, the National Party supports the Bill.

The Hon. R. J. EDDY (Thomastown Province)—I refer to clause 2 of the Bill which deals with Alexandra Parade between Gold and Brunswick streets. The Bill deals with the validation of compensation payments to those persons who reside in the Alexandra Parade.
Parade, Collingwood and Fitzroy areas. It is apparent that those persons who live at the end of the F19 freeway have had their lifestyles disturbed by the enormous volume of traffic. I cross Alexandra Parade every morning and witness the volume of traffic and the noise to which these people are subjected. I appreciate that the Government has offered to purchase properties in the area. The Bill mentions the area between Gold Street and Brunswick Street in the cities of Collingwood and Fitzroy. I do not believe that area extends far enough. Anyone who knows the district will realize the amount of traffic that traverses Alexandra Parade from Nicholson Street, Carlton, or as far as Lygon Street through Princes Street into Alexandra Parade, both morning and night. Although the Government has said that it will purchase properties, the people who have moved out earlier have not been adequately compensated. The Bill has not gone far enough.

The Government has endeavoured to assist people by insulating their homes against noise, but people who want to leave the area find that the compensation provided is not sufficient to enable them to purchase a home in another area. I have been a councillor in the City of Collingwood; I know the area well and the people there as well as the number of homes affected. On the south side of the city in the Collingwood area more homes will be affected than on the north side because on the north side there are several factories. The same situation applies between Smith and Brunswick streets. In Princes Street there are many homes on both sides between Nicholson and Lygon streets. All those people have been directly affected by the increased volume of traffic as a result of the construction of the freeway.

It is appreciated that freeways do much to assist motorists, but when cars bank up on those freeways there is a resulting wastage of fuel by motorists. My main concern is for the residents in the area and that the Bill has not taken into consideration the people west of Brunswick Street. The Government should reconsider this Bill because more homes are affected there than in the Collingwood and Fitzroy area.

People who reside in the streets adjacent to Alexandra Parade should be considered because they are also directly affected. They may try to move away from the area if they can receive adequate compensation. Freeways assist in outer areas but when they run through inner municipalities and cause havoc to residential areas, the people should be compensated sufficiently to enable them to move out and pay cash for properties which are usually more expensive. The only place for these people to go is to the outer suburbs. From Collingwood they will have to go Thomastown, Lalor, Brunswick and suburbs farther out. I ask the Minister to consider the other areas I have mentioned. If a Labor Government were in office, these people would have been compensated. The Labor Party does not oppose the Bill. I seek the Minister’s attention to the area farther west of that indicated in the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Validation of Certain Payments made out of Roads (Special Projects) Fund)

The Hon. D. G. CROZIER (Minister for Local Government)—Mr Eddy made certain observations about his qualified criticism of this Bill which relate to the amendment foreshadowed by Mr Sgro to clause 4. I shall therefore reserve my reply until that amendment is discussed.

Mr Evans made some broad observations about the Bill and gave some specific views with which members on this side of the Chamber would have philosophically some sympathy. This proposal, which has been consistently advocated by the National Party and others, is that there ought to be a total return to road funding of all collections under the Business Franchise (Petroleum Products) Act. He went on to equate this deficiency in his view with the Fed-
eral scene. Firstly, I point out, and I know he was aware of this, that unlike the very substantial revenue—

The Hon. W. A. Landeryou—To a recognizable degree.

The Hon. D. G. CROZIER—To a very recognizable degree, to the tune of some $3000 million. The honorable member should not only take my word. I intend to quote from a reputed journal in a moment. Unlike the Federal situation where in excess of $3000 million is being collected in oil levies and excise taxes in the current fiscal period the total collections under the Business Franchise (Petroleum Products) Act are dedicated to transport purposes. It is an attractive argument to say, as Mr Evans has said again today, that those funds should be totally returned to road funding. The reasons for their not being returned are budgetary, and that is recognized by Mr Evans and the National Party.

Under these proposals the funding of the Country Roads Board is streamlined. It has been long recognized that one of the bugbears, particularly as it affects the municipal budget in terms of road funding, is the complex categorization of roads so far insisted on by the Federal Government. Federalism, new or not so new, has always allowed for some genuine disagreement in this regard and it is hoped that by patient persuasion, which is now being actively pursued by the Minister of Transport in another place, our Federal colleagues will come to accept the idea that having seven categories of roads is unnecessary and that much administrative trauma could be avoided by simplifying the process. The Government is in pursuit of that objective and is doing exactly that in this Bill, in part at any rate, by eliminating certain categories to simplify the flow of funds to make the administration of road funding easier.

The big difference here is that of the $3000 million that will be collected by the Federal Government in this financial period, some $546 million only will be returned to the States. As Mr Evans will no doubt recall, of that not too large figure a mere $114 million is returned to Victoria. It is worthy of mention that Victoria is particularly disadvantaged by the road funding formula which is still insisted upon. Victoria is the only State required to meet in the quota payments, a contribution or component in excess of $1 for every $1 of Federal funds.

In our case it is $1.25, and that considerably disadvantages Victoria. However, this is a relevant piece of background in terms of the Bill but that in no way, unfortunate though the situation is, should deflect attention from the very real advantages which the Bill will confer, particularly on the Country Roads Board. In no way can the funds available to the Country Roads Board be less; in fact, they will be more. Of the funds derived from certain motor registration fees and the fuel franchise fees 75 per cent will be directly allocated to the fund. Both of those components are expected to grow so that these imposts can be considered to be growth taxes and, therefore, the revenue available to the Country Roads Board under this formula will be greater than it would have been expected to be under the previous formula.

The clause was agreed to, as was clause 3.

Clause 4 (Payments out of Country Roads Board Fund)

The Hon. G. A. SGRO (Melbourne North Province)—I move:

Clause 4, line 12, after “Alexandra Parade” insert “including Alexandra Parade between Gold Street and Hoddle Street in the City of Collingwood and between Nicholson Street and Brunswick Street in the City of Fitzroy”.

The purpose of the amendment is to include in the area within which people are to be compensated the area from Gold Street to Hoddle Street in the City of Collingwood and between Nicholson Street and Brunswick Street in the City of Fitzroy.

Although the Labor Party welcomes the Bill, it nevertheless strongly objects to freeways. I took a strong stand against Freeway F19. I protested there and was almost arrested a couple of times. Freeways have proved to be outdated and not good for transport. Nevertheless it is the State Government’s policy to proceed with freeways.
The least it can do is to compensate the people who suffer because of those freeways.

It is the Government's intention to compensate those people who live in Alexandra Parade. Half of that area is in the electorate I represent and people have complained to me. People have suffered because their properties have been devalued and nobody wants to live near freeways. Mr Eddy has already spoken on the matter of noise pollution. People living behind Alexandra Parade also suffer.

Whenever it is suggested to the Government that people should be compensated, the Government asks, "Where does the money come from?" I point out to the Minister that almost ten years ago the Government was entertaining a project to build Freeway F2 from Campbellfield to Fitzroy and Collingwood, following the Merri Creek. It would have destroyed the beauty of the Merri Creek. Nevertheless, the Government went mad and, in the area between Bell Street and Moreland Road in Coburg, bought 44 properties at a cost of nearly $2 million. The board intimidated people, threw elderly people out. People who had lived there all their lives were intimidated by the Country Roads Board because the freeway was to go through there. That sum of $2 million was wasted ten years ago because the Government decided not to go ahead with Freeway F2 from Bell Street to Moreland Road, and harm and damage were caused to the people who lived there. That is where the money could come from if this State had better management.

Freeways have been built all over the State without any compensation being paid. When freeways are built people are affected by things other than the actual construction. Shopkeepers are affected by a loss of trade if drivers cannot park vehicles in front of shops. The Government should compensate people who are disadvantaged in that way. The Government did compensate some people in Geelong last year or the year before because the construction of a freeway created a lot of dust. Every morning dust had to be cleaned off cars and the Country Roads Board compensated the car yards but refused to compensate those people who suffered loss of trade and loss of income. When granting compensation, the Government should approach the issue on a broader basis and compensate all those who have suffered, not just the people in a particular street.

The people in the electorate I represent who are affected in this instance paid, in some cases, $35,000 or $40,000 for their homes. Two years ago, after the freeway went through, nobody wanted to buy homes in the area and homeowners were forced to sell for $20,000 to $25,000—half the purchase price. It is unfortunate for those people. This is in a labouring area, not in Kew or Balwyn. The purpose of the amendments I have moved is to compensate all people who suffer because of the freeway and I commend the amendment to the Committee.

The Hon. D. G. CROZIER (Minister for Local Government)—I point out to the Committee, especially to Mr Sgro, that this portion of the Bill is a validating clause. I was hoping honorable members would hear a contribution from Mr White.

The Hon. D. R. White—It is coming.

The Hon. D. G. CROZIER—I am glad I shall not be disappointed although, after the other night, I hesitate to say that I actually look forward to that contribution, even though I half expected it.

The purpose of this clause and the previous clause is to validate an agreement reached in December 1977 with those residents on Alexandra Parade between Gold Street and Brunswick Street. Mr Sgro, supported by Mr Eddy, believes, for reason explained to the House, that the Government should have then extended, and certainly should now extend, that area. That may be a tenable argument. However, the Government does not admit or agree that the same reason exists for extending that option to residents in other parts of Alexandra Parade. The offer was made originally because it was determined by the Country Roads Board.
Board that there was a significant increase in traffic on the section between Gold and Brunswick streets following the opening of the Eastern Freeway. It was also determined by the Country Roads Board and accepted by the Government that similar conditions did not apply to properties in Alexandra Parade west of Brunswick Street because high volumes of traffic existed there before the opening of the freeway; and that is the significant difference.

So those two points were the basis for the differentiation. The fundamental difference is, of course, that this part of the Bill validates the payment of moneys made for the purchase of certain properties and for the works necessary for noise amelioration to benefit others in the section so defined. That section is defined in clause 2 of the Bill as follows:

For the purposes of this Act "Alexandra Parade" means Alexandra Parade between Gold Street and Brunswick Street in the cities of Collingwood and Fitzroy.

I do not dispute the local knowledge of both the honorable members. They are entitled to their views and I recognize the local knowledge that they both have.

However, the Government is seeking in this measure to validate a previous agreement and is not prepared to extend in this Bill the option of purchase or property improvement which acceptance of this amendment would imply and, therefore, rejects the amendment.

The Hon. N. B. Reid (Bendigo Province)—One man's meat is another man's poison. Honorable members have often heard that saying, and the reverse is true: One man's poison may be another man's meat. I travel the Tullamarine Freeway regularly and I have noticed a rather unusual happening there. There has been mention in the debate on this clause of noise problems associated with freeways. Out in the province represented by Mr Landeryou, I have noticed a number of expensive homes sited adjacent to the Tullamarine Freeway. People have taken the opportunity of building new homes in that area. Obviously they enjoy the view and are not concerned about noise.

The Hon. E. H. Walker—Who says they are not? You presume that.

The Hon. N. B. Reid—Obviously they are not, when they are spending that sort of money.

The Chairman (the Hon. W. M. Campbell)—The honorable member must relate his comments to the amendment before the chair, which deal with Alexandra Parade and the area surrounding it in the City of Collingwood. He may use an example in a brief way but he is going a little too far.

The Hon. N. B. Reid—Thank you for your guidance, Mr Chairman. I was using the example merely to point out that not everyone is concerned about noise from freeways.

The Hon. R. J. Eddy (Thomastown Province)—I support my colleague, Mr Sgro, in the moving of his amendment which will increase the area within which home owners will be compensated. The amendment moved so ably by my colleague extends the area from Hoddle Street through to Nicholson Street.

I listened with interest to the remarks of the Minister when he said that this is a Bill to validate payments made in 1977. He made the point that the Government did not consider extending the offer to home owners beyond the area between Gold Street and Brunswick Street. He stated that a high volume of traffic entered Alexandra Parade from Brunswick Street before the construction of the freeway.

In supporting the amendment, I agree that a high volume of traffic entered Alexandra Parade and traversed to Nicholson Street prior to the opening of the freeway; but since its opening traffic from Hoddle Street into Alexandra Parade has increased enormously. One realizes that the majority comes from the north-eastern suburbs of Melbourne, whereas the traffic going through from Hoddle Street to Alexandra Parade to-day comes, in the main, from the eastern suburbs of Templestowe and Balwyn.

As I have indicated, the traffic in this area has increased enormously. The Government must take that into consideration. The amendment moved
covers Alexandra Parade from Hoddle Street to Nicholson Street. The Government suggested that compensation should apply only to the area from Gold Street to Brunswick Street. That is not good enough. The amendment should be supported.

If members of the Government party knew the area concerned and appreciated the number of homes affected between the streets indicated in the amendment, they would support the amendment. I have much pleasure in stating that I support the amendment.

The Hon. D. R. WHITE (Doutta Galla Province)—It is clear that a vast difference exists between the person who knowingly moves into an area where a freeway is built and decides to build a house there, and a person who has been living in an area for twenty years and suddenly finds that a clerk in the Country Roads Board draws a line through his property and a freeway appears there the next day. The Minister says that the Country Roads Board has decided this course of action and, as far as he is concerned, whatever is decided goes through him.

The Opposition has carried out considerable research into the problem of compensation for these people. The reason for the amendments is that the proposed compensation is for people in an area just as artificially chosen as the freeway was chosen because the rights of those people living to the east of Gold Street who are closer to the area with a greater volume of traffic are not considered. That area is near the intersection of Hoddle Street where many people come over the freeway into Hoddle Street. The area chosen does not take into account the effect on people west of Brunswick Street to Nicholson Street. A very artificial line has been drawn.

In the process of researching this issue, the Opposition was not able to find among the individuals spoken to in the area, any relatives of the Minister, anyone who has used the former firm of solicitors of the Premier, Smith and Emmerton, or anyone by the name of Wallace. An analogy exists when the hardship that was considered to have been suffered in regard to the Albury-Wodonga corporation and the provision of solatium there is examined.

The Hon. N. B. REID (Bendigo Province)—On a point or order, I do not think the Albury-Wodonga Corporation has anything to do with the amendment before the House.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! The amendment relates to Alexandra Parade, and Mr White has gone too far astray in his remarks. I request that the honorable member speak to the amendment.

The Hon. D. R. WHITE (Doutta Galla Province)—For the benefit of the Committee, during the debate on this clause the Committee is considering the provision of compensation for hardship suffered and the criteria relating thereto. In that context, it is reasonable to consider Government policy. I am speaking about Government policy in relation to hardship and the criteria involved in compensation.

The CHAIRMAN—Order! That is correct, but the Committee is dealing with Collingwood, not Wodonga. There is a vast difference. The Committee is dealing specifically with the area in Collingwood and Mr White must direct his comments to that area.

The Hon. D. R. WHITE—I wish to deal with the question of Government policy in the provision of compensation and the criteria used in respect of that hardship.

The CHAIRMAN—Order! If Mr White talks about Government policy in relation to the amendment, the Committee will be happy to listen to him, but not otherwise.

The Hon. D. R. WHITE—Government policy has been laid down and does exist in relation to the provision of compensation for hardship. The people of Alexandra Parade who are involved and interested in this debate are entitled to know what that policy is and what are the criteria for determining that compensation. In discussing those criteria, it is necessary to examine precedent, and a precedent does exist. If a
precedent exists, it is reasonable to draw an analogy and it is reasonable for the people of Alexandra Parade to be informed of what that policy is through this august Chamber, which is a House of review, where such matters ought to be pursued. In the course of this, those people should be given an appraisal of what the Government policy is, whether a precedent exists and what the criteria are.

The CHAIRMAN—Order! It would have been perfectly in order for Mr White to have spoken on this matter during the second-reading debate, or when clause 4 was being discussed. However, he should not be doing so when the amendment is before the Chair.

The Hon. D. R. WHITE—The Opposition has reached and investigated compensation for the residents of Alexandra Parade and what has troubled the Opposition is that it cannot find anyone who has suitable contacts in the front bench of the Government. It cannot find anyone who uses the Premier's former law firm, Smith and Emmerton. That is the only basis upon which one can get the Government to give any reasonable compensation these days.

The Opposition has no doubt that if the residents of Alexandra Parade were named, "Wallace", were relatives of the front bench or if they used the law firm, Smith and Emmerton, their prospects would be better than they have been. That is the basis upon which the Government operates. The criteria that have been laid down are clear and are based on Liberal Party contacts. If one has five generations of blue blood going to water, one has a chance of getting compensation. Not many of these people are to be found in Alexandra Parade. To have a chance of compensation, one requires five generations of in-breeding going to water.

It is interesting to know why the people of Alexandra Parade are being denied compensation, when it is available elsewhere in rural Victoria. That is the reason why the Opposition wishes to pursue this issue. I support the amendment moved by my colleague, Mr Sgro.

The Hon. D. G. CROZIER (Minister for Local Government)—I am constrained to make some brief comments in reply to some of the points raised by Mr White. I must admit that, as we approach the finale of this autumn sessional period of Parliament, I would have been mildly disappointed, as I have indicated to the House, if Mr White had not spoken in this debate. Indeed, honorable members have not been disappointed. We have been treated again to Mr White's particular points of view about inside running which could not be sustained in the previous debate on the Albury-Wodonga Development Corporation and have little relevance in this debate on the amendment. The only relevance it has is that, in both cases, they were validation Bills. I suppose that is some connection. Whenever validation Bills come before the House honorable members can rely on Mr White to try to read into them some sinister motivation. Again, honorable members have not been disappointed. This time, the reason has been somewhat in reverse.

I will not tax your patience, Mr Chairman, by traversing some of the extraordinary arguments used by Mr White in analogies drawn from the most peripheral connections with the Wallace purchase, the Premier, the Minister of Transport and the Liberal Party that were allegedly involved. This matter certainly is in dispute in regard to Mr Wallace and in comparing the situation with the residents of Alexandra Parade.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! I would not allow Mr White to speak about Albury-Wodonga and I think it would be wrong for the Minister for Local Government to start the ball rolling again on this issue because it has nothing to do with the amendment before the Chair. I ask the honorable gentleman to relate his remarks to that amendment.

The Hon. D. G. CROZIER—I think that particular ball has come to rest. I point out that the solatium, raised by Mr White, indicates some big differences
between the two categories of purchases. The particular one the Committee is dealing with was an offer made by the Government in 1977 to purchase properties or to fund the cost of certain noise amelioration measures. The question of solatium does not apply. Section (11) B (1) (a) of the Lands Compensation Act indicates that solatium does not apply. That section states:

The compensation shall be based upon the market value of the lands at the time that the notice to treat was given together with such additional amount not exceeding ten per cent. of the market value of the lands required by the Minister as the Minister thinks just to offer by way of solatium because of the compulsory nature of the acquisition of the lands.

There was no question of compulsory acquisition of these lands. It was an offer by the Government in 1977 to buy out those owners who wished to sell or to improve the buildings and residences to a noise abatement level. These moneys were required to be expended under this arrangement and were derived from the Roads (Special Projects) Fund and because doubts have arisen on whether these costs were validly charged against the fund, it is necessary in this part of the Bill to validate them.

The amendment has been introduced because, as Opposition members have pointed out, they presumably do not agree with the arrangement made in 1977. That is a point of view. Mr White used the expression, "artificial description". I would use perhaps the description, "arbitrary decision". A line must be drawn in these situations. A line was drawn in this case and the purpose of those clauses is to validate the agreement and payment of moneys made, or to be made, under that arrangement.

Certainly, it is not intended by the Government to expand the area or the ambit of the Act so that the area concerned and the number of people concerned will be increased, regardless of what basic reasoning Opposition members, particularly those honorable members with local knowledge, believe ought to be now taken into account. I hope I have explained the purpose of clause 4 and why the Government cannot accept the amendment.

The CHAIRMAN (the Hon. W. M. Campbell)—I assume that Mr Sgro is not proceeding with his second amendment.

The Hon. G. A. SGRO (Melbourne North Province)—I propose to move:

Clause 4, line 14, after "Alexandra Parade" insert "including Alexandra Parade between Gold Street and Hoddle Street in the City of Collingwood and between Nicholson Street and Brunswick Street in the City of Fitzroy".

The CHAIRMAN — The second amendment is consequential to the first amendment, which has been defeated. There is no reason why Mr Sgro cannot speak to clause 4, but he should not move his second amendment.

The Hon. E. H. WALKER (Melbourne Province)—Mr Chairman, on a point of order, Mr Sgro has indicated that he does not wish to call another division. However, he wishes to have written into the record his comments on the second amendment because it relates...
to his electorate. The issues are of concern in his electorate; therefore he should be allowed to make his comments. Since his amendments are numbered 1 and 2, had this decision been given earlier Mr Sgro would have combined the two amendments.

The CHAIRMAN—It is perfectly true that he could have done so with the consent of the Committee. However, Mr Sgro has already canvassed totally both amendments together.

The Hon. E. H. WALKER—I stand to be corrected. Did Mr Sgro mention all the portions in both amendments?

The CHAIRMAN—All of the portions mentioned in his first amendment apply in his second amendment. If Mr Walker examines the amendments he will find that the words are identical.

The Hon. J. V. C. GUEST (Monash Province)—I would like to offer assistance by suggesting that it would certainly be logical to move a second amendment even though the first one has been defeated and is similar. I am not talking about the point made by you, Mr Chairman, about Mr Sgro already having spoken to both amendments.

The CHAIRMAN—I have already given a ruling.

The Hon. J. V. C. GUEST—I did not believe any ruling had been made. I am simply suggesting that the second amendment is not a consequential amendment but is a similar one relating to a later part of the same clause.

The CHAIRMAN—It is a consequential amendment to the first amendment which was moved by Mr Sgro. There is no reason why Mr Sgro cannot speak to clause 4 but, on the question of speaking to the second amendment and moving it as he proposes, I rule that he has already done so.

The Hon. G. A. SGRO (Melbourne North Province)—I accept your ruling, Mr Chairman. I wish to speak to clause 4 in answer to some remarks made by the Minister. The honorable members whom I have heard today, including some of my colleagues on this side of the Chamber—some of whom live in the area or have worked in the area in the past—know what they are talking about. To me, it is completely hypocritical for people to talk about compensation, although I agree with the Minister, if I understood him correctly, that perhaps there is room for extending compensation in that area.

The Bill which has been presented today covers compensation for the people of one specific street. The Opposition wants to extend that compensation to people in other streets in that area. That is why I urge the Minister to consider further compensation to the people who live in the area of Collingwood and Fitzroy.

The clause was agreed to, as were clauses 5 and 6.

Clause 7 (Amendment of No. 6222 s. 31)

The Hon. R. A. MACKENZIE (Geelong Province)—This clause deals with the Commercial Goods Vehicles Act and relates to the payment of all moneys received by the board by way of charges into the Country Roads Board Fund. There are some aspects of the Commercial Goods Vehicles Act about which I believe the Government has been extremely tardy. I refer to the fact that the National Association of Australian State Road Authorities—an organization comprised of representatives from various State Government departments concerned with road construction—has carried out an extensive study of road vehicles. The team which carried out the comprehensive study brought down an interim report in July 1974 and a final report in October 1975. Both of these reports recommended changes in mass and dimensions and also recommended that there should be consistency between the eastern States at least.

New South Wales adopted the recommendations in April 1978 and was followed in May 1978 by Queensland. In September 1976, the Minister of Transport in Victoria approved the implementation of the scheme and on 14 October 1976 announced that the Country Roads Board would issue permits to enable commercial road vehicles to be used in Victoria in accordance with
the recommendation contained in the National Association of Australia State Road Authorities study.

This may sound all very well but what has happened is that the Bill to implement the recommendations of the National Association of Australia State Road Authorities study has not been passed. Victoria still has a permit system which I shall explain. When the owner of an interstate commercial vehicle wants to use his vehicle in New South Wales and Queensland, he has to obtain a special permit, the National Association of Australia State Road Authorities permit, as well as registering the vehicle in Victoria. In other words, he has to register it twice. This permit system creates many problems and many delays as well as much complication because when the transfer of registration takes place, permits cannot be transferred.

On numerous occasions owners of vehicles and trucks which have been transferred have accepted in good faith the transfer of registration, assuming that the National Association of Australian State Road Authorities permit applied, only to find when they crossed the border that they could be picked up.

I am referring to this problem because clause 7 of the Bill relates to the Commercial Goods Vehicles Act and I wish to take the opportunity of raising the matter with the Minister and the Government, because it is an anomaly which should be eradicated. It is creating hardship for the trucking industry which is already beset with money problems as the Minister knows.

The Hon. D. G. CROZIER (Minister for Local Government)—I take the point raised by Mr Mackenzie. Certainly it is the objective of the Government—and I would hope of all State Governments—to move towards uniform standards. The administration of a permit scheme is and has been, because of the differences between the States from time to time, extremely onerous and costly to transport operators. Honorable members would recall that the Government has given a firm assurance that by March of next year a de-regulation of transport will have been completed. That means the abolition of the permit system for internal Victorian-based transport operators as the final stage of a movement towards freedom of choice of transport. This is one of the recommendations of the Bland report.

I accept that there are still anomalies for transport operators and I agree with Mr Mackenzie that it is in the interests of everyone concerned—truck operators, consumers and Governments—to iron out these anomalies. An obvious way of doing this is to work towards a national code to achieve uniformity. Clause 7 of the Bill has a rather more modest objective and that is simply to arrange for all moneys received in future, by way of road maintenance charges under the Commercial Goods Vehicles Act, to be paid into the Country Roads Board Fund instead of the road maintenance account within the Country Roads Board Fund. Because of the abolition of road maintenance charges, the costs from that source in 1980-81 are expected to be minimal.

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

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

BUILDING SOCIETIES (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. JOAN COXSEDGE (Melbourne West Province)—I make it clear from the outset of my remarks that the Labor Party does not oppose the Bill. Although it has been thoroughly debated in the Legislative Assembly, I shall make a few comments. The purpose of the Bill is to correct past errors and omissions. The Building Societies Act, which rewrote the law relating to the operations of permanent building societies in Victoria, came into being on 30 June 1977, but since that time a number
of deficiencies have become apparent. When an attempt was made to amend one drafting error, another error was made.

For example, one would have thought when the 1976 Bill was drafted that it would have been intended that the word "provisions" should have been included in the relevant section, rather than the word "proons". As most honorable members know, a permanent building society is a non-profit organization which provides long-term housing finance for many people who would otherwise not be in a position to obtain that finance. There is no question that building societies have played a significant role in providing finance for housing in Australia. For instance, in Victoria, in the last financial year, approximately $456 million was invested through permanent building societies in housing. Apparently, there are 49 such societies in this State, though only about half of them could be described as being active.

Most of the clauses of the Bill dealt with group accounts, which are the accounts of subsidiaries of permanent building societies. The clauses are basically a rewriting of the Companies Act, because it is necessary for the registrar to have control over the subsidiaries or the group accounts run by the building societies. Small special services may be provided by a particular building society and the sorts of accounts that result ought to be seen because they are, after all, part of the normal operations of the society.

Clause 2 makes three small amendments to section 4 of the principal Act. Sub-paragraph (a) states:

After the expression "4" there shall be inserted the expression "(1)".

That provision arises from the proposal to insert a new sub-section in the principal Act because the Act ought to cover a mortgage that involves a stratum or cluster title. The provision was omitted from the redrafted 1976 legislation. It is an eminently sensible provision, in that there is a trend these days towards strata or cluster titles as people change their types of housing.

Clause 3 will amend section 7 (8) of the principal Act to allow a building society to purchase a property for any of its objects and also to allow it to dispose of that property. This provision was also omitted from the 1976 legislation. Quite properly, the principal Act makes it clear that a building society should not spend more than 5 per cent of its assets on property, but it may have to provide office accommodation or some other similar facility, and it should have the power to do so.

The Bill has been considered by members of the Opposition and we believe that the intent behind the proposed amendments is to assist in the efficient running of building societies. Therefore, the Opposition does not oppose the Bill.

The motion was agreed to.

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

LIQUEFIED GAS REGULATIONS

The Hon. D. N. SALTMARSH (Waverley Province)—I move:

That the Liquefied Gases (Transportation and Gas Transfer) Regulations 1979 (Statutory Rule No. 416/1979), and the Liquefied Petroleum Gas (Amendment) Regulations 1979 (Statutory Rule No. 434/1979), be disallowed.

This is a small but important matter. The Subordinate Legislation Act 1962 requires that all statutory rules made on or after the commencement of the Act shall forthwith after they are made be numbered, printed and published by the Government Printer. Also, a notice of the making of a statutory rule and of the place where copies of the rule can be obtained must be published in the Government Gazette forthwith on the making of the statutory rule.

The Liquefied Gases (Transportation and Gas Transfer) Regulations 1979 were made by the Governor in Council on 13 November 1979, but the printed copy was not available until fairly recently. There was a gap of four months between the making and the publication of the regulations. Therefore, they have been examined by Parliamentary Counsel and an opinion has been obtained from the Solicitor-General. That opinion pointed out that a recent ruling of the
High Court in the case of Watson v. Lee stated that it would be tyrannical to bind people to regulations that are not available to them.

The regulations should now be disallowed so that the process can be carried out again and the regulations can be printed and made effective immediately. The motion simply asks that they be disallowed on the ground of failure to complete declaration and publication in the way provided for in the statutes.

On the motion of the Hon. W. A. Landeryou (Doutta Galla Province), the debate was adjourned.

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

CRIMES (INHUMANE PUNISHMENT ABOLITION) BILL

The Hon. W. A. Landeryou (Doutta Galla Province)—I move:

That this Bill be now read a second time.

It is a simple Bill that proposes to remove from the statute-book the most offensive inhumane punishment that remains. There has been, comparatively, a more enlightened approach to punishment in recent years. Section 477 (1) of the Crimes Act which this Bill seeks to repeal states:

Where any male person apparently of the age of sixteen years or upwards is convicted of an indictable offence against the person or another, and in the opinion of the court the commission of the offence was attended with or accompanied by cruelty or great personal violence the court may in addition to the punishment awarded direct that he be once twice or thrice privately whipped.

Section 477 (1A) states:

Where any male person apparently of the age of sixteen years or upwards is convicted of an offence under section sixty-three A of this Act the Court may in addition to the punishment awarded direct that he be once twice or thrice privately whipped.

Section 477 (2) reads:

The number of strokes at each such whipping shall not exceed twelve; and the court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used: Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence. Provided also that in all cases where the punishment of whipping shall be inflicted under the authority of this section, the surgeon or medical officer of the prison in which the offender is confined shall be present when the said punishment is inflicted; and such surgeon or medical officer, if he is of opinion that the prisoner is not at any time able to bear the whole or any part of the said punishment so awarded, may from time to time order the infliction of the whole or any part of the said punishment to be postponed; and shall within seven days after the making of any such order send a report in writing stating his reasons for making such order to the Minister in whose department the Act now or hereafter to be in force relating to prisons shall for the time being be administered.

The Minister for Conservation and I have had an exchange about this form of punishment. The Minister mistakenly believed he had achieved the reform that the Bill seeks to achieve by another means, by repealing a section of another Act. However, I understand that the regulations are still in existence. I believe it was in response, if not to a farewell speech to all old boys, then to my predecessor, Mr Galbally, that the Minister said that his lifelong ambition to abolish capital punishment had been achieved but the one remaining ambition that he had, the abolition of flogging, had been achieved by a back-door method. As the Minister has told the House, that is not the situation.

This Bill seeks to remove flogging from the statute-book, it being argued that if the regulations prohibiting the governor of a prison from arranging to carry out this form of punishment were repealed, and no one in the Corrective Services Division had authority to inflict such outrageous punishment, it would not be possible for a flogging to take place. That is not the case, although in many ways I wish it were.

The last person to be flogged in Victoria was William John O'Meally, who is now free. I quote from a press report of 17 April last year in which Mr O'Meally described the experience of flogging inflicted upon him. He said:

Your hands are lifted above your head and you're shackled to the triangle . . .

There were 12 strokes. When you get hit with the first stroke it explodes within you—it strips the skin from you and you feel as though you are in another world—you begin to sink from that first stroke.
By the time the 12th stroke has been reached, you are in a state of delirium—a complete state of delirium. You bite your tongue, you vomit—and you can see blood and bits of flesh all around you and you are in a complete delirium.

This section of the Act that the Bill seeks to repeal enables the courts to impose a sentence of flogging on any male over the age of sixteen years who is convicted of certain offences. It then provides that punishment can be repeated up to three times, and even states that the punishment must take place within six months of the passing of the sentence. In what must be one of the most ironic twists of fate and senses of humour, section 474 (2) of the Crimes Act talks of having a doctor present, presumably so that the offender stays alive throughout the ordeal. If the medical officer believes the prisoner cannot bear the punishment, he may from time to time order the whole or part of the punishment to be postponed. That is a sick provision in the Act which goes to the question of the whole purpose of this type of punishment.

For the moment I return to the argument for the abolition of capital punishment. I appreciate that at that time in this House perhaps honorable members on both sides did not share my view on the subject. I suspect that perhaps honorable members do not share my view on the abolition of flogging. I shall quote from Mr Justice Kirby when he delivered the John Barry Memorial Lecture at Melbourne university on 9 August 1979. He believed that more often than not those who advocate severe punishment for heinous crimes suggest that in some way the punishment will act as a deterrent. Mr Justice Kirby said:

Most people assume that severe punishments deter crime, but this view is quite unsupported by such evidence as is available. Every major penal reform has been secured against predictions of the gravest consequences.

The abolition of disembowelling, chaining, flogging and transportation were all accompanied by predictions of doom for society and were generally opposed and lamented for a time by judges and others in authority.

He indicated that a computer analysis of Federal law had shown that many ancient forms of penalty and punishment remained on the statute-book.

Recently there was an interesting discussion in this Chamber on the Imperial Acts Application Bill. Mr Miller in another place is often accused of assisting me, but his predecessor once removed, of the same political colour, is responsible for this piece of research on the terms and history of punishment. It came as a major surprise to me that the law at the time of George III would have applied until a much later date in this State. The law in the case of people who were found or judged guilty of certain crimes was as follows:

that they should be drawn on the hurdle to the place of execution and there be hanged by the neck but not until they were dead, It seems a contradiction in terms but I understand from those people who have some knowledge of hanging, that it depends on where the knot is placed. I suppose it is like the lash, and depends where the lash is placed.

I am often horrified by reports from overseas, the Arab States, Pakistan and so on, about public floggings and other forms of punishment. However, I point out that not long ago barbaric punishments were practised in our culture.

The Hon. P. D. Block—if there are to be floggings, perhaps they should be public so that the public know what is happening.

The Hon. W. A. Landeryou—I would not agree with that.

The Hon. P. D. Block—Would Mr Landeryou rather that they were privately conducted?

The Hon. W. A. Landeryou—I believe they should not take place. It is a bit like capital punishment. I mention my electoral secretary, Mr Errol Chick, who has been a lifelong supporter, for religious reasons, of capital punishment. He took the view on one occasion that hanging as a form of punishment should be abolished. I thought my prayers had been answered and that he had suddenly changed his mind on the subject, until I learnt that
he was advocating death by intravenous injection of a poison. I oppose corporal punishment. I am not interested in satisfying ghoulish people or offending those of a mind similar to my own with such a public display of punishment.

The Hon. Haddon Storey—But if the public understood what was involved, it might be different.

The Hon. W. A. Landeryou—Perhaps a volunteer can be found on the back-bench of the Government side of the House to experience that before it is inflicted on the public. The document continued:

but that they should be taken down again, and that when they are yet alive their bowels should be taken out and burnt before their faces, and that afterwards their heads should be severed from their bodies, and their bodies be divided into four quarters, and their heads and quarters to be at the King's disposal.

At the risk of inflicting a lack of appetite on honorable members, I shall continue, because this oppressive, barbaric punishment should be removed from the statute-book as the Bill seeks. In 1814 the enlightened Imperial Parliament passed a law stating that people who had been so convicted would be taken to a place of execution and there hanged by the neck until dead. In other words, the person was not to be partially hanged and then taken away and, while still alive, battered and then part of his remains burnt before his eyes. He was to be hanged by the neck until dead and afterwards his head was to be severed from his body, and the body divided into four quarters and disposed of as His Majesty thought fit.

In the same Act, to alter the punishment for certain cases of high treason, the same result arose with an action of another form of execution.

The warrant for the carrying out of the sentence may be altered in some circumstances. The Act provides that a person is taken to the place of execution and there hanged by the neck until dead. In other words, the person was not to be partially hanged and then taken away and, while still alive, battered and then part of his remains burnt before his eyes. He was to be hanged by the neck until dead and afterwards his head was to be severed from his body, and the body divided into four quarters and disposed of as His Majesty thought fit.

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The stage has been reached where a double standard exists. People who are guilty of treason have their heads chopped off while they are still alive and then they may be divided into four quarters. All these punishments are sickening.

I turn now to another form of punishment, which, in my view, is also cruel and outrageous and, again, I am indebted to Mr. Val Doube for drawing my attention to the matter. I was surprised, despite my new found knowledge of the law, that on occasions, until quite recently, towards the end of the last century, it was provided that anyone found guilty of a felony could have their property forfeited.

A case was cited where a father was found guilty of some offence and was dragged off to prison for twelve months leaving the family homeless. Like the other outrageous forms of punishment I have mentioned, this further penalty, which is different in the sense that it was not as instantly physically cruel on the victim but an outrageous form of punishment for the family of the victim, was abandoned. In the House of Commons at the time of the repeal of this piece of legislation, it was revealed that a factory owner was absent when a worker was killed in the factory in circumstances described as negligent and revealing a lack of factory supervision. The factory owner was convicted of a felony and he lost his property. That is how inhumane and stupid the law was in those days.

Because the Bill was brought before the House so quickly, I did not reach the stage of discovering whether the modern-day reformers who advise the Attorney-General on the repealing of the Imperial Acts had found that the same situation applied in Victoria. It seems to me as though the whole history of punishment has run almost the opposite to war; just as the weapons of war have become more horrific and outrageous, punishment has tended to become more humane. Punishments, such as capital punishment, and solitary confinement, which is no longer possible in Victoria due to the actions of the former Minister, are no longer imposed.
The next reform needed is the punishment inflicted in the name of the Crown, namely, flogging.

If the Bill were to become law it would abolish flogging. It may be argued that one of the reasons for not repealing the present situation is that flogging, although legal under the Act, would not be implied as a penalty. However, I remember a senior member of our community arguing that there would never be another hanging in Victoria and that it was no longer necessary to repeal that law. That was before the hanging of Ronald Ryan. A rather determined former Premier of the State decided that Ryan should be hung by the neck until dead and he made sure he was and was able to because the law was still on the statute-book. Those of us in society—and I suggest that we are not necessarily a majority—who are offended by the outrageous and barbaric act of hanging a person on a rope and killing a human being, were not able to prevent the hanging of Ryan. I will never forget the feeling of frustration and contempt that I suffered as I stood outside Pentridge Prison on the occasion of that ceremonial death carried out by the State.

Similarly, I am bound to say that I have a feeling of revulsion for the instruments involved in the infliction of such punishment. Before someone got the idea of putting an advertisement on television suggesting places of interest to visit, I took my children to the old Melbourne Gaol. So far as the size of the cells at the old Melbourne Gaol is concerned, I found them to be no different to some of the present cells at Pentridge Prison. The cells of both establishments are equally bleak, dark and depressing. No wonder Frank Hardy used the words “All hope abandon, ye who enter here”.

In the old Melbourne Gaol, I also saw the triangle which was described by William John O’Meally in his television interview and I understand the same triangle that was used with O’Meally had been used down through the years. I also saw numerous other instruments of torture which had been used by unenlightened people down through the years to torture and twist their fellow man and give vent to their own tortured and twisted minds as they took out their own peculiar vengeance on these unfortunate individuals.

I do not want to introduce emotive words into the debate. If honorable members read the pertinent section of the Act they will understand because it speaks for itself. A perusal of the Act should affect honorable members more strongly than any emotive words that I might put together in the case for repeal of the Act. I only hope the Bill, which is similar to a Bill that has been introduced over a long time seeking the abolition of flogging, will fall on more sympathetic ears within the Government on this occasion.

Flogging is a punishment which I do not believe a modern-day judge would be prepared to impose even though judges are given latitude by the Parliament. But as long as the law is on the statute-book a temptation exists to impose the penalty. I would prefer the Parliament to set down penalties in clear and unmistakable language which the judiciary and all members of the public can understand. It will take a long time to reach this sort of understanding. In the 1980s, the situation has been reached where the community and the Parliament no longer believe in such inhumane forms of punishment. Many people believe flogging should be struck from the statute-book.

As I have mentioned, the Bill is a simple measure. It sets out to achieve the repeal of an offensive section of the Crimes Act. I do not believe a logical and reasonable case exists to justify flogging as a potential deterrent. It has no other basis but a seeking of revenge by society on an individual who has offended it. More humane and realistic forms of detention and corrective services are available in our community and the Government should examine them.

From time to time, where an offence occurs involving some animal act committed by men and women in society, I am horrified. However, I do not think I should lower my standard of morality nor should the State force me to, by imposing a similar standard of mor-
ality on society by way of vengeance. Therefore I have tried to approach the task without using emotive words, although it is a subject on which I have strong feelings.

If I am unsuccessful in implementing the proposed legislation, it will not be many moons before the Government itself or a new Government introduces a similar measure. I know that as long as I am a member of the House—and as long as the forms of the House enable me to do so—I will raise my voice seeking to pursue the abolition of what I believe to be an outrageous form of punishment which should be struck from the statute-book of Victoria.

The Hon. P. D. BLOCK (Nunawading Province)—Before moving the adjournment of the debate I would like to make a comment. I congratulate Mr Landeryou on what has been one of the finest speeches he has made in the House—fine, because it was low key, straight from his heart and has great depth, meaning and impact.

I share the view of Mr Landeryou about flogging and, should this Bill come to a vote before the House, I would support it. It is my hope that in the adjournment of the debate and in the time that must of necessity elapse before the matter can be brought before honorable members again, the Attorney-General, whom I know has deep humanity and shares my views about punishment, will bring the measure before the Liberal Party and seek to gain support for the abolition of the last of the ancient, archaic and offensive punishments which brutalizes society.

I congratulate Mr Landeryou as a worthy successor to his predecessor in more ways than one; certainly I congratulate him in the humanity he brings to the House on matters such as this. The Liberal Party contains many humane men, I remember when I first came to Parliament how hot under the collar I was about all sorts of similar matters. One by one I saw the Ministers. Firstly, I saw the former Minister for Social Welfare, Mr Houghton, whom I do not believe has received enough tribute for the deep humanity he demonstrated in handling that portfolio.

The Minister implemented many reforms including the abolition of dietary deprivation and solitary confinement. He was shocked to learn that such laws were still on the statute books and I know that the Liberal Party will have his support on the measure. I move the adjournment of the debate in the hope that, when honorable members return to the subject it will receive the support of the majority of the House.

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

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

The sitting was suspended at 6.30 p.m. until 8.34 p.m.

GREEN PAPER

Education strategies and structures

The Hon. A. J. HUNT (Minister of Education)—By leave, I move:

That there be laid before this House a copy of the Green Paper on Strategies and Structures for Education in Victoria.

The motion was agreed to.

The Hon. A. J. HUNT (Minister of Education) presented the paper in compliance with the foregoing order.

The Hon. A. J. HUNT (Minister of Education)—I move:

That the paper be laid on the table and printed.

I desire to outline briefly the major theme of the document. That theme is that education would be best served by the maximum practical degree of devolution of power, authority and responsibility. The theme is that only those policies should be made at the centre which are necessary to serve Victorian students and Victorians as a whole.

Those policies determined at the centre ought to be thrashed out at the regional and local levels, giving maximum responsibility to those involved at the school level to ensure that their programmes and method of organization of their schools best meet the needs of the local school community. The theory behind this approach is
simple. It rests upon the belief that the closer decisions are made to those affected by them, the more sensitive, responsive and better they are likely to be. They rest upon the assumption that the decisions made at the local level are more likely also to be acceptable to local people and to engender their confidence and participation in the system as a whole.

However, the concept of devolution does imply that guidelines must be laid down at the centre within the framework of which devolution can take place. That concept applies not only with respect to organizational matters, but also with others that go to the heart of the learning process, normally the development of school curriculum and method of teaching.

Thus, the paper envisaged that core curriculum will be laid down for Victoria as a whole and that at the local level it will be developed to meet the differing needs of the differing schools and their pupils throughout the State. A great many tentative conclusions flow from these concepts and these are outlined in the paper. I emphasize that these further conclusions and alternatives are being structurally organized and developed by further policies put forward as options for discussion only, not as final conclusions of the Government.

The Green Paper is, by its very nature, a discussion paper upon which further comment is sought. My colleague the Assistant Minister of Education, and I invite that comment by 30 September with a view to expanding upon the Green Paper, amending, modifying, adding to and subtracting from it, where necessary, in the light of comments made to enable a White Paper, representing firm and detailed Government policy, to be presented to Parliament before it rises at the end of the spring sessional period.

I would like to express gratitude to my colleague, the Government and to all those who have participated in presenting submissions so far. Their contributions have been immeasurably valuable. Without them, it would not have been possible to prepare this paper in the form in which it exists. Our thanks are extended to the consultative committee of citizens who assisted by giving an independent perspective, and to many departmental officers, such as Mr Tom Moore, the Assistant Director-General of Education, who provided a departmental input.

Further assistance was achieved from other documents and studies undertaken by the Director-General and his office. The Government hopes those who read the document will find it stimulating and will be prepared to give their experience and individual perspectives to assist in further submissions contributing towards the White Paper which the Government hopes will assist to advance education in the State in an effective manner into the 1980s to meet changes. I commend the document for the consideration of honorable members.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—I indicate to the Minister of Education that it is the earnest desire of the Opposition to consider the document in detail. The Minister will be relieved to know that the Opposition does not intend to do that tonight, but I hope adequate time will be provided to enable the House to give full and frank discussion on the important matters contained in the paper.

The motion was agreed to.

RAPE

The debate (adjourned from October 31, 1979) was resumed on the motion of the Hon. Joan Coxsedge (Melbourne West Province):

That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of rape in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—From the outset, I congratulate Mrs Coxsedge for introducing this matter to the House. I must confess that much of what “society” adjudges as sexually taboo, I find rather quaint, to put it
mildly, false, to put it truthfully, or hy-
pocritical, to put it tactfully. In general
I believe the State has no legitimate
role to play in the bedrooms of adult
members of our community, despite
the somewhat different views of many
people.

Nevertheless, I am not capable of
understanding the physical participa-
tion of males in the rape of women, in
the sense of force. What is perfectly
natural between two lovers who, out
of mutual need and respect, copulate
or otherwise give each satisfaction, I
understand because, despite remarks
made in the report in the Herald by
my successor in the Federated Store-
man and Packers Union, the talented
Mr Simon Crean, I have found time to
do so.

Nevertheless, brute force, which one
of my colleagues has described as Dutch
navigation, is most unnatural to the
point that, in my own experience, the
effect would be to prevent me from
further physically participating in the
event. I suppose I suffer from that
liability in trying to understand the
mind of a rapist and how he works
biologically. That is the truth—I sup-
pose it could be unique and I am not
sure how many people in the commu-
nity or in this House could share that
view.

It is for that additional reason that
I am grateful for the opportunity of be-
ing able to speak to this motion moved
some time ago by Mrs Coxsedge. It
enables me to discuss the subject of
rape and I will do so on the basis of
supporting wholeheartedly, the pro-
position moved by my colleague.

I am also grateful because the dis-
cussion imposes its own discipline in
the sense that it forces me to think
objectively about the subject, a very real
problem that society, and indeed Parlia-
ments, have largely ignored for far too
long. I remember reading as a young
schoolboy, with some confusion, about
a girl who faced a fate worse than
death. I was terribly confused about
that because, at that time, despite
fairly primitive religious views, I found
it difficult to contemplate a fate worse
than death. Many in our society have
been brought up to believe, as part of
the sexual taboo nonsense that goes
on, that such a fate is worse than
death.

I was interested in the contributions
of the three speakers in this debate
so far, and I hope I will not be accused
of being unfair to any of the contribu-
tors in summarizing the debate. Mrs
Coxsedge, the Attorney-General, and
Mrs Baylor, who have so far contrib-
uted, have all agreed that it is not
possible to accurately gauge the inci-
dence of rape in our society. I think
they agreed on three points for that
lack of possibility. First of all, they
agreed that not all rapes reported to
the police are considered by them to
be actual rapes. That was Mrs Cox-
sedge's strong assertion, and it was sup-
ported by Mrs Baylor. The second
point was that police statistics are in-
accurate anyway, and the third point,
which the speakers made clear, was
that many rapes went unreported, and
it was agreed by the three of them
that the incidence of rape had
increased.

It was argued by Mrs Coxsedge that
many rape victims do not report the
assault because of the stigma asso-
ciated with being a rape victim, and
the treatment accorded by the police
and the courts. Both the Attorney-
General and Mrs Baylor agreed,
whereas Mrs Coxsedge argued that
they feared that they would not be
believed. Mrs Coxsedge also discussed
popular misconceptions about rape, and
gave the example, contrary to popular
belief, that most rapes are not planned
and that rapists are not necessarily
more stirred than non-rapists. That
assertion has forced me to think deeply
about my understanding at that time of
the mind of the rapist, because as Mrs
Coxsedge pointed out to Parliament,
rapists are husbands, fathers, fellow-
workers, employers and friends, and
that all women, irrespective of age,
marital status and social class, are
potential victims and, to a disturbing
degree—now publicly talked about—so
too are many young men in our society
also victims of rape, but they are no-
where near as threatened as a young
woman.

The Hon. W. A. Landeryou
Because of the high incidence of rape, Mrs Coxsedge argued that women are not free in today's society and, therefore, are second-class citizens compared with men who can go out alone after dark and, usually safely, use the streets and public transport. I thought that was a perfectly legitimate point to make, particularly as, in the months before Mrs Coxsedge's contribution to this House, a senior police officer advised the women in Coburg, as a result of a sexual assault on a girl leaving a tram, not to go out alone at night. I hesitate to accept that that is normal, or that is the society in which I want to live, or in which I want my wife or daughter to live; that my wife or my daughter should be subjected to no other protection than the advice of a senior policeman not to go out alone at night. It is probably wise advice. I am not in a position to criticize an expert, but it is an affront to women that a senior policeman has to warn them along the lines that I have described.

I found it extraordinary that Mrs Baylor, as she put it, did not consider it an infringement of liberty for a woman to have to be careful and not go out alone at night. I share Mrs Coxsedge's view that women should be as free as the other sex in our society and they should be free to form sexual attachments of their own choice without being regarded as fair game by any man. I take that right to myself, and I believe that right should apply to every citizen.

The Hon. J. V. C. Guest—A hypothetical unmarried self.

The Hon. W. A. Landeryou—As I was explaining earlier to Mr Guest, it still is my choice in that sense, as it would be my wife's choice, in respect to her own life, but the fact that we choose to live together and respect each other's wishes is a choice based on freedom, and I believe everyone should be in that position.

I shall continue my summary of some of the points that were made in the previous debate. As to the reason why rapes occur and appear to be on the increase, Mrs Coxsedge attributes this to society's attitude towards women. I found it difficult to argue with that assertion, because I think she is right in arguing that women are seen as either virtuous—as Mr Guest interjected before—they are seen as being virgins, or faithful wives, or, on the other hand, loose. That describes all other categories except those who are virgins or faithful, and those who are seen by men as being loose. The latter category of women are seen as sexual partners whether they consent or not. That unfortunately, in my view, is a correct assertion of our society.

Mrs Coxsedge made the point that male sexuality and violence are seen as complementary in our society, and if one looks at the television screen—I do not get much time like the backbenchers of the Liberal Party to see many movies or much theatre although I see a bit of it when Mr Jenkins, who is interjecting, is on his feet—it is almost conventionally accepted that one has to be virile, and physically pressing, and be prepared to use violence. They are seen as the manly qualities and they are certainly displayed as such as social norms.

The extraordinary view that is often put forward, which I understand is described by psychiatrists as fantasizing nonsense, is that many men seem to believe that women enjoy being bashed and raped. That is what Mrs Coxsedge put to the House.

The only other lady member of this House, Mrs Baylor, said that she considered increasing rape to be the result of the permissive society, women's liberation, and the relaxation of censorship laws. I am not sure how one carries that forward logically, but trying to be fair to all those who contributed to the debate so far, if one accepts the position that women should not be free to go out by themselves at night, and that is not an infringement on their personal liberty, and if one also dismisses the increase in rape on the basis of the permissive society, and one follows that through logically, what Mrs Baylor is really advocating is a form of plastic chastity belt for all women. That is a frightening type of
The Hon. H. G. Baylor—It does change the moral standard.

The Hon. W. A. LANDERYOU—Mrs Baylor had her opportunity to put forward her point of view. If she is claiming to be misrepresented, the forms of the House enable her to correct that at some stage. I do not believe I am unfair in making that summary of the assertions of Mrs Baylor.

On the other hand, Mrs Coxsedge argued that the present care of rape victims in Victoria, and efforts to combat rapes, are inadequate. If Mrs Baylor now believes in that, then Mrs Coxsedge has gained a convert. The rape force that was formed by the police in the eastern suburbs in 1979, has been disbanded according to Mrs Coxsedge’s contribution. She described a week long course for officers on sexual offences investigation as inadequate, although I think the Attorney-General put it that that course was of four weeks duration. I have doubts whether four weeks would be long enough, but in discussions with those who were involved with the real social problems, they also agreed with that assertion.

There is the problem, as was put forward by Mrs Coxsedge, of crises in rape centres being in danger of closing, due to cutback in funding by Government. It was put forward as a major argument by both the Attorney-General and Mrs Baylor, who said the activities of the rape study committee set up by the Government in 1977, under the chairmanship of the coordinator of women’s affairs in the Department of the Premier, was changing all of this. The rape study committee is comprised of representatives of the police, the medical profession, hospitals and the women’s electoral lobby. The rape crisis centre had set up sexual assault clinics at the Queen Victoria Hospital, and in May last year, it had undertaken a radio and television programme on precautions to avoid rape.

It issued pamphlets for medical and legal information for the victims of sexual assault.

According to the Attorney-General, the reform of legislation relating to sexual offences is also part of its brief.

As I recall, there was no mention in either the contribution from the front bench of the Government, or from the back bench, as to the precise terms of reference of the committee that had been established, but of interest to me was a mass produced roneoed letter, which was sent, I assume, to all members of the House, if not Parliament. It talked in terms of following the debate on rape in the current session on 12 March 1980. It reads:

Following the debate on rape during the last session of the Victorian Parliament, I am writing to all Members of Parliament as Chairman of the Rape Study Committee, to advise them of the composition and activities of this Committee.

The Committee which includes lawyers, medical practitioners and administrators, social workers, educators, police officers and representatives of women’s organizations and the media, has been active since August 1977.

While the Committee’s main concern to date has been the provision of medical care and the welfare of victims of rape, the Committee’s work in these areas has led it to examine broader issues which concern the community. Some important issues now under consideration by the Committee include the need to change outmoded community attitudes as they relate both to the victim and to the offender and the need to promote thorough understanding by educators, communicators and law enforcement agencies of the causes and the effects of sexual crimes, particularly rape, on all the parties involved. In its future activities the Committee intends to continue to pay particular attention to community education and to the review of legislation relating to sexual offences. In respect of the latter, specific recommendations have been forwarded to the Attorney-General.

Since its inception the committee has been instrumental in the following initiatives:

1. Arranged for the Police Surgeon to examine most victims in the Melbourne and metropolitan area at the Queen Victoria Medical Centre.

2. Arranged for staff at the Queen Victoria Medical Centre to promptly attend to the victim, in the absence of the Police Surgeon, or where the victim does not wish to instigate prosecution.

3. Arranged for the Police Surgeon to prepare a protocol for medical practitioners detailing the procedure for the proper examination of victims, where he is unable to attend.
4. Secured funding for the establishment of the Sexual Assault Clinic at the Queen Victoria Medical Centre. The Clinic has been operating a 24 hour "On Call" counselling service since May 1979. The service is provided by five social workers who are rostered "On Call" to provide counselling assistance both immediately after the attack and if need be, later on.

5. Devised an extensive radio and television education campaign featuring community announcements which urge victims to report sexual offences and advise women on reasonable precautions which they ought to take to minimise the possibility of attack.

It should be noted with respect to the effectiveness of the radio and television campaign, that reports from both the Social Worker in Charge of the Sexual Assault Clinic, Queen Victoria Medical Centre and the Victoria Police Surgeon indicate that in their opinion these community announcements have influenced women to take precautions and report cases of sexual assault to the police.

6. Produced a pamphlet entitled "Help for Women who have been Sexually Assaulted" which is designed to provide information for victims and which will be distributed through hospitals, general practitioners and the police.

7. Organized regular seminars for medical and para-medical staff on the subject of rape and other sexual offences and the professional care and crisis counselling of victims and their families.

8. Alerted major professional organizations to the need for seminars on crisis care counselling and court procedures.

The Committee welcomes public discussion of the issues pertaining to the serious social problem of rape and is most anxious to provide information, to be consulted and to assist in any further debate of this important issue.

I enclose for your information a list of the current members of the Committee.

It appears from the letter that the members of the committee have a large number of qualifications and interests in the subject matter. I quote a letter to Ms Klumpfner, Co-ordinator of Women's Affairs, which I shall read.

The PRESIDENT (the Hon. F. S. Grilmwade)—Is it necessary to read the whole letter?

The Hon. W. A. LANDERYOU—I wanted to read the letter so that honorable members could understand the position. A copy of the document was sent to every member of this House, presumably not for political purposes, indicating that a committee had been set up under the auspices of the Department of the Premier which had done work on this matter. It listed prominent and qualified members of the community who had been hard at work. The document stated that a pamphlet had been produced and I was interested to receive a copy of the pamphlet.

The PRESIDENT—I thought perhaps Mr Landeryou could inform the House of the contents of the letter in his own words.

The Hon. W. A. LANDERYOU—I wrote to the co-ordinator saying:
Thank you for your recent circular letter advising of the activities of your Committee.

In Point 6 of your letter you indicate that a pamphlet has been produced entitled "Help for Women who have been Sexually Assaulted". I would appreciate receiving at your earliest convenience a copy of the pamphlet.

You also suggested your Committee has made specific recommendations with respect to community education and legislative review. It would be of assistance to the writer if you could arrange to have a copy of these recommendations forwarded to me also.

That letter was written on 28 March. I understand Mr Baxter also wrote a letter. To the best of my knowledge, and the knowledge of my staff, I have not received a response to that letter.

The Hon. W. R. Baxter—Nor have I.

The Hon. W. A. LANDERYOU—I presume Mr Baxter wrote along similar lines.

The Hon. W. R. Baxter—I did.

The Hon. W. A. LANDERYOU—I hope the Rape Crisis Centre responds to people who approach it quicker than it responds to letters from the Leader of the Opposition or Deputy Leader of the National Party in this House. I thought it important that the committee should be given the opportunity of some additional input to this debate so that the House could debate the matter on an all-party basis prior to determining the question of the select committee. However, it is interesting to note that the committee accepts that as part of its brief.

As yet, the Attorney-General has not outlined to the House the terms of reference of the committee or whether
it is to be a broad approach with no specific definitive task other than to approach the question of the problem of rape.

Mrs Coxsedge argued strongly—quite apart from her usual eloquent style—and convincingly that the question of victims and their past sexual history is humiliating and irrelevant and that recent law reform has only confused the issue so that there are now three legal definitions of rape.

Mrs Baylor did not apply her mind to that question, although the Attorney-General suggested that the Rape Proceedings Act 1976 which was passed after much research work—it was referred to earlier by Mrs Coxsedge—was written to solve many of the legal problems. That has not been the experience, with due respect to the Attorney-General, of those who operate the Rape Crisis Centre and certainly not the experience of those who have been the victims of rape. Mrs Baylor argued that there was a need for more censorship but the existence of the committee obviates the need for a Select Committee, as proposed by Mrs Coxsedge.

Mrs Baylor made the important point that people should be able to observe the problem of rape in their community to decide how to deal with it. To treat that point as I have, importantly, I must pose the rhetorical question, of whether it means what it says rather than what I believe Mrs Baylor meant; it does seem that she was in fact mistakenly supporting the point Mrs Coxsedge made. If it follows the dictionary definition I am not sure, nor can anyone else be sure, what it was supposed to mean because I do not need to observe the problem of the crime of rape to come to a view as to how to deal with it.

Mrs Coxsedge and the two other speakers advocated a change in community standards and attitudes through education and an overhaul of police medical procedures, in line with the recommendations of the report of inquiry into rape and allied procedures and other relevant areas which need investigation, such as a broad inquiry into rape law reform and research into the short and long-term effects of rape on rape victims.

Much of the medical research that is available is very limited. I can imagine how the assertions made about the enormous traumatic experience of a sexual assault and how lasting it would be on almost anyone demonstrates that adequate research is not available along the lines suggested by the Attorney-General. He admitted that statistics regarding rape were not kept prior to 1978. It follows that because of the attitude of society to rape everyone involved—presumably for the protection of the victim—tries to hush it up at a medical level, but when it comes to the procedures adopted by law enforcement officers, the victims and the experts involved at the Rape Crisis Centre complain about the treatment given. Despite the fact that the Government committee had worked since 1977, no reform has come forward, although the committee states that it has forwarded proposals to the Attorney-General.

The request to look at proposals did not receive a response, so I guess that is a political decision. Nor has the Attorney-General expressed faith so far in those recommendations by tabling them in the House or making them available to members of the House. Mrs Coxsedge said that more reliable statistics are needed to be collected and other areas she considered to be important include rape within marriage and incest.

I shall refer to an experience I have had regarding the question of adoption. As a member of a Select Committee of this Parliament examining the law relating to adoption, I must confess that I had a considered position prior to hearing all of the evidence and still had that considered opinion almost up until the last two or three witnesses gave evidence. Their evidence persuaded me that I was wrong and that the Labor Party was wrong. Through the good work of Mrs Coxsedge and others we were able to
change that policy in line almost with the direction in which the evidence which was so overwhelming was put.

One of the problems relating to adoption is that our society has for many years hidden the problem of incest. According to the judges who gave evidence, an overwhelming number of children available for adoption are the result of incestuous relationships. That does not suggest by force and does not offer a solution but it alerted me, and I hope, the House to another aspect of a very complex human relationship problem.

I believe honorable members should have something to do during the recess apart from travelling overseas—this is the only job where one gets long service leave twice a year. I would want to involve at least two members of the House who contributed to this debate as members of a Select Committee to inquire into the problem of rape. That may well be a sexist comment but I married a woman and will honour my mother on Mother’s Day, despite the fact many of my colleagues on this side of the House believe that to be a capitalist plot.

Nevertheless, a Select Committee could, in my view, achieve many of the points that Mrs Coxsedge outlined to the House. It is unclear from the speeches made by the Minister—and I think it is important to underscore this point—what are the powers and terms of reference, if there are any terms of reference for that committee, whether it must make reports, to whom it makes them, the status of the reports, its recommendations, if any, and whether any input from other interested parties or the public is accepted or simply the views of those appointed to the committee and of the organization they represent.

It has been asserted that the police figures on rape are misleading because many rapes go unreported—and both the major contributors to the discussions in this House agree with that—and that of those rapes which are reported the police record only those complaints which meet stringent legal requirements. That is not a complaint made only by Mrs Coxsedge. It is a complaint by all of the women—and I stress all of the women—that it has been my unpleasant duty to talk to on this subject. I say “unpleasant” in the sense that I found most of the discussions quite harrowing and upsetting personally.

I remind the House that the statistics Mrs Coxsedge submitted indicate that in the United States of America, where there is to an extent more research and perhaps more advanced thinking in terms of this very human problem, only one in ten rapes is reported. There seems to be very strong support, based on experience, that the figure within our own society is similar. If that is the case, then Mrs Baylor’s assertion fails. She was not prepared to embrace that point, just as she was not prepared to embrace the earlier points.

More importantly, perhaps, before attempting to find a solution to the problem, one must first discover the extent of the problem. If there are no official statistics kept that are believed by the women and the men involved in the Rape Crisis Centre and in the work associated with the social problem of rape, then there seems to be an urgent need to gather more reliable figures on the real incidence of rape within the community.

Mrs Coxsedge went through the reasons why rape is not reported. I found those reasons quite disturbing but I believe them to be true. When one examines the question of why rape occurs, one sees that almost the whole working of society has been organized against women. Let me give honorable members a simple example. When my wife and I had children, we made the decision that, whether those children were male or female, their toys would not be selected in accordance with social or tribal customs. We thought it was inappropriate that our son should have guns in his hands as soon as he could handle them or that our daughter should have a doll or an ironing board or whatever else. However, if one walks into a toy shop one
finds that women seem to have it ordained right from the time they are toddlers that they are expected to play with dolls, ironing boards, cups of tea, dishes and so on, and society still thinks in this way. It still seems strange to me to hear someone who shares my view that children should be treated the same way rather than being treated in accordance with their sex. That is only a very simple way—though I am not attempting to simplify the problem—of indicating the gravity of the problem. That is really how society works.

If I can give away a secret of members of the Upper House who enjoyed your predecessor’s hospitality on one occasion, Mr President, he believed that the entry of two women into this House following the last election was the beginning of the end. At the following dinner I said that I hoped he was right because I do want to see the end of this Chamber. Nevertheless, in many ways, just like my example about guns and dolls—which I have not quite finished—that underscores my point. Despite the objective of my wife and myself, relatives ensured that, at a very tender age, our children had guns and dolls in accordance with their sex. I was delighted to see, as my children grew up, that they played with each other’s toys and did not see them as symbols of sex.

I am also compelled to remind the House of the point Mrs Coxedge made about the accredited virgins. Many honorable members perhaps had not applied their minds, in the disciplined way Mrs Coxedge was inviting them to, to the enormous handicap and problem it represents that women are supposed to be virtuous and pure; that if they are not seen in that light then they are fair game. That is a custom not only in Western society but even in the Middle East. If Western women walk around with their faces or their legs uncovered they are seen to be fair game. So it is a traditional attitude of men that they have all the rights and women are really part of the fun. In my earlier summary I referred to the legal situation and the very interesting points made by Mrs Coxedge and I was surprised that the Attorney-General did not respond with a detailed analysis of the many valid points she made in her advocacy of the need for such a committee.

Some may take the view that some of the points she made were answered by suggesting that the sexual assault clinic at the Queen Victoria Memorial Hospital seems to fulfil the objective. One of the major points the report of the inquiry into human relationships deals with is police attitudes and so on. I think that is only part of the problem. What has been done in television advertising is good, but I resent very strongly the suggestion that all that is necessary is to tell women that they are not free and that their civil liberties do not entitle them to walk out at night. I resent the implications of that. I resent the assertion that women should have fewer rights than men. Much of the argument goes to the question of rape and the reasons for it such as some of the more absurd arguments put forward. I am bound to say that I think I have been fair in summarizing what Mrs Baylor put to the House.

I think it is also fair to say that, when dealing with unreported cases, Mrs Baylor mentioned seven cases of unreported rapes and listed the reasons for the failure to report. The reasons were that, in one case, the husband was the rapist, in two cases there was fear of relatives’ reaction, in one case fear of police reaction, in another case fear of court hostility, and in two cases fear that police would have insufficient evidence. That information was from the report of the sexual assault clinic at the Queen Victoria Memorial Hospital. Mrs Baylor argued that they were perfectly sound reasons for not reporting rape and that fear of violence and of insensitive treatment are other reasons for failure to report rape. She obviously failed to understand that Mrs Coxedge was not arguing that women do not report rape because they fear violence but because of the treatment they expect from the police, from courts and from society. That is what Mrs Coxedge was putting and it is a pity Mrs
Baylor did not understand that. One of the reasons Mrs Baylor quoted was fear of relatives' reaction, another was fear of police reaction and a third was fear of court hostility and fear of insensitive treatment. In my view, all of those things are implied in the reasons Mrs Coxsedge put forward.

The fact that the woman knows the rapist does not appear to be a reason for non-reporting of rape. It is just as common that rape is reported irrespective of whether the attacker is known. Mrs Baylor was putting that they were legitimate reasons for failure to report.

The Hon. H. G. Baylor—No; I said they are understandable reasons. I simply quoted facts.

The Hon. W. A. Landeryou—I understand the facts. Mrs Baylor quoted seven cases dealt with in the Queen Victoria Memorial Hospital sexual clinic's report and said that they were perfectly sound reasons.

The Hon. H. G. Baylor—No, I think I just quoted them as fact.

The Hon. W. A. Landeryou—the honorable member said they were perfectly sound reasons. Those were her words. I invite her to look at Hansard. I do not believe they are perfectly sound reasons for not reporting. I can understand them, as I said very early in the night. I think I can understand the subject of rape and what causes it, although I can never imagine myself being physically capable of participating. All I am trying to underscore is the point Mrs Coxsedge was putting in a well prepared address to the House and that, if the problem is as broad as she paints it, one in ten rapes being reported, then Mrs Baylor has no idea of the depth of the problem.

If the proposal for the appointment of a Select Committee is carried, the Labor Party would support Mrs Baylor's appointment to it. She should participate in such a committee to broaden her knowledge beyond that which she has displayed in this House. Frankly, she has demonstrated an appalling ignorance of a very real social problem which disturbs most of our community and certainly every woman in the community. It is not good enough simply to show 50-second clips on television which tell women that they should lock the door, turn on the lights, carry an alarm or become karate experts or whatever; and it is not good enough for a senior policeman to say to my wife and young daughter that they must not go out at night and they must not go out alone. The way society is heading, it will not be long until it will not be just a question of going out at night. It will be a question of armed rapists being very common, just as the community saw in the recent spate of attacks.

The Hon. H. G. Baylor—I am glad you agree with me on that point.

The Hon. W. A. Landeryou—I accept that but I have not seen Mrs Baylor voting in this House to try to change the situation. That is the point I am endeavouring to make.

Most of the arguments are that women bring rape upon themselves, that women who go out at night need protection, armed guards and so on as if they were some priceless chattel; all of that disturbs me. Those sorts of arguments are put forward in the most offensive, sexist way and an offensive, sexist assertion deserves a sexist response. It seems to me that those who argue that way argue on the basis that they themselves are not capable of arousing a member of the opposite sex and would not be even if they had spent five years on a desert island.

That is the enormous difficulty of the problem. Even those people with great compassion towards their fellow man, because they have been brought up in a society which teaches us not to talk about sex openly and not to talk about sex and violence together, are unable to talk about sex openly and discuss the problems confronted on matters of sex and human relations.

Because people are brought up in that sort of society and, despite the compassion of men and women on most other issues, the same people are
often embarrassed to talk of matters relating to sexual oppression. I found the experience of speaking to rape victims quite horrific. However, the House is indebted to Mrs Coxsedge for having the courage to bring forward the proposal in the way she did.

She presented the subject with great perception even though, as she suggested, she is no wheel of authority on the subject. At least Mrs Coxsedge had the courage to bring the subject before the House. She did not choose to bury it with a bunch of cronies of her own choosing. Let us create a Select Committee and lead the Commonwealth on this serious problem. Only one-tenth of the reported rape cases have been statistically recorded since 1978. Prior to that no statistics were kept. Much of the medical knowledge, because of social taboos and the sympathy of doctors, is covered up. The doctors suggest that the parents would be wise not to expose their daughter to the public glare.

Discussion of the problem of incest in terms of adoption was capable of changing my mind. Perhaps a Select Committee of the House might be capable of changing other people's minds. For that reason I believe the proposal is important. It is a pity that time has run out in obtaining a determination on the issue. I can assure the House that members of the Labor Party intend, if the debate is not concluded tonight, to raise the matter again in the next sessional period and to continue to raise it until the members of the House have an appreciation of the enormity of this huge social problem. It is not a problem that will go away if it is ignored because it has been with us since year one. Honorable members can develop an appreciation of the problem for the proposed committee and in turn can carry out a responsibility to the community by being better educated and informed. There could be an advocacy of the types of law reforms needed and the type of community changes of attitudes needed. Who is better equipped to undertake the task than a paid Parliamentarian?

The Hon. W. A. Landeryou

I find it typical of the attitude of the Government that it does not want to raise a subject-matter which would be embarrassing if aired publicly as it would be if a Select Committee were appointed. It is typical of the way in which men and women, and women who think like men, approach the subject. They would rather not talk about it. They would rather not apply their minds to it. It becomes the subject-matter of smutty bar-room gags. I do not say that I have not participated in such activities. However, I am merely a product of my environment as all honorable members are.

At least Mrs Coxsedge has alerted the House to the serious problem facing women in modern society and if society is to become more brutal and violent, no woman will be safe. It is an outrage and members of Parliament should do something about it. The measure suggested by Mrs Coxsedge could be the first tentative step towards a crusade to give all citizens, especially women, equal rights.

The Hon. J. V. C. Guest (Monash Province)—Before I seek to move the adjournment of the debate I should like to make a few remarks. Mr Landeryou made what were obviously sincere and, if I may say so, persuasive remarks and, in the circumstances, I consider it is appropriate to indicate a few of my attitudes. I cannot go any further than that because I do not have a sufficient recollection of the extremely carefully presented case that was delivered by Mrs Coxsedge.

Honorable members are indebted to all those who have spoken in the debate so far for speaking with great thought about a serious matter and thus bringing it to the forefront of our consciousness, which, as Mr Landeryou has pointed out, is something one tends to reject. It is a subject which needs to be brought into the open so that a distasteful and serious social problem can be resolved. It is dreadful that women cannot go about at night or at any time and feel safe from attack, whatever the motive. Unfortunately it is unlikely, whether in a large city or in a country town, that
society will ever achieve a situation where women may feel fully secure in doing so. This is a problem which concerns both sexes. If I walk through the Fitzroy gardens at night I am thankful that I am relatively young and fit in case some of the hooligans who occasionally lurk in the city parks are present.

I do not think we will ever achieve a state of complete safety for men or women. One is reminded by the prevalence of violence against the weak that rape is not merely a question of sex; nor is it a problem of the oppression of women by men. I am not sure if Mrs Coxsedge said that it was, but Susan Brown-Miller certainly did.

The Hon. Joan Coxsedge—I did!

The Hon. J. V. C. Guest—That is one aspect, but it is a pity not to consider the full range of the problem. In many cases there is a tendency to violence as such and sometimes the psychology of mob action with contempt for those who are not part of the in-group along with a desire to feel good by engaging in mob action is the key.

The Hon. Joan Coxsedge—Are you talking about pack rape when you say “mob action”?

The Hon. J. V. C. Guest—It is obviously likely to be pack rape when mob action is involved.

The Hon. Joan Coxsedge—Did you know that pack rape is an Australian phenomenon?

The Hon. J. V. C. Guest—I did not know that.

The Hon. Joan Coxsedge—It emerged from the findings of the Royal Commission on human relationships. A statistical study was made and it was found to be more of an Australian activity.

The Hon. J. V. C. Guest—That suggests that a great number of psychological elements are involved. Perhaps there is Australianness involved. It is not merely a single-dimensional question. It is not only a matter of sex or the oppression of women by men. One is reminded, probably only by recent prompting and the refreshing of one’s memory, of the horrific biblical story—which is not mentioned in Sunday school classes—which tells of the visitor to a city—which may have been Sodom—who was protected by his host from a mob outside who wanted to engage in pack buggery. The protection given was that the host handed over the serving maid instead.

That story could be used to support the view that the oppression of women by men is involved. It shows that the initial problem is one of mob psychology. It is dreadful that women cannot go where they want to go in safety. I do not want the problem to be regarded as one-dimensional. It is dreadful that women may be at risk of suffering trauma which will spoil their enjoyment of sex for life, diminish their self-esteem and cause some women to fall into some form of psychosis.

It is also dreadful that young men—and it is usually young men—who may simply have been confused about sex and their identity, concerned about their worth, and have fallen under the influence of alcohol or bad company, commit a crime which could ruin their lives. That too is a tragedy.

This is not really a problem of law enforcement. Too much emphasis has been placed on the mechanism of law enforcement. It is a problem of attitudes and education of the minds of both young boys and men as well as girls and women. I agree with Mr Landeryou that the first step to be taken is to expose the extent and the nature of the problem by compiling statistics on the matter. I have reservations about the formation of a Select Committee as the first step because the ascertainment of the basic statistics is not something that the committee would be best suited to undertake. A committee would not have the staff to undertake such a task. But it would not be a difficult marketing research task.

The Hon. Joan Coxsedge—It is not a task for a market research exercise.

The Hon. J. V. C. Guest—Mrs Coxsedge has picked up a few words and put the wrong connotation on them. Market research is an appropriate technique. Compilation of such statistics is
not a difficult task for an expert in the technique of ascertaining information. It is a matter for such people as Mr Irving Saulwick and Dr Bob Montgomery of the Department of Psychology at La Trobe University or the people who can undertake the type of research contained in the Kinsey report and the like. I do not believe there is any great difficulty, in the expenditure of a few thousand dollars, about proper research projects being undertaken to discover the extent of the problem. For this reason I have reservations about the formation of a Select Committee. However, I am in favour of the idea of a Select Committee to help to change the attitudes of the community. I am in agreement with Mr Landeryou, Mrs Coxsedge and Mrs Baylor that we must raise our consciousness—to use the cant term. If a Select Committee were formed the House could be better informed and could have the matter laid out before it vividly in the form of expert evidence. It may also have the same effect that one saw as a result of the formation of the Road Safety Committee which produced passionate advocates for the control of dangerous practices on the roads and for preventing the misuse of alcohol. I think it would be a step in educating people and, therefore, would be an aid towards the ultimate change in attitudes which could come from developing effective propaganda in our community. For that reason I have a great deal of sympathy for the motion of Mrs Coxsedge and the proposal it puts forward. I now move—

That the debate be now adjourned.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! At the start of his remarks, Mr Guest indicated that he would be moving the adjournment of the debate. Despite that, he has almost fully developed his argument. On this occasion, I will accept the motion, but I can assure honorable members that I will not tolerate this type of action again. It may be that the next honorable member who attempts to take this course of action will forgo his or her right to speak again.

The House divided on Mr Guest's motion (the Hon. F. S. Grimwade in the chair).

Ayes: 20
Noes: 13

Majority for the motion 7

AYES
Mr Block
Mr Bubb
Mr Campbell
Mr Czrozer
Mr Granter
Mr Guest
Mr Hauser
Mr Hayward
Mr Houghton
Dr Howard
Mr Hunt

Tellers:
Mrs Baylor
Mr Taylor

NOES
Mr Baxter
Mr Butler
Mr Kennedy
Mr Kent
Mr Landeryou
Mr MacKenzie
Mr Sgro
Mr Thomas

Tellers:
Mrs Coxsedge
Mr Eddy

PAIRS
Mr Chamberlain
Mr Dunn
Mr Hamilton
Mr Traying
Mr Lawson
Mr Wright

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

LIQUEFIED GAS REGULATIONS

The debate (adjourned from earlier this day) was resumed on the motion of the Hon. D. N. Saltmarsh (Waverley Province):

That the Liquefied Gases (Transportation and Gas Transfer) Regulations 1979 (Statutory Rule No. 416/1979), and the Liquefied Petroleum Gas (Amendment) Regulations 1979 (Statutory Rule No. 434/1979), be disallowed.

The Subordinate Legislation Committee has reported on this matter and it points out that a doubt about the validity of the regulations exists because
copies were not made available when their making was notified in the Government Gazette and they were not laid before both Houses of Parliament within the time prescribed by the Subordinate Legislation Act. That is in contravention of the relevant sections of the Act and it is imperative that the regulations be disallowed.

The Subordinate Legislation Committee will consider procedures to prevent a recurrence of the situation. It is presently continuing a general inquiry with the following terms of reference:

(a) whether there is a need for a systematic program of consolidation and review of the published subordinate legislation of Victoria;

(b) whether the present arrangements as to publication and public availability of current subordinate legislation are satisfactory; and

(c) whether the present procedure as to disallowance of statutory rules by Parliament is satisfactory.

Statutory regulations must be made available and the public must have access to them before they can be bound by them, otherwise a person could be charged with an offence against the regulations without knowing what the regulations are. It is a basic principle of law and in this case it has not been fulfilled. The Opposition supports the motion.

The motion was agreed to.

LEGAL PROFESSION PRACTICE (LEO CUSSEN INSTITUTE) BILL

This Bill was returned from the Assembly with a message relating to amendments.

Assembly’s amendments:

Clause 3, paragraph (a), omit this paragraph and insert the following paragraph:

“(a) In—
(i) sub-section (7); and
(ii) sub-section (9)—
the words ‘or in default of a direction as the Council determines’ are repealed;”.

Clause 3, paragraph (b), lines 24 and 25, omit “as is agreed between the Attorney-General and the Council or in default of such agreement”.

The Hon. A. J. HUNT (Minister of Education)—I move:

That the amendments be agreed to.

The amendments are simple and provide that, in respect to the Victoria Law Foundation, the legal aid scheme and the Leo Cussen institute, the amount to be paid from the Solicitors Guarantee Fund be specified by the Attorney-General. The Attorney-General will, of course, consult with the council of the Law Institute and with the other organizations concerned before making the determination. The amendments clarify the fact that the ultimate responsibility for the decision will be that of the Attorney-General alone. In other words, they seek to ensure that full Ministerial responsibility will be accepted by the Attorney-General, who will not be bound by what other organizations say, although he will take that into account.

The motion was agreed to.

SALE OF LAND (DEPOSITS) BILL

This Bill was returned from the Assembly with a message relating to amendments.

It was ordered that the message be taken into consideration later this day.

REPORTS OF EQUAL OPPORTUNITY BOARD AND COMMISSIONER FOR EQUAL OPPORTUNITY

The Order of the Day for the consideration of the reports of the Equal Opportunity Board and the Commissioner for Equal Opportunity for 1978–79 was read.

The Hon. H. G. BAYLOR (Boronia Province)—I move:

That the Council take note of the reports. It is appropriate that, having listened to a lengthy dissertation on the previous subject over which the House took some time, it should now take some time to consider the reports of the Equal Opportunity Board and the Commissioner for Equal Opportunity.

I wish to make some comments on each of those reports. They are significant because these are the second annual reports which give a much clearer picture of problems associated with discrimination. The first annual reports were due when both of these bodies had been in operation for less than twelve months and they were
able to give only certain trends and matters of discrimination which had come before the commissioner. Now that the Act has been in operation for just under two years, it is possible to gain a much clearer picture from the reports.

Both reports point to a need for some amendments to the Act and they demonstrate the strength of the Equal Opportunity Act. The Equal Opportunity Act in Victoria was put to the test by the case of Mrs Deborah Wardley with Ansett Airlines of Australia. The findings of the Equal Opportunity Board in that case were correct, and Mrs Wardley went on to win her case in the High Court, which spoke highly of the Act as it stands.

The commissioner handled 240 complaints of discrimination. Of these, 109 related to employment and approximately 14 per cent of these were from men in the area of job applications. The complaints from women in the workplace were more widespread, and involved more serious problems than those experienced by men. Discrimination occurs because there is still the basic problem that many employers approach job suitability on the basis of their own attitudes toward the sex of the person applying for a job.

At interviews many women applicants are asked a different set of questions from those asked of male applicants for the same job. I should like to quote what the commissioner points out as a real discrimination which still exists in the community and the series of questions that she observes are put to a woman applying for a job, that are not necessarily put to a man. She lists eight questions which are worth repeating. When applying for a job, women are often asked:

Have you any plans to get married?
How will you manage your family arrangements if you have to do overtime or go interstate?
How does your husband feel about your working?
Do you intend to have a family?
Have you completed your family?
What does your husband do?
Is he likely to be transferred?
What does his job require of you?

The commissioner, Mrs Marles, points up another area of discrimination which is still fairly widespread—the problems associated with promotion. Problems have been experienced by both men and women in this area although only two complaints have been brought to the commissioner’s notice by men. Both of these complaints from men related to appointing women less senior to them to positions involving responsibilities for girls’ welfare in an educational setting. Promotional problems for women are much more difficult to prove because few employers would say that they did not promote a woman because she was a woman. Again I should like to quote what the commissioner said on this point. In dealing with the question of discrimination against women in the area of promotion she said:

Furthermore, such evidence—
That is evidence about the discrimination against a woman:
is difficult to obtain as the explicit grounds on
which such decisions are made, rarely include a
discriminatory statement and the reasons that
support promotion are usually less related to
the shortcomings of unsuccessful candidates
than to the strengths of the one selected.

The Hon. R. J. Eddy—Do you believe that?

The Hon. H. G. Baylor—Yes, I do,
and it is there. Mrs Marles points it up as a significant part of the discrimi-
nation which still exists in the work
place. Women are passed over for pro-
motion often and it is difficult to obtain
concrete evidence that they have been
passed over necessarily because they
are women.

By far the biggest single problem
related to discrimination in the work-
force is sexual harassment of women.
This has had a fair amount of publicity
of late, and it is apparent that it is a
fairly widespread problem across the
board. The innuendo of the connota-
tions of sexual harassment has pos-
sibly been with us for a long time.
Perhaps the old stories of secretaries
and their bosses and what goes on in
that relationship is and always has
been indicative of a more widespread
situation than employees and em-
ployers are prepared to recognize.

In some cases it can reach propor-
tions of being part of the terms of em-
ployment. From this it can be assumed
that it plays a part in many women
receiving a job, in keeping the job and
it can be a reason for losing a job.
It is a difficult area for the commis-
sioner to deal with. The risk of vic-
timization of a complainant is often too
great to allow freedom for the em-
ployee to bring the matter to light.
Often it is only brought to light after
the woman has resigned from her em-
ployment. Promotion can bring out all
sorts of pressures in this area of sexual harrassment of women. Nevertheless
enough has been heard of this real
problem which faces many women for
the commissioner to state in her report:

Overall, despite the small number of sub-
stantiated cases, the frequency and source of
reports suggests that such sexual exploitation
could be widespread.

There is a need for migrants to have
maximum access to the legislation and
a further need is pointed out in the
report for closer scrutiny of the terms of
the dominant ground of section 3 of
the Act. The dominant ground reads:

A reference in this Act to the doing of an act
on the ground of sex or marital status includes
a reference to the doing of an act on two or
more grounds that include, as the dominant
ground, the ground of sex or marital status.

In other words, many women, because
they are non-english speaking, are dis-
criminated against on this ground and
it is hard to establish in the terms of the
Act that that is the dominant
ground of discrimination.

Perhaps honorable members have had
a good insight into that because during
International Women's Year a grant
was made for a research group, and
Mr Sgro would be aware of this to
undertake a study into the working
conditions of migrant women in this
country. It brought out a revealing
report which was called—I would not
want my wife to work there. That
study showed some of the really appal-
ing working conditions that migra-
ted women have to suffer in factories, in
doing work at home and so on. One
of the amendments to this Act that
could be considered would be to add to
the grounds of sex and marital status
the ground of race. It is a provision in
many other equal opportunity Acts.

Problems experienced by migrant
women in particular relate to racial
discrimination and many migrants
complain of a more overt form of
bullying and harassment because of
their difficulties with the language, and
their lack of knowledge and lack of
access to the provisions of the Act.
There is a need for migrants to have
maximum access to the legislation and
a further need was pointed out in the
close scrutiny of that dominant ground
that I mentioned. It is suggested in
the report that an amendment to the
Act should constitute the inclusion of
race, and I think that point should be
noted.

A further suggested amendment
might be the inclusion of discrimination
against physically handicapped people.
Especially as 1981 is to be the year of the disabled person, it could be an appropriate time to turn our thoughts to consideration of this matter. There is no doubt that many disabled people are able to do jobs efficiently but, because of their disabilities, they are often passed over or discriminated against because it is believed that they may not be able to carry out the work as well as an able person. Many of them suffer from some forms of discrimination because of that. I hope in due course it might be possible for honorable members to do something about that.

The National Council of Women of Victoria has had a committee looking into women and employment. I have a worthwhile suggestion from the council that appeared in its annual report of 1979, wherein the council talked about some discrimination which occurs in the work force. At page 37 the council said:

In relation to more flexible working arrangements, the Committee has supported study being currently undertaken into outwork, especially among migrant women, as another viable alternative to conventional work arrangements.

These included the Human Relationships Report, compensation and women workers, unemployment and technological change.

The National Council of Women has also made recommendations directly to the Commissioner for Equal Opportunity on the matter of maximum weights. When the board was looking at the technological changes as they affected women workers, it became apparent that not too many women or men have to lift inordinate weights because often there are machines and the like that will do this work. It is becoming somewhat obsolete although in the Labour and Industry Act there is a provision that women shall not lift more than a maximum weight. Perhaps with the coming of technological change this should be examined because it affects a number of women who perhaps, but not always, obtain jobs where a maximum weight must be lifted by the worker. Therefore, this could become a case of discrimination.

I turn to the report of the Equal Opportunity Board which sets out in some detail the case histories it investigated, including the case I referred to earlier in some detail. The board received ten requests for exemption during the period under consideration. One was granted to the Department of Community Welfare Services when it was seeking the services of a cottage mother where it was deemed appropriate that this role could be fulfilled only by a woman. Another exemption was granted to a shopping centre holding a fair lady quest. Although one may question the prevailing sexist attitude in holding these types of quests, an exemption was granted in this instance.

Contrary to what many people think, the Equal Opportunity Board deals with discrimination against men as well as women and in its report it lists the cases of discrimination against men. There was an organization which had been advertising that it would introduce men and women seeking love and friendship. Membership of this organization for women up to a certain age was free but all males had to pay. The board found that this was a matter of some discrimination but the position was satisfactorily resolved with the organization in question.

The board also found that discrimination occurred in educational matters, particularly with careers teachers and officers employed in schools. To some extent, they were perpetrating a discriminatory attitude inasmuch as they were putting out lists for boys and girls to select suitable careers that they might like to pursue in later life. They supplied a different list to girls than they gave to boys. This was mentioned earlier tonight. Even Mr Landeryou touched on it when he was talking about his own children—his sons had guns to play with and his daughters played with dolls.

One of the tasks of the members of the board was to put out equal lists which they considered appropriate for both boys and girls to consider and
to have this brought to the notice of the schools and have it incorporated in their programmes. The board members spent a lot of time going out to the schools and talking about the Equal Opportunity Act and the provisions in it. This is a necessity if we are to change attitudes on these things. It is necessary to change community attitudes, and this begins in the schools.

At present our legislation is fairly much in tune with community attitudes. I do not believe we can forcibly change or precipitate changes in community attitudes simply by introducing legislation. It will not work that way. The legislation needs to be in tune; it should not be ahead of or behind community attitudes, and it has been my experience that the Equal Opportunity Act is in tune. Many people claim that it does not go far enough, that we will have to wait for some of these attitudes to gradually go out of the community before we can bring in more stringent measures.

Another part of the board’s activity is to review all the Acts on the statute-book. The board has undertaken to review those Acts which is one of the provisions in the Equal Opportunity Act. So far, it has reviewed more than 700 Acts of Parliament and, in the appendix to its report, it sets out the Acts which it considers to be non-discriminatory. Of the 700 Acts which have been reviewed, only 33 Acts contained discriminatory provisions.

Further, the board makes a recommendation to eliminate words which import masculine gender in the drafting of new Bills. The board also notes that it is not practical to redraft all existing Acts to rectify this position, but suggests as a practical measure that those people who are involved and responsible for the drafting of legislation commence by using non-sexist drafting procedures. During the time I have been a member of Parliament, from my own experience in committees, I have found that that is taking place now. There is a kind of de-sexing or de-gendering in the drafting of Bills, and that is fairly reasonable.

The question of superannuation and pensions for women is one which has not yet been overcome. Probably, it was considered that it should be put in the too-hard basket because of the complexity of superannuation schemes. However there is no doubt that there is discrimination in these areas. The Equal Opportunity Board is well aware of this and it has in fact made it the subject of a separate report. I understand that this report has now been completed, and so we look forward to changes which will bring women into equal line with men on the matter of superannuation and pensions.

I now refer to the section headed “Entertainment, Recreation or Refreshment”. Of course, this section deals with women going into public bars and the like. The question of clubs excluding women has been raised but it appears that progress is being made in this area. I quote briefly from page 73 of the board’s report where it refers to entertainment, recreation or refreshment. It reads:

Individuals have indicated concern particularly in relation to racing, golf and cricket clubs. The board has held informative discussions with representatives of some of these clubs. Signs of progress with broadening attitudes are apparent—not only with the advent of women jockeys licensed to ride in open competition but with the progressive opening of some male social clubs to both sexes. In the case of racing clubs, Moonee Valley has demonstrated the advantages to all concerned arising from a modern liberal attitude and it is understood that the V.R.C. is considering admitting some women on a limited member basis.

We can take it from that, that some progress is being made. That passage illustrates what I was saying earlier about the gradual change in attitudes generally in the community but to do these things is not easy because there are many long-standing traditions. Many of these clubs are changing their attitudes as far as possible and this is largely due, not only to the Equal Opportunity Act, but also to the consciousness which has been raised in the community about discrimination.
The Hon. R. A. Mackenzie—Does Mrs Baylor believe men have the right to have a club of their own just the same as women should have the right to have a club of their own?

The Hon. H. G. BAYLOR—No, I do not. It is a matter for the club itself. Really it is a matter for the committee of management to decide but in my view they should decide to admit women or men, whatever the case may be. I hope it will not be too far into the future before women are admitted to the Melbourne Cricket Club. It works both ways because, probably, I imagine there are just as many clubs for women in existence as clubs for men. I could be wrong in that regard, but certainly there is a large number of clubs for women.

Another important point referred to by the Commissioner for Equal Opportunity and by the Equal Opportunity Board relates to the area of credit for women. Although the majority of lending institutions and banks have an official policy of non-discrimination, it has been revealed that it is not working out that way in practice. The stated policy of the banks would be that their managers do not discriminate when giving credit, that they look at the viability of women to repay credit on the same basis as everybody else. However, it becomes apparent that many bank managers, when interviewing women who are seeking credit facilities from the bank, are still prejudiced in their attitudes towards assessing the credit worthiness of the woman. Many complaints have been brought before the Commissioner for Equal Opportunity. Despite official bank policy, a bank manager still uses his own judgment and has exhibited prejudice, whether it is right or wrong, about women. A bank manager will exhibit prejudice in assessing whether women are good credit risks. He will ask discriminatory questions along the lines of the ones I mentioned earlier, about their husbands’ occupations, their domestic situations and so forth.

This is certainly an area which needs to be pursued with some vigour to overcome the position because there is no doubt that women do not enjoy the same credit facilities that men enjoy. However, overall the report shows that the Equal Opportunity Act is working well in Victoria. It is helping to overcome some deep-seated community attitudes existing over the whole area of discrimination and, better still, it is doing it in a way which is not enforcing attitudes on people. It is proving effective because of the introduction of a comprehensive education programme, which is a better way of going about it.

I hope that all honorable members will take time to read these reports. I also hope that the necessary amendments to the Act will be brought forward during the next sessional period to strengthen it and eradicate some of the Acts of discrimination which have been brought to the attention of honorable members in this report.

The motion was agreed to.

SALE OF LAND (DEPOSITS) BILL

The message from the Assembly relating to the amendments in this Bill was taken into consideration.

Assembly’s amendments:

Clause 2, page 2, lines 12-14, omit all words and expressions on these lines and insert:

"'Deposit moneys' in relation to a transaction for the sale of land includes any moneys which are part of the purchase price received by the vendor before the purchaser becomes entitled to a transfer or conveyance of the land which is the subject of the transaction, or in the case of a terms contract any moneys received by the vendor before the purchaser becomes entitled to possession or to the receipt of rent and profits pursuant to the contract."

Clause 2, page 2, line 34, omit “or (2)”.

Clause 2, page 3, line 10, omit “he” and insert “the vendor”.

Clause 2, page 3, line 13, omit “he” and insert “the purchaser”.

Clause 2, page 4, line 14, after “Strata Titles Act 1967” insert “or section 8A of this Act.”

The Hon. A. J. HUNT (Minister of Education)—I move:

That the amendments be agreed to.

In another place, five amendments have been made to the Bill. Four of the amendments constitute either drafting directions or clarifications, but the
fifth amendment listed is a matter of substance. In another place, the definition of deposit moneys was substantially broadened to go beyond, "deposit" in the conventional sense to include any moneys paid before the purchaser becomes entitled to a transfer or conveyance of land or entitled to possession or to the receipt of rent and profits. This means the protection afforded by the principal Act to deposits is now substantially extended to include moneys paid before the purchaser becomes an owner in the conventional sense.

The Hon. E. H. WALKER (Melbourne Province)—The Opposition offers no opposition to the amendments. The motion was agreed to.

GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1978-79

The debate (adjourned from October 10, 1979) was resumed on the motion of the Hon. E. H. Walker (Melbourne Province):

That the Council take note of the report.

The Hon. D. G. CROZIER (Minister for Local Government)—When this report was last debated by the House in October, Mr Walker had some fairly harsh things to say about the report of the Government Buildings Advisory Council and, more particularly, the body itself. Although I do not entirely subscribe to his criticism of the council, I freely agree that the case he made for combining the functions of the two bodies was reasoned and reasonable and deserves examination.

I am pleased to advise the House that, after discussing this matter briefly with my colleague, the Minister of Public Works, Mr Austin assured me that this argument is being taken seriously by the Government and it will be his intention to examine the future of the Government Buildings Advisory Council, bearing in mind the arguments that Mr Walker put forward. Government supporters recognize, firstly, Mr Walker's interest in the subject and, secondly, his qualifications, professional experience and continued interest in these matters which enabled him to give the reasoned criticism and to submit the proposals that he did.

I do not want to dispute minor matters with Mr Walker at this stage. As I have said, I do not entirely accept his criticisms of the Government Buildings Advisory Council, but on reading the speech again that was made on 10 October 1979, I must say that I was certainly impressed with the case he put forward for combining the functions of the two bodies. As he pointed out, although they are not totally parallel in function, they have sufficient in common to suggest that the aims and functions could be combined to their mutual advantage with the basic objective of preserving the essential aspects of our heritage.

In saying that, I make a personal comment that I am not an unqualified admirer of the Act which set up the Historic Buildings Preservation Council. I do not criticize the conduct and affairs or the way in which the members of the council have gone about their tasks, but I have had occasion to reflect that perhaps the House went too far in the powers granted to that body. That is a personal view and it is not, so far as I am aware, the Government's view. I hasten to add that I do not anticipate that, as a consequence, an amendment is likely to be brought before Parliament in the near future to restrict the powers of the Historic Buildings Preservation Council. However, I consider that from time to time these powers should be reviewed. Of course, that is not the purpose of this debate. I am pleased to say that the Government has no monopoly of wisdom and it readily acknowledges reasoned arguments from its opponents when, as in this case, the point of view put forward by Mr Walker is backed up by an obvious interest and professional expertise that should be acknowledged.
I congratulate Mr Walker on the case he put forward. It is my expectation and hope that his point of view may lead to a better rationalization of functions between the two bodies. I add also that even if this debate had not taken place, it is highly likely that with the formation of the Public Bodies Review Committee under the energetic chairmanship of my colleague, Dr Foley, it would not have been long before the possibility of duplication of functions was brought to the attention of the House and I am sure it would have come under scrutiny.

However, Mr Walker's speech of 10 October will certainly assist the process of review of this body, in the light of the somewhat parallel functions of the Historic Buildings Preservation Council and the Government Buildings Advisory Council. Having made those observations, I conclude simply by saying that the speech made by Mr Walker was certainly useful, and the Government, although differing in some detail with his criticisms, does commend the broad thrust of his arguments.

The motion was agreed to.

The sitting was suspended at 10.38 p.m. until 12.9 a.m. (Friday).

POST-SECONDARY EDUCATION (AMENDMENT) BILL

This Bill was returned from the Assembly with a message relating to amendments.

Assembly's amendments:

Clause 2, page 4, line 36, after "may" insert "within four weeks of receiving that notice".

Clause 2, page 11, lines 35-37, omit the words and expressions on these lines and insert—

"(b) the institution which offers or proposes to introduce the course—"

Clause 2, page 11, lines 42-44, omit the words and expressions on these lines.

Clause 2, page 12, lines 4-6, omit the words and expressions on these lines.

Clause 2, page 13, line 6, after "regulations." insert—

"(4) The Commission shall furnish the Minister with copies of every report received by it under this section."

Clause 4, page 15, line 26, after this line insert—

"( ) shall be eligible on the recommendation of the Teachers Tribunal to be appointed as a professional officer in the teaching service of Victoria; and"

Clause 5, omit this clause.

Clause 8, lines 16 and 17, omit these lines and insert "mentioned in Schedule 2 to that Act;"

Clause 8, lines 23 and 24, omit these lines and insert "or governing body of any institution mentioned in Schedule 2 to that Act;"

Clause 8, lines 33 and 34, omit "(other than a university) mentioned in Schedule 1" and insert "mentioned in Schedule 2;"

Clause 8, page 19, lines 5 and 6, omit "(other than a university) mentioned in Schedule 1" and insert "mentioned in Schedule 2;"

NEW CLAUSES

Insert the following new clause to follow clause 4:

"AA. Where—

(a) the Victoria Institute of Colleges may award a degree or diploma to persons who have successfully completed a course or series of courses of study at a post-secondary education institution which is one of its affiliated colleges; or

(b) the State College of Victoria may award a degree or diploma to persons who have successfully completed a course or series of courses of study at a post-secondary education institution which is one of its constituent colleges—

and the Governor in Council pursuant to section 38 of the Post-Secondary Education Act 1978 confers upon the council of the institution power to award a degree or diploma which, in the opinion of the Victorian Post-Secondary Education Commission, is substantially similar to the degree or diploma which the Victoria Institute of Colleges or the State College of Victoria may award, the Governor in Council may by Order published in the Government Gazette direct that successful completion of the course or series of courses of study does not make a person eligible for the award of a degree or diploma by the Victoria Institute of Colleges or the State College of Victoria (as the case may be) but instead makes a person eligible for the award of a degree or diploma by the institution;"

Insert the following new Clause to follow clause 8:

"BB. (1) In section 91b (b) of the Motor Car Act 1958, for the words "or at a college of advanced education affiliated with the Victoria Institute of Colleges" there shall be substituted the words "or at a post-secondary education institution mentioned in Schedule 2 to the Post-Secondary Education Act 1978."

(2) A certificate signed before the commencement of this section by the head of the faculty, school or department of electrical engineering or electronics at a college of advanced education affiliated with the Victoria Institute of..."
Colleges for the purposes of section 91B of the Motor Car Act 1958 as in force at the time the certificate was signed shall for the purposes of section 91B of the Motor Car Act 1958 as amended by this section be deemed to have been signed by the head of the faculty, school or department of electrical engineering or electronics (as the case may be) at a post-secondary education institution mentioned in Schedule 2 to the Post-Secondary Education Act 1978."

The Hon. A. J. HUNT (Minister of Education)—I move:

That the amendments be agreed to.

A number of amendments have been received, some formal, some technical and some designed to improve the draftsmanship of the Bill. A number of other amendments are of substance and those are the amendments which honorable members will be interested to hear about.

The first amendment ensures that the provision of four weeks consideration of proposals made to the Tertiary Education Commission applies equally with respect to responses made by the Post-Secondary Education Commission. The second amendment gives effect to a view put by Mr Walker when he argued that it was invidious for one institution to be in a position to make judgment upon the academic quality of courses proposed to be undertaken by another institution. The power which the Bill proposed for the Accreditation Board to appoint another institution to rule upon the academic validity for the proposed offerings of another has disappeared. Power will remain with the Accreditation Board to appoint committees to consider a proposed course or it may authorize the institution applying for the course to examine in detail the details of the proposed courses envisaged by one of its faculties to report so that the Accreditation Board can make a judgment.

When the matter was before the House, Mr Walker suggested that the provision in the Bill somehow created a two-tier concept of institutions. If that was so, the amendment will remove it. A number of the other amendments are consequential upon that amendment and I shall not detail them.

Amendment No. 5 deals with the reports of the Accreditation Board and provides that these shall be supplied to the Minister, as well as to the Post-Secondary Education Commission.

The Hon. W. A. Landeryou—This could be called the "Walker Bill".

The Hon. A. J. HUNT—I am merely giving credit to Mr Walker for the inclusion of a major amendment amongst those that I have dealt with today. I do not suppose that honorable members would expect me to give the Government credit for a concept which emerged from the Opposition. If honorable members would prefer me to detail the amendments without giving credit where it is due, I shall do so in the future.

Amendment No. 7 rectifies an omission previously provided in the Bill that people rendered redundant as a result of the merger of the two institutions and the disappearance of the Victoria Institute of Colleges and the State College of Victoria should have the opportunity of moving back into the service. The amendment extends that concept to professional officers.

The only other amendment of substance deals with the omission of clause 5 and the substitution of new clauses which ensure that the hiatus which could otherwise be created when the two institutes disappear with respect to the granting of degrees or diplomas will be filled. There was a possibility that those who were qualified under the old system as at the date when the Victoria Institute of Colleges and the State College of Victoria went out of existence but had not taken degrees could not have obtained them at all. This is now remedied.

All sorts of possibilities which could occur in that interim period have been covered by the new amendments. All the amendments made in the Assembly, whether emanating from the Government or from the Opposition—I indicate that amendments came from both sources—appear to be sensible and I commend them to the House.
The Hon. E. H. WALKER (Melbourne Province)—I am pleased that the Bill has been returned in this form. Excellent work has occurred in the production of the Bill in both Houses which is a little unusual because it is quite common for honorable members in the Legislative Council generally to accept that the hard work has been done in another place. Alternatively, it may be said that honorable members in the Legislative Council have done the hard work and accept that it will be accepted more or less as is in the Legislative Assembly.

Honorable members in the Legislative Council find that excellent work has been done in both places to advantage. I compliment the Minister. Prior to the debate on the Bill, the Minister allowed approximately three months for consultation. That process has now been well established and I believe it should continue. It creates much hard work because the Minister had to be willing to hear continuous representations from all sources.

I also compliment the Minister because, during the course of the debate in this place, he was willing to indicate that ideas had arisen that were worthy of further consideration and he went ahead and fulfilled the promise he made that further consultation would occur between parties. I appreciate that that consultation occurred. Last night, in the other place, worthwhile debate occurred on the Bill and some further amendments were made.

I am pleased to see that the "Big Brother" clause has disappeared. The Bill is amended in such a way that assistance from a major institution can still be forthcoming although not in a charitable or controlling fashion. The principles inherent in the amendment are excellent. It means that the system can be used to assist institutions without being over-powering.

That is an excellent principle to establish. I am also pleased that the Minister will be supplied with those reports. That was a suggestion of the House. It was inherent in the suggestion that a body such as the Victorian Post Secondary Education Commission might have used information in a way that would cover up what was being said. That was not really the intention. I agree with open information.

I am glad to see that the professional officers within the system have been properly handled and that the hiatus situation has been corrected. The essential amendments remain. They are the amendments that can be clearly debated in this House. They have caused the Minister some concern because he has received representations from institutions that disagree with them and he has received representations from this House to compliment him on having held firm on the amendments presented in this place some weeks ago.

I compliment him because it is the first time in this State that the Liberal Party has been willing to allow major institutions within the college system to be equated with the special provisions that apply to universities. That is a coming of age.

I think it was covered in the second-reading debate. I endeavoured to bring forward the concept that it was a time to recognize the maturity of the college and the Minister has allowed that to happen, by permitting a procedure that is similar in both cases. It does not attack the autonomy which is traditional in university systems. It upgrades the college system to be comparable and that is a blow struck in the right direction and the Opposition appreciates that.

The results are excellent. It has cost a lot of time but it has been worth it. In that regard, I simply indicate that the Opposition welcomes the return of this Bill with the amendments that have been made in both places and definitely offers no opposition to the Bill as it is now presented.

The motion was agreed to.
ADJOURNMENT
Canterbury Girls High School—Warrnambool jetty—Vietnamese refugees—Gippsland railway line—Vietnamese refugees—Report regarding Alcoa project—Voting rights for prisoners—Electrification of Deer Park West railway line—Protection for newcomers to Australia—Functioning of the House—Strathmore High School

The Hon. A. J. HUNT (Minister of Education)—By leave, I move:
That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified to each honorable member by telegram or letter.

The motion was agreed to.

The Hon. A. J. HUNT (Minister of Education)—I move:
That the House do now adjourn.

The Hon. C. J. KENNEDY (Waverley Province)—I raise a matter for the attention of the Minister of Education and urge him to take immediate action. I refer to Canterbury Girls High School, which is just a stone's throw away from the Premier's residence in nearby Monomeath Avenue, Canterbury. Students at the large school are required, with their parents, to travel many kilometres from one side of the metropolitan area to the other—from Canterbury to Clayton—and forced to buy supposedly voluntary school uniforms in the form of blazers and skirts from the alleged sole supplier—a firm with the quaint name of Happy Garments Pty Ltd, of 222 Ferntree Gully Road, Notting Hill, which is in the heart of Waverley Province.

As hundreds of citizens are unlawfully compelled to travel such long distances to buy these overpriced, poor-quality clothes, which they neither need nor want, is the Minister prepared to investigate whether the school is getting a rake-off commission and does he not agree that this is part of a $20 million State-wide racket in school clothing? Is he also aware that the girls at this school are even forced to buy particular brands and colours of underwear? What action will he take on this matter?

The Hon. D. M. EVANS (North Eastern Province)—I raise a matter for the attention of the Minister representing the Minister of Public Works. It concerns the harbor at Warrnambool where I understand a number of fishermen are concerned that the works carried out there on the construction on the jetty have so altered the flow of water that considerable silting has occurred adjacent to the jetty which has had the effect of raising the level of the harbor floor so that the water is not deep enough for many of the bigger fishing boats that approach the jetty. I ask the Minister through his colleague in the other place, whether any research is carried out on this problem of harbors throughout Victoria. I know a number of studies have been carried out, including one at Lakes Entrance, but they should include the harbor at Warrnambool.

Firstly, advice should be sought from professional experts on the best method of tackling this problem and, secondly, proper dredging is necessary in the harbour at Warrnambool so that fishing boats stationed there have the opportunity of supplying trade from their home port and maintaining an industry at Warrnambool. It is necessary that work be done on dredging from time to time, following proper research, to alleviate the problem and ensure that the work is carried out in the most effective way possible.

The Hon. G. A. SGRO (Melbourne North Province)—I raise a matter for the attention of the Attorney-General, although he is not here. From time to time honorable members receive invitations to attend dinners and other functions from their constituents. A couple of weeks ago, I received an invitation to attend a dinner held tonight at Prahran to celebrate the tenth anniversary of the moratorium.

The Hon. Glyn Jenkins—What moratorium?

The Hon. G. A. SGRO—It was the Vietnam moratorium. When I arrived, 500 or 600 people were outside screaming and abusing other people.
The Hon. A. J. Hunt—Were they from the Socialist left or the centre unity of the Labor Party?

The Hon. G. A. Sgro—The people there were the so-called “boat people” I have taken part in peaceful demonstrations and I believe people should have the right to demonstrate in a peaceful manner.

However, when I arrived at this function people were screaming abusive language. I later heard that two or three policemen had been injured, one of them seriously. In addition, a Chinese friend of mine received a telephone call this morning to tell him that if he does not organize the Vietnamese people in Victoria to demonstrate against the dinner held tonight, there will be trouble for all the Vietnamese refugees in the State. Because people of Vietnamese or Chinese origin refused to co-operate with those people, thugs from Sydney came here to organize an ugly demonstration tonight in Prahran.

I have attended demonstrations. It is the right and duty of the State to protect those honest and sincere refugees in Victoria who are being intimidated. Those who refused to participate in the ugly demonstration tonight were told among other things, that their throats would be cut.

I repeat, 30 people from Sydney came to Victoria to organize that ugly demonstration. This is a very serious matter. I am not against demonstrations—people have a right to demonstrate. This State should ensure that honest people are protected.

I have been involved in trying to help honest people to immigrate to this country, but they have been refused entry. It appears that anyone under the so-called name of “refugee” can come to Victoria and do whatever they like. I ask the Minister to investigate the matter and ensure that in future thugs from other States are not permitted to come to Victoria to intimidate people.

The Hon. R. J. Long (Gippsland Province)—The matter I wish to raise is more peaceful. I bring to the notice of the Minister representing the Minister of Transport a situation that has arisen on the Gippsland railway line regarding the 3.37 p.m. train from Melbourne to Warragul. It has been brought to my attention that this train has no first-class carriages and has not had any for some considerable time. A number of people purchase first-class railway tickets to travel on this train only to discover that no first-class carriage is attached to the train. The Labor Party would normally mention that this matter should be drawn to the attention of the Minister for Consumer Affairs because it involves misleading advertising, but I wish to draw it to the attention of the Minister of Transport to see whether something can be done to placate those people who purchase first-class tickets but do not get the opportunity to use them in the normal way.

The Hon. Joan Coxedge (Melbourne West Province)—I wish to use this opportunity to extend the comments made by Mr Sgro because it is a very important matter and I do not think it should be brushed aside lightly.

The President (the Hon. F. S. Grimwade)—I must inform Mrs Coxedge that this is not the appropriate time to develop an argument by using a set speech.

The Hon. Joan Coxedge—It is not a set speech.

The President—The motion for the adjournment of the sitting provides an opportunity to make a request or pose a problem but honorable members cannot raise the same matter as another member.

The Hon. E. H. Walker (Melbourne Province)—I take up a matter that was debated a week ago in this House regarding the Alcoa proposal about which I asked a question of the Minister for Conservation this morning. I bring it to the attention of the Leader of the House this evening because the Minister for Conservation is not present. It is a request that the Leader of the House could fulfil.

I refer to an article which appeared in the Age on Saturday, 19 April 1980 which gives details of a report which was made to this Government in regard...
to the comparative cost between the establishment of an Alcoa smelter at Westernport and the establishment of an Alcoa smelter at Portland. In response to a question this morning, the Minister for Conservation indicated he had no knowledge of a report and later told me in private that he thought the report had no conservation interest.

I telephoned the Department of the Premier today and asked to speak to one of the authors of the report, who assured me that the report does exist and it has significant conservation interest. I am happy to hand the matter to the Leader of the House and ask him to trace the report and have copies made available to myself because I think the report is an important one.

The Hon. A. J. Hunt—When was the report made?

The Hon. E. H. Walker—It is indicated in the Age newspaper report, and although newspaper reports are usually considered unreliable, this is a reliable report by a reliable reporter: The State Government had the report made to it in 1979 and it was handed over in May 1979. The article does not say exactly who wrote the report but from my contact with the Department of the Premier I understand that at least one member of that department was involved in the report.

The article states:

The report was prepared by a Government working party and submitted to a committee of public servants and of Alcoa representatives.

The committee included people from the State Treasury, the Departments of State Development, Decentralization and Tourism, Public Works and Planning, the SEC, the Gas and Fuel Corporation and the Premier’s Department.

The working party report does not deal with financial aspects raised by other quoted reports but more directly with the conservation and environmental aspects of siting.

The Minister suggested to me that the report had no conservation interest. The article states it was not made public although it raises many questions not included in the reports and statements on the project by the Premier, Mr Hamer, and other Government spokesmen. I shall comment on two or three other points raised. The article also states:

It was impossible to tell if environmental damage at Westernport would outweigh the greater cost of the Portland site.

It was earlier suggested that the Portland site would cost $89 million more than the smelter at Westernport.

The social impact would be greater at Portland.

There were “potentially serious” environmental problems with both sites.

The commitment of power to Alcoa would block any further smelter projects in Victoria until the 1990s.

When the debate on Alcoa was proceeding I had no knowledge of the report or of the Age newspaper article. The suggestion contained in this article is serious, namely, that a major report has not been made available to members of the Opposition or the public. It clearly covers important environmental and conservation aspects as well as financial aspects.

I do not ask the Leader of the House to answer all those questions but to trace the report and have a copy made available to me as conservation spokesman for the Opposition.

The Hon. R. J. Eddy (Thomastown Province)—I direct a matter to the attention of the Minister for Local Government. It relates to an answer I received this afternoon from the Minister for Conservation representing the Minister for Community Welfare Services. I asked how many applications for postal votes were received from prisoners before the last State election, indicating the number received in each prison. The answer I received and which I am not prepared to accept is, “I am not able to supply the information sought by the honorable member.”

Postal vote applications for prisoners were sent direct to the returning officers for the electorates in which prisoners were enrolled and were assessed with applications received from other electorates. Applications for postal votes were assessed as they were received and were segregated in categories by returning officers for statistical purposes.
The PRESIDENT (the Hon. F. S. Grimwade)—I ask Mr Eddy to make his request known.

The Hon. R. J. EDDY—I want to know why this can happen: I have received a number of complaints from prisoners within prisons throughout the State and their families that they made applications through the proper authorities within the prisons for permission to vote on a postal application vote and that their applications were torn up in their faces.

According to legislation passed in this House, prisoners are to be granted the right to vote. When prisoners make complaints to me along those lines and I receive an answer such as I did this afternoon from the Minister responsible, I take strong exception. I ask the Minister representing the Minister for Community Welfare Services to make the necessary investigations because I can produce evidence that these prisoners made application in writing to the respective governors within the prison system and handed them to the prison officers within the divisions only to have them torn up in their faces and not passed on to the respective governors of the prisons. I ask the Minister for Local Government to ask the Minister responsible to reply to me along the lines of my protest.

The Hon. H. A. THOMAS (Melbourne West Province)—I direct a matter to the attention of the Minister of Transport. It deals with the electrification of the rail line to Deer Park West. Certain work in regard to this project has been completed, such as the overhead wires carrying the cables and the construction of a platform at Ardeer.

I have ascertained that some trains are now scheduled to stop at Ardeer but there is no sign of any electric train service to Deer Park. There is the train to Bacchus Marsh that will now stop at Ardeer but there are no facilities such as a shelter or toilets on that platform. It is unreal to think the railways can attract people to rail transport without providing proper facilities. I ask the Government: Is that all it thinks the western suburbs are worth?

I ask the Minister to inform me urgently when toilets and shelters will be made available at the Ardeer station and when the electrification of the rail line will be completed. It was started in 1966. The then Minister of Transport, Mr Meagher, said it would be completed in five years. Then the Whitlam Government came in and did something.

People who live half a mile from the south side of the Ardeer station are concerned about this lack of service. There are 1000 homes in the area, 600 of which are on the south side. Are the railways going to encourage people to use public transport or not?

This matter has been raised with the Minister of Transport on previous occasions but there appears to be reluctance to provide modern public transport for residents of Ardeer, Deer Park and Melton. I ask the Minister concerned not only to think about it but to do something about it because he has refused to visit the area.

The Hon. JOAN COXSEDGE (Melbourne West Province)—I direct a matter for the attention of the Minister responsible for ethnic affairs. I ask what steps the Government intends to take to protect newcomers to this country from intimidation by their fellow countrymen. This is a very important matter. In early 1970 I did a lot of research on the Ustasha, a small minority of violent Croatian fascists. These people were intimidating their fellow countrymen. I talk about that tonight because of an experience which I have had recently. It ought to be a subject of concern to all honourable members that when members of Parliament attend a function, because of intimidation they have to scurry out through the back streets to get into an official Government car.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! The honorable member will resume her seat when I stand. I believe she has asked her question and we will await the answer.
The Hon. W. A. LANDERYOU
(Doutta Galla Province)—I cannot resist the opportunity as we come to the end of the sessional period of raising with the Leader of the Government a point which I have often raised, and that is the extraordinary stupid way in which this Parliament is run and the times at which the House meets. I used to think that it was only on the days when there was no country racing, but since the new Leader of the Government was elected that is obviously not so—but it meets on occasions which really have no relevance to the work load that is performed.

Both Mr Dunn and I have co-operated to the nth degree to the extent we are able and in accordance with the instructions from our parties on the running of Parliament, but we still seem to meet at odd hours, after business hours or in the middle of the night. There are occasions when I have difficulty explaining to my children at home what the hell I am up to at these odd hours.

I have reached the stage where I think it is time, as we race towards the 21st century, that some of the nonsense which goes on here and passes for common sense should be analysed. It is hardly common sense and I have suggested on previous occasions that perhaps the Leader of the Government and you, Mr President, in your capacity as the Presiding Officer, take action before you decide to call the House together to ensure that, if the Government has no Bills which originate from the five Ministers in this House, then honorable members should not assemble until such time as the other House has initiated Bills which can be considered in this place.

Related to that point, which I firmly believe in and which I have advocated not for the first time, is that perhaps it is time, if Victoria is to continue with a bicameral system, despite my philosophy and my views, for the grand club over the way to meet for two weeks and then by rotation this House meets for the following successive two weeks and that the procedure continues without any long recess so that the Parliament of Victoria is at work for most of the year instead of the ancient nonsense which we seem to continue on with. It does not make any sense whatsoever to have two sessional periods and for Parliament to meet the way it does during the year.

There seems to be no point in meeting and adjourning because of lack of work. Tonight was a classic example. The House had to suspend its sitting and wait for the other House to pass an important piece of proposed legislation and return it to this House. Honorable members have also heard an explanation from the Minister for Conservation on an important Bill which has not been passed during this sessional period and which will be held over until September. If it is able to be held over until September, why was it introduced?

The Government ought to accept some responsibility for administering the business of the House. I do not know whether there is any other option available to the Government, apart from the ones I have spoken about, to ensure that the House meets in a modern sense. Without referring to or taking a political line, the Government should look at what is common sense and adopt a modern-day business approach to the management of this Chamber. What I have seen during this sessional period and the previous one has amazed me and I call on the Leader of the Government to give the House an assurance that more common sense will apply during the next sessional period.

The Hon. D. R. WHITE (Doutta Galla Province)—It has been brought to my attention by the students and parents of the Strathmore High School that they have lost two members of the library staff since the beginning of the year, one of those due to death. I am wondering whether the Minister of Education can investigate this issue with a view to having the library staff at the Strathmore High School replaced as soon as possible.

The Hon. A. J. HUNT (Minister of Education)—Mr Kennedy raised the question of uniforms at the Canterbury Girls High School. I have previously given him a very full answer on the
rights of schools to determine whether they will have uniforms and, if so, whether they will be optional or compulsory. Mr Kennedy referred to a sum of $90 for a school uniform, but I refer him to the answer that I previously gave him which acknowledges that, in the view of my advisers, over the longer term, the use of uniforms, particularly for girls, is vastly cheaper for parents than to use other clothing of a kind which often means that young people are competing with each other to keep up with the latest trends.

The Hon. D. R. White—Mr Kennedy raised the restricted trade practices provisions.

The Hon. A. J. Hunt—Mr Kennedy also raised in passing the fact that there was a single supplier at the school. This made sure that the school receives a cheaper price than would otherwise be the case and these savings are passed on to parents. However, it may mean the school council is receiving some commission, I do not know. If there is a monopoly which is to the disadvantage of parents, and I must add that I doubt that assumption, then Mr Kennedy should certainly take the matter, on behalf of whatever constituents he has with children attending the Canterbury Girls High School, to the Trade Practices Commission. I invite him to undertake that course if he has any evidence.

Mr Sgro raised the question of the demonstration today and made a number of innuendoes which were based on, I believe, assumptions. I do not know whether his assumptions are justified, but I will refer the matter to the Minister for Police and Emergency Services and ask him to inquire into it.

Mr Walker raised the question of a so-called secret environmental report on the electricity lines to serve Alcoa at Portland.

The Hon. E. H. Walker—Not specifically on the electricity lines; on the whole issue.

The Hon. A. J. Hunt—On the project and the various matters which will flow from it, I listened carefully to the extracts he read from the newspaper report, which appears to have had access to some document which indicated environmental dangers associated with the project at Westernport, the cost of which could not be measured. From what Mr Walker read out, it sounded like a departmental evaluation for the consideration of Ministers and of the Government.

The Hon. D. R. White—It went to the Age before the Cabinet, which is fairly common.

The Hon. A. J. Hunt—I suggest that it went the other way around.

The Hon. W. A. Landeryou—The Minister for Conservation did not know anything about it.

The Hon. A. J. Hunt—I point out to Mr Walker that, under the Westminster system as practised in Great Britain, if a file is requested, it is produced in full, but without the memoranda of advice given to Ministers. The reason for that is that the Ministers must take responsibility for their own decisions and they cannot be seen to be hiding behind the advice of officers. Similarly, if they happen to receive advice from officers, the Ministers take the responsibility for the decision and the file and the facts produced speak for themselves. However, the advice given by officers cannot be deemed to determine the matter and are not public documents.

When Ministers leave departments they are entitled, under the British system, to remove that advice from the files so that the decisions they have made stand on their own. That is the British system and in many respects it is a pity that we have not followed it a little more closely.

It appears to me that that is the nature of the report which has somehow now found its way to the Age. I will inquire into the matter but it appears, I would imagine, to be a report of the State Co-ordination Council or a sub-committee of that council, either to the Premier or to the Minister for State Development Decentralization and Tourism or a committee of Ministers, but I do not know.
8 May 1980

Adjournment

The Hon. E. H. Walker—To the Premier?

The Hon. A. J. HUNT—Mr Walker knows more about it than I do.

The Hon. E. H. Walker—That is suggested in the article.

The Hon. A. J. HUNT—I will make inquiries to see whether it is available, but I doubt, from the nature of it, whether it is one which would automatically be made available.

Mr Landeryou responsibly raised a question concerning the administration of Parliament generally and this House in particular. I might say that I have been delighted with the flow of business in this House, as compared with what occurs in some other Houses around this nation. This has resulted from a great degree of co-operation which has been evident between you, Mr President, and the three party Leaders, who have endeavoured, I think, to consult and to organize the business in a way which assists in the smooth flow and assists honorable members to be able to plan their affairs.

I again express my gratitude to Mr Landeryou as Leader of the Opposition for his co-operation and also to Mr Dunn for his assistance. We have not had, by normal Parliamentary standards, a high percentage of unduly late nights. We must expect on a night such as this, being the last night of the sessional period, that there will inevitably be problems and that will always be the case where two Houses of Parliament cannot finish their business at the same time. This House has to wait for certain business from another place, but on occasions earlier in the session while we awaited business, we filled in the hours by undertaking business of our own.

I would be most happy to talk with Mr Landeryou and Mr Dunn and to listen to any constructive proposals for improving the flow of business. I would be the last to suggest that we are doing it as well as we possibly can. I would indeed be happy to discuss ways and means of further improving the flow of business.

Mr White asked about Strathmore High School and informed me that the school had lost two members of its library staff. The school is, as a result, two below establishment and the replacements required are library staff. They will be obtained, no matter whether they have to be obtained from within or outside the service. If, however, the school has chosen to redeploy its forces or if it is now, by some means, back to establishment, there will be a problem that I shall discuss with the honorable member. I reiterate that if there is a shortage of either one or two and library staff are desired as the replacements, library staff will be obtained.

The Hon. D. G. CROZIER (Minister for Local Government)—Mr Evans expressed the concern of some fishermen operating from Warrnambool. I assure the honorable member that the Minister of Public Works is aware of the need for periodic dredging to maintain the port of Warrnambool in a fit state for fishing operations. Efforts are being made to overcome the residual problem of disposal of the sand that is dredged up.

Mr Long spoke about the interesting situation that has developed on the 3.37 p.m. train from Melbourne to Warragul. The situation should appeal to members of the Opposition. It is a classless train. Whether that represents a new thrust in egalitarianism by VicRail, as suggested by Mr Block, I do not know. The problem is that first-class fares are being charged but no first-class facilities are being provided. I shall take up the matter with the Minister of Transport.

Mr Eddy is apparently dissatisfied with an answer provided today on a question on notice. My recollection is that the answer is satisfactory. However, the episodes he alludes to, in which applications for postal votes have been torn up by prison officers in front of the prisoners concerned, clearly demonstrate the need for investigation. I invite the honorable member to provide the responsible Minister
with details of the times, dates and people involved, and I assure him that the matter will be further examined.

Mr Thomas again raised the question of the electrification of the Deer Park West railway line. I am not able to give the honorable member any up-to-date information about the expected completion of that electrification, but I shall endeavour to obtain an answer from the responsible Minister, as I shall in relation to his second query concerning suggested improvements in the facilities at the Ardeer station.

The Hon. H. A. Thomas—There is not even a toilet in the place.

The Hon. D. G. CROZIER—It is obviously a matter of some urgency. Mrs Coxedge raised a matter that comes within the jurisdiction of the Minister of Immigration and Ethnic Affairs. I cannot tell the honorable member the procedures adopted by the department to protect newly arrived migrants from the sort of harassment referred to. I suggest that she brings such episodes to the attention of the Minister and also informs him of the apprehensions of any migrants who may be concerned for their safety or are in fear of the sort of harassment referred to.

The motion was agreed to.

The House adjourned at 1.5 a.m. (Friday).

QUESTIONS ON NOTICE

CROWN LANDS

(Question No. 306)

The Hon. R. A. MACKENZIE (Geelong Province) asked the Minister of Lands:

(a) Which companies or individuals are presently leasing Crown lands in Victoria for the purpose of growing timber, giving in respect of each—(i) the name and address of the company or individual; (ii) the date each lease was granted; (iii) the duration of each lease; (iv) the area of land leased by the company or individual; (v) the species and age class of each species of trees growing on each leased area; and (vi) the Act or Acts under which each area is leased?

(b) Do any of those companies or individuals operate pine planting schemes to which the public can subscribe; if so, have any of those companies been named by the Consumer Affairs Bureau as operating schemes of which the public should beware?

The Hon. W. V. HOUGHTON (Minister of Lands)—The answer is:

(a) The information so far as is known to the Department of Crown Lands and Survey is set out in the schedule which follows.

(b) This information is not available to the department.

<table>
<thead>
<tr>
<th>Name and address of lessee</th>
<th>Date lease granted</th>
<th>Duration of lease</th>
<th>Area of land leased</th>
<th>Species and age of trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Paper Mills Forests Pty. Ltd., South Gate, South Melbourne 3205</td>
<td>5 September 1961</td>
<td>60</td>
<td>847.4</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Australian Paper Mills Forests Pty. Ltd., South Gate, South Melbourne 3205</td>
<td>1 February 1963</td>
<td>60</td>
<td>1109.67</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Australian Paper Mills Forests Pty. Ltd., South Gate, South Melbourne 3205</td>
<td>1 January 1980</td>
<td>20</td>
<td>1099</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Selwyn Timbers Pty. Ltd., Porepunkah 3740</td>
<td>15 August 1961</td>
<td>60</td>
<td>158.23</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Softwood Holdings Ltd., P. O. Box 414, Mount Gambier 5290</td>
<td>1 September 1962</td>
<td>50</td>
<td>219.34</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Softwood Plantations Ltd., Sturt Street, Mount Gambier 5290</td>
<td>1 April 1964</td>
<td>50</td>
<td>957.9</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Softwood Plantations Ltd., 131-141 Queens Bridge Square, South Melbourne 3205</td>
<td>1 January 1980</td>
<td>44</td>
<td>23.84</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Southern Australia Perpetual Forests, North Terrace House, 19 North Terrace, Hackney 5069</td>
<td>1 July 1964</td>
<td>60</td>
<td>3169.6</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Southern Australia Perpetual Forests, North Terrace House, 19 North Terrace, Hackney 5069</td>
<td>12 April 1967</td>
<td>75</td>
<td>2152.2</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Southern Australia Perpetual Forests, North Terrace House, 19 North Terrace, Hackney 5069</td>
<td>1 August 1974</td>
<td>45</td>
<td>248.3</td>
<td>Pinus radiata</td>
</tr>
</tbody>
</table>
### FORESTS COMMISSION

**The Hon. D. E. KENT (Chelsea Province)** asked the Minister of Forests:

(a) How many established positions are there in the Forests Commission, indicating the categories and the number of employees in each category?

(b) How many of the established positions were unfilled at 30 June 1979 and 31 December 1979, respectively, indicating the category of each position?

(c) How many of those positions are still unfilled and how many have been or are being advertised?

(d) Of the established positions, how many are exempt positions?

**The Hon. F. J. GRANTER (Minister of Forests)**—The answer is:

(a) (b) and (c) The underlying table sets out the established positions in the Forests Commission by category and the number of unfilled positions at 30 June 1979, 31 December 1979 and currently:

<table>
<thead>
<tr>
<th>Category of Offices</th>
<th>Established positions</th>
<th>30 June 1979</th>
<th>31 December 1979</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Division</td>
<td></td>
<td>6</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>2nd Division —</td>
<td>Administrative</td>
<td>108</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Foresters</td>
<td>255</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Categories</td>
<td>68</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>3rd Division —</td>
<td>Clerical</td>
<td>71</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Forest Overseers</td>
<td>210</td>
<td>46</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous categories</td>
<td>205</td>
<td>37</td>
<td>43</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>924</td>
<td>112</td>
<td>124</td>
</tr>
</tbody>
</table>

With respect to the 129 positions currently unfilled, 67 are unavailable due to imposition of a staff ceiling, 27 have been or are shortly to be advertised and 35 are under consideration for filling.

(d) All established positions shown are permanent offices. There is no establishment of “exempt” positions. The corresponding levels of “exempt” employment are:

<table>
<thead>
<tr>
<th></th>
<th>30 June 1979</th>
<th>31 December 1979</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>955</td>
<td>1235</td>
<td>999</td>
</tr>
</tbody>
</table>

### TRAIN DRIVERS

**The Hon. J. V. C. GUEST (Monash Province)** asked the Minister for Local Government, for the Minister of Transport:

Further to question No. 65 answered in this House on 19 September 1979, relating to the intervals at which various public transport
drivers are required to undergo medical examinations, will the Government say whether the frequency will continue to be less for those employees likely to be in charge of a train carrying a comparatively large number of passengers at relatively high speed than for tram and bus drivers; if so, why?

The Hon. D. G. CROZIER (Minister for Local Government)—The answer supplied by the Minister of Transport is:

The standards set for the periodical examinations of enginemen are considered by the Victorian Railways Board to be high and the board has advised me they are stringently observed.

The board has expressed confidence in the effectiveness of the current medical standards and does not propose to alter them.

PENTRIDGE PRISON WELFARE OFFICERS

(Question No. 313)

The Hon. R. J. EDDY (Thomastown Province) asked the Minister for Conservation, for the Minister for Community Welfare Services:

(a) How many welfare officers are employed at Pentridge Prison and in what divisions are they employed?

(b) In which other prisons are welfare officers employed, giving the number and the prisons in which they are employed?

(c) What were their previous occupations prior to their appointment as welfare officers, and for what period were they employed as such?

The Hon. W. V. HOUGHTON (Minister for Conservation)—The answer supplied by the Minister for Community Welfare Services is:

(a) There are five welfare officers employed at Pentridge Prison, three of whom operate in the Southern Prison covering “D”, “F” and “G” divisions. One is located in the Central Prison, catering for “B” and “E” divisions and the remainder is located in the Northern Prison providing a service for “A”, “H” and “J” divisions.

(b) Welfare officer positions are designated to the following country prisons:

<table>
<thead>
<tr>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ararat</td>
</tr>
<tr>
<td>Beechworth</td>
</tr>
<tr>
<td>Bendigo</td>
</tr>
<tr>
<td>Castlemaine</td>
</tr>
<tr>
<td>Geelong</td>
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</tbody>
</table>

In addition, social workers and welfare officers from head office regularly visit all other Victorian prisons and every prisoner in the State thus has access to these specialist staff and the services they provide.

(c) I do not intend to provide occupational histories of welfare staff employed in the Correctional Services Division as I believe that such information would impinge upon personal privacy for no viable reason. I think it suffices to state that each welfare officer is qualified to operate, having satisfied all requirements to work in the field as determined by the Victorian Public Service Board.

RAIL LINE TO WEDDERBURN

(Question No. 318)

The Hon. K. I. WRIGHT (North Western Province) asked the Minister for Local Government, for the Minister of Transport:

(a) What amount has been expended by VicRail on maintenance on the spur line to Wedderburn since Korong Shire Council’s deputation on 31 October 1979?

(b) What expenditure is contemplated prior to the end of this financial year?

The Hon. D. G. CROZIER (Minister for Local Government)—The answer supplied by the Minister of Transport is:

(a) $2000.

(b) $4000.

WILD FLOWERS AND NATIVE PLANTS PROTECTION

(Question No. 332)

The Hon. D. E. KENT (Chelsea Province) asked the Minister of Forests:

How many people were charged with offences against the provisions of the Wild Flowers and Native Plants Protection Act 1958 in each of the past five years, indicating what the offence was and whether a conviction and penalty was recorded?

The Hon. F. J. GRANTER (Minister of Forests)—The answer is:

During the last five years prosecutions for illegal removal or possession of protected plants have been conducted under the Wild Flowers and Native Plants Protection Act 1978, the Forests Act 1958 and the Crimes (Theft) Act 1973.

The only consolidated records available are for those cases in which Forests Commission officers participated. Details are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of persons charged</th>
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<tr>
<td>1974-75</td>
<td>4</td>
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<tr>
<td>1975-76</td>
<td>11</td>
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<tr>
<td>1976-77</td>
<td>5</td>
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<td>1977-78</td>
<td>11</td>
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<td>1978-79</td>
<td>4</td>
</tr>
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</table>

All persons charged were convicted, of whom 4 were committed to prison, 27 fined, 1 ordered to pay costs and 3 placed on probation.
PORTS AND HARBORS DIVISION STANDARDS
(Question No. 359)
The Hon. D. E. KENT (Chelsea Province) asked the Minister for Local Government, for the Minister of Public Works:

What standard does the Ports and Harbors Division use for the measurement of height datum, and how does this standard compare with the mean low tide at Williams-town?

The Hon. D. G. CROZIER (Minister for Local Government)—The answer supplied by the Minister of Public Works is:

The standard used by the Ports and Harbors Division for the measurement of a height datum is the Australian Height Datum. The height datum used by the Ports and Harbors Division for measuring depths and tidal heights is the Australian Chart Datum which, for the Melbourne and metropolitan area, is 0.524 metres below the Australian Height Datum.

Various means are used in tidal studies, but it is assumed that the mean low tide or low water height desired for comparison is the mean of the height of all low waters over a substantial period. The most recent record available for the mean of the height of all low waters at Williamstown is for the year 1978, when it was 0.25 metres below the Australian Height Datum.

APPLICATIONS FROM PRISONERS TO VOTE
(Question No. 374)
The Hon. R. J. EDDY (Thomastown Province) asked the Minister for Local Government, for the Minister for Property and Services:

How many applications were received from prisoners to vote at the last State election, indicating the number received from each prison?

The Hon. D. G. CROZIER (Minister for Local Government)—The answer supplied by the Minister for Property and Services is:

I am not able to supply the information sought by the honorable member. Postal applications from prisoners were sent direct to the returning officers for the electorates for which the prisoners were enrolled and were processed along with applications received from other electors.

Applications for postal votes were processed as they were received and were not segregated into any categories by returning officers for any statistical purpose.

BANYULE FIRE PROTECTION
(Question No. 330)
The Hon. J. V. C. GUEST (Monash Province) asked the Minister of Education, for the Minister of the Arts:

Has any report been received on the adequacy of measures to protect Banyule and its contents against fire; if so, what measures have been taken, and is the Minister satisfied with the security of Banyule from destruction or damage by fire?

The Hon. A. J. HUNT (Minister of Education)—The answer supplied by the Minister of the Arts is:

When the renovations to Banyule Homestead to provide an extension gallery for the National Gallery of Victoria were undertaken, fire protection measures at least equal to those of the National Gallery of Victoria and complying with the appropriate regulations were undertaken. I am satisfied with the comprehensive fire security measures currently in operation at Banyule.

Legislative Assembly
Thursday, 8 May 1980

The SPEAKER (the Hon. S. J. Plowman) took the chair at 11.16 a.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER (the Hon. S. J. Plowman)—I advise the House that the Minister for Community Welfare Services will be absent from question time today.

An Honorable Member—Is he sick?

The SPEAKER—The honorable gentleman is not sick; he is interstate on official business.

QUESTIONS WITHOUT NOTICE

PENTRIDGE PRISON

Mr WILKES (Leader of the Opposition)—In the absence of the Minister for Community Welfare Services I direct my question to the Premier because of its seriousness and nature. Is the Premier aware or has he been informed that a large cache of gelignite was found
at Pentridge Prison in the early hours of this morning? In light of the assurances given by both the Minister for Community Welfare Services and the Deputy Premier that the problems besetting Pentridge have now been solved and security has been tightened, what steps does the Premier propose to take to ensure that this does not happen again. Has an investigation been called for and, if so, what are the results of that investigation?

Mr HAMER (Premier)—My answer to the first part of the question of the Leader of the Opposition is that I have not heard of any cache of explosives being found this morning in Pentridge but I will have inquiries made. I just sound this small note of warning. A large part of the last discovery made in Pentridge turned out not to be explosive material at all, but clay. The community should be a little cautious about these reports until the material has been properly analysed and I understand that an analysis will be performed by the Department of Minerals and Energy. However, I will make inquiries and let the Leader of the Opposition know the results.

PREPARATION OF LEGISLATION

Mr ROSS-EDWARDS (Leader of the National Party)—Will the Premier give an undertaking to the House that he will issue an instruction to Cabinet Ministers, both those at home and abroad, during the winter recess that their legislation for the spring sessional period will be prepared by a much earlier date than has been the case in recent years?

I ask for this assurance in light of the extraordinary hours that the House has been sitting, caused to a great extent by the lateness with which Ministers have introduced legislation, firstly, to the Liberal Party and, secondly, to the House.

Mr HAMER (Premier)—I can assure the Leader of the National Party that the Government will be doing its best to ensure that there is a flow of legislation from the very beginning of the session. It is not entirely—in fact, it is not very much—the fault of Ministers. Instructions are given and it is a matter for the Parliamentary Counsel. I am not passing the buck; I am simply saying that it is a matter for the Parliamentary Counsel to use their best endeavours, which they do, to get the legislation drafted. As the Leader of the National Party would be aware, in the course of a session there arises a need for legislation which has not been foreseen. One example, for instance, is the need for reciprocal legislation to put into effect the Federal scheme on liquefied petroleum subsidies. There are other examples that arise in the course of a session. The Government has the intention and the policy of ensuring that there is an even flow of legislation throughout the session and I hope we can do better in the spring.

“AUSTRALIAN INTERNATIONAL” HORSE RACE

Mr CRELLIN (Sandringham)—Can the Premier give the House an indication of the likelihood of Victoria staging in January 1981 a $1 million thoroughbred horse race consisting of not only local horses, but horses from other parts of the world, keeping in mind the obvious benefits which would flow to employment, the economy, transport, catering and the tourist industry if Victoria is able to stage such a wonderful event?

Mr HAMER (Premier)—This project, which is to be called “The Australian International”, is the brain child of Mr Ken Cox, a committee member of the Victoria Racing Club, who has been working on the project for several years. It has now reached the stage where there is a more than reasonable chance that the Victoria Racing Club will be able to stage this race in January next year.

The main problem has been the quarantine regulations, which at one time prevented the entry of horses for equestrian events in the 1956 Olympic Games and have been a stumbling block—a very necessary one—to the importation of any sort of stock into Australia. A lot of work has been done by the Department of Primary Industry in Canberra and the Bureau of Animal
Health and they have now arrived at a new set of regulations which will protect the Australian stock industry and still allow the horses to be brought here from many overseas countries without risk.

I telephoned the Federal Minister for Health, Mr MacKellar, last week and he assured me that he had accepted the proposals put by the committee. The only remaining thing to be done is to write to the various countries from which the horses would come to ensure that those countries are in accord with our new quarantine regulations, and that includes New Zealand, which has quite a traffic in horses and, therefore, shares with us the need to protect its own industry against exotic diseases from abroad.

The stage has been advanced a great deal so that I have hopes, which I am sure all honorable members would share, that this great international event will be possible early next year. The Government will keep the House informed because, if it does come off, and I hope it does, it will be a great racing event which will have international interest.

ALCOA OF AUSTRALIA LTD

Mr JOLLY (Dandenong)—In view of the multi-million dollar overseas borrowing by the State Electricity Commission in relation to the Loy Yang project and the potential massive exchange rate risk and losses that could flow from that, I ask the Premier what steps the Government has taken to protect Victoria from changes in the exchange rates which could increase loan repayments. I ask the question in the light of the Government’s refusal of an offer by Alcoa of Australia Ltd to raise $60 million overseas?

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member may not debate the question.

Mr JOLLY—Has the Government refused to accept Alcoa’s offer to raise $60 million overseas to help finance the transmission line from Geelong to Portland as this would automatically protect the Government from exchange losses?

Mr HAMER (Premier)—There are two questions; I shall answer the first. The question of the protection of infrastructure loans against fluctuations in exchange rates is, of course, important. Naturally the fluctuations can go either way.

Mr Remington—They have been going down hill ever since Fraser got in.

Mr HAMER—On the contrary, some of them have gone the right way, in our favour. The matter is under the supervision of the Loan Council. It is not easy to secure real protection and, indeed, it is one of the factors that is taken into account by the borrowing authorities, such as the State Electricity Commission, when they decide from which source they will take the funds. In almost every case there is competition to lend Australia money and it is a matter of selecting the best source, having regard, among other things, to the expert estimates, guidance and advice that can be obtained about the potential and likely fluctuations in the exchange rate for the period of the loan.

DEATH OF MR F. CHATFIELD

Mr TREWIN (Benalla)—Is the Premier aware that the death of Mr Frederick Chatfield of Benalla, the last surviving person in Victoria to have been a veteran of the Boer war, has now taken place and will the honorable gentleman record the condolences of the Government and Parliament to the relatives of Mr Chatfield?

Mr HAMER (Premier)—I would be glad to do so, and I am sure I have the unanimous support of all honorable members. Most of us remember Mr Fred Chatfield, especially in his later years. He was the oldest Boer war veteran who regularly attended the luncheons that used to be given by the Government for the veterans. Year by year, the number of veterans declined and, finally, the remaining veterans were in such a state of health that the luncheons could no longer be held. However, as I recall it, Mr Chatfield turned up every year—in later years he was in a wheel chair and escorted by his son—and everyone admired his spirit...
and the way in which he fought on. He was always very pleased to be at the functions.

I am certainly expressing the view of the House in offering our sympathy to his son and other members of his family. He died at the age of 101 years, and it was sad to see the last of the Boer war veterans go. He was an outstanding person. I believe he served in the 12th Lancers in the Boer war, was wounded, and then came to Australia. He was a link with the past and it is sad that that link has now been broken. I should like to record our condolences, and I do so.

OFF-SHORE OIL AND GAS

Mr Mackinnon (Box Hill)—Is the Treasurer aware of a statement made by the Federal Australian Labor Party spokesman on energy in recent weeks, to the effect that a future Labor Government would act to wrest control of off-shore oil and gas exploration from State Governments? Is the Treasurer concerned about such a take-over and what will be the effect on State revenues of the loss of royalties?

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VICTORIAN SECONDARY TEACHERS ASSOCIATION

Mr Collins (Noble Park)—I ask the Assistant Minister of Education: In the light of the recent industrial agreement negotiated between the Government and the Victorian Secondary Teachers Association, and the conditions of that agreement, which leave the Victorian Secondary Teachers Association as the only representative body for teachers in secondary education in this State which can discuss matters with the Government until the end of June, will the Minister seek from his colleague in another place an assurance that as from 30 June the Victorian Association of Teachers and the High School Principals Association will take part in all future discussions and negotiations with the Education Department?

Mr Lacy (Assistant Minister of Education)—I will take up the matters raised by the honorable member with the Minister of Education, whose responsibility it is, to ensure that the views he has expressed are fully taken into account in respect of any future discussions that may take place on conditions and other matters of concern to secondary teachers.

CHILD WELFARE

Mr Mathews (Oakleigh)—Can the Premier inform the House whether the Government has yet determined its attitude to the proposal that a Select Committee on child welfare and development and children’s services, which is listed as item No. 11 of General Business on the Notice Paper? Will the Government stand by the assurance given by the Minister for Community Welfare Services that the House will be given an opportunity of further discussing and voting on this proposal?

Mr Hamer (Premier)—I am unable to answer the first part of the question. It is a matter of policy and, of course, it is in the hands of the responsible Minister. In relation to the second part of the question, if the Minister has given that assurance, we will certainly honour it.

CONCILIATION AND ARBITRATION COMMISSION

Mr Simmonds (Reservoir)—In view of the implications for the Victorian industrial relations situation as a result of attempts by the Federal Government to undermine the independence and integrity of the Conciliation and Arbitration Commission, will the Minister of Labour and Industry make urgent representations to the Prime Minister and his Federal counterpart urging the Federal Government to respect the commission’s independence and to ensure that all appointments to the commission are made on the well-established and long-standing principle of balanced representation of both employers and employees?
Mr RAMSAY (Minister of Labour and Industry)—In so far as I do not accept the basic assumptions with which the honorable member prefaced his question, the answer is, “No”.

MINYIP LEVEL CROSSING

Mr MEGRATH (Lowan)—I bring to the attention of the Minister of Transport an assurance given by the former Minister of Transport to the former member for Lowan that warning lights and bells would be installed at a level crossing at Minyip in the 1979-80 financial year. Considering that 80 school children travel across this crossing each school day, and considering there have been four smash-ups on this crossing, the latest one being yesterday, will the Minister give an undertaking that he will ask VicRail to carry out the installation of these warning bells and lights in the immediate future?

Mr MACLELLAN (Minister of Transport)—I am informed, I hope reliably, that this is on the programme for the next financial year, and I will certainly chase it up to make sure that it is on that programme and that it is going to be done. If there are any difficulties, I shall advise the honorable member, but I am aware of the need for such a facility, and the difficulties that have been created by this not having been done so far.

LABELLING OF MEAT

Mrs CHAMBERS (Ballarat South)—Is the Minister of Consumer Affairs aware of a recent report by the National Health and Medical Research Council that has approved a system whereby butchers will be required to label their meat according to the part of the animal, and will not be permitted to use terms such as porterhouse, oyster blade and frying meat? In the interests of housewives who appreciate this, will the Minister ensure that all Victorian butchers are allowed to continue with the familiar terms as well as the others?

Mr RAMSAY (Minister of Consumer Affairs)—In so far as a roast by any other name will smell just as sweet, I can only assume that a porterhouse steak may taste the same as a sirloin steak boneless, but it is probably a matter of opinion rather than fact. As Minister of Consumer Affairs I would be interested to ensure that housewives and other purchasers of meat are given as clear and concise advice as possible about the nature of the meat they are purchasing and, if a system of naming is adopted in the community, that the names are clearly understood and that housewives and other purchasers know exactly what they are buying.

I do not regard it as a matter for legislation that the Government should specify what names should be used; that should be a commercial decision. I know housewives are intelligent enough to make their wishes known clearly to their butchers.

PLANNING APPEALS TRIBUNAL

Mr CAIN (Bundoora)—I address a question to the Minister for Planning. In view of the fact that the terms of appointment of the present chairmen of the planning appeals tribunals were timed to expire on 30 June in anticipation of the new planning board being established, as that board will not now be established until some time later this year, what steps have been taken regarding the further appointment of the chairmen and for what term, and if no steps have been taken, what is proposed?

Mr LIEBERMAN (Minister for Planning)—The question refers to the Planning Appeals Tribunal which is made up of a number of persons including chairmen and members. During this session of Parliament the Government has introduced a Bill which will constitute a new planning appeals board in Victoria and bring under one roof a number of various jurisdictions. The Government takes the view that the public should not have to endure having to go to different planning appeal agencies to have decisions made. The Bill will lie over during this recess and be debated, it is hoped, early in the spring sessional period. I am confident that honorable members will support it and that the measure will be enacted during that session.
On that basis and understanding I have conferred with the present members and chairmen of the appeals tribunal in the town planning division and have indicated to them that the Government intends that the new appeals board will be legislated and constituted, with members being appointed by 30 June 1981. I have indicated to those members that I would appreciate their being available to continue their present position, during that interval period. It may well be that some of them may not wish to do so, in which case appropriate arrangements will be made to find suitable short-term appointments, pending the selection of the permanent members to the new tribunal.

OFF-SHORE OIL AND GAS

Mr MACKINNON (Box Hill)—I shall rephrase my earlier question which is directed to the Treasurer. Can the honorable gentleman advise the House the extent to which the State benefits from royalties and revenues derived both now and in the future from crude oil and gas produced from Victorian oil fields, in the light of the statements made by the Federal Australian Labor Party spokesman on energy that future Labor Governments would act to wrest control of off-shore oil and gas exploration from State Governments?

Mr THOMPSON (Treasurer)—Last year the total royalty collections were $87 million from gas and oil production off the coast of Victoria and this year $130 million. Two-thirds of the money is retained by the State so that in the current financial year $88 million will be retained by the State and the remainder of the $130 million will be paid to the Commonwealth in accordance with the original agreement.

It is of paramount importance that the method of shared control between the States and the Commonwealth is retained in future. The Premiers of New South Wales and Tasmania are sufficiently enlightened to appreciate this point and, along with the Premiers of the other States, they believe that the official policy of the Australian Labor Party of centralized control of off-shore limits—

Mr FORDHAM (Footscray)—On a point of order, if the Government wishes to hear about Labor Party policy the Opposition would be only too delighted to have a debate, as the Opposition stated during debate on the Bill during this session, which the Treasurer has forgotten. I suggest that it is not in order for question time to be used in the way that the Treasurer is trying to use it.

Mr Speaker, earlier you correctly ruled out of order a question asked by the honorable member for Box Hill which was prefaced with the words, “Is the Treasurer”. In answering this question, the Treasurer has already said that he is aware of Labor Party policy and I submit that question time should not be used for the means for which the Treasurer is attempting to use it.

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, I put to you that the Treasurer is completely in order. The Standing Orders provide that a Minister may answer a question in any way he chooses. Furthermore, the Treasurer has not been allowed to continue his answer sufficiently before being interrupted by the raising of a spurious point of order by the Deputy Leader of the Opposition to enable the Chair to appreciate whether the Treasurer is transgressing or not.

The SPEAKER (the Hon. S. J. Plowman)—Order! Standing Orders provide that the Minister may answer a question put to him if he so chooses. However, he must answer the question and not debate it. In this instance, I suggest to the Treasurer that he is beginning to debate the question in talking at some length about the policy of the Australian Labor Party on this matter. He was asked whether he is aware of the policy, but not to enunciate and debate it.

Mr THOMPSON (Treasurer)—That revenue could be endangered by any change in policy.

Mr WILTON (Broadmeadows)—On a point or order. Although the Minister may be entitled to answer a question as
he chooses, the Standing Orders also confine a Minister to answering questions on matters which are directly related to his Ministerial responsibility.

I do not know whether the Treasurer is prepared to accept Ministerial responsibility for Labor Party policy, but I would think that he is in no way responsible, as a Minister of the Crown, for that policy. Therefore, he has no right to make a judgment on that policy as a Minister of the Crown. It is also out of order for a Minister to speculate in regard to what may or may not happen in future. I suggest that the Treasurer is confined to answering the question, which is what revenue would be raised and what would be the conditions in regard to the existing agreement, and that he would be out of order to speculate on what may happen in the future with regard to any agreement that may come into being once the existing agreement has expired.

The SPEAKER (the Hon. S. J. Plowman)—I cannot uphold the point of order. I would judge that it is the responsibility of the Treasurer to consider all the ramifications of Victorian monetary matters. The probabilities and the possibilities of the future are certainly his responsibility to consider and are built into his Budget thinking. However, I ask the Treasurer not to debate the question.

Mr Thompson (Treasurer)—I want to add just one sentence, Mr Speaker. The retention of the present system is vital to the financial status, not only of Victoria but of all States, and this centralized policy of the Australian Labor Party should be buried as an outmoded, historical relic.

STATE DEVELOPMENT

Mr Amos (Morwell)—I direct my question without notice to the Minister for State Development Decentralization and Tourism. In view of the fact that, in October 1979, the Victorian Chamber of Manufactures recommended the establishment of a small unit within the State Public Service to coordinate Government policies affecting large developments to facilitate industrial development in Victoria, what steps has the Government taken to establish a unit such as that recommended by the Victorian Chamber of Manufactures?

Mr Hamer (Minister for State Development Decentralization and Tourism)—Although the honorable member may not be aware of it, such a unit has been established within the Department of State Development. It is headed by Mr Birch, who was recruited to the department from outside industry and has wide experience in major business management.

Mr Amos—When are you going to tell the chamber?

Mr Hamer—I believe the chamber is aware of it and fully supports what has been done. That unit will take charge of matters affecting, for instance, Albury–Wodonga, the Latrobe Valley, the Portland development and other major developments within Victoria. I believe it will bring a new dimension to the kind of support which the Victorian Government gives to those projects.

CONVEYANCE ALLOWANCE

Mr Jasper (Murray Valley)—Is the Assistant Minister of Education aware that the conveyance allowance for some country students of $231 per annum has not been increased for approximately five years? Because of increases in costs and the increased charges by some private bus operators for travel, will the Minister investigate the position immediately and confirm that the Education Department will raise the conveyance allowance to a more realistic level in the near future?

Mr Lacy (Assistant Minister of Education)—The answers to the honorable member's questions are, "Yes", "Yes" and "I will give it consideration."

ROYAL CHILDREN'S HOSPITAL

Mr Brown (Westernport)—Is the Minister of Health aware of claims that the Royal Children's Hospital has suffered an administrative breakdown? If he is so aware, will he inform the House
whether the management of this important hospital has recently been affected by administrative personnel changes?

Mr BORTHWICK (Minister of Health) — I am aware of the claims in a particular newspaper that there have been problems there. Four of the alleged resignations referred to in that newspaper article were not resignations brought about in the manner implied by that article. For instance, the chief executive officer had previously indicated to the board some considerable time ago that it was his intention to go. In regard to movements of the three following senior people that were mentioned, in every case an indication was given beforehand and no animosity was involved. It is true that one person in the personnel department had been demoted and that there was a difference of attitude or views between the board and that officer. The board had applied for accreditation. Initially, it was indicated in the article that it had had accreditation taken away from it. That was not true. It failed to gain accreditation mainly because of a structural situation within its line management and communication between different divisions within the hospital.

At time of the application for accreditation, the board was investigating that matter itself. It expected to have it rectified and to apply again for accreditation in November. Discussions I have had with Lady Derham, the president of the board, and discussions the commissioner has had with certain senior officers indicate that the accreditation failure had nothing to do with medical care. The medical care is of an extremely high standard and I believe the article put two and two together to obtain five.

PETITION

Horse stealing

Dr COGHILL (Werribee)—I present a petition from certain citizens of Victoria praying that legislation be reintroduced to provide for the prosecution of persons for the unauthorised use of horses. The petition is respectfully worded, in order, and bears 568 signatures. I desire the petition to be read.

The Standing Orders were suspended to enable the petition to be read, and the petition was read by the Clerk. It was in the following terms:

The Honourable the Speaker and Members of the Legislative Assembly in Parliament Assembled.

The humble petition of citizens of the State of Victoria showeth that since the repeal of section 85 of the Crimes Act 1958 owners of horses have not had legal protection in the case of persons using horses without the consent of the owner.

Your petitioners therefore pray that legislative action be taken to reintroduce similar provisions to allow the prosecution of persons for the unauthorised use of horses.

And your petitioners, as in duty bound, will ever pray.

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

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Auditor-General's reports

Mr MACKINNON (Box Hill) presented a report from the Public Accounts and Expenditure Review Committee on the Auditor-General's reports for 1976-77.

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

COMMUNITY WELFARE SERVICES DOCUMENTS COMMITTEE

Loss of documents

Mr COLEMAN (Syndal) presented a report from the Community Welfare Services Documents Committee on the loss, discovery and use of community welfare services documents, together with minutes of evidence.

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

PAPERS

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

Education Act 1958—Resumption of Land at Gisborne—Certificate of the Minister of Education.

8 May 1980] Police Regulation (Charges and Appeals) Bill 9533

Motor Car Traders Committee—Report for the year 1978.
Victorian Arts Centre Building Committee—Report for the year 1978–79.

POLICE REGULATION (CHARGES AND APPEALS) BILL

Mr THOMPSON (Minister for Police and Emergency Services)—I move:

That this Bill be now read a second time.

The Bill is of considerable importance. It is the intention of the Government that it be introduced now to allow comment on it and to reintroduce it in the spring sessional period. It has two main objectives, the first of which is to provide for a second division of the Police Service Board to deal with appeals relating to promotions and transfers. The second objective is to introduce different procedures for the hearing of charges against police arising from complaints made by members of the general public.

The second part relates to the second stage of the Norris report. The first section has nothing to do with it but it does affect the area of the Police Service Board. For that reason it was thought desirable to include the two in this Bill.

The then Mr Beach, Q.C., now Mr. Justice Beach, conducted a board of inquiry into complaints made against members of the Police Force. It was a most detailed report and, following its receipt in 1977, the Government set up a committee to investigate the implementation of the recommendations. That committee was known as the Norris committee under the chairmanship of a former judge of the Supreme Court, Mr J. G. Norris, Q.C. The other members of the committee were the then Chief Commissioner of Police, Mr R. Jackson, the then Secretary to the Law Department, Mr R. Glenister, and Mr R. L. King, the then Under Secretary of the Chief Secretary’s Department.

The committee was given the task of consulting with such bodies as the Victorian Council for Civil Liberties and various public and professional organizations, such as the Victorian Bar Council and the Law Institute of Victoria. It consulted, also, with the present Chief Commissioner of Police.

The committee studied methods of handling these problems in overseas countries and, indeed, studied the whole problem in considerable depth. It presented two reports. The first dealt with procedures used in the investigation of crimes, and a number of those recommendations have already been carried out by policy changes and changes to the police regulations and standing orders. The second report, known as the Norris committee report stage 2, does not deal with procedures in the investigation of crimes but, rather, the most effective and fair method of handling complaints by the public against police.

The objective of the Bill is to carry out those recommendations. The Government accepts, in general, the recommendations of the Norris committee report stage 2. For the sake of clarity, it would be best to discuss the various points as they are outlined in the clauses of the Bill. The first change is introduced in clause 2, which relates to the creation of a second division of the Police Service Board.

During the hearing of the last pay claim by the Victoria Police Association, a prolonged delay occurred in the hearing of appeals, particularly those on transfers and promotions. At one stage, 84 appeals were outstanding. This caused a degree of consternation. For example, promotions to various branches, such as the Criminal Investigation Bureau, were delayed and those branches remained temporarily understaffed pending the hearing of the appeal.

Other people were transferred to country areas and they could not move until the transfer or appeal had been heard and country stations remained understrength until the appeal was determined. That was an undesirable state of affairs. It was brought to my
attention by the head of the department and Mr Rippon of the Victoria Police Association.

As a result of prolonged discussions, it seemed desirable that some action be taken to prevent this from happening in the future. The action proposed is that when delays such as this are likely to occur, when the Police Service Board is hearing a pay claim and cannot give attention to appeals against transfer and promotion, a second police service board can take action.

It may be that the second division of the board may not be used for a year, or even two years. However, a time may arise when it is needed, so this provision is introduced as a form of emergency action to prevent any prolonged delay of hearing of appeals for promotion and transfer.

Clauses 3, 4, 5, 6, 7 and 8 relate to recommendations of stage 2 of the Norris report. Clause 3 provides that when the Police Service Board is hearing appeals against a decision of the Police Discipline Board, the Government representative will be replaced by a third member for the hearing of charges arising out of complaints made by the public against members of the Police Force. That will happen on only those occasions. Under the provisions of clause 3, that person must not be a member of the Police Force, a barrister, a solicitor or a person who is a member of the Public Service. Therefore, the intention of the clause is to introduce a genuine member of the public who has not been involved in the administration or execution of the law on to the Police Service Board. That was a recommendation of the Norris report.

Clause 4 makes a similar provision for the Police Discipline Board. The Police Service Board deals only with discipline cases when an appeal is received from the Police Discipline Board. It seems reasonable that the same approach should be adopted for the Police Discipline Board and the Police Service Board. Therefore, when hearing a charge arising out of a complaint by a member of the public, the third member must be a representative of the public appointed by the Government. He should not be a member of the Police Force, Public Service or a barrister or solicitor.

One other change that is introduced is that the person nominated by the Chief Commissioner of Police must be an Assistant Commissioner and not merely a person of the rank of superintendent and above. That was considered to be a desirable change.

Mr Edmunds—Without barristers, solicitors, members of the Public Service and so on, who are you going to appoint?

Mr Thompson—Many members of the public would be competent to serve in that capacity. The Government does not have any person specifically in mind at the moment but, if that person were a public servant, barrister, solicitor or member of the Police Force, he would not be eligible.

This decision resulted from the study by the Norris committee of what has been happening in other parts of the world, particularly in Britain, where the aim has been to open up the hearings and introduce members of the public who have not been committed to any line of action or policy during their working years in those professions. At this stage, the Government does not have any individual in mind, but it believes that the recommendation is a sound one.

Clause 5 is a consequential amendment. Clause 6 deals with charges arising from complaints by members of the public that are to be referred to the Police Discipline Board. As the law stands at the moment, when a complaint is made and it becomes the subject of a charge, the Chief Commissioner of Police may hear the charge himself, refer it to somebody not below the rank of Chief Superintendent or forward it to the Police Discipline Board for hearing and determination. This provision insists that the charge should be referred to the Police Discipline Board to be heard. The Government considers that to be a desirable change in the handling of complaints made by a member of the public.
Clause 7 provides that proceedings relating to charges arising from complaints made by members of the public be heard in public, unless there is a good judicial reason for not adopting that course. In other words, the same approach would apply as in the courts of the land. That is a recommendation of the Norris committee.

Clause 8 gives the Chief Commissioner of Police a right of appeal against the decision made by the Police Discipline Board in relation to the penalty. Complaints have been made in the past that when somebody has been found guilty and charged, the penalty has been unreasonable—perhaps too light—and this has affected the efficiency and discipline of the action. To guard against that happening, an opportunity is provided for the Chief Commissioner to appeal against a decision of the Police Service Board.

I draw the attention of the House to the margin note to clause 8 in the Bill. It should state, "Appeals to Police Service Board" and not "Appeals to Public Service Board". That is an error that occurred in the drafting of the Bill and I understand that the Clerks will be able to correct it. No reference should be made to the Public Service Board in the margin note to clause 8 as it concerns the Police Service Board.

I have dealt with the statutory changes recommended by the Norris committee. I shall make two other comments that arise from the recommendations of the Norris report. The first deals with the role of the Ombudsman. No action has been taken in the proposed legislation because it can be done on a policy basis. At present complaints about policemen can be made by the public directly to the Ombudsman. In the past two or three years approximately 700 complaints have been investigated thoroughly by the Ombudsman.

The Norris report suggested that the person who has complained to the police be given the opportunity of taking the matter to the Ombudsman. In this way the person could be informed of his rights. However, the Government has gone further than this in the policy action. In future, where a complaint has been made by a member of the public and it has been investigated by the Chief Commissioner who has decided it is not substantiated and no action is to be taken, details of the investigation will be sent to the Ombudsman.

In answer to the interjection by the honorable member for Ascot Vale, a person can go either to the Ombudsman or the Police Force, in which case the Chief Commissioner would handle the matter. If it is decided that no action will be taken, details on the file will be sent to the Ombudsman so that he can investigate the matter further if he so wishes. However, the complainant could go directly to the Ombudsman. The only place where further action could not be taken is where a charge has been laid and the Police Discipline Board has made a decision on the charge. It would be considered improper for the Ombudsman to interfere with the legal process in that case.

The final matter is the role of the Bureau of Internal Investigation, commonly known as B11. At the moment the bureau consists of eleven or twelve people. The Norris report recommended that the number be increased and the Victoria Police Association mentioned that it should be increased to 40. There will be an increase, the exact nature of which has not been determined at this stage. The decision has been made to follow the general recommendations of the Norris report in this case, which is that all complaints made by members of the public against policemen or individual policemen be handled by B11, the Bureau of Internal Investigation, or that investigations come under its control.

For example, where a complaint has been made of a relatively trivial nature in Mildura or Rutherglen, use would be made of the district officers, but the case would still be under the general control of the bureau. The Government introduced the proposed legislation so that it could be thoroughly investigated
and analysed and the Government did not want to rush the Bill through at the end of the sessional period.

The reason it was not introduced last year is twofold. Firstly, the Government was not anxious to interfere with the composition of the board at the time when it was considering an important pay claim. Secondly, a large number of complaints were coming from the Police Force and the Government believed those complaints should be analysed and investigated at the same time. The complaints did not all relate to the delay in the hearing of appeals by the Police Service Board. They related to a variety of matters such as status of police reservists. The Government believed those complaints should be examined at the one time and it should not move off in one direction, isolating the recommendations of the Norris report. That is the reason for the introduction of the Bill at this late stage.

By and large, the proposed legislation has two merits. Firstly, it provides for a reserve Police Service Board to guard against delays in the hearing of appeals by policemen on matters of transfer and promotion in the future. Secondly, it provides an open and fair method which should satisfy all members of the public in the handling of complaints made against members of the Police Force. Although the Government appreciates that Victoria has the best Police Force in Australia, from time to time complaints are made. The Government greatly appreciates the individual efforts of the police who, month by month, act in the interests of the security of the population and are placed in positions where they have to expose their lives to personal danger. The proposed legislation has been carefully drafted, not only in the interests of outside citizens, but also in the interests of individual members of the Police Force.

On the motion of Mr EDMUNDS (Ascot Vale), the debate was adjourned.

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

ESTATE AGENTS BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council’s amendments:

1. Clause 6, line 4, omit “seven” and insert “eight”.
2. Clause 6, line 39, omit “65” and insert “72”.
3. Clause 6, line 41, omit “65” and insert “72”.
4. Clause 11, omit sub-clause (2) and insert:

“(2) The Board—
(a) if so requested by any estate agent or sub-agent whose conduct is being inquired into under this section, shall hold its inquiry in public;
(b) in any other case may at its discretion hold its inquiry in public; and
(c) shall permit any estate agent or sub-agent whose conduct is being inquired into under this section to appear at the inquiry in person or by his solicitor or counsel.”

8. Clause 54, page 44, line 40, omit “excluding” and insert “including”.

Mr MACLELLAN (Minister of Transport)—I move:

That amendments 1 to 3 be agreed to.

The amendments which are in the hands of honorable members result primarily from the debate on the measure when it was last before the House, particularly during the Committee stage. Honorable members will be aware that certain suggestions were made in the course of the debate both in this Chamber and another place. Our learned friends in another place have graciously agreed to carry out some amendments.

The amendment to clause 6, line 4, which proposes to omit “seven” and insert “eight” is suggested to allow for an increase in the number of persons forming the Estate Agents Committee, which will have control of the industry and of qualifications. Because of the equality of numbers it allows for equal numbers of those who come from the estate agents' industry, but does not prescribe it. I will come to
that point later because I want to be specific about the undertakings given by the Attorney-General. The numbers being equal, there will be a minimum of four from the real estate industry which includes representatives from the Real Estate and Stock Institute of Victoria, the Real Estate Agents Association of Victoria and the Victorian Stock and Station Agents Association.

The Attorney-General made it perfectly clear in another place that he regarded himself as obliged to consider a person who might be nominated by the Director of Consumer Affairs or a person representing the interests of tenants. The Attorney-General gave no undertaking that any person would necessarily be chosen who might represent those particular interests. He would have taken into account that the person nominated could well be an estate agent. I have a personal view that that would be unlikely but I will not go any further because I do not want to commit myself on what others may have said.

The Attorney-General can be relied on to give genuine consideration to the increases in the number of non-estate agent interests and to the variety of interests that need to be represented on the committee.

Mr CATHIE (Carrum)—The Labor Party welcomes the change of heart by the Government, because when the Opposition moved amendments during the previous debate on this measure, every member of the Government party and of the National Party voted against them.

Mr Ross-Edwards—You did not move this amendment.

Mr CATHIE—This amendment probably represents a compromise and the Opposition welcomes a compromise because it allows the Government to take into account the views that have been expressed by the Labor Party and by the National Party. For that reason alone the amendment is welcomed.

The Opposition also welcomes it because it represents a major change of direction and heart by the Government and a recognition, as I indicated during the second-reading debate, that the trend overseas is that all such public bodies should ensure that the interests of the general public and consumers are properly and adequately represented.

I could not understand the previous attitude of the Government. It seemed to be expressing a viewpoint without looking at the changes occurring within the industry. In this instance we are dealing with a question which will help the people. The Opposition welcomes the proposition of the Government because in this instance a body is being set up and its membership is composed largely of professionals who will represent their own interests. On other occasions I have spoken of the degree of discrimination which exists in the community, and the need to prevent discrimination and exploitation.

The Estate Agents Board is a body which will be able to control advertising and impose a reasonable code of conduct on the type of advertising which is placed in the media and elsewhere. These matters were fully canvassed during the debate and, as I said, Government supporters and members of the National Party opposed those views at that time.

I understand that the Attorney-General has undertaken that there will be a minimum of four members of the board representing the estate agents' industry. The other four members are left hanging, although I understand the Attorney-General will consider the need to have somebody representing country interests.

Mr Ross-Edwards—He has agreed that one will represent country interests.

Mr CATHIE—Good; I am glad that he has agreed to that. I am now informed by the Leader of the National Party that the Minister has agreed to accept somebody to represent country interests, and that is now confirmed by the Minister of Transport. It is hoped the Government will now consider the appointment of somebody to represent the interests of the Director of Consumer Affairs and tenants. There
are 800,000 tenants in this State and for months they have been working to obtain representation on the Estate Agents Board. This is a matter of immense importance to tenants.

Because the Government has been prepared to compromise on this issue, I hope this may lead to a greater area of discussion and negotiation taking place with a wide section of community interest groups. The Government knows that community groups have been responsible for the considerable ground pressure which has emerged over the Residential Tenancies Bill, and grave concern has been expressed by some of those community groups. At last the Government has indicated that it will examine the representations which are being made by those community groups and will take their views into account.

The Government having done that, I now hope this evident change of heart will continue in the future and that during the forthcoming Parliamentary recess fruitful and constructive discussions will take place with a wide range of community interest groups involved with housing issues.

The Labor Party supports the amendments made by the Council. It is to be hoped a definite commitment can be obtained from the responsible Minister that those two groups, the Director of Consumer Affairs and a representative of tenants' interests, will be included in the future composition of the board.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the amendments but there are a few points I should make very clear at the outset. An additional person is being put on the board and that is, full stop.

Mr Cathie—that leaves four hanging.

Mr ROSS-EDWARDS—that does not leave four hanging, as two of the four to be appointed will be a solicitor and an accountant. There will be two other members who will not have a "tag" on them, and to use the expression of the honorable member for Carrum, only two are left hanging, not four.

In these matters the Labor Party seems to attach great importance to the appointment of a representative of consumers and tenants to the board. Let us face it, everybody is a consumer at some stage or other and everybody is a tenant in one form or another. What is wanted is the appointment of someone who does not belong to a tenant body but someone who has outstanding ability and can represent the whole community on the Estate Agents Board. That person will not only have to represent tenants, estate agents, owners and deal with regulations associated with the sale of property, but also represent the broad spectrum of the community.

I can see an advantage in increasing the membership of the board from seven to eight. The National Party is quite happy with the amendments, particularly as there is no tag attached to the additional member, because it will give the Minister an opportunity to have country people represented and will make the composition of the board more balanced. It will also allow a wider representation, in a general sense.

There is one point which is relevant and the message should be given to estate agents. It would be in the best interests of that profession, after the enactment of this legislation, for one body of estate agents to emerge. I hope old arguments and wounds will disappear. It does not matter what the new body is called. I see no reason why that industry should not have the same type of control over its affairs as does the Law Institute of Victoria and the Australian Medical Association. How it handles the future control of the profession is in its own hands.

Mr MILLER (Prahran)—This is much better legislation and for that reason the Labor Party supports the amendments moved by the Minister of Transport which increase the membership of the Estate Agents Board from seven to eight. The Minister has effected a most useful compromise to provide that there will be two "floating members" on the board. Certainly, four of the members will represent real
estate agents specifically; one further representative must come from the accountancy field and one must be a person who is a barrister and solicitor. The two “floating members” can represent either consumer interests or tenants' interests.

**Mr Ross-Edwards**—Represent the whole community.

**Mr Miller**—That can occur, but they can also represent tenants' or consumer interests. Invariably it has been found that representation of those important groups in the community has been ignored, but this is an instance where the Government can rectify the situation by putting into practice a procedure which enables their interests to be protected.

The estate agents’ representative will not represent tenants’ interests in the same way as they will represent their own interests. Unfortunately, from experience, the tenants have contact with an estate agent only on rare occasions, at which time the agent could act in a totally hostile manner to the interests of the tenant.

As was stated, there are 800,000 tenants in Victoria and it seems reasonable that because of their involvement in the estate agent industry, they should have an effective representative on the board.

For those reasons, the Opposition welcomes and supports the amendments proposed by the Government. The Opposition urges the Government to appoint a tenants’ representative to the board.

**Mr MacEwan** (Minister of Transport)—Referring to the second and third amendments made by the Council, honorable members will remember the question arose at to why the retirement age should be specified at 65 when in nearly every instance it is 72. The amendment brings the appointments to the Estate Agents Board into line with other appointments.

**Mr Ross-Edwards** (Leader of the National Party)—The National Party welcomes the amendments because it has been an accepted practice that 72 is the retirement age of any person appointed to any Government instrumentality or body. If the retirement age had been left at 65, the Government would have to change every other Act associated with appointments.

One does not want persons who are past their prime doing these jobs, but the Government should make use of the experience and ability available in the community. It would be ridiculous if a person were appointed at age 62 or 63 and have to retire at age 65. The Government will have to keep the age limit of 72 under review. However, the National Party prefers 72 to 65, and welcomes the amendment.

**Mr Miller** (Prahran)—The Labor Party welcomes the amendment which raises the statutory age of senility, as indicated by the Leader of the National Party, from 65 to 72. This is in line with many other statutory provisions. For example, Supreme Court Judges are required to retire at 72 and that is the appropriate age for a person to retire from the Estate Agents Board.

It would be difficult to attract persons of calibre and quality to the board if that person is in the prime of his or her professional career. It makes good administrative sense to increase the age and it is welcomed by the Labor Party.

The motion was agreed to.

**Mr MacEwan** (Minister of Transport)—I refer to the fourth amendment. The new sub-clause has the effect of picking up a suggestion which came from the honorable member for Carrum. It was previously provided that the agent or sub-agent could request the hearing to be in public, and that is still the purpose in sub-clause (a).

Sub-clause (b) provides for a sub-group inquiry and sub-clause (c) allows any person whose conduct is being inquired into to be represented by either themselves, a solicitor or barrister. It achieves the spirit of the discussion previously held in this House and I therefore move:

*That amendment No. 4 be agreed to.*
Mr MILLER (Prahran)—The Labor Party welcomes the amendment. With all due humility, the suggestion did come from me and the amendment does cure an anomalous situation which existed in the original Act. Certainly an unfortunate position could have arisen if an estate agent had not requested that the inquiry be held in public and it does pick up that difficulty.

The motion was agreed to.

Mr MACELLAN (Minister of Transport)—I move:

That amendments Nos. 5 to 8 be agreed to.

The motion was agreed to.

STATUTE LAW REVISION BILL

The debate (adjourned from the previous day) on the motion of Mr Macelllan (Minister of Transport) for the second reading of this Bill was resumed.

Mr MILLER (Prahran)—This Bill is most important in that it effects a number of recommendations of the Statute Law Revision Committee. It has the support of the Australian Labor Party. The Bill is designed to cure minor errors, typographical and other errors which occasionally appear in statutes which escape the vigilance of the Clerks and honorable members.

A number of suggestions from the Statute Law Revision Committee have been included in the Bill. Its provisions are supported by the Opposition. When one considers the practice of fairly frequently reprinting an enormous number of Acts, a Bill of this type makes good sense and I commend it to the House.

Mr McINNENES (Gippsland South)—As has been mentioned, the Bill is quite complex. The National Party is indebted to Mr Hollingworth, Parliamentary Counsel, who appeared before the Statute Law Revision Committee, for his advice.

This is the first Statute Law Revision Bill since 1977. Its scope is reasonably complex in application and the committee felt such Bills should be presented at more frequent intervals. One of the concerns of the committee was to discover that corrections are made either at the Government Printing Office or elsewhere, the committee was not sure where, and the original Act has been amended by corrections which were not made by the Clerks of Parliament who have some authority to effect minor corrections on simple errors.

The committee believed item No. 185 appearing in the Fifth Schedule was beyond its power and that the amendment would more appropriately be made in a separate Bill. It has recommended that that item be omitted from the Bill.

The principal Act involved was amended and an amendment subsequent to that amendment took place. It is possible that the original provisions may prevail over the subsequent amendments, and the committee believed it to be the task of Parliament to deal with that problem. I assume a further measure will be introduced. It is not likely that the eventuality will occur, but it could happen, and it would be better to place it beyond doubt. The National Party supports the Bill.

The motion was agreed to.

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

PROTECTION OF ANIMALS (AMENDMENT) BILL

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

Discussion was resumed of clause 2 (Substitution of interpretation of "Animal")

Mr MATHEWS (Oakleigh)—I move:

Clause 2, lines 16-18, omit the interpretation of "Animal" and insert:

"Animal" means every species of bird and every species of animal other than a human being.'

I recognize the constraints of time under which the Committee is operating today and I will keep my comments to the minimum compatible with proper explanation.

Mr Dunstan—It is an important Bill.
Mr MATHEWS—I acknowledge that point, but the importance of the measure is in no way denigrated by a proper economy of words on this occasion. The principal Act states:

“Animal” includes every species of quadruped and every species of bird whether in a natural or domestic state.

As I explained last night during the debate on the motion for the second reading of the Bill, the Government has chosen over the past fourteen years to delegate responsibility for the administration of the legislation to the Royal Society for the Prevention of Cruelty to Animals. It has been the experience of the society in administering the legislation that the definition of “Animal” set out in the principal Act is inadequate. The society put forward an alternative definition, which is the definition contained in the amendment. The Government, for reasons I would be interested to hear the Minister explain, has preferred a definition of its own, namely:

“Animal” means a member of any species of the sub-phylum vertebrata except a fish, human being or venomous reptile.

The Opposition takes the view that the recommendation of the body experienced in this field should be the view accepted by Parliament and will be the one most advantageously passed into legislation.

Mr BORTHWICK (Minister of Health)—The Government rejects the amendment. It does so because of the eighth term of reference of the Statute Law Revision Committee, which asks the committee to report on whether reptiles should be brought within the provisions of the Act. The Government’s view is that the definition will be reviewed as a result of that report.

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

Clause 3 (Cruelty)

Mr MATHEWS (Oakleigh)—I move:

Clause 3, line 16, after “caused” insert “or is likely to be caused”.

Clause 3, line 18, after “subject” insert “or be likely to subject”.

Clause 3, line 24, after “involving” insert “or likely to involve”.

These amendments spring from the Opposition’s belief that it is the purpose of the Bill not only to impose penalties where acts of cruelty to animals occur but also to deter cruelty and to eliminate the circumstances in which it is likely to arise. For that reason it proposes the insertion of the words “or is likely to be caused”, “or be likely to subject” and “or likely to involve”.

Dr COGHILL (Werribee)—I endorse the remarks of the honorable member for Oakleigh. It should not be necessary to wait until an animal has actually been injured or suffered emaciation or some other consequence of some cruel action before a prosecution can be initiated and can be successful. It ought to be possible, in cases where an action is taken that is likely to or in all probability will result in suffering to an animal, for a prosecution to be launched.

I direct the Minister’s attention to proposed new section 4 (1) (h).

Mr B. J. Evans—The Committee is discussing only the amendments at this stage.

Dr COGHILL—Mr Chairman, am I in order?

The CHAIRMAN (Mr A. T. Evans)—The honorable member for Werribee may proceed.

Dr COGHILL—Proposed new section 4 (1) (h) refers to the tethering of dogs. Honorable members would be aware of a practice of tethering animals other than dogs—I refer to horses—that is prevalent in the outer urban areas. There is no doubt that this practice is cruel and can involve considerable suffering for the animals.

Mr B. J. EVANS (Gippsland East)—I raise a point of order. The honorable member is referring to proposed new section 4 (1) (h), which is not the subject of the amendments presently before the Committee. I therefore suggest the honorable member is out of order.

The CHAIRMAN (Mr A. T. Evans)—Order! I uphold the point of order and ask the honorable member for Werribee to confine his remarks to the amendments.
Dr COGHILL (Werribee)—I have made my comments on the amendments and will reserve my further remarks on clause 3.

Mr B. J. EVANS (Gippsland East)—The proposal being put forward in the amendments is nothing short of horrendous. People could be placed in the position of being brought before the courts on the basis of something that might or is likely to happen. It does not, for example, indicate in whose opinion this is likely to be determined. As the honorable member says, it is for the court to determine. Are people going to be hauled before courts to prove that what they are doing is not likely to cause a certain effect? It is an absurd amendment. I urge the Minister, and I do not think he needs much urging, to reject these amendments out of hand.

Mr BORTHWICK (Minister of Health)—The Government rejects the amendments. The question that comes to my mind is whether a person may be prosecuted because he may burgle, he may kill, he may assault, or he may be cruel. The honorable member for Werribee used the very words, “in all probability”; something may occur, and therefore, if it may occur, that person would be subject to prosecution. The Government rejects the amendments.

The amendments were negatived.

Dr COGHILL (Werribee)—I was almost through the point I was making when I was interrupted on a point of order. Unfortunately, it is common practice to tether horses and other animals. I have seen sheep tethered in the same way, also elephants. There is no doubt that horses that are tethered, particularly on a short chain, can suffer effects to their health and a degree of cruelty can result.

I strongly suggest to the Minister that this clause should relate to animals in general, rather than specifically and only to a dog.

The clause was agreed to.

Clause 4 (Amendment of No. 7432, section 6)

Mr MATHEWS (Oakleigh)—I move:

Clause 4, lines 34-37, omit all words and expressions on these lines and insert paragraphs:

“(d) uses or permits the use of any live animal for the purpose of blooding greyhounds or in connexion with the training or racing of any dog; or

(e) keeps or has in his possession, care or control any live animal which he intends to use for the purpose of blooding greyhounds or in connexion with the training or racing of any dog.”

The greyhound racing industry has presented a particular set of problems in the administration of the Protection of Animals Act to the Royal Society for the Prevention of Cruelty to Animals and the Police Force. These problems do not arise so much in connection with the detection of offences against the legislation, as in the obtaining of convictions before the courts. This amendment endeavours to go some way in obviating that difficulty.

Mr B. J. EVANS (Gippsland East)—This is a good illustration of just how absurd and shortsighted the Opposition’s amendments are, because I believe if this proposed paragraph (d) were put into effect, it would prevent the training of sheep dogs.

Mr Mathews—Paragraph (d) is in the Bill.

Mr B. J. EVANS—I am quoting the amendment being proposed by the honorable member for Oakleigh, which reads:

Uses or permits the use of any live animal for the purpose of blooding greyhounds or in connexion with the training or racing of any dog;

The clause could be interpreted as prohibiting the training of a sheep dog by using sheep.

Mr Mathews—Read the clause in the Bill.

Mr B. J. EVANS—In that case, the clause in the Bill should also be opposed. I would have to accept the proposition put forward by the honorable member for Oakleigh that the Bill prohibits the training of a sheep dog, because if it is taken literally, a person wishing to train a sheep dog could not use sheep because he would be using a live animal in the training of a dog.
This is what is in the Bill, and the National Party will vote against the amendment and the clause unless the Minister can give a satisfactory explanation that the legislation will not prevent the training of a sheep dog.

Mr BURGIN (Polwarth)—If one reads the relevant clause in the Bill it states:

uses any live animals as a lure or kill

I believe they are the operative words. If a live animal is used for that purpose, it is an offence against the Act. I cannot understand how the using of an animal for the training of a sheep dog means that the animal would be used as a lure or kill. I believe the clause is in order.

Mr BORTHWICK (Minister of Health)—The Government rejects the Opposition's amendment. The view expressed by the honorable member for Polwarth on clause 4(1) (d) of the Bill is correct. It hinges on the words "lure or kill". No explanation is needed for the word "kill". That is clear cut. However, I quote the Concise Oxford Dictionary on the word "lure".

Falconer's apparatus for recalling hawk (bunch of feathers, within which it finds its food while being trained, attached to thong); something used to entice; enticing quality of a pursuit etc. Recall, entice.

I cannot see how that can be related in any way to the actual training of a sheep dog.

Mr EBERY (Midlands)—I was wondering if it would overcome the problem if clause 4(1) (d) read:

uses any live animal in connection with the training of any racing dog.

I think that might overcome any likelihood of this amendment relating to the training of a sheep dog.

Mr B. J. EVANS (Gippsland East)—It would be wrong for the Committee to agree to this clause without a clearer assurance and definition than what has been expressed so far, particularly in the light of the Minister's reading of the definition of the word "lure", meaning something used to entice pursuit. It seems that sheep dogs do pursue sheep. That is part of their training. I would not be happy to agree to this proposition until such time as it is more clearly defined.

I suggest that this clause be deferred for a short while until it can be properly examined.

Mr BURGIN (Polwarth)—The honorable member for Gippsland East, on behalf of the National Party, is jumping at shadows when he relates this to the training of the sheep dog. If he looks further he will find that accepted farming practices are excepted. The training of the sheep dog is certainly within accepted farming practices. There is no need to delay the Bill to consider that matter. Clause 4 (1) (d) is in order and will serve the purpose that it is meant to serve.

Mr COLEMAN (Syndal)—Section 6 of the principal Act deals with the matter raised by the honorable member for Gippsland East. Section 6 (b) puts the training of sheep dogs in jeopardy, in any case. I support what the honorable member for Midlands has said, that some clarification of this should be made by the use of the word "coursing" in the last line of the suggested amendment.

Mr BORTHWICK (Minister of Health)—I have listened to the discussion. I intend to accept the suggestion of the honorable member for Midlands, supported by the honorable member for Syndal, which I think has the general consensus of the Committee, that the word "coursing" be inserted in the last line of clause 4 (1) (d).

Mr MATHEWS (Oakleigh)—I agree with the Minister that the point is well taken and it would be the wish of the Opposition that the same variation be made in the amendment, that is, that the word "coursing" be inserted in the final line of paragraphs (d) and (e). Therefore I move:

That the amendment be amended by the insertion of the word "coursing" after the word "any" where second occurring in paragraph (d) and where second occurring in paragraph (e).

Mr Mathews's amendment on the amendment was agreed to.

The amendment, as amended, was negatived.

Mr BORTHWICK (Minister of Health)—I move:

Clause 4 (1) (d) line 37 insert "coursing" after "any".
Clause 4 (1) (d) will now read:
uses any live animal as a lure or kill for the purpose of bloodling greyhounds or in connexion with the training or racing of any coursing dog.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 5 and 6.

Clause 7 (Accepted farming practice)

Mr MATHEWS (Oakleigh)—The Opposition believes the insertion in the Protection of Animals Act 1966 for the first time of an exemption in the terms “in accordance with accepted farming practice” is an unwarranted reflection on the farming community, implying as it does that there is some difference in the attitude to the welfare and protection of animals by the farming community, as opposed to other sections of the community. No section of the community is more likely to have the welfare of its animals at heart than the farming community. It seems clear and logical that if only on economic grounds, that will be the case. It is not a matter of economic grounds alone, but that people who live closest to animals in their daily lives will be those most acutely aware of the needs and well-being of the animals and the most likely to be responsive to their needs.

A rather different attitude might have been taken by the Opposition on this clause if Victoria had gone rather further down the road towards the definition and establishment by statute or regulation of established codes of farming practice. Fair-minded honorable members will agree that as it is drawn up, the clause is a totally open-ended proposition. Honorable members on both sides of the Committee, and particularly those in the National Party, will be aware that many accepted and necessary practices can be cruel in one context and humane in another. The honorable member for Polwarth gave honorable members a detailed description of one or two of those practices in his second-reading speech last night. This can be associated with various stages in the life cycle of the animal. Practices such as castration and de-horning of animals carried out at one point in the life cycle of an animal can be completely outside the context of cruelty to which this Bill refers, but if carried out at a later stage in the life cycle of an animal can be a completely different proposition. Members of the National Party would readily agree that the vast majority of farmers would have nothing to do with the carrying out of such practices at inappropriate points.

The Opposition believes farmers are not a breed apart from the rest of the community, either more prone to cruelty or more deserving of exemptions from the law of the land. There should be one law to cover the Victoria community as a whole and therefore I suggest that the committee should reject the insertion of this exemption in legislation which in this respect has proved not unsatisfactory over the past fourteen years.

Mr B. J. EVANS (Gippsland East)—The attitude of the Committee to this whole Bill would be materially affected if this provision were not included. The honorable member for Oakleigh has tried to get farmers on side by suggesting that they do not have any different standards of kindness or cruelty to animals from the rest of the community, but this clause is the only saving grace in the absurdities that the rest of the Bill contains. Members of the community whose livelihood does not depend on animals may be able to live with the requirements of the Bill, but if the provisions are interpreted as literally as I believe they will be, many farming practices would become outlawed to the point where it would become completely impracticable for a farmer to carry on his normal business operations. If this clause were not contained in the Bill the National Party would vote against the measure in its entirety. It is the only saving grace and members of the National Party urge the Committee to support the clause and reject the amendment moved by the Opposition.

Mr BURGIN (Polwarth)—I oppose the amendment. The Bill refers to cruelty to animals. During the second-reading debate I said that the farming community, of necessity, must use some methods that could be considered to be cruel. If those methods were not used
the cruelty would be extended. I could
give many examples, but I will not delay
the Committee.

If clause 7 were not included in the
Bill none of those practices used in
farming, of necessity, to stop further
cruelty to an animal could be used and
a farmer would commit an offence if
he used them. The farming community
does not want to be treated differently
from the rest of the community, but it
has to work with animals and employ
practices that a person from the city
would probably not agree with because
he would not understand why these
things are done.

Codes of farming practice are needed.
For the information of the Opposition,
I point out that it was stated in another
place that those codes are being deve-
doped. I have already sighted the draft
copies of farming practice for two
intensive industries. They will be available
for circulation shortly. I understand
those codes will be discussed with
various organizations. Work on other
codes is continuing. I do not believe
there is any need to redraft the legisla-
tion. The codes will be produced and will
come into effect in a very short time.
Perhaps it will be necessary to wait for
legislation to handle the matter ade-
quately, but in the meantime those codes
are being produced and will be dis-
cussed.

The sitting was suspended at 1.4 p.m.
until 2.4 p.m.

Dr COGHILL (Werribee)—It has
been implied by a number of speakers
from both the National Party and the
Liberal Party in this debate that all
farmers claim the right to inflict cruelty
in the name of accepted farming prac-
tice. That is simply not true, as many
honorable members know, and as I
certainly know from my own experi-
ence and background. In view of the
comments made last evening, perhaps
I should point out exactly what my
background is.

Firstly, I can trace my family's
history in farming, including the use
of animals, for four and a half cen-
turies continuously. My father was a
farmer all his working life until his
retirement; and I have worked in
various farming areas, including
poultry, sheep, dairy and beef farming,
and my work as a veterinarian has
involved work in each of those indus-
tries and, in addition, in the pig
industry. Indeed, my active involve-
ment in agriculture ceased only on
5 May 1979 when I was elected to this
House.

A large number of Victorian farmers
do not accept and do not practise what
others claim to be acceptable and
accepted farming practices which in-
volve pain and suffering to animals.

Mr Burgin—Name them.

Dr COGHILL—I would like to cite
three examples, in response to the
interjection by the honorable member
for Polwarth. Firstly, I do not believe
it is cruel to deprive a dairy cow of
her tail, but I do believe that to cut
off an adult cow's tail with an axe is
cruel. Such practices have occurred in
Victoria and would be condemned by
most dairy farmers.

Secondly, a matter referred to last
night by the honorable member for
Lowan is one in which I personally
have been involved in collecting
evidence for prosecution, as also was
one of my former colleagues in the
Department of Agriculture. The cases
in which I was involved concerned
malnutrition under unusually harsh
seasonal conditions—not severe
drought, but unusually harsh seasonal
conditions. In at least one of those
cases, animals were dying of starva-
tion. In the case handled by my col-
league, the charges were proven and
the defendant was found guilty. I make
the point that that case involved a
well-known grazier in the Benalla
district. I expect that the honorable
member for Benalla knows the case
I am referring to; he would certainly
know the farmer involved. In the case
I was handling, the stock owner
unfortunately died in tragic circum-
cstances before the case was brought
to court. Some people claim that the
death of animals under those circum-
cstances is accepted farming practice,
and that point of view was put last
night by the honorable member for
Lowan; but it is not a view accepted by the vast majority of farmers in Victoria, or by the Department of Agriculture, or by other people who advise farmers.

I should like to quote the advice given in the Australian Country magazine for May 1970 in an article headed, "Drought, how can you cope?" where reference is made to a number of drought strategies, none of which involves allowing animals to starve to death, but they do involve matters such as drought feeding. In respect of drought feeding, the article states, *inter alia*:

Cattle and sheep can be kept alive on very low levels of feeding.

That is the strategy which ought to be adopted. It does not involve cruelty, but allowing animals to starve to death certainly does involve cruelty and that has been established in Victorian courts.

The third example I quote was raised by the honorable member for Polwarth, and it involved treating sheep for footrot. I have treated sheep for footrot. I have pared their feet, I have footbathed them and, what is more, in apparent contrast to the honorable member for Polwarth, I have been successful in eradicating footrot from a large flock of sheep. It would seem that, on that account, my record in handling sheep may be better than that of the honorable member for Polwarth. One point he made was that, in treating sheep for footrot, it was necessary to cut into the flesh of the animal. A person who is skilfully and properly paring the feet of sheep suffering from footrot should not find it necessary to cut into the flesh of animals, although it is certainly necessary to remove all pockets of infection. Any person who regularly cuts into the flesh of an animal in the course of treatment of footrot must be regarded as being incompetent in that operation.

A code of practice should be introduced in respect of accepted farming practices. So, rather than this blanket provision which has been incorporated into the Bill, there should be a provision exempting practices which conform with accepted practices and which are clearly stated as being accepted in this country, including some of the instances of cruelty which I have outlined. For those reasons I strongly endorse opposition to clause 7; in other words, I support the deletion of the clause.

As the honorable member for Polwarth pointed out, some codes have already been prepared, at least in draft form. One of those applies to the pig industry and I understand there is a provision in that draft code relating to the tethering of sows in piggeries. The code provides that it should not be permitted, and that is something which I would endorse, just as would many pig farmers, but it is also a practice which many other pig farmers would normally agree with because they adopt the practice of tethering sows. That is an example of the codes which should be drawn up and legitimized by legislation rather than this absurd blanket provision.

Mr Coleman (Syndal)—I find the amendment moved by the honorable member for Oakleigh unacceptable. The clause should remain in the Bill and provision ought to be made for accepted farming practices to be exempted from the measure, I stress that there is a need to provide that power. As I understand it, there is no power currently in the legislation to provide that accepted farming practices ought to be exempted.

As was discussed for some time last night, and again today, what currently happens is that there is a rule for one and a separate rule for another. In legislation such as this it is completely unacceptable to provide for community standards which are not accepted by all sections, although they may be accepted by one significant group. In other words, that is what is occurring at present, and I cannot support the argument advanced by the honorable member for Oakleigh. I should like the legislation to include a provision giving regulatory-making powers and for regulations to follow from there.
I understand that draft codes have been prepared, and although I have not seen them, I have been led to believe they are in existence. The honorable member for Werribee has mentioned one particular code relating to the tethering of sows, so that lends some weight to the fact that they are in existence.

The report commissioned by the House of Commons became known as the yardstick for what would be intensive farming practices. Professor Brambell was able to identify four specific areas and he laid down what he regarded were the bases on which one might try to regulate intensive farming practices. I refer again to the point I made last night, that what is needed is a code for intensive farming practices. I refer again to the need to codify extensive farming practices.

I refer to the argument advanced by Professor Brambell, particularly in the case of poultry, where it was stated:

Cages for laying poultry should not contain more than three birds. The three-bird cage should measure at least 20 inches wide and 17 inches deep and have an average height of 18 inches with the lowest part not less than 16 inches. For two birds, the width should be 16 inches and for one bird 12 inches. The floor of the cage should consist of rectangular metal mesh, no finer than number 10 gauge.

Nobody will argue against codes which are as specific as that and have definite parameters. As the position currently stands, one would not attempt to get a conviction for a breach of what might be an accepted farming practice, because what should be an accepted farming practice is not laid down.

Like the honorable member for Werribee, I had more than twenty years involvement with the livestock industry before I became a member of Parliament, and if somebody came up and asked me to define accepted farming practices, I would find it difficult to quantify them. My mind is drawn to those people who prefer to leave a calf with a cancerous-eyed cow rather than lose both the cow and the calf. To some people that is an accepted farming practice but I find it horrid, although it is done.

As I stated, it is very hard to obtain a conviction for a breach of what is an accepted farming practice, as the current provision is unrealistic and until there are regulatory-making powers to cover this aspect, it will be almost impossible to obtain a conviction. I cannot support the amendment.

The clause was agreed to.

Clause 8 (Use of spring-operated leghold traps)

Mr MATHEWS (Oakleigh)—I move:

Clause 8, line 11, omit “(1)”.

My amendments numbered 7, 8 and 9, all give effect to the recommendations of the Statute Law Revision Committee on steel-jawed leghold traps. This matter was extensively canvassed during last night’s discussion and I do not intend to go over it again.

However, I put to the Committee that this Parliament has an expert body to whom it entrusted an inquiry on this matter and after lengthy and detailed deliberations, the Statute Law Revision Committee came up with the recommendation that the use of these traps should be outlawed across the board.

Instead of accepting the recommendations of the body set up by Parliament, the Government has, in this measure, brought forward a very partial and inadequate provision which restricts the ban of steel-jawed leghold traps to those urban areas where they are least likely to be used.

As the honorable member for Ascot Vale pointed out and demonstrated last night, it is true that there will be a significant gain to safety, mostly of human beings, in urban areas as a result of the amendment which the Government proposes.

What is also clear is that the provisions embodied in this Bill do not represent the recommendations of the Statute Law Revision Committee on this matter, and I am afraid that if we do not get the principle right in this Bill it will slip out of sight and will not be corrected at any future stage.
Mr B. J. EVANS (Gippsland East)—
I would have thought that the honorable member for Oakleigh would at least have given some answers to the questions I posed on this issue during the second-reading debate. I again pose those questions and the honorable member will have an opportunity to answer them during the course of the discussion on this amendment.

What does the honorable member put forward as an alternative? Does the honorable member suggest it is less cruel for rabbits to be killed by myxomatosis? If the honorable member's answer to that is no, that it is not less cruel, then should we ban myxomatosis as well? Does the honorable member suggest that rabbits should be allowed to breed and spread throughout the countryside once again as they did for 50 years until action was taken 25 years ago?

How does the honorable member propose to alleviate the problem of rabbits breeding rapidly and spreading all over the countryside? What is his answer? If the honorable member cannot answer this question, then he has been utterly irresponsible in proposing the amendment.

It is all very well to say that something is cruel and undesirable, but in the absence of a better proposal the present practice should continue. The honorable member has to provide an answer to the Committee.

Perhaps the honorable member, for example, knows of a kind of snare which will trap a rabbit gently without hurting it! It may starve to death in the meantime, but he may feel that that is not being cruel. Has the honorable member some new invention which he has not told anybody about? If there is to be any logic or common sense in his argument then the Committee must know the answer to my questions because obviously we cannot allow rabbits to breed uncontrolled as they did many years ago.

Mr Wilton—You would trap them.

Mr B. J. EVANS—Trapping is one of the vital methods of controlling the breeding of rabbits. The honorable member for Broadmeadows refers to the trapping of rabbits, but what other methods of control are there?

The other aspect is the use of traps for wild dogs. I would like to know what alternative the honorable member for Oakleigh has for the use of these traps in the control of wild dogs. Is the honorable member of the opinion that the wild dog kills painlessly and quickly or the fox kills painlessly and quickly? These are exotic animals which must be controlled.

If the honorable member has some secret weapon about which he knows, he has an obligation to inform the House what that secret weapon is. However, in the absence of anything of that kind, it is essential that the present form of control be retained for use by those persons who have to do battle with these noxious animals and whose everyday activities require the control of the animals so they can retain a viable proposition.

I remind the honorable member that if he is of the opinion that there are only a few persons who have to contend with wild dogs and foxes—that is, those persons who live on the edge of forest areas, national parks and Crown land, where a great majority of these animals live—there must always be someone on the frontiers and they have to be looked after or agriculture will face impossible problems. The National Party cannot support the amendment moved by the honorable member for Oakleigh.

Dr COGHILL (Werribee)—If that is the best the honorable member for Gippsland East can do, it is no wonder that the National Party vote is slipping and its credibility is falling in country areas.

It is absolute nonsense to suggest that trapping has ever been an effective means of controlling rabbits in this country.

The honorable member and I know that trapping had almost no effect on the spread and multiplication of rabbits in Victoria, and indeed in Australia, and it was only the advent of myxomatosis which led to the effective control of rabbits. The honorable member
and I know that rabbiting and shooting were once the sole means of control but, when trapping was the major means of control, the paddocks and hillsides were simply alive with rabbits, despite the best efforts of every rabbit trapper in the country. It is foolish to suggest that rabbit trapping has anything to do with the effective control of rabbits and their effect on farmers and the economy of this State. Indeed, rabbits may have been better controlled by ferrets rather than by traps.

The second example the honorable member quoted was that of foxes and the same argument applies. How many foxes in Victoria have been, are or will ever be, controlled by trapping? The reality is that trapping never has been, is not and never will be an effective means of reducing the fox population. The most effective means has been the high price of fox skins and the subsequent shooting of foxes to obtain those skins.

I am well aware of the difficulties posed by wild dogs. I lived on a sheep property on the edge of bush where we occasionally had wild dog problems and my father was involved in the trapping of those dogs. I make no secret of that. It is a difficult situation but the Statute Law Revision Committee examined that problem and made a report to Parliament and that report ought to be accepted.

The amendment was negatived.

Mr COLEMAN (Syndal)—Sub-clause (2) of this clause is not sufficiently clear. The Government should consider the insertion of the words, "from vermin" after the words "cropping operations" in the last line. If that were done, some of the difficulties in trapping operations in areas would be redressed. I suggest that the Government accept the amendment.

Mr BORTHWICK (Minister of Health)—The Government would be prepared to accept such an amendment and I suggest that the honorable member for Syndal should move accordingly.

Mr COLEMAN (Syndal)—I move:

Clause 8, line 11, after "cropping operations" insert "from vermin".

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

Clause 9 (Amendment of No. 7432, section 13)

Mr MATHEWS (Oakleigh)—I move:

Clause 9, line 22, after "repealed" insert 'and the words "or in the case of ruminants for more than thirty-six hours" shall be repealed,' This is a small amendment which has the effect of widening the variety of premises affected by the clause and of getting rid of the restriction on ruminants.

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

New clauses

Mr MATHEWS (Oakleigh)—I move:

Insert the following new clauses to follow clause 4:

'A. (1) For section 8 of the principal Act there shall be substituted the following section:

"8. (1) Where a justice is satisfied by information on oath that—

(a) there is reasonable ground for suspecting that an animal is kept in a place or in any premises; and

(b) there is reason to believe that an offence against this Act or any regulation made under this Act has been or is being committed on or in relation to the animal—

the justice may by warrant under his hand in the form contained in the Schedule or to the like effect authorize and direct—

(c) any member of the police force;

(d) any full-time officer of the Royal Society for the Prevention of Cruelty to Animals; or

(e) any registered veterinary surgeon—

to enter and search the place or premises.

(2) Any person to whom such a warrant is addressed may with such assistants as may be necessary and at any time—

(a) enter, if need be by force, the place or premises named in the warrant; and

(b) arrest and bring before a justice to be dealt with according to law all persons found therein who are offending or who have offended against any of the provisions of this Act or any of the regulations made under this Act."

(2) For the schedule to the principal Act there shall be substituted the following schedule:
“SCHEDULE.

WARRANT TO ENTER PREMISES &c.

To

Whereas it appears to me by the information on oath of ... reasonable ground for suspecting that an offence against the Protection of Animals Act 1966 (is being) (has been) committed on or in relation to an animal at (a place) (premises) situate at

this is therefore to authorize you with such assistants as you may find necessary to enter therein and if necessary to use force for making such entry, whether by breaking open doors or otherwise and to arrest all persons therein who (are offending (have offended) against any of the provisions of the Protection of Animals Act 1966.

Given under my hand at this day of 19 .

Justice of the Peace.”

B. After section 8 of the principal Act there shall be inserted the following section:

“8A. (1) An officer may—

(a) enter premises—

(i) which are used for the purpose of a sale-yard or an animal trade;

(ii) in which an animal is being used or kept for use in connexion with a trade, business or profession;

(iii) in which he suspects, on reasonable grounds, that an animal is being kept for the purpose of being made the subject of a surgical operation or any experiment involving the infliction of pain; and

(b) inspect and examine—

(i) the premises;

(ii) any animal which is in the premises; and

(iii) any accommodation or shelter which is provided in the premises for any animal.

(2) For the purposes of this section, “officer” means—

(a) any member of the police force;

(b) any registered veterinary surgeon;

(c) any health officer within the meaning of the Health Act 1958; or

(d) any full-time member of the Royal Society for the Prevention of Cruelty to Animals authorized in writing for the purpose by the Minister.

(3) Where an officer, being a full-time officer of the Royal Society for the Prevention of Cruelty to Animals, exercises a power conferred upon him by this section he shall produce the authority given to him by the Minister, if requested to do so by an occupier of the premises, for inspection by that occupier.

C. After section 10 of the principal Act there shall be inserted the following section:

“10A. (1) A person shall not keep or use any animal in connexion with the conduct of any pet shop, market place, riding school, kennel, aviary or other commercial enterprise except subject to and in accordance with the regulations made under this section.

(2) The Governor in Council may make regulations for regulating and controlling the conduct of pet shops, market places, riding schools, kennels, aviaries or other commercial enterprises involving the use of animals and in particular, without limiting the generality of the foregoing, for or with respect to—

(a) the licensing of any person who keeps or uses any animal in connexion with the conduct of any such commercial enterprise;

(b) imposing any conditions, limitations or restrictions on licences;

(c) prescribing fees not exceeding $20 to be paid in connexion with the issue of any such licence;

(d) prescribing forms for the purpose of this section;

(e) prohibiting the keeping of any type or species of animal in connexion with the conduct of any commercial enterprise or any commercial enterprise of a particular class;

(f) regulating the construction of buildings, fences, cages and other means for keeping animals in confinement for the purposes of a commercial enterprise;

(g) the provision of food, water, drink for animals kept in confinement for the purposes of a commercial enterprise;

(h) requiring the treatment of sick and disabled animals by veterinary surgeons or vaccination or treatment of animals offered for sale;

(i) regulating the transportation, management and confinement of animals kept in connexion with the conduct of a commercial enterprise;

(j) prescribing penalties not exceeding $500 for any contravention of or failure to comply with the regulations; and

(k) prescribing any matter which is authorized or required or necessary or expedient to be prescribed for carrying this section into effect.”

D. In section 11 of the principal Act—

(a) for sub-section (1) there shall be substituted the following sub-section:

“(1) Where a person has been convicted under any of the provisions of this Act of an offence of cruelty to an animal, the court by which he is convicted may, if it thinks fit, in addition to or in substitution for any other penalty, order him to be disqualified for such period as it thinks fit from having custody or control of any animal of a kind specified in the order.”; and

(b) in sub-section (2) the words “for a second or subsequent offence” shall be repealed.

The proposed new clauses are the key to the effectiveness of the Protection of Animals Act. It is clear, from the
representations which have been made to honorable members on both sides of the House by the Royal Society for the Prevention of Cruelty to Animals, that a major constraint in the enforcement of the Act over the past fourteen years has been the absence of any effective provisions for inspection.

That point is nowhere better exemplified than in the case of the traffic in wild horses between central Australia and Victoria which has become a source of notoriety in recent months. As honorable members would be aware, that traffic in wild horses and the deplorable conditions under which it was conducted had been going on for some time before it was brought to public notice. The only reason it came to public notice was that the railway employees working adjacent to the unloading of the horses became nauseated and disgusted with the conditions that they were being obliged to witness and made a complaint. Under the Act as it stands and under the amendments in the Bill, it is only in the case of a complaint that action will be taken by the RSPCA or the police.

As the former Chief Secretary told me in an answer to a question on notice, which I quoted last night to the House, there is no provision for routine inspection under the present Act. That means that in numerous commercial premises where, because of their very nature, from time to time acts of cruelty to animals will occur, these acts can continue unchecked because there is never any scrutiny. While the people who are regularly on the premises, the people who are employed or otherwise involved, are prepared to countenance what goes on, there will be no interference of any sort with these activities.

This amendment proposes two innovations to the legislation. In the case of residences, domestic premises, it proposes that there should be a right of inspection, subject to the issue of a warrant by a justice of the peace. In other words, an authorized person will have to make a case to a justice of the peace before an inspection can be carried out on domestic or residential premises. The amendment proposes that in the case of commercial premises—and honorable members will be readily able to envisage the premises to which I refer—routine inspections should be possible.

In the very nature of things, with responsibility of enforcement of the legislation being almost totally entrusted to the Royal Society for the Prevention of Cruelty to Animals on a budget of $160 000 from the Government, which makes possible the employment of only seven inspectors, it is unlikely that this inspectorial role will be exercised very extensively. It will make sure that those people who conduct commercial premises, whether they are markets, sale-yards, experimental laboratories, abattoirs or the unloading yards at Newmarket, will be conscious of the possibility that their activities may be subjected to scrutiny at any time.

I do not believe there is any more effective way of ensuring that the goals and objectives embodied in this legislation are achieved. Honorable members will be aware that the same conclusion has lately been reached by the Government of New South Wales, where a similar provision was made a key part in the new Protection of Animals Act in that State.

Mr Coleman—What did it say?

Mr MATHEWS—Precisely what I have just said myself. The amendments I am proposing to the House in this instance are taken directly from the New South Wales legislation, in preference to a slightly different set of proposals that the RSPCA put forward. I commend the amendments to the House.

Mr EBERY (Midlands)—A few amendments will be made with the insertion of this new clause. It concerns me that any full-time member of the Royal Society for the Prevention of Cruelty to Animals would have exactly the same power as the police in entering premises, whether by breaking open doors or otherwise, and arresting persons. The way I read the new clause it means an officer of the
Royal Society for the Prevention of Cruelty to Animals will have the power to arrest all persons therein.

I do not believe an officer of the Royal Society for the Prevention of Cruelty to Animals should have this power to arrest people if he believes that some form of offence has taken place. I understand that officers of the Royal Society for the Prevention of Cruelty to Animals do not have specialized training in this field. They are not trained like a police officer, and they are not trained as a veterinary surgeon, who, if the same thing applied, would have the power of arrest. This new clause is very broad and, under the circumstances, to support a new clause such as this would have far-reaching effects and I see danger in it.

Dr COGHILL (Werribee)—Before honorable members enter a debate, one would think they would do their homework. The point about the Royal Society for the Prevention of Cruelty to Animals inspectors is that they do have training, which is assisted by the police. They do not have a veterinary surgeon's training, and I cannot imagine where that information came from. They are trained with the assistance of the police and, for that reason alone, they are clearly conscious of their obligations, their rights, and responsibilities, and if this amendment is accepted and becomes law, they will be trained in the implications of the amendment.

Mr BORTHWICK (Minister of Health)—The Government rejects the amendment. In section 8 it is made quite clear that the power rests with the Police Force, and that is why the powers are as wide as they are in the existing section 8, which gives the power to enter by force and to make arrests.

Under the new clause put forward by the honorable member for Oakleigh, the honorable member for Werribee as a registered veterinary surgeon would have the power of forced entry and the power of arrest. This power he takes unto himself, and I do not believe any honorable member could accept that situation. I believe the information should be laid with the police. The police have the strength and the power under the Act, and I cannot see people in this country accepting that registered veterinary surgeons should have the power of arrest.

The new clauses were negatived.

Mr DUNSTAN (Dromana)—On a point of order, Mr Acting Chairman. I would like to know why the honorable member for Werribee is undermining the honorable member for Oakleigh.

The ACTING CHAIRMAN (Mr Blurrr)—It is a very easy answer. There is no point of order.

New clause

Mr MATHEWS (Oakleigh)—I move:

Insert the following new clause to follow clause 6:

'E. For section 12 of the principal Act there shall be substituted the following section:

"12. (1) Subject to sub-section (2), the foregoing provisions of this Act shall not apply to any act done—

(a) in the extermination of rabbits, foxes, wild dogs, wild cats or vermin;

(b) in the hunting, snaring, trapping, shooting or taking of any animal not in a domestic state; or

(c) in any experiment performed upon an animal for the purposes of scientific investigation or diagnostic procedure by—

(i) a legally qualified medical, dental or veterinary practitioner; or

(ii) a person holding a masters degree or a doctorate in the field of animal biology—

who is registered by the Animal Experimentation Control Board established pursuant to this section or by a person acting under the direction or supervision of any person so registered.

(2) The provisions of sub-section (1) shall not have effect—

(a) in any case of cruelty; or

(b) in the case of any experiment on an animal involving the infliction of pain unless—

(i) the operation is performed in accordance with the regulations made under this section;

(ii) the animal subject to the operation is, during the whole time thereof, so under the influence of some anaesthetic as to be insensible to pain; and
(iii) the animal is destroyed while still insensible where it has been so injured in the course of the operation that its recovery would involve serious suffering.

3) There shall be established an Animal Experimentation Control Board consisting of six persons appointed by the Governor in Council—

(a) one of whom shall be a legally qualified medical practitioner;
(b) one of whom shall be a registered veterinary surgeon;
(c) one of whom shall be a biological scientist, employed in scientific investigation involving the use of animals;
(d) one of whom shall be a psychologist;
(e) one of whom shall be a person nominated by the Royal Society for the Prevention of Cruelty to Animals; and
(f) one of whom shall be a person nominated by the Minister.

4) The Animal Experimentation Control Board shall have the following powers and duties:

(a) The Board may recommend to the Minister regulations for regulating the conduct of experiments performed upon animals for the purposes of scientific investigation or diagnostic procedure;
(b) The Board shall keep a register of persons who may perform experiments upon animals for the purposes of scientific investigation or diagnostic procedure;
(c) The Board may enter upon the register the name of any person who is qualified in a way mentioned in paragraph (c) of sub-section (1) and whom the Board considers a fit and proper person to carry out experiments upon animals for the purposes of scientific investigation or diagnostic procedure;
(d) The Board may at any time and for any reason which it in its discretion thinks fit remove any name from the register and inform the person concerned that his name has been removed and of the reason for the removal of his name;
(e) The Board may inspect premises in which experiments on animals are conducted;
(f) The Board shall regulate its proceedings in such manner as it thinks fit;
(g) The Board shall report annually to the Minister on its activities.

5) The Governor in Council may make regulations for the purposes of this section for or with respect to—

(a) prescribing fees, not exceeding $5, payable by a person to the Animal Experimentation Control Board for the registration of the person by the Board; and
(b) regulating the conduct of experiments performed upon animals for the purposes of scientific investigation or diagnostic procedure and requiring returns to be furnished to the Animal Experimentation Control Board in relation to such experiments.

This new clause provides for new arrangements for the regulation of the use of animals for experimental purposes. As I was able to establish last night, quoting the question that had been asked of the Chief Secretary by the honorable member for Rodney and the answer which that member had received from the Chief Secretary, our present arrangements for the supervision and regulation of the use of animals for experimental purposes are very deficient indeed. This amendment becomes the more important by reason of the last amendment having been rejected by the House. If the House had been agreeable to the acceptance of powers of routine inspection for authorized persons over premises where acts of cruelty to animals are likely to occur, it could have been argued that this new clause, setting up a supervisory board with the power to make regulations and register and deregister, is redundant. Now that the amendment calling for inspectorial powers has been rejected, this new clause becomes the more important.

It is quite clear that an overwhelming majority of people with scientific training, who are involved in the use of animals for experimental purposes, have a responsible attitude to their work and a compassionate attitude to the animals in their care, as is the case with almost all aspects of work in the protection of animals. We are dealing with an irresponsible and callous minority, but the acts that can be perpetrated by this irresponsible, callous minority are not unimportant. They are not matters that this House or the community can afford to ignore.

There has been a disturbing new element in recent years. When the subject, loosely described as vivisection, was under discussion, it concerned scientific experiment, the search for human knowledge, and improvement in the human condition. In recent years, there has been a whole new dimension in this area, namely, the use of animals for the testing of commercial products. This is nowhere better demonstrated
than in the field of the testing of cosmetics. Thousands, indeed tens of thousands of animals, are being pain-
fully treated every year with a view to determining whether new cosmetic products are likely to have an irritant, or worse effect, on human beings, and a new whole sub-industry is growing up within the area of cosmetics on the basis of people being encouraged to buy cosmetics that do not have to be tested in this way.

The honorable member for Frank-
ston asked me if such testing is going on in Victoria. I suggest that the honor-
able member does not know. I do not know, but I have a question on the Notice Paper asking the Minister for Conservation to provide me with information on this point.

This new clause has taken on new importance in the current debate because the Government has knocked back the idea that the power of rout-
ine inspection should be vested in cer-
tain authorized persons. Since that power of inspection is not to be avail-
able, I believe it is absolutely essen-
tial that the House should adopt this new clause, that there should be these effective ways of policing the use of animals for experimental purposes, whether it is cosmetic product testing, the validation of new products in the pharmaceutical field, or the search for new knowledge. There is no justi-
fication for the final category, the testing of non-essential products. There is no justification for a fringe of the other two areas of activity. The only way in which the community can be easy in its conscience is to ensure that there is proper supervision and regulation of what is done in its name.

The new clause was negatived.

Mr MATHEWS (Oakleigh)—I move:

Insert the following new clauses to follow clause 10:

F. In section 18 of the principal Act—
(a) at the end of paragraph (c) for the expression "," there shall be substituted the expression ";"; and
(b) after paragraph (e) there shall be in-
serted the following paragraph:

"(d) any person who obstructs, hinder-
se, molest or assaults any person
acting under any authority or power
vested in him by or under this Act."

G. In section 22 of the principal Act—
(a) after the expression "22." there shall be
inserted the expression "(1)"; and
(b) at the end of the section there shall be in-
serted the following sub-section:

"(2) Without derogating from any
power conferred upon a court or justices
by sub-section (1), where—

(a) an information or complaint has
been laid in respect of an alleged
offence against this Act by a person
who is not a member of the police
force;

(b) the person who laid the information
or complaint fails to appear at the
hearing or declines or neglects to
proceed upon or prosecute the in-
formation or complaint; and

(c) there is in the place where the
hearing is to take place or in the
vicinity of that place a member of
the police force who is in the
opinion of the court or justices
experienced in the prosecution of
informations or complaints (whether
for offences against this Act or
otherwise)—

the court or justices may order the
member of the police force to prosecute
the information or complaint."

H. For section 24 of the principal Act there
shall be substituted the following section:

"24. (1) Subject to sub-section (2), all
moneys recovered as penalties for offences
against this Act or the regulations shall be
paid to the Animal Experimentation Control
Board established pursuant to section 12.

(2) If in the opinion of the Minister the
amount of money required by sub-section (1)
to be paid to the Animal Experimentation Control
Board exceeds the amount which is
necessary for the Board to perform its func-
tions effectively, the Minister may order that
the amount of the excess shall be paid
to such animal welfare organizations as he
specifies."

This amendment simply tightens up and enlarges certain powers associated with persons enforcing the provisions of the Protection of Animals Act. It introduces a proposal that any person who obstructs, hinders, molest or assaults any person acting under any authority or power vested in him under the Act is guilty of an offence. It
makes clear the present confused position in regard to the prosecution of cases in court by members of the Police Force.

Over the past fourteen years, since the principal Act was adopted, difficulty has regularly arisen as a result of police officers being either unable or unwilling to take over court cases from the Royal Society for the Prevention of Cruelty to Animals inspectors, who are normally the source of the informations concerned, and act as prosecutors.

As the honorable member for Midlands pointed out, the training of Royal Society for the Prevention of Cruelty to Animals inspectors is limited and does not involve the teaching of the skills of a prosecutor. There are grounds for the training of inspectors to be extended and improved. I hope in future they will receive this training. The Royal Society for the Prevention of Cruelty to Animals has long had that improvement under consideration but because of a shortage of funds nothing can be done.

Last night the honorable member for Syndal raised, by way of debate, some criticisms of the Royal Society for the Prevention of Cruelty to Animals for which I have been responsible in the past twelve months. I adhere to those criticisms. I regard the Royal Society for the Prevention of Cruelty to Animals as being a far from perfect organization and far from being the ultimate repository of wisdom and experience in this field.

Mr B. J. EVANS (Gippsland East)—On a point of order, Mr Chairman, I draw your attention to the fact that new clause H proposes that certain moneys which would be raised under the amendment would be paid to an Animal Experimentation Control Board. The Committee has rejected the proposition that such a board should be created. By rejecting that proposal I suggest the motion is out of order.

The ACTING CHAIRMAN (Mr Birrell)—The Committee is considering new clauses F, G and H. As new clause H no longer applies, the Committee should perhaps only consider new clauses F and G at this time.

By leave, new clause H was withdrawn.

Mr MATHEWS (Oakleigh)—It is my hope and expectation that if and when a general inquiry into all aspects of animal welfare is established the role and structure and financing of the Royal Society for the Prevention of Cruelty to Animals will be a part of that inquiry and will be included specifically within the terms of reference. The Royal Society for the Prevention of Cruelty to Animals is a unique body which was established by a statute of this Parliament to discharge a specific role in the field of prevention of cruelty to animals. It is entrusted with the responsibility of advising this Parliament on legislation and it receives, as mentioned previously, an amount of $160,000 a year from the Government as a contribution towards the discharge of its responsibilities.

It is the considered judgment of that society, entrusted as it is with that responsibility by the Government, that a change in law is necessary so that a police prosecutor will automatically be available to take over the case from the Royal Society for the Prevention of Cruelty to Animals inspector when it gets into court. The Royal Society for the Prevention of Cruelty to Animals has provided me with details of a number of cases—I will not go over them now, given the constraints of time—in which it was either impossible for the society to proceed or in which a prosecution was lost as a result of a decision of a police prosecutor that he could not at the time take over the conduct of the case for the Royal Society for the Prevention of Cruelty to Animals inspector who had initiated it.

Few cases involving the prevention of cruelty to animals find their way into court. The constraints of the legislation itself, the constraints of the absence of an inspectorial system and the constraints of the resources of the society all combine to make actual prosecutions a relative rarity. The
society prosecutes as a last resort. It is, therefore, more important that when the rare step of prosecution is taken resources should be available to carry it through. That is why this amendment contains provision for that arrangement.

Clause H which provides for the payment of certain moneys becomes redundant because the Committee rejected an earlier amendment. I commend these amendments to the Committee.

Mr Borthwick (Minister of Health)—I will deal shortly with the proposed new clause dealing with section 22 of the principal Act. At present, under section 22 the court or justices may authorize some other person to proceed upon or prosecute an information or complaint or may authorize any other person to take proceedings. That could include a member of the Police Force. The honorable member for Oakleigh is saying that the court ought to have the right to direct a police officer or a prosecuting officer who may be in the vicinity to prosecute the case. Proposed sub-section 22 (2) (c) states:

there is in the place where the hearing is to take place or in the vicinity of that place a member of the police force who is in the opinion of the court or justices experienced in the prosecution of informations or complaints (whether for offences against this Act or otherwise)—

I cannot imagine a more embarrassing situation for a police prosecutor to be placed in. He may know nothing of the Act but be forced into a situation of taking charge of a case in a manner which, in the normal course of his duties, he may never have to undertake. Honorable members know that by the time a police prosecutor gets into court he is acting on a well researched and laid out brief. It would be unusual for a police prosecutor not to act on a prepared brief. According to this suggestion, he may have no knowledge of the Act or the philosophy of cruelty to animals. This clause could place the Police Force in an invidious and embarrassing position.

Mr Mathews (Oakleigh)—The Minister knows, from many years experience, of the difficulties which arise in having a common-sense understanding of the language in which the customs of this country oblige the Parliament to express its laws. This clause has been the subject of considerable discussion and not only among legal advisers of the Royal Society for the Prevention of Cruelty to Animals who arrived at a different conclusion about the precise form of the words that should be used. I took that form to the Parliamentary Counsel and asked him whether it represented a satisfactory formula for achieving the aim of having prosecutions under the Act implemented by police prosecutors, who, after all, are trained. He said he believed that this form is necessary if we are to achieve the goal of having court proceedings conducted by police prosecutors who are trained and prepared for those duties at a general level, if not in the particular instance of this Act, and not by Royal Society for the Prevention of Cruelty to Animals inspectors whose training is of a different nature.

Too many offenders are getting off without being prosecuted or even being taken before the courts because of the inadequate levels of prosecution. It is the considered view of the society that if the responsibilities which are delegated to it by this Government are to be adequately discharged in the way that the community wishes and that this legislation demands, there must be proper assistance for the society in the form of police prosecutors. I commend the amendment to the Committee.

The new clauses were negatived.

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

LEGAL PROFESSION PRACTICE (LEO CUSSEN INSTITUTE) BILL

The debate (adjourned from March 26) on the motion of Mr Macellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr Cain (Bundoora)—The Bill provides that the Leo Cussen Institute for Continuing Legal Education can be funded directly. That is not currently the case. The institute is concerned with the practical training of law
graduates, those who cannot find articles of clerkship with firms of solicitors, and with continuing education for members of the profession. It was set up under an Act of Parliament in 1973. In 1979 it received financial support from the Tertiary Education Commission to the extent of $220,000.

There is some concern about its future and it is the desire of the institute to be assured as to its financial future and not to be dependent, as it is at present, on receiving moneys through the Law Foundation. The Law Foundation, in turn, is funded from interest received on moneys held on special accounts from solicitors' trust funds. That has been one of the purposes to which such moneys have been devoted for a number of years.

The Bill gives the Attorney-General a discretion to directly apply to the Leo Cussen Institute a sum designated as being between 0 per cent and 5 per cent of the moneys declared to be surplus from the Solicitors Guarantee Fund. I have discussed the matter with the director of the institute and I am a little puzzled why the institute desires to follow this course. It certainly has a guaranteed income, though it be as a relative of the Law Foundation, at present. The institute apparently sees this as being second best. It is possible that, in the future, if the Solicitors Guarantee Fund were to run into difficulties and the surplus were not as high as one would have hoped, the Attorney-General may determine to give the institute nothing. He may well do that under the discretion vested in him by the amending provision. The Bill cuts off the formal funding ties between the Leo Cussen institute and the Law Foundation. The Leo Cussen people consider that they should have it this way and, that being the judgment of the institute, the Opposition does not oppose the measure.

Mr Ross-Edwards—It will get the same amount of money.

Mr CAIN—It appears that way, but the institute wants to be totally independent of the Law Foundation.

Mr Ross-Edwards—And very dependent on the Attorney-General.

Mr CAIN—Exactly—very dependent upon the Attorney-General, who may not be able, nor because of circumstances, desire, to provide the institute with the funds it may need. However, the Law Foundation has a fairly healthy nest egg of investments that would ensure that it could find its way through a difficult period, as it did some four or five years ago.

The legal profession and the community at large owe a debt to the institute for the excellent work it does in providing a course of practical training for people who have weathered the onerous years of study of the law at either of the tertiary institutions, Monash University or the University of Melbourne, and not been able to obtain articles of clerkship. I have been to the institute and seen the course of training provided, and in my estimation it is first class. I am delighted that it has reached its present stage of sophistication. Those associated with it are deserving of the highest commendation.

The other function which it performs with distinction is the provision of a means of continuing postgraduate and practical training for practising members of the profession and ensures that they are able to keep up with changes in the law, which are perhaps more rapid than some people realize. It ensures that those members of the profession continue to render valuable service to the community in the practice of their profession.

Mr MILLER (Prahran)—The Bill is, as the honorable member for Bundoora indicates, important not only for members of the legal profession but for members of the community at large. It provides financial security for the future of the Leo Cussen Institute which is one of the most important institutions for training young law graduates who are unable to obtain articles of clerkship with firms of solicitors. A course of the type established by the institute is, by definition, an expensive course giving high quality education. It has a high staff-student
ratio and of necessity is expensive to operate. The Commonwealth provides some funding for institutions of this type but is not prepared to fund the Leo Cussen institute on a scale beyond that on which it funds other tertiary institutions.

The institute trains young graduates in office procedure connected with the practice of law and for a six-month period gives them a thorough grounding that they could not otherwise get.

Consultation has taken place between each of the major institutions involved, the Bar Council, the Law Institute and the Director of the Victoria Law Foundation and each of the two universities. All of the institutions and bodies concerned favour the funding mechanism provided by the Bill, which opens the way for the Attorney-General to direct towards the Leo Cussen institute a percentage between 0 per cent and 5 per cent of the funds declared to be surplus from the Solicitors Guarantee Fund.

The funds come from the Victorian Solicitors Guarantee Fund and in that sense they come from consumers of legal services, so that the community at large has a real interest and a real involvement in the kind of legal education made available to post-graduate lawyers and in the quality of legal services delivered to the community. This function involves not only universities but the entire legal profession.

The type of training provided at the Leo Cussen institute is as good as, if not better, in some cases, than articles; and it certainly is as good as bad articles. The institute gives a young graduate an opportunity of being admitted to practise that he otherwise would not have. The Bill has the strong support of the entire practising profession, as it does of the Labor Party.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Amendment of No. 6291, section 53).

Mr MACLELLAN (Minister of Transport)—I move:

Clause 3, paragraph (a), omit this paragraph and insert the following paragraph:

"(a) In—

(i) sub-section (7); and

(ii) sub-section (9)—

the words 'or in default of a direction as the Council determines' are repealed.

Clause 3, paragraph (b), lines 24 and 25, omit "as is agreed between the Attorney-General and the Council or in default of such agreement".

Proposed sub-section (7A), as contained in paragraph (b) will then read:

(b) After sub-section (7) there shall be inserted the following sub-sections:

"(7A) There shall be credited to the Leo Cussen Institute of Continuing Legal Education Account and debited to the Income Suspense Account on or before 30 September in each year such amount being not more than 5 per cent of the amount standing to the credit of the Income Suspense Account on 30 June last past as the Attorney-General directs."

This deletes reference to agreement between the Attorney-General and the council of the institute and puts the Attorney-General in the position of being able absolutely to either fund or not fund, but certainly not to go beyond 5 per cent of the amount of the last 30 June balance standing in the account at 30 September.

If honourable members need further explanation of this delicious amendment, I shall have to suggest to the Committee that progress be reported while we all have a think about it.

Mr CAIN (Bundoora)—I take up the suggestion of the Minister. I discussed this matter with people on the basis of the matter being the subject of consensus, or at least an attempted consensus. The amendment seems to cut across that information. Accordingly, I propose that progress be reported.

Progress was reported.

IMPERIAL ACTS APPLICATION BILL, IMPERIAL LAW RE-ENACTMENT BILL and CONSTITUTIONAL POWERS (REQUEST) BILL

The debate (adjourned from April 30) on the motion of Mr Macellian (Minister of Transport) for the second reading of these Bills was resumed.
Mr MILLER (Prahran)—There are three inter-dependent Bills before the House, two Bills dealing with imperial laws, namely, the Imperial Acts Application Bill and the Imperial Law Re-enactment Bill and the third, which is part of the package, is the Constitutional Powers (Request) Bill.

The third of those Bills is a landmark Bill, a Bill of major constitutional significance and the Labor Party does not oppose it.

It does, however, oppose the two Imperial Bills, as they can be described, as they are offensive, discriminatory and objectionable in a number of principles. What the two latter Bills purport to do is to put into legislation in Victoria many principles which, I am sure on reflection, most honorable members would find wholly offensive, and it is for those reasons that the two Bills, the Imperial Acts Application Bill and the Imperial Law Re-enactment Bill, are opposed.

Perhaps I should turn first to the Bill which the Opposition supports, the Constitutional Powers (Request) Bill. As I indicated, this is a highly significant Bill and perhaps it could be equated with two or three of the other major constitutional provisions which have been enacted and are important in Victoria's legislative history. I refer to Victoria's Constitution Acts of 1851 and 1855 and the Colonial Laws Validity Act 1865, and with this Bill, they are part of the major developments which have occurred in Victoria's constitutional history.

In essence this Bill will help Victoria become master of its own statute-book. As was stated in the Minister's second-reading speech, this is one of the important bases or rationale for bringing this legislation to the Parliament.

It is unfortunate that this is one of three of 36 Bills appearing on the Notice Paper today which the Parliament is going to attempt to get through before it adjourns. Because of its significance and importance, more time should have been devoted to it, and for those reasons I shall keep my remarks fairly short. This is a Bill on which any constitutional lawyer or scholar could devote a Ph.D. dissertation, but in the interests of brevity and time, I shall keep my remarks brief.

The purpose of the Bill will be clear. Pursuant to the provisions contained in section 51 (xxxviii) of the Commonwealth of Australia Constitution Act, the Commonwealth Parliament, at the request of the Colonies or State Parliaments, can pass laws which before 1901, before Federation, would have had to be passed by the United Kingdom Parliament at Westminster.

Pursuant to this particular constitutional power under section 51 (xxxviii), Victoria will request the Commonwealth Parliament to pass legislation to confer power on the Victorian Parliament to enable this legislative body to pass laws repugnant to the laws of the United Kingdom.

If honorable members examine the Statute Law Revision Committee report upon which the Labor Party's opposition is partially based, and upon which the Attorney-General has largely relied, the Statute Law Revision Committee report deals with this Bill, and the Minister quoted the following extract in his second-reading speech:

The Bill is the request that is the condition precedent to the exercise of such power by the Commonwealth Parliament. The Imperial authorities are reluctant to legislate for Australia or the States, and the Commonwealth and State Attorneys-General have on several occasions agreed unanimously that at this stage in the development of Australia it would be undesirable to request the Imperial Parliament to legislate in any way affecting the Constitutions of the Parliaments of Australia.

Be that as it may, what is important is that it is necessary for Victoria to request the Commonwealth Parliament to take certain constitutional steps to enable Victoria to sever its judicial umbilical cord with Mother England. At the moment certain legislation passed by the Parliament at Westminster applies by paramount force to Victoria.

This curious, historical situation comes about because of a number of factors, and the only way we can establish that is to look at the legislative history of the Victorian Parliament. The Constitution Acts of 1851 and 1855 conferred certain powers on the
Victorian Parliament, including powers to make laws in and for Victoria in all cases whatsoever, but they do not enable the Victorian Parliament to pass laws repugnant to laws of paramount force, that is, laws which were directed by the Imperial Parliament to apply to Victoria.

In the 1850s and 1860s there was a repugnancy crisis in South Australia and some of the other States, over a number of legislative provisions in South Australia and Victoria and they were challenged as being repugnant to the laws of England. Mr Justice Boothby, a famous South Australian judge, held that the South Australian Parliament simply could not pass laws repugnant to the laws of the United Kingdom. As a result of his findings, the Colonial Laws Validity Act 1865 was passed enabling the States of Australia to pass laws repugnant to the United Kingdom, but still not conferring powers on those States to pass laws which were repugnant to imperial laws which applied paramount force to the Colonies.

In 1931 the Statute of Westminster was passed and in 1942 the Commonwealth of Australia became a party to that statute. That provision had to be back-dated to 1939 to cover war-time situations.

The States scuttled backwards and out of timidity decided not to become a party to the Statute of Westminster. Approximately 50 years after the Statute of Westminster was passed, Victoria has finally seen the light and this long, overdue but welcome provision is now before the Parliament. It will enable Victoria to get rid of obsolete, antique, irrelevant and outmoded pieces of English legislation which still apply in this State.

In order for Victoria to legislate fully, it needs to request the Commonwealth to act pursuant to section 51 (xxxviii). However, as indicated in the notes on the Bill, it does not enable Victoria to legislate to amend either the Colonial Laws Validity Act, the Constitution Act or the Statute of Westminster.

A number of propositions have emerged from the High Court recently on the powers of the States to legislate over imperial legislation. It is a question of whether imperial legislation undeniably applies in Australia. That has been a matter of concern and in the case Bistricic v. Rokov (1976) 11 A.L.R. 129, the question before the court concerned the application of the Merchant Shipping Act 1894. The question was whether that Act applied to a vessel moored in Sydney Harbour or whether the later Merchant Shipping (Liability of Owners and Others) Act 1958 was applicable. In one sense the court split over the question of the applicability of this imperial legislation. However, the High Court unanimously held that the 1958 Act was not in force in New South Wales, but there was no real uniformity in the reasons given by the judges to support that view.

A most radical view was taken by Mr Justice Murphy, who held that the 1958 Act was not in force in New South Wales. He stated:

The United Kingdom Parliament has no power (and had none in 1958) to make a law having force in any part of Australia.

He also said:

Australia's independence and freedom from United Kingdom legislative authority should be taken as dating from 1901.

Mr Justice Murphy went on to make a number of references to the case of the Queen v. Oteri, and he stated:

Laws enacted at Westminster will not apply of their own force in Australia even if expressed to do so, although there are cases which may be read as suggesting otherwise.

A more modern view was taken by Mr Justice Jacobs on the applicability of United Kingdom statutes in Australian States, and he stated:

In the case of such a statute was the Imperial Merchant Shipping Act 1894 which is, in effect, a code governing merchant shipping and which specifically makes Pt. VIII applicable to the whole of Her Majesty's dominions, I do not think that the question whether an amendment thereto applies in New South Wales can be solved by an approach based on any general assumption that if the Parliament of the United Kingdom now intends that a statute shall apply to New South Wales, it will expressly say so, or that it will only legislate for New South Wales if it is requested so to do. Such a request need not be recited in the statute as it would
need to be if the Imperial legislation were to apply to the Commonwealth of Australia in a way which affected or impinged on the legislative power of the latter; Statute of Westminster, 1931, s. 4 (Imp.). So long as the judicial basis of New South Wales law remains, then, although it may seem to many to be anachronistic in the modern world, it is important that no principle be developed which, in a field where the New South Wales legislature has no, or insufficient, legislative power, would prevent the application in New South Wales of amending laws which modernize or reform provisions of Imperial legislation passed many decades ago.

This is the nub of the exercise before the Parliament this afternoon. What Parliament is concerned about is amending old imperial laws when many of those pieces of legislation still apply in Australia, some of paramount force but some not necessarily of paramount force. The only way we can repeal some of those obsolete laws is to go through the complex and convoluted constitutional process.

What we have is a situation where the United Kingdom Parliament has shown very little enthusiasm on spending its time pursuing the statutes of Victoria and repealing those laws or statutes which it has passed for its former Colonies. Mr Bjelke-Petersen has gone to the United Kingdom and requested the United Kingdom Parliament to pass laws which would amend the Commonwealth Constitution. For instance, Mr Bjelke-Petersen requested that the United Kingdom Parliament pass a law making certain that the Queen was designated as the Queen of Queensland and so on.

As the Minister indicated in his second-reading speech, the imperial authorities are reluctant to legislate for Australia or the States. This is as it should be if we are to decide our own destiny. We need to be able to pass and put on our own statute-book laws which do not represent imperial jurisdiction. This is one of the reasons why we need to use this little known constitutional power under section 51 (xxxviii) if Victoria is to move ahead and have constitutional authority and power which the Australian Constitution does not give Victoria at present.

As I indicated, the Opposition intends to oppose. Perhaps I could analyse them, not at great length, to illustrate what is intended by those two Bills.

As the Minister stated, the intent was to remove redundant, repugnant or irrelevant Acts of the Imperial Parliament. If that was all that was being done no objection would be raised by the Labor Party. If that is all that was dealt with by the two Bills, that would be fine but that is not the situation. In fact, what the two Bills do is to enact a variety of other provisions, including the preservation of certain ancient enactments which are extreme in their language and which perpetrate religious discrimination and differences. They further perpetrate extraordinary anachronistic practices as well as put into legislative form in Victoria, certain language which nobody can readily understand.

The principle that laws should be clear and readily understood by the layman has not been adhered to by the first of these Bills.

Much of the law is derived from the Parliament of Britain. In addition there are other sources. Imperial legislation was introduced into the Colony of New South Wales up to 1828 and colonists brought a great deal of law to that settled Colony, not only in the form of legislation but also in the form of common law. The second major source of laws for Victoria was legislation passed by its own Parliament and a number of Acts of the Imperial Parliament apply to the Colonies, including Victoria. The Commonwealth legislation is also important when examining these sources.

The sources of law in Victoria were examined at length by a great Australian judge, Sir Leo Cussen, who, over seven years, made a major attempt to struggle through the imperial law introduced in New South Wales up to 1828 and the laws of England that applied by paramount force or applied generally to the Colonies. He
reviewed about 7000 Imperial Acts during the period from 1915 to 1922 in an effort to determine their applicability in Victoria.

One of the results of his work was the introduction in Victoria of the Imperial Acts Application Act, which repealed some of the statutes and re-enacted others into State law. One of the legacies from that 1922 legislation were two schedules of Acts, the application of which in Victoria were uncertain or which Sir Leo believed should be preserved. For more than 50 years no real examination was made of the situation and only fairly recently Gretchen Kewley, a Monash University law school research assistant, and Mr John Finemore, the Parliamentary Counsel, devoted a great deal of their time to examining the statutes.

Largely as a result of the work of Gretchen Kewley, the two Bills to which I am referring have been introduced and a most useful report has been prepared by the Statute Law Revision Committee. The Imperial Acts Application Bill seeks to enact certain Imperial statutes as part of Victorian law. I shall examine some of the reasons, motives and justifications for the introduction of the Bill. On 9 October 1979, Mr Finemore, in answer to a question put to him by a member of the Statute Law Revision Committee, said, as recorded at page 3 of the transcript:

Perhaps the primary question is: Why should we transcribe them—

Meaning these imperial statutes—

at all? We could have a short schedule which just lists the titles and says that these Acts if they are enforced will continue to have the same force as they had before. The reason I put to the Attorney and he accepted was that they are significant Acts in our constitutional history. They are not readily available in Australia. Certainly teachers in the universities and to a lesser extent in secondary schools, where constitutional history and law is being taught, will find them of great help if they are readily available as part of our law.

That is a curious reason for justifying the passing of laws which are offensive to many people, anachronistic in the extreme and perpetuate bigotry. If all that can be said is that one of the major reasons for their introduction is that they will be more readily accessible to teachers of constitutional law and teachers in secondary schools, it is simply not good enough.

I find, in particular, the inclusion of one of the imperial laws, the so-called Bill of Rights of 1658, extremely hard to justify. If Parliament is serious in talking about Bills of Rights and putting laws into language that people can understand so that they can be assured that their rights are to be preserved, protected and promoted, it should not intrude in statutory form in Victoria provisions such as those that appear on pages 29 and 30 of the Bill. Ironically, those provisions appear in what is called the Bill of Rights, but they should not be enshrined in Victorian law.

Section 9 of the Bill of Rights is one of the most offensive provisions anyone could see. It must be offensive to many people who adhere to the Catholic religion. They would object strenuously to the Government if they read it. The section states:

And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this protestant kingdom, to be governed by a popish prince, or by any King or Queen marrying a papist; the said lords spiritual and temporal, and commons, do further pray that it may be enacted, That all and every person and persons that is, are or shall be reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be forever incapable to inherit, possess or exercise the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be, and are hereby absolved of their allegiance, and the said crown and government shall from time to time descend to, and be enjoyed by such person or persons, being protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying as aforesaid, were naturally dead.

That is surely an extraordinary provision to be put into effect in 1980, when there is a strong ecumenical movement and the archbishops of York and Canterbury and the English cardinals get together to advance ecumenism. The Government is attempting to

Mr Miller
turn back the clock 300 years by introducing outmoded, anachronistic and intolerant provisions. That is only part of it. The worst part becomes obvious when one examines the sort of oath that the King or Queen about to be crowned is required to take. Section 10 of the Bill of Rights provides:

And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the imperial crown of this kingdom, shall on the first day of the meeting of the first parliament, next after his or her coming to the crown sitting in his or her throne in the house of peers, in the presence of the lords and commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen).

This is the critical part:

make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house or parliament.

If that is the sort of measure that the Government wants to put into effect, it cannot be serious about wanting to bring Victoria into the twentieth century or even dragging it screaming and protesting into the 1980s. Those sorts of provisions are outrageous, outmoded and anachronistic in the extreme.

The Bill of Rights contains other offensive provisions, one of which is section 7, which appears on page 26 of the Bill. This provision would alienate many people in the community. It states:

That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law.

That is highly discriminatory and inflammatory and should not be introduced into Victoria. It is being introduced into Victoria by Parliament and it provides that only subjects who are Protestants may have arms suitable for their defence. What about agnostics, atheists, Catholics, Jewish people or members of other religions? They are being discriminated against.

If one can believe that the Bill is to be introduced to provide a source of research for scholars and constitutional lawyers and to provide them with the basic texts, there is a peculiar omission. Why should they not be provided with the basic texts in full? Section 11 deals with the empanelling of jurors and states:

That jurors ought to be duly impannelled and returned.

Why is the rest of the text not added? It states:

and jurors which pass upon men in trials for high treason ought to be freeholders.

That provision was repealed in the United Kingdom in 1925 and the subsequent provision that they ought to be freeholders is totally anachronistic. One could go on and on. The measure is offensive. As well as being offensive, it is curiously inaccurate. Page 11 of the Bill contains a typographical error that ought to be corrected before it is passed. In line 4 of page 11 the Bill states:

And to the intent that noe sherrife geoler.

I am sure no one wants to kick too many goals at this time, but the word should be corrected to "gaoler", before the Bill is passed.

That leads me to the use of the English language. One of the propositions advanced by the Attorney-General and the Premier is that the statutes should be clearly worded and people should be able to understand readily, clearly and easily the language used in them. In section 2 of the statute of Charles II, the language is arcane. It is an example of what clear English means to the Government. The section states:

And to the intent that noe sherrife gaoler or other officer may pretend ignorance of the import of any such writt bee it enacted by the authoritie aforesaid that all such writts shall be marked in this manner Per statutum tricesimo primo Caroli Secundi Regis.

That provision is of critical importance to the people of Prahran. They lie in bed at nights quivering over such things as that. It is appalling that such measures should be introduced in this day and age. The language used in statutes should be clear, plain and straightforward. There is no doubt that the Bill attempts to put into effect a variety of provisions that can be traced to Magna Carta, the Bill of
Rights and other measures. Those measures have major constitutional significance in the United Kingdom and are a major part of British history, but there is no good reason for there being selectively introduced into Victoria certain Imperial Acts that are of British constitutional significance but of minor significance to this State. The language contained in some of these Bills is a bastardization of English, law, French and Latin, and it is obvious that these improperly expressed Bills should not be passed by the House.

A great deal of attention has already been given to the comments made on the Royal Marriages Act in the Legislative Council, and whether the provisions of that Act should be enshrined in statutory form in Victoria is a matter for all members of the community. Victoria does not need these types of measures. It does not need to include in its laws provisions of this nature in 1980. They do not add to our constitutional heritage and they make the situation more complex and confused. The language used is unnecessary and it is undesirable to restate the laws in that form. If they have to be restated, why not in modern, clear English, as the Imperial Law Re-enactment Bill attempts to do?

Why should we not be able to understand in 1980 what our law means? It is almost impossible to come to terms with many of the measures and provisions contained in the Imperial Acts Application Act.

The Imperial Law Re-enactment Bill is an extraordinary grab-bag of associated items. It puts into statutory form provisions dealing with treason, piracy, criminal libel and other matters. Section 94 catalogues a number of Acts which constitute treason and section 9A includes the words “restrains the Sovereign”. This would be flypaper for a lawyer appearing for somebody charged with treason. What does the term “restrains the Sovereign” mean? Does it mean closing the door on somebody? It is a vague, ambiguous and archaic provision and another reason why the Bill should be opposed.

Perhaps even more significant are the provisions relating to piracy. Part of the Bill puts into effect a statute of 1698, an Act of William III, where in section 70b (1) (b) a person commits a piratical act if on board any Australian ship he brings any seducing message from any pirate, enemy or rebel. Obviously the reference to “he” in that section is significant. No seductive messages appear to come from any women pirates, although there have been several fascinating women pirates.

Apart from the significance of the seductive messages that may not or do not come from pirates, section 70b is offensive in that the onus of proof shifts from the prosecutor to the accused. Under the statute, any person found in Victoria on board any vessel equipped for the purposes of piracy shall be guilty of an offence but it shall be a defence if under that charge a person proves that he was not on board the vessel willingly or did not know that the vessel was being equipped for the purposes of piracy. When one considers some of the rates charged by shipping companies, one wonders whether piracy is completely anachronistic or outmoded these days. That is a provision in the statement which is found to be offensive.

Blasphemous or seditious libel is once again an anachronistic condition that flies in the face of freedom of expression or freedom of the press. It is unnecessary to articulate at any length the objection of the Opposition to those provisions.

There is a need to come to terms when passing legislation, including antique legislation, with the fact that this is a multi-lingual State. Victoria's laws should be framed in statutory form readily and clearly understood by the majority of citizens. It is not good enough to recite quaint historical anachronisms or oddities. It is possible to state them in modern language as the Imperial Law Re-enactment Bill purports to do. It puts into effect legislation which can be traced back to William IV and even William III, but even if we go back to the Statute of Quia Emptores of 1289 of
Edward I and if we have a re-statement—and I suggest to the Minister they should be re-stated in modern language so that the average person can understand them—there should also be a statement of the rights and principles of citizens.

If the Government is serious about this matter, it should introduce during the next sessional period a Bill of Rights that people can understand and apply in their day-to-day lives. There is no doubt that many of the laws of the State must be modernized, but the argument is more than an argument about language or about the form of the words used. The nature and substance of the Bills before the House must be considered, and reform should go hand in hand with clear, logical and concise expression in the English language. The Opposition opposes the two Imperial Bills for the reasons articulated. It supports the Constitutional Powers (Request) Bill, which is a major step forward in the constitutional development of this State.

Mc McINNES (Gippsland South)—This is an extremely complicated group of Bills that follow one from the other. They are a consolidation in many ways. They set out to get rid of about 130 Imperial Acts which were on the statute-book. That task was undertaken primarily by Mrs Kewley of Monash University and this House should be indebted to her and to Mr John Finemore, who provided another view and the benefit of his wisdom and knowledge on constitutional legislation.

The honorable member for Prahran dealt firstly with the third of these Bills and indicated that the Labor Party would support it with relish, but would oppose the two Imperial Bills for a number of reasons. The National Party supports all three Bills. The Constitutional Powers (Request) Bill is a request to the Commonwealth Government to enact certain provisions which effectively return control of its own statute-book to Victoria.

The honorable member for Prahran mentioned that he supports this and he supports the fact that the Imperial Parliament of Westminster has declined to intervene in such a situation, and quite rightly so. It is therefore necessary to invoke the powers under the Commonwealth Constitution to enable Victoria to be the master of its own constitution. The honorable member complained about the fact that the remaining Imperial Acts Bills are couched in antique language and in particular he stressed the part of the Imperial Acts Application Bill which concerns Royal marriages, and the questions of bearing arms, and in particular the limit to the marriage rites of the ruler or monarch. The reason that the Statute Law Revision Committee was not prepared to change this, quite apart from its historical content, was, as Mr Finemore said, that for Victoria to repeal that whilst it was still part of the law of Imperial England would be an incredibly adventurous exercise in constitutional law. One could say that if Australia is a nation independent of England and imperial application, and I believe in many ways that is so, even if it retains family bonds, it ought not to be telling England what to do with its law. This was the view taken by the committee. We accepted that these provisions could be offensive, and undoubtedly are, to a large portion of the British population. That is accepted.

If that is to be amended, surely it must be amended by the people whom it most directly concerns, the people of the United Kingdom. It is up to that Parliament to take action in that direction.

The Bill sets out to repeal English law which remained in force in Victoria but which is out of date or embodied in alternative statutes, and to preserve certain English enactments which could not be properly repealed or transcribed in modern form because of their historical significance. The honorable member for Prahran took umbrage at the fact that this ancient wording should be retained. I believe he called it law French and a mixture of bastard Latin and something else—I suppose Old English. The committee considered this seriously, but these are paramount Acts. The thirteen or so Acts singled out for retention are extremely
important in principle. They include Magna Carta which is a most important document. The principle was not so much a question of democracy at work but more of preserving the rights of the nobles at the time because the ordinary men and women had few rights, unless they were transcribed through the barons of whom they were serfs. The Acts include the question of Royal Marriages about which I spoke before, which is a matter for another Parliament, and justice and liberty.

They are historical Acts, which would be difficult to transcribe into modern language without losing some effect. The lawyers in this House might appreciate that Latin is frequently used in the law today. These Acts reflected the mood of the day. Honorable members must reflect on the fact that democracy as we know it today, and the rights of the ordinary citizen, were not present at that time. Magna Carta was a turning point. The nobles were rising against what they saw as oppressive action. They took action to force the king of the day who controlled Parliament to do certain things. These were the days of the Star Chamber when people had few rights, and even today the horrors of the Star Chamber can be seen in other countries. Habeas corpus was another matter of significance where the person had to be brought before a court to stand trial by his peers.

These are such important Acts that have an enormous force not just from a historical point of view but from the view that they should be kept in front of everybody. Even in the 1980s one has only to look at places like Nigeria. It does not take long for the mores of the Government of the day to change. Bills of Rights have been produced in places like Uganda but when there is a tyrant, they are thrown out of the window. We are looking back in history to a period when our forbears rose and forced on the monarchs of the day some basic laws to provide these important rights.

I do not think it should be looked at solely from the point of view of a constitutional lawyer or a student of constitutional history. It may be interesting reading for those people, and if they are to be practitioners of the law they ought to have an understanding of the historical precedents for this. That was the main thrust of the committee's views. The former colleague of the honorable member for Prahran, a very esteemed gentleman, the Honorable John Galbally, helped to advise the committee in many ways on the spirit of these Acts and he strongly supported the sentiments advanced along the lines that I have just suggested.

The second Bill, the Imperial Law Re-enactment Bill, deals with recommendations of the Statute Law Revision Committee as to Imperial Acts that are to be either replaced or preserved in modern form. The committee felt that these Acts were not so paramount as others, if I may express it that way, and there was some updating of them. One measure dealt with the provisions against piracy, as I believe I recall, but I may stand corrected on this. The committee examined the question of piracy in Victorian waters and attention was directed to the fact that, if somebody wanted to hi-jack a ship at Port Melbourne and go through the Victorian waters of Port Phillip Bay, he would be almost immune from any action. In response to honorable members who interject, strange things happen these days and the matter should be put beyond doubt.

There has been mention of the wording about bringing any seducing message from any pirate, enemy or rebel. I do not see anything objectionable in that. I think honorable members are looking at it too literally. It is a complex consideration.

The committee considered, for instance, the Gregorian calendar and decided the Act dealing with that matter ought to be repealed. That was one recommendation the committee did agree with, but I assure the House that the Statute Law Revision Committee gave serious consideration to the many paramount principles which are reflected in the Imperial Law Re-enactment Bill. It may be thought that the committee avoided scrutiny of them but
that is not so. The committee gave deep consideration to them. I think those Acts may well remain on the statute-book for much longer than honorable members present will be in Parliament. The Bills have the full support of the National Party.

The Constitutional Powers (Request) Bill is a request to the Commonwealth Government and I hope it will be acted upon. The Statute Law Revision Committee recommended the repeal of many of the less relevant Acts, at the same time retaining Acts of paramount importance. The National Party supports the Bills, for the reasons I have outlined.

Mr EDMUNDS (Ascot Vale)—I was a member of the Statute Law Revision Committee when this matter was examined, and the reports of the committee have brought these three Bills before the Parliament.

It may be said that the work of Sir Leo Cussen was the commencing point of the examination of the Imperial Acts that were applicable to the law of Victoria. It was Sir Leo who examined many thousands of those Acts when Victoria was separated from New South Wales and those Acts were incorporated into Victoria's statutes. There is some element of doubt as to their application. In many instances, there has never been a test of whether they apply and the difficulty is that the Parliament of Victoria is unable to shed itself of them without first going through the rigmarole that the House is now undertaking.

I express my admiration for Mrs Gretchen Kewley who did much work on those laws left on the statute-book by Sir Leo Cussen. Mrs Kewley made recommendations which were studied by the Statute Law Revision Committee. In her comprehensive report, she detailed those Acts which should be repealed, those which should be replaced either in whole or in part, Acts which should be preserved and Acts upon which she considered she should make no recommendation because it appeared to her that policy decisions by the Government of the day were required in relation to them.

Of the three Bills before the House, the Labor Party opposes two. The most significant one is the Constitutional Powers (Request) Bill. Once enacted here, this Bill seeks to use a little-used section of the Commonwealth Constitution to request the Commonwealth to give Victoria the power to legislate to repeal paramount laws. As an example of this, there is in the Act of Settlement an imperial law stating that no person can be a member of this Parliament unless born in Her Majesty's dominions. That law has never been tested but there would be any number of individuals in the Victorian Parliament who, if a citizen outside had the tenacity and the resources to test whether that law was applicable, could find themselves excluded from this Parliament. Whether that law should be applicable is another matter. The State of Victoria has a Constitution and I believe there should not be any other law which is paramount to the law created in this Parliament itself.

I deal briefly now with what the Constitutional Powers (Request) Bill attempts to do. It seeks to implement the recommendations of the Statute Law Revision Committee and is designed to remove the effect of the Colonial Laws Validity Act of 1865 which provided that imperial statutes which are expressed to apply to Victoria cannot be repealed by Victoria, even though they might have been repealed in England. It seems quite innocuous that that occurs.

That section of the Commonwealth Constitution, 58 (xxxviii), will open, in my view, a significant area, if the Bill before the House is passed. I believe it will probably be challenged in the High Court if it gets through the Federal Parliament as a result of this request from Victoria. Section 51, placitum (xxxviii) of the Constitution provides:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:—

(xxxviii) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the
establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia.

If the Commonwealth approves of the request, it will make a significant step in the history of Victoria in that the Victorian Parliament will then be able, for what it is worth, at a stroke of the legislative pen, to wipe out—and significantly wipe out—many of these old statutes which are cluttering up the statute-book. In many cases, their effectiveness is doubtful and their validity is questionable. In the long term, it will provide Victoria with a power it has never had before.

I therefore suggest to the House that the passage of this Bill and its enactment into law as a request to the Commonwealth Government should be undertaken with the utmost expedition to ensure that it is not left resting while the Commonwealth debates whether it wishes to give the State of Victoria, or other States of the Commonwealth, these powers. It ought to be put forward at the highest level, this use of the constitution which, so far as I am aware, has never been used in this way. It ought to go to the Commonwealth with the expressed wish of expedition in order to test the effectiveness of the interpretation of the Constitution.

Mr LIEBERMAN (Minister for Planning)—It is probably true to say that it is penance for the two lawyers at the table at the end of the session to be debating a Bill of this nature. It is also appropriate that the House be informed that honorable members are assisted by the presence in the House and by their participation in the debate of two of the members of the Statute Law Revision Committee, the honorable member for Gippsland South and the honorable member for Ascot Vale. Their deep understanding of these complex Bills has been of assistance to all honorable members.

The provisions of the Bills relate to a fairly turgid part of Victoria's law, and that ought to be conceded. I think it should be said briefly by me on behalf of the Government, and on behalf of the Attorney-General in another place, that the Attorney-General—and I agree with him—believes that people with a sense of history and a sense of feeling for the traditions that have led this country to be a great, democratic nation, regard these Bills as being of great importance in preserving some of the ancient laws that it is important to have preserved on our statute-book. That is not to say that the Bills themselves do only that.

As at this day, I understand there are 97 Imperial Acts still in force in this State. If these Bills are enacted, 82 of those imperial laws will be repealed, leaving thirteen of them on Victoria's statute-book. That ought to be said because it is not true that the Bills simply re-enact all of the laws of the Imperial Parliament which are currently in force in Victoria.

The Attorney-General said in the other place, in effect, that to suggest that the old language should simply be rewritten is to miss entirely the point of keeping those laws. His view was that, if it were simply a choice between rewriting the Bills and repealing them, he would opt for repealing them. He drew attention to the fact that they ought to be preserved because of our traditions and for another reason with which I am sure the honorable member for Prahran will agree: That to attempt to redraft in modern form some of the ancient language preserved in these old imperial statutes would be to court disaster because of the difficulty that would be encountered in finding the correct expressions. The Attorney-General informed the other place of that principle in bringing forward the proposed legislation. The Bills are a step forward. They are important for those of us who have regard for the contents of the statute-books of Victoria.

I must make a brief comment on the reference by the honorable member for Prahran to the ancient law regarding the right of a Roman Catholic to sit in the Chambers of Parliament. I understand that that was the particular ancient clause to which the honorable member was referring.

The reason for that clause being inserted by the very eminent Sir Leo Cussen in 1922 when the original Bill was introduced, and again in 1928 and
1958 when the Bill was re-enacted, and again in 1980 if the Parliament approves of the re-enactment of the law again, is that it is not possible for anyone, lawyers or lay people, to be positive about which ancient statutes apply in Victoria. The Attorney-General pointed out that no honorable member would support any contemporary expression of discrimination against any person because of his religion and it is in that context and with that history which the Attorney-General has pointed out, that there is reference to Roman Catholics, but it is for that reason and no other. I thank honorable members for their contributions and comments on the Bills.

The SPEAKER (the Hon. S. J. Plowman)—Order! In view of the indication given to the Chair by the honorable member for Prahran and to protect his right, I propose to now put the question for the second reading of the first two of the three Bills. The question is:

That the Imperial Acts Application Bill and the Imperial Law Re-enactment Bill be now read a second time.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

Ayes 43
Noes 32

Majority for the motion 11

AYES
Mr Amos
Mr Balfour
Mr Birrell
Mr Borthwick
Mr Brown
Mr Burgin
Mrs Chambers
Mr Coleman
Mr Collins
Mr Cribbin
Mr Dixon
Mr Ebery
Mr Evans (Ballarat North)
Mr Evans (Gippsland East)
Mr Hamer
Mr Hayes
Mr Jasper
Mr Kennedy
Mr Lacy
Mr Lieberman
Mr McArthur

NOES
Mr McCance
Mr McClure
Mr McInnes
Mr Mackellar
Mr MacKinnon
Mr Maclean
Mrs Patrick
Mr Ramsey
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Skeggs
Mr Smith
Mr Templeton
Mr Thompson
Mr Trewin
Mr Weideman
Mr Whiting
Mr Williams
Mr Wood
Tellers:
Mr Cox
Mr Tanner

The SPEAKER (the Hon. S. J. Plowman)—The question is:

That the Constitutional Powers (Request) Bill be now read a second time.

The motion was agreed to.

The Bills were read a second time, and passed through their remaining stages.

PAPER

The following paper, pursuant to the direction of an Act of Parliament, was laid on the table by the Clerk:
Soil Conservation Authority (Report for the year 1978–79)—Ordered to be printed.

FRIENDLY SOCIETIES (BENEFITS) BILL

The debate (adjourned from April 30) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr SPYKER (Heatherton) — This small Bill increases the minimum amount of weekly payment from $30 to $50 a week which a registered friendly society may make to a member. There are a couple of points which need to be highlighted.

When I went to the Papers Room to ask for the latest annual report from the Registrar of Friendly Societies and Benefit Associations, I was informed that the latest report available to honorable members was for the period ended 30 June 1977. It is of concern, not only in this case but in other cases, that members of Parliament are unable to obtain the latest information that is available. This makes it hard to reach a
judgment when a report is nearly three years out of date with no prospect of obtaining reports for 1978 or 1979.

The Opposition has no quarrel with the proposition to increase the minimum amount from $30 to $50 a week. The other aspect covered by the Bill is to lift the maximum amount to $150 and this will enable amounts between $50 and $150 to be set by the Governor in Council.

The last time a similar Bill was before the House was in December 1974 when the maximum amount was increased to $30 a week. That was some six years ago and there has been no increase in the amount since. Obviously from time to time the Governor in Council can review the matter and increase the maximum amount without the necessity of having to come back to the Parliament. Another point of concern is that I have been a member of a friendly society for many years, since before I entered this place, and it is remarkable that annual reports are not made available to the public or to members of the society.

In looking at the figures in the latest available report for the period to 30 June 1977, I find that the amount received by the 100 societies was $97 million. At that time there were 37 ordinary societies and 63 dividing societies and, allowing for the effects of inflation, that amount would have increased from $100 million to approximately $120 million. That seems an exorbitant amount to flow through societies, but there is no indication before the Parliament about what has been done with that money. People mainly subscribe to societies to protect themselves, and although it may only be a minimal amount, this measure appears to be another band-aid approach. It is remarkable that all Parliaments, State and Federal, seem to adopt band-aid approaches to overcome these types of problems. People need protecting but no indication is given on what is being done with the money held by societies.

This is a deplorable state of affairs and it must be pointed out again that it is more than three years since the last report was presented. No one knows what has been done with the money during that period, and many of the societies do not have a voice or say in what ought to be done with that money, I am sure, taking into account the figures available in the latest report. Obviously, there is a lot of fragmentation. The funds should be pooled, which would lessen the running costs. At present those running costs amount to 13.1 per cent, which is too high. If the societies are designed to provide benefits for people who are sick or face hardship, waste and inefficiency should not occur.

In many cases people who believe they are adequately covering themselves against health costs find, when the crunch comes and a long-term illness is involved, that the benefits are either cut off or reduced after a certain time. A constituent of mine had been paying into a friendly society since 1937 and had never made a claim until recently, when his wife became chronically ill. He believed he was covered in the highest schedule, but the society told him that the illness was categorized as terminal and that his benefits would be drastically reduced after 52 weeks. The small print ought to be adequately explained so that people are fully aware of their entitlements and are also aware that their benefits may be reduced or cut out after a certain period.

Many societies do not pay benefits when workers compensation payments or insurance coverage is involved. Those factors should be irrelevant because the people have paid into the society to cover themselves and their families. That sort of self-help should be encouraged, but today there seems to be more emphasis on denying people payment when they are in the greatest need, particularly when they suffer long-term illnesses, than on paying the benefits. I am concerned about the people who may be ill for six or twelve months and may be really struggling financially. They are being denied the benefits they so urgently need. There is a hotch-potch approach to health coverage and families and the aged suffer.
The Opposition does not oppose the Bill, but I reiterate the point I made earlier about the reports. The reports should be presented to Parliament each year, but the latest report available is for the year ended 30 June 1977. That is not a credit to the societies or to Parliament or to members of Parliament, who are supposed to be responsible to their constituents. It is not only the annual reports of friendly societies that are not made available to Parliament. When constituents ask why did this happen or why did that happen, we should be able to provide proper explanations. The latest information ought to be available so that members of Parliament can make clear judgments and so that there can be a proper scrutiny.

In many areas honorable members are making decisions without knowing all the facts. The most recent report is based, to some extent, on guesswork. The figure it gives is $97 million but it might be $100 million or $120 million. That is a large amount of money and Parliament ought to know what is being done with it. I reiterate that the Opposition does not oppose the Bill.

Mr McINNES (Gippsland South)—
The National Party supports the Bill. Tribute should be paid to friendly societies because when people increasingly look to governments for assistance, these are self-help organizations. Some of the older societies have histories that stretch back many years and they were amongst the first of the self-help organizations.

The societies are registered to provide, by voluntary subscriptions, for the relief and maintenance of members and their families in old age, widowhood, sickness or other infirmity and to members in search of employment or in distressed circumstances. They are an example of society welfare in the best sense, because they mean self-help. As far as I am aware, most societies have exemplary records.

They are limited by statute in the amount they can contract to pay in benefits on a weekly basis and what the members can claim. Up to 1974 the amount was limited to $30 a week. It was increased in December 1974 to $50 a week, which is the current benefit. The Bill will increase the amount to $80 a week, in line with inflation over the past six years and will place an upper limit of $150 a week before Parliamentary review is necessary. There may be increases from time to time by regulation but at no time will the increases exceed $150. The increases will be made by regulation as inflation erodes benefits.

The honorable member for Heatherton remarked on the fact that the annual report has not been published since 1977. The societies have comparatively small administrations and do not have the resources of Government departments or statutory authorities. Perhaps honorable members should regard them a little more benignly in regard to the presentation of reports than statutory authorities and Government departments, which are often just as slow in presenting their reports.

The Bill is an appropriate measure and the National Party applauds the work carried out by the friendly societies.

The motion was agreed to.

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

MAGISTRATES’ COURTS (JURISDICTION) BILL

The debate (adjourned from April 4) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr CULPIN (Glenroy)—The Opposition does not oppose the Bill. Basically, it will expand the summary jurisdiction of the Magistrates Court by making certain indictable offences triable summarily and, consequentially, increasing the sentencing power of the court. The Bill implements recommendations of the Criminal Law and Procedure Advisory Committee, which consists of representatives of the Law Institute of Victoria, the Bar Council, the Victorian Law Foundation, the law schools of Melbourne and Monash universities and the legal studies department of La Trobe University, the Public Solicitor, the officer in charge of the Criminal Law
9572 Magistrates’ Courts (Jurisdiction) Bill

Branch, the Crown Solicitors Office, a Crown Prosecutor, and legal officers of the law department.

The Bill will mean that some of the matters now heard in the County Court will be able to be dealt with in the Magistrates Court. It should be pointed out that a safeguard is provided in that the defendant can always opt for a trial by judge and jury. The Magistrates Court will have the power to deal with cases where the offence involves property to the value of $10,000 instead of the present jurisdictional limit of $2000. The sentencing power of the Magistrates Court will be increased from one year to two years for the commission of a single offence.

The reference to the “misdemeanour of indecent assault” will be deleted and the words “any offence” will be substituted, which will empower the Magistrates Court to hear any offence against section 55 of the Crimes Act. The jurisdictional limit of $1000 will be increased to $5000 where the offence involves forging bills of exchange in contravention of section 270 of the Crimes Act. The Bill will also correct printing errors that appear in section 11 (2) of the Magistrates’ Courts (Civil Jurisdiction Act).

I reiterate that the main aspect of the Bill is the safeguard that is provided in that an accused has the option to elect for a trial by judge and jury. The Opposition, as I have said, does not oppose the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill, and it has supported the principle embodied in it many times in recent years. The overriding object of the Bill is to expand the summary jurisdiction of the Magistrates Court and that is being done for two reasons. The first is to try to bring more work into the Magistrates Courts, where it can be handled more expeditiously than in the County Court, and the second is that the increase in inflation has meant that the value of property involved should be increased from $2000 to $10,000. The Attorney-General explained the Bill in great detail in another place and the honorable member for Glenroy has also explained it. I shall not delay the House by going through the measure, but I reiterate that it is supported by the National Party.

The motion was agreed to.

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

BAKER MEDICAL RESEARCH INSTITUTE BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

The ACTING SPEAKER (Mr Birrell)—Mr Speaker has examined this Bill and is of the opinion that it is a private Bill.

Mr BORTHWICK (Minister of Health)—By leave, I move:

That all the private Bill Standing Orders be dispensed with, and that this Bill be treated as a public Bill.

The motion was agreed to.

The debate (adjourned from April 23) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Mr ROPER (Brunswick)—This is an important Bill in that it incorporates one of Australia’s, and one of the world’s, major medical research institutes, and one that has done, over many years, major research work, particularly in the cardio-vascular area.

Before commenting on some of the particular work of the institute, and the need for the work, I point out that on this Bill the trustees of the Baker Medical Research Institute and its secretary have kept the Opposition informed on what was proposed. When private Bills are being brought before the Parliament, some purpose would be served if those proposing the private Bill to the Government also informed the Opposition and the National Party of their general purposes, reasons and intentions. It would enable the various parties in this House to more reasonably determine their attitude, and to avoid embarrassment such as occurred with a Bill in another place concerning an elderly citizens’ home. If that
had been a matter of consultation with the various other parties, it might not have reached its present situation.

This Bill incorporates the Baker Medical Research Institute and sets it up as an independent institute, which will overcome a number of difficulties that the trustees and the management have recently experienced.

Since the institute was set up in the 1920s, its development has been gradual and constant, but recently the constraints on the trustees have proved cumbersome. It resulted, towards the end of 1977, in the trustees approaching the courts to have a trust deed amended to permit the appointment of additional trustees. It was also the desire of the trustees to incorporate the institute as a legal entity so that all assets and dealings may be held by the institute rather than by the individual trustees. However, after the initial hearings, their legal advisers considered that it would simplify the financial management of the institute and enable it to receive the benefit of wider counsel and public support for its work if the institute were incorporated under a separate Act of Parliament. This advice was adopted by the trustees, and that was the genesis of the draft Bill, and subsequently of this Bill. Perhaps the Attorney-General should examine how to develop a more appropriate procedure for incorporation.

There have been a number of Bills in the health area where, because of difficulties in using the court system, it has been necessary to refer matters to Parliament. In many of those cases it may have been better if there had been another way of going about the incorporation and settling of legal difficulties, because when a matter has to come to Parliament, the solution can often be delayed because of the pressures on Parliament's time, and the pressures of drafting time in the Parliamentary Counsel's office. There may well be a better way of achieving the objectives of this Bill, and the objectives other Bills have achieved for different organizations and those yet to follow this path.

I mentioned that the Baker Medical Research Institute is probably the most important cardio-vascular research centre in Australia. Some of the work that it has done has been made available by way of advice from Professor Korner and other leading officers of the institute, to the Parliamentary Labor Party. They were particularly helpful in advising us on heart and stroke matters at the time of the Government's first unfortunate effort to tamper with the workers compensation system. They gave members of the Opposition detailed advice on the various indications for heart and strokes. During the debate on the second occasion of the Government's equally unsuccessful attempt to fool around with workers compensation, the Opposition was able to refer to the advice that I had received from Professor Korner, that it would be virtually impossible for the particular provisions to work adequately, given that it is still not known in absolute terms the cause of heart disease. It would have become a lawyer's and a medical advisers' banquet.

This new research institute, or the incorporated body that is being set up under the Bill, together with other research bodies, should be used to increase research, not only in the areas in which the Baker Medical Research Institute specializes, but also in other areas of health research. It is by additional commitment to research into disease, and by community education, that something significant can be done about the cost of health to the community. Our effort on the medical research side is comparatively poor.

I agree with Sir Gustav Nossal who, on numerous occasions, has called for an increased commitment to research.

On the Business Franchise (Tobacco) Bill, honorable members may recall that the Opposition made that point at some length, so I do not intend to go over it now. Additional funds should be made available for research. Both the Commonwealth and the States have been neglectful in this area. That does not mean that the Government should fund every project anyone puts in the newspapers. For instance, the test-tube
programme has to be afforded along with all other research programmes, but there should be more money in the till to fund projects in different areas.

In recent times my colleague, the honorable member for Bentleigh, has drawn to my attention the lack of funds available for diabetes research in Victoria and Australia, and I would mention the occupational health area as another where not enough research is being done.

I recommend to honorable members who have not visited the Baker Medical Research Institute that they do so, and while they should have a checkup—before there are by-elections. It is helpful if members have notice beforehand. The Baker Medical Research Institute has a research project proceeding, and for that research project to be effective the institute needs a wide variety of members of the general community. In answer to the Minister I point out that they certainly need overweight 55-year-olds. There are a proportion of overweight 55-year-olds in the community.

The matters concerning heart and blood are very important, and more research is needed in this area. Some excellent research projects are taking place at the institute that need to be encouraged.

There is a need to look at the methods of funding studies of occupational groups, and the stress and tension caused by their work. The Baker Medical Research Institute is capable of carrying out research projects. From time to time, various unions have drawn up details of what they regard as health problems, and brought them to the attention of the Minister of Health and the Minister of Labour and Industry, but there is no adequate study of the risks that these groups run.

Overseas, it has been ascertained that transport workers suffer significantly higher levels of heart disease than other groups in the community. It is believed from American evidence that police suffer additional problems of heart disease because of the stress involved in their occupation. There is a need to develop a mechanism whereby such studies can be carried out in Australia—not necessarily in every State—so that different information can be mapped out.

The Baker Medical Research Institute has done a study on the health of waterside workers, and other community groups. I am not sure whether they have done a study on painters and dockers. I do not know who would fund that. The Commonwealth is more interested in funding investigations into other aspects of the painters and dockers situation.

Members of the Opposition do not oppose the Bill. We thank the trustees for consulting with us through the process, and we hope that becomes a far more accepted method of operation with private Bills than it has been hitherto.

The Opposition hopes that the Baker Medical Research Institute will be able to go from strength to strength, and that the State and Federal Governments will provide the wherewithall not only to the institute, but also to other researchers, so that they can get on with the job.

Mr WHITING (Mildura)—This is an important Bill for the State of Victoria in the field of medical research. It is obvious that, as the Baker Medical Research Institute is now being incorporated by an Act of Parliament, it will have confidence to go ahead and promote the research that has taken place at the institute over a number of years.

It is interesting to note that twenty specific powers will be given to the institute under clause 10 (d), which states:

To acquire, set up, maintain, print, publish and circulate such magazines, journals, pamphlets or other literary or scientific publications as the Board may consider beneficial to the Institute or to the public or a section of the public;

It is particularly important in the field of research to be able to disseminate all the information obtained to the community so that it can benefit from that research. People can learn and, it is hoped, put the research into effect in some practical manner.

Mr Roper
The National Party supports the measure and believes the Baker Medical Research Institute has a big future in Victoria and in the Commonwealth of Australia. My colleagues and I trust that the institute will continue to provide the type of research and information that is required by the general public, in particular in relation to cardiovascular problems. It is hoped that, like other diseases that at one time had no known cure or preventative methods, cardiovascular problems especially heart attacks that are so prevalent in the community will be reduced to a minimum.

The motion was agreed to.

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

TOWN AND COUNTRY PLANNING (AMALGAMATION) BILL

This Bill was returned from the Council with a message relating to an amendment.

Council's amendment:
Clause 10, page 8, line 9, omit "sub-section (3)" and insert "sub-section (4)".

Mr LIEBERMAN (Minister of Planning)—I move:
That the amendment be agreed to.

The reason for the amendment is that the expression "sub-section (3)" was inserted in error and was not discovered until the Bill was transmitted to the Legislative Council. The expression "sub-section (4)" makes the clause operate, whereas sub-section (3) makes it meaningless.

The motion was agreed to.

REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL (No. 2)

The debate (adjourned from April 15) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

Mr ERNST (Geelong East)—The Bill provides for the revocation and excision of four reservations of Crown land in different localities of Victoria. It has been debated in another place and the Labor Party has no objections to the proposals contained in the Bill. However, the Labor Party is always concerned at the alienation of Crown reservations and is opposed to the principle of taking public land because it is simply more easily obtained and cheaper than other land.

Upon investigation, it appears that the effects of the Bill will be of greater benefit to the community than was the original purpose for which the land was intended. I am informed that Item 1 of the schedule is welcomed by the community in the Shire of Kaniva. The Bill will allow for the erection of an elevated water tower which will improve the water supply and pressure to the township and overcome some of the difficulties that have been encountered with the water supply in the past.

Item 2 of the schedule relates to a reserve that was proclaimed more than 100 years ago in 1872. It will bring into effect a recommendation of the Land Conservation Council on the Melbourne study area for 320 hectares of this water supply reserve to be proclaimed as reserved forest under the Forests Act 1958. I welcome this proposal because I realize the important part forests play in conserving the ecological balance.

Item 3 of the schedule refers to an area of Kardinia Park with which many members of this House will be familiar when they have come down to watch Geelong win a football match. This area is to be excised because of the necessity to enable the Country Roads Board to improve the intersection at Kilgour Street and Noble Street with Latrobe Terrace and re-align Kilgour Street. This is complementary to the final construction and upgrading of Latrobe Terrace and ultimately the bridge over the Barwon River which will provide greater access through the City of Geelong.

Some concern was expressed by local people when first examining the Bill. The map on page 6 under Part IV of the schedule indicates the whole of the corner of the park was to be taken away. Understandably, this caused some feeling on the part of the local environmental groups. However, further investigations with the
Country Roads Board proved otherwise. In fact, a large island area is to be reinstated as park land and this will result in a slight increase in the present park area.

Clause 4 of the Bill also provides for $22,000 compensation to be paid to the City of Geelong for relocation of the park caretaker's residence. This proposal has the support of the Geelong City Council, which gave its approval some months ago.

Similarly with item 4, the schedule provides for 75.4 square metres of the Fawkner Crematorium and Memorial Park to be excised for improved road usage and widening purposes. It is my understanding that the City of Broadmeadows, in conjunction with the City of Coburg, the Country Roads Board and the cemetery trust of the Fawkner Crematorium and Memorial Park, agrees with this proposal and the roadworks will greatly improve the traffic flow. As no objections have been lodged against any of the four proposals, the Labor Party fully supports the Bill.

The motion was agreed to.

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

FORESTS (AMENDMENT) BILL

The debate (adjourned from April 15) on the motion of Mr I. W. Smith (Minister of Agriculture) for the second reading of this Bill was resumed.

Mr GINIFER (Keilor)—The Bill deals with several different areas. In some respects it might be regarded as a Committee Bill because there is no fundamental basic principle underlying the whole of the legislation except the goodwill that goes with it in attempting to update the Forests Act for the benefit of the community.

The Bill considers such diverse problems as unused roads on Forests Commission land, the problems of soil erosion, the protection of the environment and those members of the community who, during the summer and dry weather, may be tempted to enter Forests Commission areas and use old roads which may have been constructed by the timber workers. These roads will be closed, in the interests of the community and to prevent soil erosion. People lose their way in these areas which they should not enter because there are no proper facilities for tourists.

The Bill goes further because it extends to committees of management the opportunity to develop and have some control over public lands in Victoria. It provides wider local involvement for committees of management. It is hoped that local groups, municipal councils and possibly water trusts will become involved but that pressure groups will not try to take complete control of these committees of management. I trust that all groups, including those who want to exploit the forests for their timber, and from a purely environmental point of view, will be considered and that their interests will be developed.

Over a long period the forests of this State have been refuges for many people to participate in enjoyable activities and for others they have been places which they have exploited, and in this regard I refer to timber cutters.

One could take it a step further so far as the Melbourne and Metropolitan Board of Works is concerned. The board has had an exclusive right to forest areas where water has been collected, but in later years a more appropriate understanding of the utilization of forest resources has become apparent and many competing interest groups have an opportunity to be involved with the development of general amenities in forest areas.

I refer to a provision which did not exist previously, the provision of funds for tree planting purposes for the beautification of park areas and areas alongside roads. There is a general feeling within the community that this type of provision should be available not only for rural Victoria. I hope consideration will be given to implementing these proposals on the basalt plains of the Western suburbs of Melbourne and other areas in close proximity to urban areas. I hope that aspect will not be overlooked, so far as funding of the tree planting exercise is concerned,
and this programme will take place on the basalt plain areas. This will enable beautification to be undertaken on the approaches to areas which could become valuable for recreational purposes in the northern and western suburbs of Melbourne.

This is a most diversified Bill because it does not have a single principle running through its provisions, other than perhaps to attempt to utilize our forests for the greater benefit of Victoria.

Included in the measure is a proposal affecting the three year diploma course at the School of Forestry at Creswick. That will be replaced by the implementation of a course which is both supported and co-ordinated by the Faculty of Agriculture and the Forests Commission, at the University of Melbourne. It is interesting to note that the University of Melbourne, in conjunction with the Forests Commission, is to take part in a joint committee to liaise on the proposed four-year course on forestry. This is being brought into operation on the basis of the university having four members on that committee, two being nominated from the Faculty of Agriculture and Forestry and two from the University of Melbourne Council. There will be three members from the Forests Commission.

This is a further development in the utilization of the best tertiary education facilities available at the University of Melbourne School of Forestry, the Forests Commission and the School of Forestry at Creswick.

I trust that the Forests Commission does not lose sight of the fact that it should not only be interested in the training of professional foresters at a tertiary education level but also there is a need for the training of people not necessarily at a tertiary level. Those people need to be employed in a number of statutory authorities, such as the State Rivers and Water Supply Commission, because of its responsibilities with rivers, trees and so on. There are other statutory authorities where there is a need for employees to possess a basic training and understanding of forests of varying types to control their resources. It is necessary for the Forests Commission to ensure that this level of education is covered so that the statutory authorities have the right type of people correctly trained in the utilization of forest resources.

I indicate that the Labor Party does not oppose the Bill. In effect the measure will lead Victoria into a new era where there will be a balanced participation in the control and management of its forest areas.

The Minister of Forests, in administering this legislation and controlling the development of tree planting schemes, will ensure that the legislation will involve the urban areas as well as the rural areas.

In the forestry education field, the Minister of Forests, the Forests Commission and the University of Melbourne will ensure that there are areas other than the tertiary area where forestry education is undertaken to allow for the implementation of a good policy and programme so far as many of our statutory authorities are concerned.

Mr B. J. EVANS (Gippsland East)—I wish to comment on two or three of the provisions in the measure. I do not think any of them are earth-shattering but in general they do improve the Forests Act. In my opinion clause 4 is the most significant proposal within the Bill because of the contrast in the attitude of the Forests Commission in the management of reserves and similar areas under its control as compared with the attitude of the National Parks Service. In recent months the House has considered amendments to the National Parks Act which have done away altogether with the concept of having committees of management. By contrast, under this measure the Forests Commission, in its scheme of management for areas under its control as a consequence of recommendations of the Land Conservation Council, is seeking an extension of the committee of management principle to make the control run smoothly. I commend the Forests Commission on that move.
It is significant that we find a different attitude between the National Parks Service and the Forests Commission on the management of our forest areas. The Government should give serious consideration to re-enacting these same principles in the National Parks Act because people who have an interest in a particular area display concern and are prepared to put more work and time into the area to ensure that it is maintained and looked after properly, compared with control by an all-embracing authority which does not have any special regard for the area. I commend that attitude of the Forests Commission and hope that the National Parks Service sees value in it in due course.

Another provision which is quite interesting is that relating to alpine areas. Only one area will be affected by the amendment and that is Mount Buller. So far as I am aware that is the only alpine area under the management of the Forests Commission. This provision will entitle the committee of management to borrow money to provide facilities within an alpine reserve. There is also provision for the operators of particular facilities to make a contribution towards the cost of funding that facility. That provision will be of value and will help with the necessary development of facilities in the alpine area.

The other provision which is of value is that relating to assistance being provided for the planting and protection of trees. Over the years a tremendous amount of effort and work has been put into attempts to encourage tree planting throughout the countryside, and honorable members can witness the consequences of that effort, but in many cases the trees are planted and adequate protection is not provided.

It is true that the biggest problem with the planting of trees around the countryside is not so much the provision of trees but that of protecting the trees once they are planted. Often people think it is good enough to plant a tree and place a temporary protection around it. The tree grows for six or twelve months or even a couple of years, but ultimately the tree guard breaks down, stock gets in and the tree is destroyed.

Some encouragement must be given to landowners to provide the necessary protection for trees which they plant, rather than simply trying to encourage them to plant trees in the first place.

One aspect which I should like to see encouraged in my own area, despite this aspect receiving some attention at present, is the need to encourage the planting of forest red gums, mainly to the west of Bairnsdale. Throughout this area there are few remaining specimens of this magnificent tree. Unfortunately many are being destroyed by insects. Periodically we have plagues of cockshafer beetles and they defoliate the trees and in a couple of years the trees have been killed. Unfortunately, there are too many dead trees in the area which are monuments to the ability of these tiny insects to destroy the big trees. I would welcome an effort to encourage the re-establishment of forest red gums in this area. This would be typical of the type of action which will be needed in many parts of the State to try to ensure that at least some remnants of our natural vegetation remains, and I trust that the new provision will be of value in encouraging that type of activity.

The other provisions of the Bill, while not important, are not altogether earth-shattering as I stated earlier, but the National Party supports the measure.

Dr VAUGHAN (Glenhuntly)—It gives me pleasure to speak on this Bill because in one respect it is about the planting of trees and to me one of the most satisfying things a person can do is to plant a tree or a forest and watch it grow despite the ravages of fire, insects and bad agricultural practices and vandalism.

One important aspect to consider when we are planting trees in the State to replace trees which have been destroyed because of bad agricultural practices, rabbits, clearing, fire or whatever is that we need to protect the
genetic diversity of our tree stock. This is an aspect which has not long been considered in our forest practices. We have had a tendency to think that every tree that gets the label, say, *eucalyptus leucoxylon* is like every other such tree. In Victoria there are many eucalypt species whereas there is an enormous genetic diversity across the State from north to south and from east to west. The Government has a duty to preserve that genetic diversity, otherwise species will become extinct. In his second-reading speech, the Minister of Agriculture did mention genetic diversity but did not expand on the subject. However, it is of sufficient importance that I should amplify that matter. Good scientific principles must be applied to agriculture and forestry.

Mr Trewin (Benalla)—The honorable member for Glenhuntly referred to the genetic species of trees. Officers of the Forests Commission in Mansfield collect seeds from certain species of trees by an appliance they have designed. The seed pods are placed in a tumbler and treated with clay and certain fertilizers and used for reafforestation. That work should be commended.

The honorable member commented upon the efforts of the commission and individuals who live in the country. He said that for every tree removed three or four trees should be planted. Most young persons today adopt that practice and there is a steady increase in the planting of trees.

The alpine area of Mount Buller is an outstanding resort connected by an excellent road constructed and maintained by the Country Roads Board. Under the guidance of the committee of management, chairlifts and accommodation facilities have been developed. Those facilities are unequalled anywhere else in Australia. There is Mount Kosciusko and Falls Creek, but Mount Buller provides the best opportunity for those persons who enjoy skiing. It is of interest that the Bill contains provision for the appointment of an advisory committee. The committee of management will plan the operation and wider function of the alpine area.

The deputy chairman of the Forests Commission is chairman of the committee of management and he has had wide experience in the management of the village on Mount Buller and its precincts. His advice and experience are accepted by anyone who knows the village and the alpine area. The committee will have the opportunity to advise and assist in the further development of the alpine area.

The lessees will receive assistance to improve their facilities and beautify the areas surrounding those facilities. A maximum loan of $12,000 will be made available for those purposes. That will enable the lessees to support and continue the work that has already been done in their own interests and the interests of the area. The money, under certain conditions and requirements, can be obtained as a grant or, if need be, a loan.

The Mount Buller area was severely tested last year over four or five weekends when weather conditions were not ideal but thousands of persons descended on the area. The promotion of the area by the tourist authority was so good that busloads came from Adelaide to have a day in the snow. However, some bus drivers did not have sufficient experience to handle the conditions and some rather dramatic incidents occurred. Through the action of the Honourable David Evans, M.L.C., the Transport Regulation Board has given an assurance that bus drivers will be given sufficient instruction to enable them to handle those conditions.

It is to be hoped that those persons who have the money to spend will assist in the development of the Mount Buller alpine area. I do not know how many more facilities can be provided because the committee of management never sends me a brochure informing me of what is going on. I visit Mount Buller once a year, sometimes twice a year, to see for myself the efforts being made to provide the public with the opportunity of partaking in snow sports. For some time I have made approaches to the Minister of Forests to have a member of the Soil Conservation Authority appointed to the committee. The Country Roads...
Board, the Shire of Mansfield and several other Government bodies are represented, but the Soil Conservation Authority is not. The last reply I received on the matter indicated that the advice of the Soil Conservation Authority could be obtained when required. That is not good enough.

Those persons who visited Mount Buller during the summer months would have noticed the work that has been carried out. Some of those visitors have expressed deep concern, but I have spoken to one or two persons who said that when the snow is there everything is covered anyway, but the snow is not always there. A considerable amount of rain falls during the spring and summer months and, combined with the snow, some erosion occurs. In the next couple of months, I will be visiting Mount Buller to see what has been done during the summer months. The Government should ensure that erosion does not occur on the high plains of this wonderful mountain.

Mr SPYKER (Heatherton)—I urge the Minister of Forests to encourage reafforestation in the metropolitan areas which have been denuded of forest in the past 50 years. Due to the increase in fuel prices, many persons cannot afford to travel long distances and a project of reafforestation in the metropolitan area would create recreational areas for metropolitan residents to enjoy. I urge the Minister to make the necessary funds available for reafforestation.

There are many areas, including the electorate that I represent, which have been used for sand extraction and which are in desperate need of recreational areas. Reafforestation could be undertaken in those areas affected by sand extraction. I commend the timber industry for its responsible attitude towards forests. Having travelled through a number of forests I have been amazed at the self-generation work that has been done.

Only 10 per cent of Australia is covered by any sort of vegetation. Forests are precious and should be maintained. One hears a lot of talk about soil conservation. The wood chip industry often moves into an area and totally destroys it. One needs only to visit Cann River to witness the evidence of devastation where trees, creeks and rivers have been totally destroyed and the top soil removed. Some persons are very short sighted. The dollar speaks louder than conservation.

There are limited areas of forests. In many areas of the world, because of drought or shortage of fuel, forests have been removed and the environment has moved backwards. Once the trees have been removed, the climate has changed, the birds and animals have disappeared and the desert has encroached further.

In Africa, the Sahara desert encroaches on towns and villages because of the continual removal of trees. The only part of the world where this has not happened is in Israel, in the Middle East, where extensive research has been done on tree planting, and the battle won. This is not the case in many other areas of the world. Before our forests are removed and destroyed, and also our natural habitat and bird life, we should be more conscious of what we are destroying.

I am sure that the Japanese wood chip industry is doing that drastically now. It is very easy for members to stick their heads in the sand. In Tasmania and at Cann River and other areas, the wood chip industry has ruined the forests. Those areas can never be replanted or replaced. Nobody asked what happened to the native habitat, to the fauna and flora. There is no reason why trees cannot be grown commercially in the Ord River. We seem to be very shortsighted in many areas. We owe a responsibility to the next generation, who already have a heavy burden on their shoulders through what has been done in the forests, to leave them a better Australia, and a better Victoria in which to live.

Problems arise from time to time, and we tend to hide behind the fact that if everybody is making money out of it, it is a good thing.
Mr SIMMONDS (Reservoir)—I concur with the remarks of the honorable member for Heatherton in respect to the forests in Victoria and the need for a responsible approach to the harvesting of forests, particularly by the sawmill industry.

I congratulate the officers of the Orbost shire, who took members of the shadow Cabinet to sections of the forest in that area that have suffered in the past because of the failure to control and properly manage exploitation of the forests. Sawmillers have been into the area and taken the most easily removable trees, leaving other trees that were not as profitable. Then there was further activity by sawmillers and consequently an area that was previously forest land had become useless in respect of its capacity to be used for future development for timber for sawmilling or reafforestation. Under this Bill, reafforestation can take place on a properly managed basis.

Mr B. J. Evans—Name the area.

Mr SIMMONDS—The area was within 4 miles of Orbost, and the sawmill company, which discussed the matter with us, also raised the question of the possible wastage of butts, which could be used for the wood chipping industry. There is no question that there may be a case for rationalization of the use of what would normally be waste timbers, of tops and butts of trees, for wood chip processing, but once the operation was developed on the scale at which the wood chip industry wishes it to operate in Victoria, the profit motive might denude our forests in a manner that would make it a grave risk to the future of forests in Victoria, and would remove our heritage in that respect.

It is on the question of a balanced approach to this issue that I wish to make a few comments on that particular problem. I draw attention to two particular instances where private ownership of land has been used to totally denude areas of trees to the detriment of the whole environment in the area. At Appaloosa ranch at Taylor Bay, a whole hillside was totally denuded of vegetation. The Leader of the Opposition, the honorable member for Carrum and I visited the area and we were amazed to find that the topsoil, which had been washed off the hill, was 3 or 4 feet deep against the fence at the bottom of the hill. The shire president of Alexandra, Councillor McDonald, whom I understand is not unknown to you, Mr Speaker, was one of those people who drew attention to this particular problem. The Forests Commission, along with the Shire of Alexandra, was most concerned, and the only redress was a penalty of about $30 or $40 in the case of a prosecution for an offence. Although a provision in this Bill brings the fine for an offence up to $1000, which is a more adequate deterrent, unless there is an enforcement of the legislation and protection of the environment to preserve our forests, then the legislation will not do much other than to provide a basis on which the Government can approach this problem.

I also draw attention—as did other speakers—to the work of the Forests Commission in reafforestation work, the development of seeding processes, the building of the tumbler system, and the heating of the seed pods to enable the raw material for reafforestation to be freely available. I hope there will be an involvement of the community in the planting of trees in areas, not only for environmental purposes, but for commercial purposes so there can be a balance between the needs of the environment and the industry in respect of sawmilling. I believe the Bill is a step forward in that direction. In the past, because of lack of activity by a responsible Government, it has created a situation that I do not think any member of this Parliament could be pleased with.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.
The debate (adjourned from May 1) on the motion of Mr I. W. Smith (Minister of Agriculture) for the second reading of this Bill was resumed.

Dr VAUGHAN (Glenhuntly)—This Bill is a little like the previous Bill—a little like a dog’s breakfast; it is a bit of everything. It is the second Bill on the Notice Paper to amend the Forests Act 1958. It contains six clauses. The Bill makes a minor amendment to the principal Act in that it replaces the term “Chief Secretary” with the term “Minister for Police and Emergency Services”. It enables the Forests Commission to enter into agreements. This was done on the advice of the Crown Solicitor to clarify certain legal vagaries, so I understand from the Minister’s second-reading speech. The negotiations between the University of Melbourne and the School of Forestry at Creswick were raised on the debate on the previous Bill. This matter was also raised by the Crown Solicitor and applies also to discussions between the Forests Commission and the Victoria Conservation Trust.

The Bill expands the categories of reserves that are declared under section 50 of the principal Act. It adds the expression “State park, regional park, multi-purpose park, wilderness, education area, historic area, fauna reserve, flora reserve”. That is being done on the recommendation of the Land Conservation Council.

The Bill also provides for additional regulations to be made under the principal Act and, most importantly, it relates to wilderness areas, a relatively new concept in relation to forests in Victoria.

A minor clause provides for an audit of the accounts of the committee of management. That was on the advice of the Auditor-General. Finally, the Bill gives the Forests Commission power, which is similar in some respects to the power of the Victoria Conservation Trust, to accept gifts from the public, with conditions applied. For example, during a person’s life the land remains under his control for his use, but on his death it goes to the Crown or the Victoria Conservation Trust. The Bill amends the principal Act to provide for the Forests Commission to administer the land during a period of such an agreement.

I understand that a Mrs Tindale donated a magnificent garden of 6 acres in the Sherbrooke area, opposite the Baron of Beef, to the Victoria Conservation Trust, and other gifts are in the pipeline.

The Opposition does not oppose the Bill. It has some doubts about the administration of the Ministry of Forests when two Bills, as I said earlier, which are like a dog’s breakfast, are amending the same Act simultaneously.

Mr B. J. EVANS (Gippsland East)—I concur with the closing remarks of the honorable member for Glenhuntly. It does seem unnecessary for minor amendments to be included in two separate Bills.

The most interesting amendment, from my point of view, is contained in clause 5 which makes provision for regulations to be made for the management and control of State parks, regional parks, multi-purpose parks, wilderness education areas, historic areas and fauna and flora reserves. These new types of reserves have been designated by the Land Conservation Council, and as a consequence of the recommendations of that council, a number are being created around the State.

A simple amendment to clause 5 could solve many problems for the people charged with the responsibility of managing Victoria’s forest areas. If the words “national park” were also included and the Forests Commission were given the job of managing national parks, a lot of money would be saved and Victoria would have a more rational and sensible management of its forest areas. I have been endeavouring to drive this point home to the Government for some time. It is absurd to have parts of forests—areas
which all sides of the House agree are very important areas—under the control of separate departments, for management purposes, even to the extent of being under the control of separate Ministries. I cannot understand the logic or reason behind the arrangement, nor can I understand that there is any significant difference between the management of a national park and a State park.

The Government admits in this Bill that the Forests Commission is capable of managing a State park. If it can manage a State park, why not a national park? It is suggested by interjection that it is empire building by the Director of Conservation and his Minister who want to build up that department and take control of the reserves of this State. I am glad to know that members of the Government party realize that. It is time the Government did something. There is no need for a separate department to run national parks.

A completely erroneous impression has been spread about the Forests Commission but the Minister refuses to defend it. It has been alleged that the Forests Commission manages forests for timber production. That is absurd. More than half the forest area in Gippsland East is not used for timber production but is merely recreational. It is a false argument to suggest that the Forests Commission is not capable of managing forest areas for recreational or other purposes. The commission has been doing that for 50 years.

I do not see why large areas of forests should be taken away from the management and control of the Forests Commission. That is a dangerous practice, particularly with regard to fire control. After many years of indecision and disagreement in relation to what steps should be taken regarding fire control in the Gippsland area, the Forests Commission has obtained a degree of confidence and understanding with the people who live in that area. That has been disregarded by handing over control of vast areas of forests to the National Parks Service.

I urge the Minister to seriously consider amending clause 5 to include the words “national park” along with the other types of parks and reserves mentioned. The other provisions contained in the Bill are largely machinery provisions. The National Party supports the Bill with the qualifications I have already mentioned.

Mr SIMMONDS (Reservoir)—This Bill is rather a mixed bag. It opens the question of the control of forests. I would like further evidence of the need for divided control of forests in Victoria. I recognize that the Forests Commission has done a first-class job in the preservation of forests when it has been permitted to act in the interests of the people of Victoria. There are often occasions when Government policy and direction may be prejudicial to the capacity of the Forests Commission to carry out its charter. It is a question of political direction rather than administrative control. The Forests Commission in Victoria is not only exposed to the types of risks which have historically been a threat to forests but to the technological changes which enable people to walk into a forest with a chain saw and do untold damage to what is virtually a national heritage. Apart from commercial operators there are the casual operators who wreak havoc with a chain saw. There are also those people who dig up ferns to sell. This destroys beautiful areas.

I ask for an explanation from the Minister about whether—when this Bill is passed—there will be more effective control of Victoria’s forests and whether four-wheel drive vehicles and all that goes with them will be adequately controlled. Clause 5 provides for the regulation of entry upon such land of persons and vehicles and the landing of helicopters and other aircraft. The easy access of these vehicles is a greater threat than the commercial exploitation that occurred in the past. The Government’s approach to this measure appears to be rather hotchpotch.

This is a rather serious matter and obviously there are two related Bills—the Forests (Amendment) Bill and the
Forests (Further Amendment) Bill—so there has obviously been some double thinking. It is a question of Government policy and direction, policy directions on a political basis which are probably the more important aspects of this measure rather than the administrative apparatus which is being set up to handle this problem.

Mr TREWIN (Benalla)—I share the thoughts of my colleague the honorable member for Gippsland East who suggested that the areas now confined to national parks could be comfortably included within the Forests Act to provide better protection. I abhor the attack made on the honorable member for Gippsland East when he presented a point of view of those people involved in forestry, whether it be for preservation or on a commercial basis, for the betterment of the human race or the preservation of some of our alpine areas. He is never backward in putting the point of view of the people he represents, but it is apparent that because he has a point of view those who oppose that view take every opportunity to ridicule him and to tell others that his point of view is not accepted within the community so, therefore, it cannot be correct. In years to come, those people will look back and realize that they were wrong. The provision of committees of management has allowed for the better management of these areas, whether they be regional parks, multi-purpose parks or education areas.

For many years, there have been areas which have been managed for such purposes but I commend the Minister and the Forests Commission for grouping them together and bringing them into uniformity, thus enabling better control and a more concise approach to the protection of flora and fauna in the area. Of particular note are historical areas.

There are areas all around Victoria, even on agricultural land, which are of historic interest. I know of one property that has a Quandong tree. Many years ago there were five such trees on that property but now there is only one left. No one in the district is able to grow Quandong trees. Because this tree is on the property the area could be declared as an historic area. Stone axes and Aboriginal artefacts have also been found in the same area providing further reason why it could be declared an historic area. Another example is the Organ Pipes area. It has been declared an historical area, justifiably so. I also refer to an area of land adjoining Fraser National Park which was devastated, as mentioned by the honorable member for Reservoir. I am well aware of the action taken by the property owners in that case.

I commend this Bill, in spite of its one shortcoming, that national parks should be included in the nomination of areas or parks that should be able to have their own committees of management without having an overriding council with its headquarters in one location and its men spread around the community for remote control but no responsibility for fire protection and preservation of the area.

The sitting was suspended at 6.16 p.m. until 8.5 p.m.

Mr GINIFER (Keilor)—In addressing myself to the Bill, it is as well to remind the House that approximately one-third of Victoria's land area is forested. That has an important significance in the economic development of Victoria's rural areas. Of that area, about 5.7 million acres are dedicated to reserved forests. The Bill deals with the 11 million acres of protected forests for whose management, control and protection the Forests Commission is responsible.

In this context, it is interesting that the first reservations for forestry purposes were made under the Land Act 1869 to preserve forests at the height of the gold mining industry. Since then, the Forests Commission's responsibilities have extended into a wider range such as is seen in the Bill before the House, but in that change of responsibilities the community has seen an alternative type of forest wood in the introduction of softwood plantation areas in this State. Their introduction has had an adverse effect on one area of primary production, the bee-keeping
industry within the State, and I must declare a pecuniary interest in this industry.

Softwood plantations were first established at Creswick and later in other areas of the State, but their establishment was not based on economic criteria. Each time new areas of plantations were established, it was because of a need for employment opportunities. The foundation of the Creswick School of Forestry was a follow-on from Creswick having been a gold mining town. It was in the 1880-1910 era in an effort to employ unemployed gold miners that softwood plantations were introduced. Again in the period between 1919 and 1930, after the first world war, there was an upsurge in softwood plantations. Between 1930 and 1938 further areas were planted for another economic reason, not for any reason of afforestation or reforestation. Again in the 1960s there was a further growth of the industry because of problems in the balance of payments area.

My concern this evening is the School of Forestry. With the emphasis now placed on the tertiary area of forestry education, I am pleased to see this outgoing move by the University of Melbourne because it is outgoing from the university into the community, in the same way as the School of Veterinary Science has done with its establishment at Werribee. I am concerned that the Bill enables such a move in relation to the School of Forestry at present because there was no indication in the Minister's second-reading speech and there is no indication in the Bill that financial provision will be made for these extra activities which will be undertaken by the School of Forestry at Creswick.

There are other areas of forestry education which must continue at the School of Forestry at Creswick which will be required for sub-professional training for persons in both Government agencies and industry who are engaged in the management of Victoria's natural resources. If no further financial provision is to be made for capital investment in buildings, research units and the educational facilities which are used in the sub-professional area, such as class-room accommodation and hostel accommodation, there may be a deterioration in the educational needs and requirements which have to be fulfilled in the sub-professional training area. I hope the Minister, in summing up at the end of the second-reading debate, may be able to give some indication of the Government's position on the matter and whether an undertaking will be given that this type of education facility at tertiary level, which the Bill will enable, will be accompanied by the enabling financial provisions.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Conduct of forestry schools and sharing of facilities)

Dr VAUGHAN (Glenhuntly)—Clause 4 of the Bill inserts in the principal Act a new section 26B which will enable the Forests Commission to cooperate with any tertiary institution in the conduct of forestry schools. Some time ago the Tertiary Education Commission criticized the viability of the Creswick course, the Diploma of Forestry course. That led to arrangements being made with Melbourne university. In fact, it was an amalgamation of the course. Present final year students of the three-year diploma course will complete their course during 1980, and first year and second year students of the Bachelor of Forest Science course are currently at Creswick but will complete their third and fourth years at Melbourne university within the Faculty of Agriculture and Forestry to obtain their Bachelor of Forest Science degrees.

Obviously, the arrangements under the proposed new section will be of advantage to the Forests Commission in that they will enable trained foresters and skilled applied scientists to be supplied for the forestry and related industries, but it is also of considerable advantage to the University of
Melbourne which is the particular university involved. However, the clause is more general than that in that it creates a cause for outward vision on the part of the university. Any such arrangements with universities tend only to enhance the depth of the course of study involved. I commend the clause to the Committee.

The clause was agreed to.

Clause 5 (Inclusion of land placed under management of commission)

Mr B. J. EVANS (Gippsland East)—

I move:

Clause 5, line 23, before “State” insert “national park”.

This is a relatively minor proposition but one with important implications. The effect of the acceptance of it would be to include among the powers of the Forests Commission to make regulations for State parks, regional parks, multi-purpose parks, wilderness education areas, historic areas, fauna reserves and flora reserves, the right to make regulations for national parks. The provision does not state that the Forests Commission will make regulations for national parks under the control of the National Parks Service, but it does contemplate the proposition that a national park may be handed over to the Forests Commission for management purposes in the same way as it contemplates that the Forests Commission will manage a State park, a regional park and the other types of reserve mentioned.

I point out that in the alpine study area, for the first time the Land Conservation Council has recommended the establishment of the Avon wilderness area. I assure the Committee that the only reason that proposition is being accepted in East Gippsland is that it will come under the management of the Forests Commission. If it had been recommended that that wilderness area be under the control of the National Parks Service, I assure the Committee that everybody in East Gippsland, including myself, would have fought the proposition to the end. People living in that area have reasonable confidence in the Forests Commission being able to effectively manage that wilderness area.

I fear that the controversy over national parks, which has erupted in East Gippsland and other parts of the State, particularly over the alpine area, has been taken out of context in that the opponents to the proposal of a massive alpine national park are opposed to the concept of national parks in principle but are not opposed to the proper management of the area.

It was heartening to hear the comments of the honorable member for Reservoir, because I see a glimmer of hope in that it appears there is beginning to be some understanding of the role of the Forests Commission in the area of management of our forest areas.

For the life of me I cannot find logic or common sense in having a completely separate body managing forest areas. I have no objection to the National Parks Service looking after the Organ Pipes National Park and other such national parks. There is no objection to that nor to the National Parks Service managing the Wilsons Promontory National Park because the effects of any failure in proper management will be confined to the national park itself.

The proposed national parks in the alpine area are a different kettle of fish. The effects of mismanagement and ineffective fire control measures would be felt far outside the confines of the actual parks themselves.

The amendment proposed by the National Party is eminently reasonable. It will not change the declaration of national parks proposed by the Government, but it does at least indicate the possibility that the Forests Commission may be given responsibility for managing a national park. This could well be the solution to much of the concern, disagreement and argument which has occurred. If the Government is prepared to accept the amendment, in due course, when considering the declaration of forest areas as national parks, it may consider that the Forests Commission is the most appropriate body to manage the area. If the amendment is accepted the power will already appear in this legislation, and I commend the amendment to the Committee.
Mr I. W. SMITH (Minister of Agriculture)—I am sorry the honorable member for Gippsland East did not give me the benefit of examining his amendment earlier when I could have had the opportunity of conferring with my colleagues, the Minister for Conservation and the Minister of Forests.

The honorable member is either ahead of his time or behind his time, in that one would see that there would have to be some form of rationalization of the all-embracing services of government and the way that the health and welfare dollar affects us all. It seems to me that the Forests Commission may, in the past, have been too intent in its role as a commercial operator within our forests and less intent on its role of protecting the recreational interests of people who are not interested in commercial forests.

Mr B. J. Evans—Surely they work under Government direction?

Mr I. W. SMITH—That is true, but given its responsibility, if it had the foresight and had been blessed with knowledge, which it probably has now, five or ten years ago it may well have developed confidence and a reputation which would have been accepted by the community.

I do not believe this has occurred yet, and this is why I am disappointed that I did not have the opportunity of discussing the amendment with my colleagues more directly responsible, because notwithstanding the present capacity of the Forests Commission, in my view eventually it will need to have a rationalized responsibility for forest areas declared as national parks. However, I find that impossible at this stage although I would not like to rule it out for the future.

The Government cannot accept the amendment because it has not had the opportunity within the time available of fully considering it. On behalf of the Government, I oppose the amendment.

Dr VAUGHAN (Glenhuntly)—The Opposition could not support the amendment in a pink fit. The amendment proposes to attack a fundamental principle behind the concept of a national park.

On the last day of the Parliamentary sessional period, there is not really an opportunity to launch into a philosophical argument on the nature and purpose of a national park but it certainly is not the time to attack the very principle involved in our national park legislation. The Opposition opposes the amendment.

Mr SIMMONDS (Reservoir)—The Opposition opposes the amendment but the reasons for such opposition may be worthy of discussion. I take this opportunity to question the scope of the amendment and its effect on the legislation. Obviously the mover of the amendment has not taken into account the total effect of his amendment because clause 5 is designed to regulate the entry upon such land of prescribed persons, vehicles, the landing of helicopters and other aircraft, and also imposes a restriction on the entry of animals into an area.

Obviously the amendment would restrict the scope of the legislation in a specified manner and I would have thought the Minister of Agriculture would have cognizance of the fact that the National Party amendment would have described the very reason for the introduction of the Bill into the Parliament.

Mr B. J. EVANS (Gippsland East)—The honorable member for Reservoir is clutching at straws in the argument he has advanced because the purpose of the clause is simply to confer a power which cannot be exercised unless the Forests Commission has jurisdiction over a national park. First of all, the Government has to make a conscious decision to hand jurisdiction of a national park over to the Forests Commission and in effect the amendment would have no effect until that administrative action was taken. It would not in any shape or form affect the provisions of the proposed new paragraphs to be inserted into section 50 of the principal Act.

The honorable member for Reservoir failed to point out the distinction between a national park and a State park.
For example, does the honorable member envisage vast differences in management between a national park and a State park? If so, I should be interested to hear what those differences are. If the Forests Commission can manage a State park, surely it could manage a national park.

I turn now to the objection raised by the Minister of Agriculture. I sympathize with his point of view and I am sorry that he did not get more time to consult with his colleagues. Nevertheless, the National Party would not object to the Minister reporting progress until later this day to provide himself with the opportunity to consult his colleagues on this issue. Members of the National Party are willing to wait around for another couple of hours to give the honorable gentleman the chance of giving further consideration to the amendment.

After all, it is not an earth-shattering amendment; it simply provides a power for the Government. After due consideration the Government may decide to give the Forests Commission the responsibility for managing a national park. The amendment does not refer to any particular national park but it at least provides authority for the Government should it in its wisdom decide that the Forests Commission is best able to manage forest areas in this State, whether they be national parks, State parks, wilderness areas or what-have-you. If it is a forest area, then the Forests Commission should be able to manage it. All that the amendment does is to provide the Forests Commission with the power to make regulations when the Government comes around to realizing that this is an eminently sensible and reasonable proposition.

Mr TREWIN (Benalla)—It is significant to note that the Forests Commission has already been given a responsibility for the suppression of fires in national parks. I know of no reason why the amendment cannot be accepted.

I appreciate the point of view that the Minister has not had time to confer with the Minister of Forests, who is in another House, but all that the amendment seeks is to give the Forests Commission the authority to manage forest areas. The power would be to regulate entry of persons upon such lands, the entry of vehicles, thelanding of helicopters and so on, but some authority must be given to the Forests Commission in national parks.

It must be the Forests Commission because it is the fire suppression force which will be caring for our national parks. Some five or six years ago there was a fire in the Mount Buffalo National Park. There were two groups of fire fighters in the area, one from the National Parks Service and the other from the Forests Commission. The National Parks Service claimed that it was responsible and that the Forests Commission could not come beyond a certain point or put in a fire break. The Forests Commission asked how the fire was going to be stopped and by the time the National Parks Service gave permission to the Forests Commission to take over and put in the fire break, half of the national park had been burnt out.

In future the Forests Commission will have jurisdiction over the national parks for fire-fighting purposes, and it is reasonable for national parks to be mentioned in this legislation. There is no one else sitting on the sideline to give support; it is the Forests Commission alone.

Even if the Minister of Agriculture does not have authority, the logic of the amendment should be accepted by the Committee to indicate that at least honorable members are alert and awake to the opportunity to care for national parks.

The National Party is concerned about where the authority for the parks will start and finish. Some national parks will not come within the ambit of the Forests Commission whereas some will. Those areas are surrounded by forests and access is obtained through forest land. It is essential that the national parks be defined in the Bill.

Dr VAUGHAN (Glenhuntly)—Nothing I have heard in the debate on this clause has changed my opinion that the amendment is the thin edge of the wedge in terms of the destruction of
the national park system. Therefore, the Labor Party maintains its opposition to the amendment.

The Committee divided on Mr B. J. Evans's amendment (Mr A. T. Evans in the chair).

Ayes .. .. 5
Noes .. .. 66

Majority against the amendment .. .. 61

AYES
Mr McInnes
Mr Ross-Edwards
Mr Whiting

Tellers:
Mr Evans
Mr Trewin

(NOES
Mr Amos
Mr Austin
Mr Balfour
Mr Birrell
Mr Borthwick
Mr Brown
Mr Burgin
Mr Cain
Mr Cathie
Mrs Chambers
Dr Coghill
Mr Coleman
Mr Collins
Mr Crabb
Mr Cressin
Mr Culpin
Mr Dixon
Mr Ebery
Mr Edmunds
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Ginifer
Mr Hamer
Mr Hockley
Mr Jolly
Mr Kennett
Mr King
Mr Kirkwood
Mr Lacy
Mr Lieberman
Mr McArthur
Mr McCance
Mr McClure

Tellers:
Mr Evans
Mr Trewin

PAIRS
Mr Hann
Mr Jasper
Mr McGrath

Mr Jona
Mr Dunstan
Mr Smith

(South Barwon)

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

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

LEGAL PROFESSION PRACTICE (LEO CUSSEN INSTITUTE) BILL

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

Discussion was resumed of clause 3 (Amendment of No. 6291, s. 53), and of Mr Maclellan's amendments:

Clause 3, paragraph (a), omit this paragraph and insert the following paragraph:

"(a) In—
(i) sub-section (7); and
(ii) sub-section (9)—
the words "or in default of a direction as the Council determines" are repealed;".

Clause 3, paragraph (b), lines 24 and 25, omit "as is agreed between the Attorney-General and the Council or in default of such agreement".

Mr CAIN (Bundoora)—I thank the Minister for allowing me the opportunity of examining the amendments. The impression I gained when I first read the amendments—and I think the Minister confirmed this—appears to be correct.

The amendments propose that all power in determining payments from the suspense account, which is controlled by the Council of the Law Institute, should go to the Attorney-General. As I see it, the proposed amendments to the amending Bill provide that the council involvement in the decision be eliminated. Unless some good reason is advanced by the Government as to why the Bill should be amended in this fashion, the Opposition will oppose the amendment.

When the fund was established in the first instance, there was a provision that enabled the Council of the Law Institute to act in the distribution of funds if the Attorney-General did not exercise the powers given to him by the Act. The Bill provides that the council should participate in the decision with the Attorney-General and, if agreement as to distribution cannot be reached, the Attorney-General should make the determination. The Opposition believes that makes sense. The council ought to make some contribution to the decision. It is money in a suspense account that is operated and administered by the Law Institute and the council of the institute has
knowledge of the needs, performance and requirements of the various bodies that may seek contributions—the Law Foundation, the Leo Cussen Institute and the Legal Aid Committee.

To exclude the council in the formal sense from those deliberations is wrong. I do not doubt that the Attorney-General—he is a sensible man—although he has absolute power, would consult with the council. If I can be so bold, I also suggest that the alternative Attorney-General would do likewise. However, that is not the whole answer. The Bill should entrench the role of the Law Institute council in the decision-making process, and I do not believe the Government should act in deference to pressure from some quarters that believe there ought not to be any suggestion of the Victoria Law Foundation being in any way subject to the will of the Law Institute council.

It is about as simple and parochial as that. The Opposition is not going to get worked up about the issue—I do not believe anyone else has, except those who sought the change. Any such change would be in deference to pressures exerted by people who believe they should not be beholden to anyone, including the Law Institute council. Unless there is some indication from the Government that more powerful reasons than those exist, the Opposition will oppose the amendment.

Mr Ross-Edwards—The Public Service?

Mr Maclellan—No, it was not the Public Service; it was those bodies that are constituent bodies of the Law Foundation. The Law Institute is one of the elements of the foundation and it was considered by the other elements that the Law Institute should not be the one element to be consulted in relation to funds. I agree with the honorable member for Bundoora that there is, perhaps, an atmosphere of quiet disbelief about this. It is extraordinary that although the Bill, and consequently the Act, is to be purged of the consultative clause, all power is to rest with the Attorney-General. In other words, some people apparently have more reliance on the absolute discretion of the Attorney-General than they do on the process of consultation with one of the constituent bodies.

I do not have any difficulty in saying these things, because the wrath will not fall on my head, unless I end up in the wrong place. The Leader of the National Party asked whether it was discussed with the Leo Cussen Institute. I cannot inform him whether a formal discussion was held. However, more in patient desire to get on with the job than with any great enthusiasm, the Attorney-General prepared the amendment and has placed it before the House and sought the concurrence of the House, so that we can get on with the job and, perhaps, show that our shoulders are broader than those of the people who have raised the objections. There is no great advantage in pursuing to the nth degree the source of the objections. There are two or three constituent bodies and, when one was put in a position of being consulted regarding funding for the foundation, the other elements of
the foundation were less than pleased that that would be entrenched in the Bill.

If the Bill had been presented to the House in its amended form, with the Attorney-General simply determining the amount, the question we are now debating would not have arisen. Perhaps it is a pity it did not develop in that way. If the Attorney-General has sinned in any way, it was by his generosity. I hope, before long, the Act will be amended again to prescribe for wider consultation with all the elements of the foundation regarding funding.

I advise the honorable member for Bundoora and the Leader of the National Party that I have a definite assurance that consultation will take place prior to the Attorney-General making any determination and that he will take into account the representations of the constituent bodies and, in particular, the representations of the body that is being removed from the Bill, the Law Institute council.

Mr CAIN (Bundoora)—I can perhaps assist the Leader of the National Party to some extent. Late this afternoon I made inquiries and I believe both the Law Institute council and the Leo Cussen institute were advised of the proposal. Both indicated their dissent, but were not prepared to make an issue of it. They took the larger view and are not prepared to make an issue of something that ought not to be an issue.

I accept entirely the assurance that there will be consultation, but the flag must be shown and the Committee ought to take on board what has occurred in a parochial spirit. It is a matter for regret that it did, but it has occurred and those affected have been sufficiently adult in outlook to raise no further objection.

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.

SALE OF LAND (DEPOSITS) BILL

The debate (adjourned from May 1) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

Mr CAIN (Bundoora)—The Opposition does not oppose the measure. The Bill proposes to amend the Sale of Land Act to protect purchasers who pay moneys by way of deposit on purchases that for one or more reasons do not proceed. In recent months there have been some quite spectacular examples of the consequences of that situation where deposit moneys have been paid by purchasers to solicitors or selling agents.

The vendor of a property may not have been able to proceed to complete the transaction and make title, perhaps because the amount owing on the mortgage was more than was payable or some other difficulty arose, and, as a consequence, the transaction was not completed. In a number of cases the deposit moneys paid by a purchaser had been appropriated prior to its becoming known that the purchase could not be completed and the purchaser has lost both the land and house he or she wished to buy and the deposit already paid.

That situation occurs primarily because the agent or solicitor holds the deposit money as agent for the vendor and has to account for it as directed by the vendor. The machinery that will be used to overcome the difficulty is that the agent or solicitor who holds the deposit money will not act as agent for the vendor, but as a stake-holder on behalf of both parties to the transaction.

The Bill goes on to provide for the depositing of the deposit moneys in a special bank account with payment out upon rescission by either of the parties and establishes a procedure whereby the payment to the vendor can be authorized by the purchaser when an "unconditional" stage of the contract has been reached and it is known that the transaction will proceed and title can be made.
The Opposition does not oppose the Bill. It ought to be supported. The only comment that could be made, perhaps, is that it should have been introduced earlier. The problems have been well known because of the spectacular cases that occurred last year. The Attorney-General asked the Conveyancing Costs Committee to examine this whole question, and as a result of its recommendation this Bill has been introduced.

Mr Ross-Edwards—All of the recommendations were not accepted.

Mr CAIN—I realize that. I do not quarrel with those that it sought not to adopt, either, but it was a matter of some urgency to overcome this problem and I suggest that perhaps it should have been dealt with more quickly than it has been.

The Real Estate and Stock Institute wrote a letter to the Attorney-General on 21 April suggesting a number of changes that it thought desirable in these provisions, and a copy was made available to me a short while ago. I have discussed it with the Attorney-General, and the Opposition shares the Attorney-General’s view that none of the propositions by the Real Estate and Stock Institute need attention by amendment. The Attorney-General has picked up one or two matters raised by the Real Estate and Stock Institute in the other House and they have been attended to. The rest do not require attention and I am fortified in that view by the fact that a member of the Victorian bar who is experienced in these matters confirms that view.

In the Committee stage, by way of amendment, the Opposition will seek to widen the definition of deposit to include not just money characterized by deposit by common law definition but to include all moneys paid before settlement. I will say more during the Committee stage. The measure is supported by the Opposition.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the principles involved in the Sale of Land (Deposits) Bill. It is a pity that this legislation is necessary. It is desirable when a person sells land that he should receive the deposit money as soon as possible, but because there are disreputable people, if vendors have deposits and the sales do not proceed for some reason, it is sometimes difficult to get them back. I envisage no problem, provided that an estate agent or solicitor is involved, but if that is not the case, there must be joint signatures in order to get at the deposit. If the vendor and purchaser fall out in the proceeding, I can foresee some difficulty. The only advice I can give is that a vendor would be wise to use a solicitor from now on to hold the deposit.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6975 s. 1 (3))

Mr CAIN (Bundoora)—I move:

Clause 2, page 2, lines 12-14, omit all words and expressions on these lines and insert:

“Deposit moneys” in relation to a transaction for the sale of land includes any moneys which are part of the purchase price received by the vendor before the purchaser becomes entitled to a transfer or conveyance of the land which is the subject of the transaction, or in the case of a terms contract any moneys received by the vendor before the purchaser becomes entitled to possession or to the receipt of rent and profits pursuant to the contract.

The purpose of the amendment is to extend the provisions of the Bill to moneys other than those that might be characterized as deposit moneys. I understand that the common law definition of deposit moneys would include moneys paid to secure the performance of the contract. In some instances money would be paid in addition to the normal deposit moneys during the course of the contract but before settlement or before there was an entitlement to receipt of rents and profits. If the purpose and notion behind this Bill is to protect the purchaser in respect of moneys paid by him before settlement, that protection ought to extend to all moneys paid by him before settlement. The amendment seeks to extend the definition of deposit moneys and take it
beyond those moneys referred to in the definition at present which seems to characterize only moneys paid to secure the performance of the contract, and extend it to all moneys paid before settlement. I commend the amendment to the Committee.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the amendment, but people will have to change their ways to some extent because it is not uncommon, after a deposit is paid if possession is not due for twelve months or two years for a progress or interim payment to be made after three or six months. In the contract, presumably originally there will need to be an agreement between the parties that this money can be handed over before possession or settlement, whichever comes first. If people are aware of this new Act, by agreement they can take themselves outside the Act and have the money paid over. However, I agree with the honorable member for Bundoora that for the sake of this Bill it is only right and proper that any moneys paid before settlement or possession should be part of the deposit and not an instalment or purchase money.

Mr LIEBERMAN (Minister for Planning)—The Government agrees to the amendment moved by the honorable member for Bundoora. It provides an extended definition of deposit money which the Government believes is in the interests of the community. It should be put beyond doubt that payments made which are truly in the nature of deposits should be treated in the same way as the principle of the Bill attempts to achieve.

The amendment was agreed to.

Mr CAIN (Bundoora)—Proposed new section 26 (a) provides:

Notwithstanding sections 24 and 25, where in a transaction for the sale of land—

(a) the vendor rescinds the contract as the result of a default by the purchaser, he shall be immediately entitled to be paid the deposit moneys in his own right;

I have suggested to the Attorney-General that it might be desirable to eliminate the word “he” and replace it with the words “the vendor”. In the following paragraph the word “he” should be removed and the words “the purchaser” substituted. There could be confusion as to what is intended by the use of a personal pronoun.

Mr LIEBERMAN (Minister for Planning)—I thank the honorable member. For greater clarity the Government is prepared to adopt his suggestion. I move:

Clause 2, page 3, line 10, omit the word “he” and substitute the words “the vendor”.

The amendment was agreed to.

Mr LIEBERMAN (Minister for Planning)—I move:

Clause 2, page 4, line 14, after “Strata Titles Act 1967” insert “or section 8A of this Act”.

Section 8A of the Sale of Land Act deals with the situation where a subdivision of land involves not more than two allotments. The purpose of this amendment is to make it clear that the requirements concerning the release of the deposit are not relaxed in any way by the provisions of this clause.

The amendment was agreed to.

The clause was consequentially and verbally amended, and, as amended, was adopted, as was the remaining clause.

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

POST-SECONDARY EDUCATION (AMENDMENT) BILL

The debate (adjourned from April 15) on the motion of Mr Lacy (Assistant Minister of Education) for the second reading of this Bill was resumed.

Mr FORDHAM (Footscray)—The Bill is a further and significant step forward in what is proving to be a slow process in reorganizing the structure and operation of post-secondary education in the State.

It was evident in the early 1970s that the then arrangements were totally unsatisfactory. This matter has already been the subject of extensive debate in the Legislative Council and I do not intend, for a number of reasons, to
reiterate all that material again. However, for those who are interested in this matter, and I am sure there will be a rush for Hansard, I refer them to volume 338, page 2697 where the debate is reported on the Post-Secondary Education Bill which was the precursor of the Bill now before the House.

In summary, when that Bill became the Post-Secondary Education Act it recognized a period of rapid growth in which there was a significant increase in enrolment in Victorian universities and a significant growth in the work and enrolments in colleges of advanced education, a similar explosion was occurring in technical and further education.

Now the situation is different and a need exists for greater co-ordination between what in many ways are the competing natures of those institutions and the sectors in which they participate, particularly in a period of what is called a steady state in relation to growth, so far as universities and colleges of advanced education are concerned. I might add that in the case of technical and further education there will be a significant growth in enrolments in technical and further education colleges and that can be anticipated for the remainder of this decade.

There needs to be a greater recognition of the increased capacities of the colleges and the desire on the part of our colleges of advanced education, and for those associated with technical and further education, to have greater autonomy in their operations. This subject is being grappled with, to some extent at least, tonight.

The Victorian Government was very slow to respond to what was evident to those involved in post-secondary education, that is, the need for reorganization. It was only following considerable pressure from various institutions and from many writers that finally the Partridge Committee of Inquiry into Post-Secondary Education was established in Victoria in July 1976. The report was presented to the Government in February 1978 and it was tabled in the House the following month.

In that report significant recommendations were brought forward on the reorganization of post-secondary education, some of which have been adopted and some have not, but at least the processes of government started to move into first gear on a form of reorganization.

The first steps following the completion of the Partridge report was the introduction of the Post-Secondary Education Bill into the Victorian Parliament in May 1978. In essence the Post-Secondary Education Act provided some guidelines of the structure and the functions of the commission. At that time and since, the Minister has had further information from the community at large and relevant institutions on what the next step ought to be, outlining the alternatives and seeking advice, particularly with colleges of advanced education and technical and further education.

Of course, the universities are also involved under the original Post-Secondary Education Act and, not surprisingly, because their autonomy has to some extent been impinged upon, we have heard something from universities in recent times as to the structure and reorganization of post-secondary education in this State.

The Post-Secondary Education Commission took account of the views submitted from the community at large and made a further report to the Minister on 1 June last year. Again the Minister sought further advice and issued his own statement in July 1979. Once again additional comments were received from the community and that procedure was followed with the Bill which is now before the House.

During that extensive period there has been consultation by the Government and an opportunity for all those concerned—there were many people and institutions which brought forward their points of view so one would hope that a sensible and rationale approach would have been taken by the Government to these points of view.
As I will outline later, that certainly did not prove to be the case, at least initially in essence, the Bill does two things: It provides for the dissolution of the Victoria Institute of Colleges and the State College of Victoria and, secondly, it deals with the further procedures to be used by the Post-Secondary Education Commission particularly in the approval and accreditation of courses within the various Victorian post-secondary education institutions.

It needs to be said during this debate that this is not the final step in the reorganization of post-secondary education. At least two further steps are to come. One relates to an industrial relations machinery for staff working in post-secondary education. The Minister announced some time ago that legislation would be introduced into the Parliament—originally that was to be during this sessional period—which would provide for single machinery to be introduced to meet the industrial needs of staff, both professional and administrative, with the State’s colleges of advanced education and potentially the technical and further education networks.

The other major and important step, and it is regrettable that the Bill is not yet before the Parliament, relates to technical and further education. There has been an enormous amount of procrastination by the Minister and the Government in deciding what the Government will do. With this fast-growing area and its burst of activity, it requires new direction and new organization. The teachers and colleges, indeed all concerned, recognize that and have been making statements extending over months, and in some cases years, calling on the Minister to respond and to provide a new structure for technical and further education.

However, the problem may be within the Education Department itself, where there is a clear division of opinion. Some officers within the department believe technical and further education should remain under the control of the Ministry of Education and under the operation of the Director-General of Education and the central core of the department. Others have taken the view, which the Labor Party sees as an enlightened one, that technical and further education needs to be directed away from the existing Education Department and should be seen as a significant and equal partner in post-secondary education, so that it can operate alongside universities and colleges of advanced education as an independent group.

I realize that the Assistant Minister of Education and other Ministers are still trying to make up their minds what they will do. The decision is not coming very easily and, indeed, when the Minister of Education made a press statement on the matter some time ago, he left more questions unanswered and raised more questions than the statement actually answered.

The relationship between the announced Technical and Further Education Board, which honorable members are still waiting to see emerge, and the department on the one hand and the Post-Secondary Education Commission on the other is very much up in the air and it is appropriate that Parliament should have the opportunity to debate this matter. One hopes that the Green Paper, which honorable members might see later tonight, will provide some guidelines on what will occur with technical and further education. That has been one of the reasons given by the Government for the delay and for not including technical and further education within this Bill.

If no firm announcements are made in the Green Paper about what the Government intends to do with technical and further education, there will be many disappointed people, people who I believe have been waiting a long time for technical and further education to be formally recognized and for the Government to bring forward its policy on the relationship between technical and further education and these other sectors of post-secondary education.
As I say, I look forward very much to the introduction of that measure—and indeed, I hope it is during the next sessional period and I certainly hope that it will not be done simply by regulation under the provisions which will be debated fully during the Committee stages of this Bill tonight.

There are two introductory comments I should like to make on the Bill before the House. Firstly, concerning the general powers of the Post-Secondary Education Commission, the Act under which that commission was established provides in section 5(1)(a) that the functions of the commission are to work in fields of planning, organization, administration and coordination of post-secondary education in Victoria. That is obviously open to very wide interpretation and already one is starting to get the view that different interpretations have been adopted by some of the institutions and by the commission itself.

In terms of co-ordination, I am sure I would reach agreement with the Minister that there is no doubt whatsoever that there is a need, a long overdue need, for a body to be responsible for the co-ordination of the various aspects of post-secondary education in this State. In reality, there is a significant overlap of interest and operation between the technical and further education colleges and the colleges of advanced education. At the other end of the structure there are the colleges of advanced education and the universities. There is a need to overcome the problems in operations between all these bodies. In some cases, a potential waste of public funds has occurred in the past and there needs to be an opportunity for co-ordination. One would not argue about the commission having that role.

The second aspect is planning and again I am sure I would be in agreement with the Minister. It is important that a body be established to plan for the future, with the potential of college growth, in the advanced education sector, but more particularly for technical and further education. There is also a need for planning new course developments and a planning role is obviously required by the commission.

Similarly, there needs to be a periodical review of the organizational structure in which the colleges should operate. For example, we have three clear divisions and at the moment there is a possibility of the lines of division being blurred. The potential exists for community colleges emerging, already one in Frankston is being mooted, joining aspects of the technical and further education area and the colleges of advanced education. In a sense what has not occurred in the past is now quickly emerging.

A body which can look at further organizational patterns for changing needs is required. It is the last keyword which could become crucial and that is the role of the Post-Secondary Education Commission in the "administration" of post-secondary education in Victoria.

Does that mean that the commission is meant to be involved in the day-to-day operations of the institutions which are the bases of post-secondary education? I make it clear that that is not the view of the Labor Party. We see room for significant conflict emerging over the coming months and years between the commission and the new institutions, particularly the colleges and even the universities, unless some clarification is given by the commission and a statement is made by the Minister on the role of the commission in terms of administration.

The Labor Party believes very much in the notion of college autonomy. The Minister's second-reading notes indicate that the Government also supports the notion of increased autonomy for these colleges and that is why there is the dissolution of the Victoria Institute of Colleges and the State College of Victoria, but it would be foolish indeed to replace that system of administration with another. It would be very foolish indeed for the Post-Secondary Education Commission
to be involved at all in the day-to-day administration of post-secondary education in this sense.

If the Government is to overcome the potential problems—and I am a little fearful they are not just potential, they already exist—the commission has to operate with a good deal of sensitivity in handling these institutions. On the specific power of the Post-Secondary Education Commission in relation to the incorporation of colleges, under the new provisions for the incorporation of colleges as introduced in the Bill, the Government has chosen not to have a direct relationship with each college in contrast to the universities where there is a separate Act and regulations for each university council.

I accept that it is unwieldy and unnecessary for each of the post-secondary education institutions to have a separate Act. However, it would have been more desirable, if there had been the opportunity, for each individual college council to have been able to approach the Government in the framing of the relevant regulation. However, the emphasis is significantly different in the Bill in that the matter rests with the Post-Secondary Education Commission.

The commission will approach the Governor in Council and in essence the commission will have the final say. Clause 24 of the Bill provides the commission with unnecessarily wide powers in this regard. Of course it can be argued that the Government simply wishes to facilitate a uniform approach to the reconstitution of college councils. That is desirable and there ought to be some fundamental changes, especially in terms of staff representatives on college councils.

Many of the colleges have taken a very firm stand on the matter. Over the last decade, the universities have been easily able to accommodate the inclusion of both junior and senior staff in significant numbers on university councils. The colleges have been most reluctant to take that step. It is to be hoped that some encouragement can and will be given.

However, one also needs to recognize the diversity of history in the operation between the colleges of advanced education. The matter will depend upon the sensitivity of the commission and the weight which it gives to the views of each individual college and each individual college council. It is to be hoped that the commission will not have to move in with a heavy hand or a heavy foot, but that it will take account of and respond to the wishes of the various councils which have provided good service to colleges of advanced education over the past fifteen years.

Frankly, the record of the commission to date does give some cause for concern in the eyes of a number of persons in the community. I refer specifically to the very clumsy way in which the commission late last year handled colleges that were involved in teacher training. As is now generally known, there was a meeting called early in December at which each college principal was handed a sealed envelope and told not to talk to anyone else about what was in the envelope which contained the recommendations of the commission for the relevant college as to proposed enrolments for each college for 1980 and the rest of the triennium.

The response to the data provided and the process which the commission undertook as one of its first significant roles was one of significant criticism of the commission. It is a pity that it has got off to such a bad start.

The data has been called into question. It is difficult to make precise projections of teacher requirements at a State and national level over the next decade. I appreciate that problem. That is all the more reason to have a decent and proper process of consultation between the commission and the colleges provided for by an Act covering the responsibility for the management of the colleges. To expect colleges in early December, when they are given the data, to suddenly change their proposed enrolments for early February, some two months later, is unthinkable. Not too many college
councils meet in late December and early January. It was a mistake in terms of process. I have no doubt about the intentions of the commission, given the time constraints imposed, and they have been explained in some detail. However, the result of the process and the work undertaken have resulted in the reverse occurring.

It is recognized that the commission has a difficult but important role in education for the remainder of this century, but not only in terms of education. The decisions made by the commission will have enormous ramifications on the entire operation of the community. The commission will, in a fundamental and important way, determine the number of apprentices to be trained and the number of graduates in one discipline or another. Therefore, that important role must be recognized, but, because of its significance and the potential for mistakes, the commission must act with enormous sensitivity. There must be a process of consultation with the Minister on the one hand, in terms of over-all Government policy and with the colleges on the other because of their experience, knowledge and good record in post-secondary education.

I do not want to be seen at this stage as a critic of the commission. I have enormous respect for Dr Allen. I know of his work over many years in post-secondary education and I applauded his appointment and maintained whole-hearted support for him. I wish the commission well in its difficult task and hope that it will heed my comments.

The Bill has had a torrid history. It was introduced into another place last November with a view to obtaining further comment from interested bodies and individuals in the community. No doubt to the surprise of the Minister—especially given the long time which he had had beforehand—there was a strong negative reaction in post-secondary education to the Bill. The reaction was based on two grounds: Firstly, that it originally applied only to one of the three essential sectors; that is in essence, it dealt only with colleges of advanced education, and, in the large measure, the universities and technical and further education colleges were left out of the original Bill in any meaningful way. Secondly, the criticism focused on the totally inadequate approval and accreditation procedures provided in the original Bill.

Those responsible for the drafting of the Bill showed a total and complete lack of understanding of the complexity of post-secondary education, despite the reams of submissions tendered. Opportunity after opportunity was created by the Minister, but there was still a failure by the government to respond and understand the needs and views of post-secondary education.

Hence, one saw the Victoria Institute of Colleges, the State College of Victoria, individual institutions, and staff associations protesting by letter, telegram and submission. There is little point in traversing that ground again because several phases have been followed since that original Bill was introduced last November.

The next phase was the introduction of a significant batch of amendments by the Minister. It was quite a thick pile indeed and undoubtedly that batch represented some advances in terms of approval and accreditation but, despite all these amendments and earlier consultations, there was widespread concern by the colleges and their co-ordinating bodies and, for that matter, some concern expressed by the universities who considered that their autonomy was being impinged upon.

Following these further submissions in response to those amendments, further amendments were introduced by the Minister. That is a unique method of legislating and it may be appropriate to a Bill on a subject of this sort. However, I personally have found the matter most interesting, and one could alter a speech every few weeks to meet the changes made in the Government's Bill and amendments. However, there was a further phase of discussions, some public and some private, and a further set of amendments were introduced which, fortunately, were
able in large measure to meet the concerns and views of most of the institutions.

Therefore, the Bill is significantly different from the Bill that was first introduced. It is in essence a purified Bill. However, I am not suggesting that everyone is happy—not by any means—with the Bill now before the House.

I reiterate that technical and further education is still, in large measure, left outside the provisions of the Bill. There should be specific legislation dealing with the structure and operation of technical and further education which should be contained in the Bill. However, it is not and that is a disgrace.

The colleges of advanced education are concerned about some aspects of the Bill, especially two aspects: Firstly, their autonomy as individual institutions, vis-à-vis, the commission. Secondly, they are unhappy with the matters I mentioned earlier. That is, the powers of the commission in relation to the colleges of advanced education are very significant and will depend upon the sensitivity of the commission in its operation. There are differences between the colleges in their approach. I am not suggesting that all the colleges of advanced education had a uniform approach to the matter. On the contrary, significant differences emerged during the debate.

The other group that proved to be more than a little unhappy was the universities. There is genuine concern voiced by universities at the provisions that have finally emerged in the Bill. They are focused on two major aspects of the Bill: Firstly, the requirement that universities give four weeks notice to the commission before making representations to the Tertiary Education Commission, and secondly, the requirements for approval of new courses of study. I will briefly canvass each of these matters.

Firstly, on the requirements for four weeks notice, on a first reading it appears ridiculous that before any representation—any letter between a university and the Tertiary Education Commission in Canberra or any of the three councils that operate under the commission—four weeks notice must be given to the commission.

Fortunately, there is also a provision in the Bill whereby the commission can either reduce or dispense with the period of notification, and so honorable members again see significant power being given to the Post-Secondary Education Commission in a way that was not envisaged by the Opposition when the commission was first mooted. I doubt whether it was envisaged by the Government when the Bill was introduced. It was certainly not envisaged by the various institutions. It will depend on how the commission uses this power, if the legitimate aspirations of the universities in this State are to be satisfied. I hope for the sake of all concerned that the commission will act very sensibly. In the vast bulk of correspondence that flows between the universities and Canberra, they should not need to give four weeks' notice. That is totally unnecessary. Such involvement with the universities' administration would be quite out of keeping with the notion of a co-ordinating, planning and organizing body.

Deakin University, which has been assiduous in its representations to many honorable members, has suggested that the Bill should be amended and that it is only in relation to the new teaching development and funding that the requirement of notification should apply. That is a very sensible proposal. I regret that I have not had time to discuss this with people in Canberra, or with the commission, but I suggest that the commission give serious consideration, in its operation in practice, to requiring four weeks' notification. If it does not, the Government will have to introduce an amending Bill in the spirit of that sensible proposal from Deakin University.

The other aspect that the universities are concerned about is the notion of approval. The universities have been depicted as national and international institutions. They say they are a body of scholars who relate in a way that is unique to any other organization in our community, and so they say that it is
improper for a State body to be interposing itself in any way between these institutions and their funding body—which they recognize is the Commonwealth Government. They argue that the provisions will provide for a duplication of work in terms of approval of courses of study, between Canberra and now here in Melbourne.

They quote the Williams report, which reiterated the view that the Tertiary Education Commission alone should be concerned with each of the universities. That is an important and powerful argument that should be considered and answered. I believe it can be answered. Again, it depends on one’s view of the role of the Victorian commission. If it is one of co-ordination, planning and organization, it can have that power of involvement in new course developments, if they operate it with sensitivity. But if it is simply to be used as a device for the commission to be involved in the day-to-day administration of universities, it will prove to be disastrous and will unquestionably diminish the standing, the work, and the authority of universities in the eyes of the Australian community and the international community, and it should not be used as a measure of interference.

On the argument about duplication, it ought to be made quite clear that it is the view of the national Government, and it is the view of the Tertiary Education Commission, that there should be State co-ordinating bodies, and the universities have to accept that that point of view has been put forward on a number of occasions by the Tertiary Education Commission. In the debate of 1978, I referred to a Tertiary Education Commission recommendation, and I refer to it again, on page 2708 of Hansard. I quoted the "Recommendations for 1978", which stated:

The rationalization of institutions must be a matter for the State authorities which have responsibility for the institutions in their own States.

And again the commission, in its report for the 1979–81 triennium, said:

These developments in the various States reinforce the commission’s stated belief that the rationalization of institutions must, in the first instance, be a matter for the State authorities which have the responsibility for the institutions in their own States.

The Tertiary Education Commission has clearly devolved this responsibility, and quite properly, to a State co-ordinating body. There has to be a rationalization at the State level because of those intersectorial differences and conflicts that I spoke of before. That rationalization process has to be accepted, and if it is, any new course development, whether at university, at colleges of advanced education or Technical and Further Education colleges, needs to come under the general overview of that State body, so that there is not further conflict between the various institutions.

I strongly suggest to the universities that, if they are concerned about their autonomy—and they have to be concerned about it—the real threat to the autonomy of the universities should not lie with the Post-Secondary Education Commission, but with the present funding policy of the national Government. The universities know well—and they have tried to publicize it—that their autonomy is being threatened by the totally inadequate funding of universities in Australia. It is a disgrace. The research effort, in particular, is a disgrace in Australia, and if universities are to maintain their standing, both nationally and internationally, there needs to be a much greater financial commitment. Of course universities can be concerned about their autonomy. I pledge the Labor Party to ensure that the commission does not get itself involved in the administration of universities in this way, but I suggest that universities direct their efforts to the national Government for additional funds for universities to undertake their important and vital role.

I was fortunate to attend a university in this State, and I fully understand, comprehend and support the aspirations of universities. I assure them of my continuing support in any way possible.

The function of the commission, in relation to the university new course developments, should be confined to this question of intersectorial conflict, I ask
the Minister in his answer—and I hope he will make one—to give his view, and I hope it is the view of the Government, of how he would see the relationship developing between the universities in this State and the commission. I undertook to the universities to raise this matter during debate, and I know that they are waiting eagerly to hear the response of the Minister on this important matter.

There are obvious areas of potential conflict in the future; to name one—the area of engineering. There has been in the eyes of many, certainly in the eyes of the Partridge committee, an oversupply of engineering courses in Victoria. Too many colleges, in recent years, have been mounting engineering courses. If a university now decided to move into this field, it would clearly be inappropriate and, in those circumstances, the commission, as the co-ordinating body, should be able to step in. One would hope with the sorts of approaches and attitudes of universities that they would not be seeking to move into these fields, but there needs to be this sort of safeguard for the future. I look forward to the Minister's comments.

The other aspect in this regard is that universities have suggested that some of their areas of activity do not impinge on the colleges, such as honours degrees, PhDs, and their masters degree by thesis. They have suggested that these course developments should not require the approval of the Post-Secondary Education Commission. I think that matter also should be seriously considered by the Government, and the Minister may care to respond to that matter as well. I hope the commission will not try to take upon itself the determination of the number of PhDs, or the form of masters work that is to be undertaken in our universities.

The other general point I wanted to make has been the bitter and disappointing in-fighting between the various post-secondary institutions since the Bill was first introduced. Unfortunately, it parallels the same process, the same difficulties, that were seen in 1978 when the original Post-Secondary Education Bill was introduced into the Parliament; when we saw a flurry of activity and, in some cases, abuse between the colleges and their representatives on the one hand and universities on the other. I was optimistic that that was a thing of the past, and although I accept that it was not quite so bad this time round, there is no sign of the universities, the colleges and the Technical and Further Education institutions coming together in a meaningful way in the interests of post-secondary education in this State. Why cannot the vice-chancellors of our universities, the directors and principals of the colleges of advanced education and the heads of technical and further education colleges try to relate to each other, and understand the interests and views of the other institutions? It is not too difficult. They are complementary in large measure, but there has not been a willingness to any significant degree to bridge that gap, narrow though it might be. I hope the commission will try to facilitate such bridging. I know that the previous Minister tried to do so through his advisory council on tertiary education, but it failed. The institutions were more jealous and concerned about their individual rights than about the whole process and the needs of post-secondary education. I hope that will prove to be a thing of the past, and the commission will be more successful in bringing together those bodies and those institutions.

The last thing I would like to do is to make some reference to those bodies now being phased out by the Bill, that is, the Victoria Institute of Colleges and the State College of Victoria. It is a great pity, and a great weakness, of the Minister's second-reading speech that only a curt acknowledgment was given to the work of these bodies over many years. There will not be another opportunity on a Bill for credit to be given, and I intend to take that step tonight.

The Victoria Institute of Colleges was established fifteen years ago following the Martin report of 1964—a national report. Victoria was the first of the States—and I think the Government of the day should be commended—to take
the initiative and to grasp the opportunities that were put forward in the Martin report, that is, the need for this country to rapidly develop an alternative, but a different, post-secondary education network to that of the universities, to be called colleges of advanced education. In 1965, the Victoria Institute of Colleges was established through an Act of this Parliament. In 1967, the colleges were under way with the affiliation of some of the existing institutions. In 1967, off to a modest start, there were 7500 full-time students and 7000 part-time students. By 1980, there were 19,000 full-time students in the Victoria Institute of Colleges, 14,500 part-time students and an additional 3000 external students. They are involved in some fifteen colleges—ten in the city area and five in the country.

The Victoria Institute of Colleges emphasizes the vocational aspects of its colleges and a study of its courses and has done it remarkably well. I shall quote Dr Don Edgar, the former reader in sociology at LaTrobe University, who recently spoke at the graduation ceremony at LaTrobe University. This is his comment on the work of the Colleges of Advanced Education over the period I am speaking of:

The 1970’s also saw, however, a powerful threat to universities develop in the CAE’s. ‘Different but equal’, ‘vocational rather than general’, ‘applied and practical rather than theoretical’ were the catch-cries. Ironically, the CAE’s found themselves forced to provide a general education, for a trained technocrat with no ideas or flexibility is useless in modern society. In addition, and again ironically, the CAE’s in their struggle to build empires, to be ‘different’, left the universities behind at the frontiers of knowledge (as before, twiddling their thumbs). Closer to the world of science, business, the work-place, they were able to innovate, to place students in relation to real-life problems, where theories had to respect practical challenge.

In a succinct way, that is the proper comment on the success of colleges of advanced education in Victoria between 1965 and 1980. There was recognition not only by the commercial and industrial world but also by students and their families that this was another form of tertiary education open to students in Victoria. Their range of courses—the UG 3s associate diplomas, diplomas and degrees, and more recently graduate diplomas and master degree courses—has been remarkable in its growth and success story.

The Victoria Institute of Colleges is to be congratulated for its work. It was able to draw on the expertise in the community at large, whether in Government, commerce or industry. People willingly gave their time and services to the various sub-committees within the Victoria Institute of Colleges in order to ensure that the standards were appropriate and to ensure that there was a decisive, decent and proper opportunity for education for tens of thousands of young and not so young people in Victoria.

Many individuals can take the credit for those developments. I shall refer to some of those people. Sir Willis Connolly was chairman of the planning committee of the Victoria Institute of Colleges in 1964, chairman of the interim council from 1965, president of the Council from 1967 to 1973, president again from 1978, and a member of council in between. His wise counsel to Ministers and others, including shadow ministers, resulted in the Victoria Institute of Colleges Act being what it is. He brought a tremendous breadth of knowledge and a practical approach to the needs of the institutions and the students in their care.

Similarly, reference must be made to Dr Philip Law, one of the outstanding men in Australian education in this century. I have no doubt that increasing recognition will be given to his unique talents and to his drive and energy in the work of the Victoria Institute of Colleges. He came to the position of vice-president in 1966 following academic experience at the University of Melbourne and a distinguished career as director of the Antarctic Division of the Department of External Affairs. His drive and vision in the role of advanced education, his total enthusiasm and confidence in advanced education became infectious to those who worked with him and those he was able to contact...
both at national and State Government level. He was an outstanding promoter of the college system.

Many other men within the Victoria Institute of Colleges have given valuable service to that institution. I recall Ron Parry, who was the first registrar and later the first deputy vice-president of the Victoria Institute of Colleges who recently moved to New South Wales, and more recently Hartley Halstead.

My final comments relate to the State College of Victoria, the other body that is being dissolved as a result of this measure. This body has been functioning since 1972. Legislation was passed in this Parliament for eight years, essentially dealing with these colleges. The old teachers' colleges within the Education Department were yearning for some form of independence but like most parents the Education Department wished to hang on to its children and was reluctant to give autonomy and freedom to the colleges.

It was not until considerable pressure from Canberra and the colleges themselves that the Government gave way in 1972. An interim senate was set up in July 1973 and, once again, there was a significant period of growth within those colleges. Last year there were some 12,000 full-time students and 4,500 part-time and external students within the State College of Victoria.

Many new courses were established over the eight-year period at diploma and degree level with a growing number of graduate courses to meet the needs of teachers and the education system. The State colleges can be proud of their efforts. They are held in high esteem throughout Australia, and I believe that their awards are recognized not only in Australia but overseas. I am sure those colleges have been fostered very well by the State College of Victoria. A number of individuals have given outstanding service.

The first chairman of the interim senate was Edmund Jones, who brought his own business practice to bear in those early founding days. He was a significant figure together with the first vice-president, Doug McDonell, in getting that State College of Victoria under way in those difficult times in the early 1970s. The second chairman of the interim senate and later the first president of the State College of Victoria was Neil Smith, who is known to most members of Parliament as an assiduous and capable senior public servant in Victoria. Mr Smith was appointed to this field not because of his intimate knowledge and work in education but because of his proven ability to be able to work in a difficult situation.

At the time of his appointment there were strains and problems within the State colleges and between the State College of Victoria and the Victoria Institute of Colleges. Mr Smith played a key dominant role, together with Sir Willis Connolly, in overcoming them. It is interesting to note that Sir Willis was with the State Electricity Commission. Doug McDonell was the first and longest serving vice-president from 1973 to 1976. He was the most important influence on the development of the State College of Victoria and his advocacy was adopted by the colleges.

The growth of degree courses within the colleges was an important step which Doug McDonell was able to foster. He was followed by Mac Hill as vice-president for one year in 1977 and by Graham Allen, the third vice-president during ten months in 1978, before his appointment as chairman of the first Post-secondary Education Commission. Graham Allen demonstrated irrepressible energy and enthusiasm and was able during those difficult days when it was clear there would be fundamental changes within the system following the passage of the first Post-secondary Education Act, to hold the ship together and to maintain the integrity and strength of the system.

More recently, Dr Norman Curry succeeded Graham Allen as vice-president in November 1978. He will remain as vice-president until the dissolution of the State College of Victoria, presumably some time later this year.
During his period as vice-president the staff of the vice-president’s office of the Victoria Institute of Colleges moved in with the State College of Victoria staff on the Invergowrie site in Hawthorn. Dr Curry’s patience and sense of humour has contributed to the success of the joint arrangement at Invergowrie. There were many doubts among the staff of the two organizations about whether the joint arrangement would prove to be satisfactory. It has done so.

The creation of the first Post-secondary Education Commission and its increasing involvement in the coordination of advanced education has obviously created difficulties with the State College of Victoria. Dr Curry’s leadership and complete integrity and courage in view of the difficulties and strains placed on him and his staff has carried the State College of Victoria during its most difficult period. Teacher education in Victoria has undoubtedly benefited from the leadership which Dr Norman Curry has demonstrated.

The Bill before the House is of great significance but a lot will depend on the people who operate it. A lot will depend on the Minister and the members of the commission and how they will use and exercise the powers that were given to them originally under the Act which are significantly expanded by this measure.

The Opposition wishes the commission well, is confident that it will prove to be a step forward and looks forward to further growth in tertiary education in Victoria for the well being of the many tens of thousands of students who pass through these institutions every year.

Mr WHITTING (Mildura)—This is an unusual Bill. It is extremely important because history is being made in the passing of this measure. It is unusual because although it contains a large amount of legislation it contains only eight clauses. There are, as the honorable member for Footscray pointed out, a considerable number of amendments already incorporated within the legislation and I understand there are possibly more still to come.

Therefore it is probably better to debate this Bill as a Committee Bill, and not in the usual course of Committee debates because each clause will have a reasonable number of points to be discussed and possibly a number of amendments to various parts of each clause. For that reason debate on this Bill will be rather time-consuming.

I congratulate the Deputy Leader of the Opposition on the speech he has just made about the development of the Victorian Post-Secondary Education Commission. He pointed out that although the parties concerned were at considerable arms length situation at the start of discussions on this Bill they have come closer together but, as yet, have not reached complete unanimity on the question of how the Post-Secondary Education Commission will operate under the new legislation from now on.

It is difficult in any legislation to get complete unanimity. That may never happen. I was interested in the Minister’s second-reading speech to note that he was philosophical and came out with a couple of points that may be worth reminding the House of at this stage. One point that took my notice was:

Persons undertaking courses must be confident that their studies are directed correctly both in content and standards involved. The community must be assured that an award given by an institution is accepted and respected by other institutions, professions and employers.

He went on to point out the number of submissions received by the Minister and himself regarding possible improvements to the Bill and gave a reassurance that, “The Government has no intention of creating an unduly centralized bureaucracy”. I hope that, in years to come, that comment will stand up, under the direction of the present Minister and Assistant Minister of Education and prove to be a fact of life in Victoria.

The other point he made was that the commission was intended, and under the Bill is intended, to take an overview of all post-secondary education. If the commission operates under those
guidelines, there probably will not be nearly as much trouble as some people foresee at this time. The Bill provides an umpire who may be required if agreement with or within an institution cannot be achieved, and it was thought that this role was most appropriate to the Governor in Council. We of the National Party have some misgivings about the fact that it has been left to the Governor in Council to make these decisions. That organization can be a fairly broad structure at times. At other times it is a rather limited number. I hope that sound counsel will prevail when an issue is referred to the Governor in Council for arbitration or conciliation and that the words of the Minister will be fulfilled that, "I give an unequivocal assurance that no action will be taken under the provisions of these clauses without the fullest consultation as is required under the legislation". If the Minister and the Assistant Minister can adhere to that, some fears held by the National Party will be allayed.

The Bill is wide-ranging in the new provisions it makes within the Post-Secondary Education Act. The two points the Deputy Leader of the Opposition pointed out clearly were the matters of approval of courses of study and accreditation. One cannot help but feel that the discretion of the commission is extremely wide. Clause 2 of the Bill proposes to insert in the principal Act a new Part II. under the heading "Approval and Accreditation of Courses of Study". Under division 3 of the proposed new Part II., the commission may, in its discretion, grant or refuse to grant approval of a course of study. Obviously, there will from time to time be discussion of whether a course of study can be approved.

As the Deputy Leader of the Opposition pointed out, already some influence is being exercised by the Tertiary Education Commission by way of funding for various courses. It may be interesting to note that, not only on this point, but also on the question of post-secondary education institutions having to give prior notice to the commission of approaches to any Commonwealth body concerning funding or any other matter, four weeks' notice in writing must be given to the commission.

The provision adversely affects universities as compared with the various other institutions and colleges that have been involved with the Bill up to date. As has been pointed out, all the universities have made strong representations to a number of members of Parliament and to the Ministry itself. I quote part of a paragraph from Professor Scott, Vice-Chancellor of La Trobe University:

Having spent so much of my academic life in the United Kingdom where universities are free, as in most Western countries, to determine their own academic programmes, I find it strange that Victorian universities are now subject to direction both from State and Commonwealth.

The point is that, although the theory behind the provision is that there will be a rationalization of courses and approaches for funding for courses through the Tertiary Education Commission, there is strong power residing within VIPSEC to control, or to become what one may call a bureaucratic nightmare in its control of, operations of the post-secondary education institutions in this State. Honorable members know the commission will not always use that power. Nevertheless, there is the fear that, if it finds it has a recalcitrant organization to deal with, it can, in the popular jargon, wield the big stick and try to bring that organization to heel by oppressive bureaucratic methods. If that happens, there will be wide divisions within the post-secondary education section in Victoria.

Much comment has been made on the need to give notice under the proposed new section 22 of the proposed new Part II. of the principal Act. The provision has applied to post-secondary education institutions other than universities in the past, and it was even stronger than that. The provision originally was that no representations in writing to any body established under the law of the Commonwealth could be made without the prior consent in writing of the commission or unless it had given four weeks' notice to the commission of its intention to
do so. Then the other provision prevails that the commission must reply indicating whether there should be some attachment to those representations when they go to the Tertiary Education Commission. The additional point added by the Bill is contained in sub-section (2) which states:

(2) Notwithstanding anything to the contrary in sub-section (1), the Commission may in its discretion, on the application of the post-secondary education institution or authority concerned, either generally or in a particular case or class of cases reduce or dispense with the period of notice which the post-secondary education institution or authority is required by sub-section (1) to give to the Commission.

This obviously will be the area in which most of the test cases will be tried, especially in the early stages of the operation of the new Part, if universities can be given that reduction or a complete dispensation of the period of notice. It may be interesting to indicate that all of the universities strongly believe all that should be required of them is that, at the same time as a letter is sent to the Tertiary Education Commission, a copy of that letter should go to VIPSEC. They believe there would still be time—and I agree—for the Post-Secondary Education Commission to either approve or disapprove or make some comment to the Tertiary Education Commission on the proposal. That may well have the desired result but it will be interesting to see how the saving sub-section (2) is used by the commission in allowing the reduction or the total dispensation of the time that is required for notice to be given.

The National Party agrees that it probably has to be a case of trial and error to begin with, but is concerned that there could be real problems if the provision is not used correctly.

The other major issue is with regard to the accreditation of courses. Proposals have been put forward as to who should comprise the Accreditation Board, how the board should operate and so on. The only comment I make is that the National Party may take the matter further during the Committee stage—is that I appreciate that the Government has endeavoured to leave the composition of the Accreditation Board as wide as possible and has not specifically nominated persons who should be appointed to it. I make a plea for a representative with very clear and keen knowledge of problems confronting country institutions. Obviously the Assistant Minister is not aware of the difficulties faced by colleges of advanced education at Ballarat, Bendigo, Warrnambool or the Latrobe Valley in putting their case when problems of accreditation of a particular course of study arise and members of the board are not fully familiar with the needs of an area that may have a specialized type of course for which it is seeking accreditation. The members of the board may not be particularly interested in a course from, for argument's sake, the Warrnambool Institute of Advanced Education. One hopes such a situation will not arise. The Assistant Minister is known to be a fair man and I hope he will see the wisdom of complying with this request at least to some extent.

The Deputy Leader of the Opposition made much play on the "problem", as he saw it, relating to the position of TAFE institutions at this stage. New ground is being broken in this area and there will probably be some difficulty as to who should administer the TAFE area. At present it is attached to the technical division of the Education Department and there is, at the administrative level, some confusion about how far and when that situation will be clarified, when the TAFE colleges as they are set up and TAFE courses as they at present exist will achieve some degree of autonomy and be able to carry out their administration under their own auspices rather than being attached to the Technical Schools Division of the Education Department, if that proves to be the decision of the Government in the long run.

I compliment the Assistant Minister of Education for giving approval for the funding of the tender of the Sunraysia College of Technical and Further Education.

Mr Fordham—Where is that?
Mr WHITING—That is situated right in Mildura. The first stage cost of the building is some $5035 million and the Minister obviously took a strong decision when he gave that approval. I compliment him on it. This is again making history, although perhaps in a much smaller way than the Bill being dealt with this evening, but it is a step in the right direction in providing what are termed middle level courses.

The DEPUTY SPEAKER (Mr A. T. Evans)—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr MACLELLAN (Minister of Transport), the sitting was continued.

Mr WHITING (Mildura)—The Deputy Leader of the Opposition commented that with the termination of the Victoria Institute of Colleges and the State College of Victoria, tribute should be paid to those persons who originally started those organizations and carried them through to the present stage. Although I will not say anything about the Victoria Institute of Colleges, the honorable member for Benalla, who has served on the council of that institute since its inception, will comment on that aspect.

On the State College of Victoria, Mr Douglas McDonell, who was vice-president of that organization, should be complimented for overcoming the difficulties that originally existed when a large number of individual teacher training colleges were brought together under the one umbrella and the groundwork had to be implemented to ensure that that organization ran smoothly. It has done so up until the past two or three years. It was a feather in the cap of the State College when the vice-president of only ten months' standing, Dr Allen, was appointed chairman of the commission. Anybody who has met Dr Allen will realize that he possesses a lot of vitality and was appointed to the position largely at the instigation of the Treasurer. Dr Allen's ability has contributed to the improvement of the commission which will obviously continue to operate without any difficulty.

The National Party is a little apprehensive about the extended provisions contained in the Bill. A good deal of care will have to be exercised in the use of its power. Given the guidelines provided in the Bill and the goodwill on the part of all the institutions covered by the commission, all educational institutions will benefit.

As Victoria moves into a wider variety of post-secondary education, the legislation may need further extensions. Undoubtedly, the Government will keep that factor in mind and at the appropriate time will make the satisfactory extensions and improvements to legislation that covers an important aspect of education.

Dr COGHILL (Werribee)—In view of the eagerness of another place to further consider this Bill, I will be brief. I congratulate the shadow Minister of Education on his full and valuable contribution on the Bill. His speech will go down as a valuable document which will be used as a future reference. I will expand on the consideration given to the Bill by commenting upon the place of agricultural and horticultural education under the provisions of the Bill.

Agricultural and horticultural education in Victoria is offered by the Department of Agriculture and by one private institution. The Department of Agriculture institutions are the Burnley Horticultural College, the Dookie Agricultural College, the Glenormiston Agricultural College, the Longerenong Agricultural College and the McMillan Rural Study Centre.

The department's Gilbert Chandler Institute of Dairy Technology offers some courses, although it does have a range of other responsibilities. That institute is situated in the electorate of Werribee based at the Animal Research Institute. The private institute is the Marcus Oldham Farm Management College.

The various institutions of the Department of Agriculture offer a broad range of courses both in content and
in form. These courses operate at a reasonable cost and are well geared to the needs of the industries which they serve. They also make good use of other personnel available to them in the Department of Agriculture and beyond.

The institutes of the department are in a special category with the funding they receive; they receive both Commonwealth advanced education funds and technical and further education funds. The Commonwealth funds support what are known as UG2 and UG3 courses—that is, three-year diploma and two-year associate diploma courses. The technical and further education courses offer streams 2, 4, 5 and 6. The Gilbert Chandler Institute of Dairy Technology courses are funded with the support of technical and further education funds and they include short courses and diploma courses.

The Marcus Oldham college serves a different type of purpose and has a different role in agricultural education, being geared much more to the education of young men and women who will return to active farming careers. The problem with these various establishments is that they have not been considered in the Bill and, therefore, there is no provision for them. As a result, agricultural and horticultural education has been left sitting very awkwardly. That is partly because it receives funds from those two distinct sources, the Commonwealth advanced education and technical and further education areas. However, because of the association of these establishments with the department there is a reluctance on the part of the Department of Agriculture, as there was with the Education Department, to set up what are now the State colleges.

Marcus Oldham college is concerned that some restrictive clauses in the Bill will prevent discussions with some of its traditional sources of funds without the commission's approval and it is concerned that it may affect its future operation and development. The Government should consult with each of these agricultural/horticultural institutions to establish what can be done to integrate them with other educational institutions and free them from the controls exercised by the Department of Agriculture.

One proposal that has been floated is that education institutions of the Department of Agriculture should be incorporated as an institute of agricultural and horticultural education. However, there are some divergent opinions on whether that is the best solution and it is not the only one that ought to be considered. It is important that these various agricultural and horticultural education establishments are taken out of limbo and their vital role is recognized. I urge the Government to establish the conditions to enable those colleges to thrive and further develop.

Mr Richard Son (Forest Hill)—The Bill is historic but I welcome equally the enthusiasm of the Leader of the House. I promise the honorable gentleman I shall do justice to the occasion accordingly. The Government faces many challenges in the future, especially in the area of post-secondary education. The changes contained in the Bill before the House are designed to enable the Victorian Post-Secondary Education Commission to meet the challenges.

The course of educational history demonstrates dramatic change and development. The State College of Victoria has emerged from the teachers' colleges. The Victoria Institute of Colleges has developed from the old technical colleges and both of those institutions have served a most useful purpose in co-ordinating the activities of institutions which were separately concerned with the preparation of teachers and young persons for entry into the various technical professions.

Many famous names have been associated with the Victoria Institute of Colleges and the State College of Victoria and I have been privileged to have had the acquaintance of many of those persons. I welcome the reference made by the Deputy Leader of the
Opposition to Mr Doug McDonell and Dr Norman Curry. When I graduated from the Bendigo Teachers College, I attended the secondary teachers college where the principal was Doug McDonell and my history tutor was Dr Norman Curry. I pay tribute to the efforts of those gentlemen who, all those years ago, must have been good at their job because ultimately I passed.

There have been many distinguished persons associated with the State College of Victoria and the Victoria Institute of Colleges who have made a contribution that should be remembered for many years to come. Thousands of students have passed through the various institutions affiliated with those two bodies. That is due to the dedication, skill and academic capacities of the administrators and teachers involved in those institutions.

Both of those institutions were part of a development of post-secondary education which was important for its time but the time has now come for further development when those two institutions have faded from the post-secondary education scene as the commission has taken up the range of responsibilities previously held by those two bodies. For that reason, this is an historic moment. The State is in another phase of educational development.

The challenges that lie ahead are many and varied and I know the Government has every confidence in those people who have been appointed.

Mr Roper—I should hope it would! Mr RICHARDSON—Glib remarks from the honorable member for Brunswick might make him happy, but as he has not had many moments of happiness recently, I do not begrudge him that. The people to whom the task has been entrusted are people of enormous talent and experience, and the Government has every confidence in the future of post-secondary education when it is in their charge.

The functions of the commission will be to rationalize and co-ordinate the development of post-secondary education as Victoria faces the economic changes and problems that exist at present and will certainly be encountered in the future, and along with those economic difficulties and changes, which must be accommodated, the commission will have to deal with the equally real problem of a lack of population growth.

That is particularly relevant to the activities of those institutions that have traditionally been concerned with the preparation of teachers. There is a declining enrolment in our schools, so there is a need for rationalization of the important area of teacher preparation. The commission will have to be mindful of the needs of the community, on the one hand, and of the rights of the staff of the various institutions that might be affected on the other hand.

The Post-Secondary Education Commission has an onerous and demanding task before it. It will have to set the course of post-secondary education in Victoria and guide it through the years ahead, so that the fine record of education at all levels, particularly at the tertiary level, that Victoria has earned will be maintained and further developed. I join with previous speakers in commending all those people who have been concerned and associated with post-secondary education in Victoria in years past, and I wish every good fortune to those who now have the task of guiding Victoria's post-secondary education development in the future.

Dr VAUGHAN (Glenhuntly)—I shall make my comments brief because I realize that the Legislative Council is awaiting the consideration of the Bill by this House. When I add up the years, I find that I have spent a large part of my life intimately associated with post-secondary education, both as a student and as a teacher. I began that association as a student of applied chemistry at what was then known as the Gordon Institute of Technology at Geelong. I studied chemical engineering at the Royal Melbourne Institute of Technology and Monash University and then attended what was at that time known as the Technical Teachers
College located at Hawthorn. It is now known as the State College of Victoria at Hawthorn.

I taught for a period at Monash University, in the faculty of engineering, and at the Swinburne College of Technology. In all, I have had close contact with five post-secondary educational institutions in this State, and it is now my privilege to represent an electorate in which a sixth, the Caulfield Institute of Technology, is located.

Victoria differs from other States in Australia in that a larger proportion of Victoria's tertiary education is conducted in colleges than in universities. That is reflected in the high standing of the three major colleges—the Royal Melbourne Institute of Technology, the Caulfield Institute of Technology and the Swinburne College of Technology—and in the wide range of courses conducted at all of the 22 colleges. The Caulfield Institute of Technology is responsible for educating, for example, most of the professional graduates in electronic data processing and marketing, and it has a national reputation in these and other areas.

The colleges, in addition to offering part-time courses, offer opportunities for a number of people to complete qualifications that they would not otherwise have been in a position to complete through their part-time studies. Approximately 50 per cent of the students at the institute are part-time students. Those studies are usually carried out while the students are doing full-time jobs, and I commend the fact that the opportunities are being granted as well as the people who participate. The colleges also offer opportunities for educational development for people attracted back to study after a period away from it—perhaps in the work force or rearing a family. That is also a highly desirable feature of our post-secondary education system. Such students bring to education qualities and quantities that students coming straight from high school do not.

The Bill has been canvassed in great detail by the shadow Minister of Education, in particular, so I shall not canvass the finer details. I have given some idea of the significant contribution that the advanced education sector makes in Victoria. The three major institutes of technology, the Caulfield Institute of Technology, the Royal Melbourne Institute of Technology and Swinburne College of Technology, are three of the eight major institutes of technology which together make up the DOCIT colleges. They are large, cover a wide range of disciplines and teach at both the undergraduate and post-graduate level. In Victoria, those three institutes account for 56 per cent of the students in the advanced education sector and 26 per cent of all advanced education and university students combined. That is an admirable record. I reiterate that I am proud that the Caulfield Institute of Technology is located in the electorate I represent, and I commend the Bill to the House.

Mr TREVIN (Benalla)—I was one of the original members of the interim council of the Victoria Institute of Colleges and I served on that council until it ceased to function. Now that it is clear that the Victoria Institute of Colleges is in its closing stages, I cannot miss the opportunity of making a few comments about my experience over the years.

The experience was profitable to me in that I was able to serve with Sir Willis Connolly, Dr Philip Law and many other educationalists as well as with people from the commercial world and industry.

The Victoria Institute of Colleges was set up because of the lack of people available for industry at a certain level of education, a level that universities were not making possible at the time. The fifteen years or so that the Victoria Institute of Colleges existed have been profitable for this State. Victoria was the first State to create such an institution, and I know very well its value to Victoria. Presently there are fifteen colleges with 19,000 students. There are ten colleges in the city and five in country areas. I had hoped that there would have been six in country areas, but the building of one to service the Goulburn Valley in
the north east did not come about. The death knell of this was sounded when the Albury-Wodonga area was created and there was to be a university at that location. This has not been developed either. Goodness knows if it ever will now.

It is opportune that the commission be set up to service the Victorian post-secondary education field with the amalgamation of the two groups concerned. The commission will take charge of the area of post-secondary education. In the schedule, there are two groups of colleges of education, the universities and the colleges, that will make up the commission. The honorable member for Werribee mentioned that there are a group of colleges outside the Victorian Post-Secondary Education Commission. I personally am pleased to see that these colleges are still outside the Victorian Post-Secondary Education Commission. The commission should continue within the realm of the Department of Agriculture and give the same support to these colleges that has been given in the past. I am sure that it will not be a lost cause if the colleges are left in the position they are now in.

The co-ordination, planning and organization of the Victorian Post-Secondary Education Commission has been very intense. I share the view that this will be a success story and will lead to greater fulfilment in education in Victoria. I believe post-secondary, and post-primary and primary education can grow closer together; the Cinderella is the primary sector. It is in this sector that the foundation of knowledge is gained by children. They have an opportunity at primary level to obtain a good foundation for their education, and if the foundation is not good at an early age the struggle is greater as they progress to higher fields of education.

The honorable member for Doncaster mentioned the university of hard knocks. It is a wonderful education and a great leveller of man. It knocks one down, and if one is capable, one gets up again and has another go. That is a tremendous experience and it sorts out the men from the weaklings.

I congratulate the Deputy Leader of the Opposition on his contribution, not only this evening but also on the original presentation of the Bill that set up the Post-Secondary Education Commission. Although the Assistant Minister of Education has yet to make his contribution, I believe he will not take as long as the Deputy Leader of the Opposition. However, honorable members will not mind continuing after the hour of midnight because the week-end is in front of us, the end of the session is here, and there will be time for some of us to relax.

This Bill closes one era of education in Victoria, and opens up another, which I hope will prove as successful as in the past.

Mr McINNES (Gippsland South)—I am sure everyone is familiar with the background to this story; it was recounted so well by the Deputy Leader of the Opposition. I add my congratulations to his clarity of thought in that regard. However, I do not believe a Bill of such major importance should have been brought in at this late stage of the sessional period. It is regrettable that until a week or so ago there were 65 to 70 amendments to this Bill, and long discussions were still being held with the vice-chancellors of universities. If that is to be the form of operation of this commission in the future, it does not say very much for it.

The universities achieved some advance with the accreditation amendments, but they continue to argue that under legislation they were established in a different manner to the colleges. Part of their being, of course, is their research functions. I quote from a document on research in universities. Nobody has mentioned research tonight as a legitimate function of universities. I quote:

... there is one kind of research which is, in general, best done in universities and the greater part of which in recent generations has, in fact, been done in universities. It is obvious that most of the basic secrets of nature have been unravelled by men who moved simply by intellectual curiosity, who wanted to discover new knowledge for its own sake. The
application of new knowledge usually comes later, often a good deal later; it is also usually achieved by other men with different gifts and different interests.

Over the past 20 to 30 years, universities have become senior colleges. They have been concerned with churning out students, and there has been a race between them on who could achieve the greatest number of undergraduates. To some extent, the quality of their teaching has declined because of the role that they have been forced to adopt if they were to receive the necessary funding. In the meantime, the various colleges have improved their standards to move in, as it were, on the functions that universities have accepted de facto. However, research is an extraordinarily important function. It will become more and more important as interaction of industry funding research at universities increases. Universities will not be dependent only on public funds. There will be a great deal of support from industry, and advanced research will be a very necessary role. The universities stress that it is essential to maintain Australian excellence of learning on an international standard. It may well be that their role will contract. At present the community has more than sufficient universities, and the addition of the military “Casey” university is another $200 million going down the drain.

Although one could perhaps have accused the universities of trying to protect their own privileged position, I do not think that is the case. They genuinely believe there will be some dilution of their capacity on the international scene to extend research to the ultimate, to the frontiers, as was mentioned. The restraints that are being placed on them may have great disadvantages. Even with exemptions and amendments to the accreditation field, there is a heavy hand on them and it will be a source of many problems in the future unless there is a discretion on the part of the commission and an awareness of the need for co-operation. The vice-chancellors are genuine in this; they are concerned, and honorable members must equally be concerned with the standard of research and excellence in the future.

Mr McInnes

Mr LACY (Assistant Minister of Education) —I thank all honorable members who have contributed to the discussion on this Bill which is an important measure, as has been indicated by all speakers and appears to be quite unanimously supported by all sides of the House. The Victorian Post-Secondary Education Commission, to which this Bill so directly relates, is principally an instrument of Government policy in the area of post-secondary education and its establishment, staffing and development of activities have reflected the policies of the Government on post-secondary education in Victoria.

I pay credit to the Treasurer who, as Minister of Education, had the foresight to recognize the problems developing in post-secondary education and to realize it was necessary to set in train a course of events to bring about rationalization of post-secondary education in Victoria and to appoint the Partridge committee and the mechanism of providing sound advice to him and the Government on what should be done to rectify the situation.

The objectives of the Victorian Post-Secondary Education Commission and the Government have always been clear. They have been a rationalization of existing resources and effort devoted to the universities and tertiary colleges in this area, rationalization to avoid duplication, to cut out wasteful and unnecessary competition and also to bring common sense to bear in the administration of post-secondary education in this State.

It is fundamental to the role of VIPSEC to emphasize this co-ordination aspect of its charter and it has done that to a magnificent degree today, and I am sure will continue to do so in the future. This Bill provides for the further essential elements and provisions necessary to effect coordination, particularly in respect of colleges that up to now have been administered by the Victoria Institute of Colleges and the State College of Victoria.
The third fundamental principle on which the Government and VIPSEC have acted has been the quality of treatment. VIPSEC has sought to ensure, and I think rightly and I think it is widely accepted in this Parliament, that universities and colleges of advanced education and teachers' colleges were as far as possible treated equally in attempts to achieve rationalization and co-ordination. It has also sought to interfere to the most limited degree possible to achieve those three fundamental objectives, and as a result its fifth fundamental aspect is that it has always sought and espoused that it would want to have only a limited form of bureaucracy to achieve these objectives.

I congratulate Dr Graham Allen and the commissioners of the Victorian Post-Secondary Education Commission on the speed with which they have assisted the Government in achieving its policy objectives in post-secondary education, on the way in which they have brought forward sound and careful recommendations to the Government and on the way in which they have approached their whole task in implementing Government policy. They have done so by clearly delineating the situation they found on their appointment, by thoroughly analyzing the problems evident in post-secondary education and by carefully preparing the way for legislation to be brought forward into this Parliament to achieve in stages the objectives of the Government as reflected through VIPSEC.

They have also engaged in a process, in co-operation with the Government, of full and careful consultation. VIPSEC has also quite clearly, and in co-operation with the Government, engaged in full and careful consultation with all the interested parties to the Bill. The Government's part was to introduce the Bill during the spring sessional period last year and to leave it to lie over. Some criticism has been made of the number of amendments, but surely this can be expected when one adopts a policy of introducing a Bill, leaving it to lie over, and inviting public comment and reaction, and therefore virtually inviting amendments. Those amendments have been introduced and are now incorporated in the Bill before the House. There will be a few other amendments, some from the Opposition side of the House, with most of which the Government concurs, and some from the Government side of the House, with all of which the Opposition concurs. I do not believe the Committee stage will engage the House for too long.

Nevertheless, the policies of the Government are quite clear on how it should go about rationalization. They have been carefully implemented by VIPSEC in its approach of fully and carefully consulting all involved, and in the Government playing its role of ensuring there has been plenty of time for every interested party to have input to the legislation and have their views fully considered by the Government, by the Opposition and by the corner party.

The Deputy Leader of the Opposition raised a number of points on which he asked me to comment briefly. One related to the industrial relations and staffing machinery. In the second-reading speech I indicated that the Minister's view, whose Bill this principally is, was that that would be the subject of a subsequent stage. Those matters must be carefully considered. There is a limited amount that one can do with a small bureaucracy as there is in VIPSEC. Those are major issues that need careful and thorough consideration, and we are involved in a process of evolution, not revolution, in rationalizing post-secondary education in Victoria. Carefully is the way it should be done and carefully is how it is being done, and thoroughly.

The Minister has the matter of the Technical and Further Education Board under careful consideration. He is approaching it thoroughly, and in due course he will be in a position to announce precisely the relationship between the TAFE Board, VIPSEC and the Education Department, but in the meantime, the relationship has been spelt out by the Minister in his statement.
In relation to the administration of VIPSEC, the Deputy Leader of the Opposition referred to section 5 of Part 1 of the Act and quoted the functions of the commission. He seemed to be suggesting that the functions of the commission provide to a great extent for VIPSEC to interfere in the administration.

Mr Fordham—The potential to do so.

Mr LACY—The potential is not there. The section to which the Deputy Leader of the Opposition was referring was:

The functions of the commission shall be
(a) to make reports and recommendations whenever it thinks fit to the Minister in relation to the planning, organization, administration and co-ordination of post-secondary education in Victoria.

That section in no way provides for VIPSEC to be involved in the administration of the institutions but rather to recommend to the Minister any appropriate changes that should be made.

It appeared to me that the Deputy Leader of the Opposition was suggesting that the Victorian Post-Secondary Education Commission would be directly involved in administering these institutions. It is clear from the Act that power is not there and it is not intended as part of the Government's policy in respect to this area.

I congratulate those honorable members who have contributed to this debate. I have given notice that some minor amendments will be moved during the Committee stage and I urge the House to consider the Bill favourably.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Representations)

Mr LACY (Assistant Minister of Education)—I move:

Clause 2, page 4, line 36, after “may” insert “within four weeks of receiving that notice”.

This amendment inserts a phrase into proposed section 22 of the principal Act. Under that section any post-secondary institution which proposes to make representations to a Commonwealth funding body must give the Victorian Post-Secondary Education Commission notice of intention to do so. The Victorian Post-Secondary Education Commission may attach its views to the representations of the institution. The amendment will require that it attach its view to the representations of the institution within four weeks.

Mr WHITING (Mildura)—I am disturbed by the comments of the Minister and his explanation that it would require the Victorian Post-Secondary Education Commission to inform the post-secondary education institution or authority of its wishes. As I read it the commission may inform. There is a big difference.

Mr FORDHAM (Footscray)—What it does is that the commission is not required to make representations together with the individual institutions to the Commonwealth bodies. The commission may determine that it does not wish to respond or to have additional opinions attached to those views of the institution. It gives a time period for the commission to respond and, if it does not respond, the institution can proceed in its representations with the Federal body.

The amendment was agreed to.

Mr FORDHAM (Footscray)—I move:

Clause 2, page 10, line 7, after ‘Board’ insert “not less than two of whom shall be persons chosen from a list of six nominees furnished to the Commission by the professional associations representing teaching staff”.

This amendment provides that amongst members of the Accreditation Board shall be two who represent the professional teaching staff. It is the view of the Opposition that the Minister, in making appointments to an accreditation board, should ensure that at least two of the persons on the board represent the professional teaching staff.

The Opposition is proposing that the relevant association supply a schedule of names from which names will be chosen by the Minister. This proposal should be supported by the
Government. The present provisions provide for the board and make this statement that the board will be representative of the broad spectrum of opinion affected.

This additional provision will strengthen the Bill and arises from discussions with relevant staff associations both within the Victoria Institute of Colleges and the State College of Victoria who believe it is fundamental to their members that this representation be included on the board.

Mr LACY (Assistant Minister of Education)—The Government opposes the amendment on the grounds that it would not wish to prescribe any proportion of the membership of the Accreditation Board in the way proposed by the Opposition. The appropriate clause indicates that when appointing the members of the Accreditation Board the Governor in Council shall so far as he is able to do so ensure the board is representative of the range of interests involved in post-secondary education.

One would expect the Governor in Council to have regard to the sort of representation the Deputy Leader has mentioned, as well as having regard to the sort of representation that was mentioned by the Deputy Leader of the National Party in the course of his second-reading remarks.

In regard to prescribing for two representatives to be members chosen from a panel of names submitted by certain professional associations, that is not something the Government could agree to.

The amendment was negatived.

Mr FORDHAM (Footscray)—I move:

Clause 2, page 11, lines 35-37, omit the words and expressions on these lines and insert

“(b) the institution which offers or proposes to introduce the course—”.

Under the present wording of the Bill, the Accreditation Board has a number of alternatives in considering a proposal which is being put forward. The first is that it can determine that the particular institution or section of an institution is of such standing that there is no need for any other accreditation process other than the normally accepted ones within that institution and hence the proposal would be accredited. The second is that it can be appointed by an accreditation board to investigate and report on the proposal. The third is that a post-secondary education institution can be appointed to investigate the proposal. It is the latter group about which I am concerned.

It is not desirable within post-secondary education to have one institution investigating the proposal of another. Given the nature of these institutions and inevitable competition it is not desirable. If the board does not accept that the institution can accredit its own courses, increasingly institutions will be recognized to have sufficient standing to accredit their own courses and, if they are not, there should be a committee instead of another institution.

The effect of the amendment I have moved is to take away the alternative which would allow an accreditation board to appoint another institution to investigate the proposal of the initiating institution. The third and fourth amendments which appear in my name are consequential upon this amendment being agreed to.

I put forward this proposal because it is a better and more professional approach by the board in dealing with this sensitive and complex matter. I hope the Minister will accept the amendment.

Mr LACY (Assistant Minister of Education)—The Government has considered this amendment and the following two amendments circulated by the Deputy Leader of the Opposition and concurs in the views expressed by him in respect to the matter. The Government is therefore happy to accept the amendments.

The amendment was agreed to, as were consequential amendments.

Mr FORDHAM (Footscray)—I move:

Clause 2, page 13, line 6, after “regulations.” insert—

“(4) The Commission shall furnish the Minister with copies of every report received by it under this section.”.
I propose that each time the Accreditation Board submits a report to the commission, a copy be provided to the Minister. My concern is that there is the possibility of differences of opinion arising between the Accreditation Board and the commission. In those circumstances, it should be mandatory for the Minister to be advised. This amendment will ensure that he is kept up-to-date with the operation and the views of the board and its important tasks, and I believe it is an improvement on the Bill. I hope the Government will accept it.

I go further. I hope that, as a matter of policy, the commission will have to provide an annual report and that it will incorporate the Accreditation Board's annual report. I look forward to receiving the next annual report of the Victorian Post-Secondary Education Commission and I hope that in the next one at least there will be some reference to a report from the Accreditation Board.

Mr LACY (Assistant Minister of Education)—The Government has considered the amendment proposed by the Deputy Leader of the Opposition and, with the Opposition, believes the provision of a report is valuable. The Government accepts and will support the amendment.

The amendment was agreed to.

Mr FORDHAM (Footscray)—This is an important clause dealing with the future of a number of members of staff working within these colleges who will almost certainly be declared redundant over the next few years. If the Government's policy on the training of certain numbers of teachers is implemented, there will unquestionably be a reduction in intakes. Already moves have been made in that direction. This will necessarily mean a reduction in the staffs of many colleges, so that some form of redundancy agreement will be necessary. Some framework is being provided within this clause whereby the persons who will be so affected will be eligible for appointment to the Public Service or to the Teaching Service.

To my mind, that is not sufficient. In fact, it says very little. In most cases they are already eligible. The important issue is whether they will be appointed to the Public Service or to the Teaching Service. I would have preferred, and I endeavoured to draft, an amendment making it mandatory for the Government to find appointments within either the Public Service or the Teaching Service for persons declared redundant.

The clause, as amended, was adopted, as was clause 3.
provide appointment for them within either the Public Service or the Teaching Service. However, the difficulties of drafting such an amendment were such that I could not do it within the Bill, but I hope the Government will make efforts to ensure that teachers in this category over the next four or five years will have appointments found for them within the Government service.

There is authority for this matter and the authority is none other than the Assistant Minister himself. At the time, he was not a Minister, but I hope that his principle and his position has not changed. I remind him of his speech in this House on 10 May 1978 when he said, as reported at page 2718 of Hansard, when dealing with the Post-Secondary Education Bill:

I believe as a Government and a Parliament we have a responsibility to find alternative employment for them either in the teaching profession at a primary or secondary level from where most of them have come, or elsewhere in the Public Service.

These people have given valuable service to this State and to education. Their career expectations have been raised by the State and the education authorities to encourage them to improve their qualifications, often at enormous personal cost to themselves and their family. It will be a bitter enough blow to them that they are now not able to look forward to a career in the area of education to which they aspire and for which they have trained.

And he added:

The least the Government and this Parliament must do is to ensure that they have continuing employment of some sort at a level of reward commensurate with their present positions. I agree with the views of the Assistant Minister and I hope he still holds those views and will ensure that appropriate positions are found for these people.

Mr LACY (Assistant Minister of Education)—I thank the Deputy Leader of the Opposition for reminding me of what I believe was a reasonable contribution to a debate in this House. I do not stand back from those comments at all. I continue to fully endorse them. I believe the Government of Victoria in its practices and administration has fulfilled those sorts of aspirations expressed there by me as a member of this Parliament without responsibility and without portfolio, and I believe the Government will continue to treat sympathetically those persons who find themselves displaced as a result of the rationalization of post-secondary education in the State. The Government’s record is good and I believe it will continue to be good because it will continue to base its policies on the sorts of opinions the honorable member has read from that speech.

The clause was consequentially amended, and, as amended, was adopted.

Clause 5 (Traditional degrees and diplomas)

Mr LACY (Assistant Minister of Education)—I urge the Committee to vote against this clause as it is proposed by amendment No. 9 to substitute a new clause.

The clause was negatived.

Clauses 6 and 7 were agreed to.

Clause 8 (Consequential amendment of No. 6359, sub-sections 4 (1), 7 (1A) and 7 (2))

Mr LACY (Assistant Minister of Education)—I move:

Clause 8, lines 16 and 17, omit these lines and insert “mentioned in Schedule 2 to that Act;”.

This amendment, and amendments Nos. 6, 7 and 8, are consequential upon amendments made to the Bill by the Legislative Council.

The amendment takes account of the fact that there are now two schedules proposed in the Bill and that mention is not specifically made of universities.

Mr FORDHAM (Footscray)—This matter has caused concern within colleges in Victoria and unquestionably there is an argument that there is no need for two schedules. The Government has in effect divided the various institutions by using two schedules. The first schedule will include the universities and the second schedule will include the colleges of advanced education. When the Act is further amended, after legislation dealing with technical and further education is considered, those institutions will also be included in the second schedule.

I do not think it was necessary to have the second schedule, but apparently a number of people seem to think
I can understand their sensitivity following on the problems which have occurred in the past. I hope there will not be an attempt to make further distinctions within the schedules and I hope the Government and the Post-Secondary Education Commission will get together to overcome any concern which may be expressed by any of the institutions, no matter in which schedule they are incorporated.

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

New clause AA

Mr LACY (Assistant Minister of Education)—I move:

Insert the following new clause to follow clause 4:

"AA. Where—

(a) the Victoria Institute of Colleges may award a degree or diploma to persons who have successfully completed a course or series of courses of study at a post-secondary education institution which is one of its affiliated colleges; or

(b) the State College of Victoria may award a degree or diploma to persons who have successfully completed a course or series of courses of study at a post-secondary education institution which is one of its constituent colleges—

and the Governor in Council pursuant to section 38 of the Post-Secondary Education Act 1978 confers upon the council of the institution power to award a degree or diploma which, in the opinion of the Victorian Post-Secondary Education Commission, is substantially similar to the degree or diploma which the Victoria Institute of Colleges or the State College of Victoria may award, the Governor in Council may by Order published in the Government Gazette direct that successful completion of the course or series of courses of study does not make a person eligible for the award of a degree or diploma by the Victoria Institute of Colleges or the State College of Victoria (as the case may be) but instead makes a person eligible for the award of a degree or diploma by the institution."

The amendment proposes the insertion of a new clause 5 in substitution for the clause which was omitted by amendment No. 4.

The clause provides that where the Victoria Institute of Colleges or the State College of Victoria has power to award a degree or diploma, the Governor in Council may direct that a person enrolled for the degree or diploma shall receive it from the individual institution rather than the Victoria Institute of Colleges or the State College of Victoria. The clause proposed to be inserted differs from the clause presently in the Bill only slightly. The clause presently in the Bill does not take account of persons who have completed their courses of study but have not yet been awarded a degree or diploma.

The new clause was agreed to.

New clause BB

Mr LACY (Assistant Minister of Education)—I move:

Insert the following new Clause to follow Clause 8:

"BB. (1) In section 91B(b) of the Motor Car Act 1958, for the words “or at a college of advanced education affiliated with the Victoria Institute of Colleges” there shall be substituted the words “or at a post-secondary education institution mentioned in Schedule 2 to the Post-Secondary Education Act 1978.

(2) A certificate signed before the commencement of this section by the head of the faculty, school or department of electrical engineering or electronics at a college of advanced education affiliated with the Victoria Institute of Colleges for the purposes of section 91B of the Motor Car Act 1958 as in force at the time the certificate was signed shall for the purposes of section 91B of the Motor Car Act 1958 as amended by this section be deemed to have been signed by the head of the faculty, school or department of electrical engineering or electronics (as the case may be) at a post-secondary education institution mentioned in Schedule 2 to the Post-Secondary Education Act 1978."

This is a new clause which amends section 91B(b) of the Motor Car Act 1958. That provision presently refers to the Victoria Institute of Colleges, and the clause will amend it to take account of the fact that the Victoria Institute of Colleges is to go out of existence.

The new clause was agreed to.

The Bill was reported to the House, with amendments, and passed through its remaining stages.
GREEN PAPER
Strategies and Structures for Education in Victoria

Mr LACY (Assistant Minister of Education)—By leave, I move:

That there be presented to the House the Green Paper on Strategies and Structures for Education in Victoria.

In my view, the document I have presented to the House is an historic one. It is the consequence of an enormous amount of work and consideration undertaken by a great number of people.

In particular, I pay a tribute to the work of the consultative committee which has made a magnificent contribution to the preparation of the Green Paper on Strategies and Structures for Education in Victoria.

The consultative committee was formed as a result of a decision of the Ministers, who embarked on a process of reviewing Government and departmental policies for education in this State.

One of the remarkable aspects about the consultative committee which was established is that it included a mixture of categories of practical people, as well as academics and people who had experience in teaching in the classroom before undertaking further study or accepting positions in universities and tertiary colleges, people who came from industry and people who had held other positions in the Government.

In particular, I pay a tribute to Dr Michael Deeley, who acted as deputy chairman of the consultative committee, and to Professor Kwong Lee Dow, who also acted in that capacity for some time. Then there was Mr Lynn Brown, Secretary of the Victorian Public Service Board, Judith O'Neill and Professor Bill Connell, a former professor at the University of Sydney. There was also Dr Ron Fitzgerald, Director of Planning at the Burwood State College, Sir John Buchan, Professor Bill Walker, formerly Professor of Education at the University of New England and now the Principal of the Administrative Staff College at Mount Eliza and Dr Norman Curry, who, as well as being principal of Toorak State College, as referred to earlier this evening, is also Vice-Chairman of the State College of Victoria.

The interesting thing about the committee is that it met over a period of six months or more. It received 503 submissions and conducted 20 meetings over 34 weeks. It engaged in 31 separate discussion sessions leading up to the preparation of the Green Paper. As well, Dr Tom Moore, Deputy Director-General of Education was responsible for drawing together a group of departmental officers to prepare a submission from within the department to ensure that there were external and internal views presented and discussed prior to the preparation of the Green Paper.

All that work culminated in the Green Paper and the Ministers concerned are appreciative of the assistance provided by the secretariat to the Ministerial review process under Dr Robin Chapman, the Director of Planning Services in the Education Department. I am particularly pleased to record the gratitude of the Ministers for the work carried out by the Division of Planning Services in the secretariat including as well as Dr Robin Chapman who headed the secretariat, Miss Veronica Swartz and Mr Rod Reed and other officers seconded for that purpose.

As well, my own personal assistant played a role on the consultative committee. The document presented reflects an approach to the organization of primary and secondary education which has focussed around the theme of devolution of the responsibility to regions and schools. I shall quote a paragraph which summarizes that theme. Paragraph 3.1 on page 4 states:

The crucial issue which emerged during the Ministerial Review was an almost universal desire to find the best means of transferring power and responsibility away from a centralized bureaucracy wherever appropriate towards local and regional units in order to foster among schools and school communities a greater sense of commitment and responsibility.

This paper suggests that only those functions which cannot be adequately carried out by individual schools should be the responsibility
of the region, and only those which cannot adequately be carried out by the region should be the responsibility of the central office.

The process from here on is to call for responses from the community and the public generally by 30 September and to circulate this document to schools and interested persons in the community who wish to make further contribution of the development of the Government's policies in education and to provide for a mechanism for those organizations which have a specific relationship with the development of education in this State. There are eighteen organizations which will form a reference group to consider the Green Paper that has been presented today. The task of that group will be to consider the concepts presented in the paper; to make known to the Minister of Education the views and relevant policies of the organizations that they represent, and to examine the implications of the implementation of the various concepts and to explore areas where reasonable consensus may be achieved.

The organizations' reference group will continue to meet. Invitations to the relevant organizations were posted today and I expect a full and fruitful discussion in that group under the chairmanship of Dr Chapman who will head up that part of the process.

The consultative committee will continue to meet and have a role in the process. It is intended that further attempts will be made to encourage debate over the winter period between now and the spring sessional period to ensure that the Government will then be in a position to finally present Part II. of the White Paper on Strategies and Structures for Education.

With those comments, I commend the Green Paper to the House in the hope that it will cause considerable vigorous and constructive debate in the community.

The SPEAKER (the Hon. S. J. Plowman)—It is unusual that when a paper is presented there should be debate regarding it. There should be a brief description of the document presented. The Acting Minister of Education has gone rather beyond that. Therefore, it is fair that the Deputy Leader of the Opposition should have a chance of replying.

Mr FORDHAM (Footscray)—By way of explanation, there was an arrangement between myself and the Leader of the House that I speak for two or three minutes on this matter and I will honour that commitment on behalf of the Opposition.

The Opposition welcomes the Green Paper; it has been long awaited and the Minister indicated he hopes there will be vigorous debate. I can assure the honorable gentleman that it will create vigorous debate. I was able to have access to the Green Paper earlier this sessional period and have had a chance of reading it. I take up the interjection of the Minister of Housing that his Cabinet colleagues have not had access to it.

On the one hand it is a document calling for devolution and many proposals of the Opposition dealing, for example, with regional boards and regional special services have been adopted. However, on the other hand, it refers to the establishment of a core curriculum, which is hardly a devolution notion. The Opposition looks forward to the vigorous debate in the community about that matter, together with the question of teaching appointments at school level.

There are two matters on page 27 where the document says the committee has not had a chance to examine the question of appointments to technical, further education and non-Government schools. The committee has failed in its responsibility and the Minister of Education has failed in his responsibility by ensuring that fundamental matters of education were not included in the Green Paper. Other matters cannot be examined without introducing these subjects. Again, the Minister will have plenty of vigorous debate.

In conclusion, the Minister made reference in the paper to two foundation documents; one from the consultative group and one from the Education Department. These are the bases of the Green Paper and I formally seek access
on behalf of the Opposition to these two basic documents so that we can properly consider the background to this important document and the issues contained in it.

The motion was agreed to.

Mr LACY (Assistant Minister of Education) presented a paper in compliance with the foregoing order.

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

INSTRUMENTS (POWERS OF ATTORNEY) BILL

The debate (adjourned from April 15) on the motion of Mr Maclellan (Minister of Transport) for the second-reading of this Bill was resumed.

Mr MILLER (Prahran)—The much needed Bill brings about reform of a number of Acts, especially Part XI of the Instruments Act 1958, which essentially relates to powers of attorney. The Bill not only updates the language used in the 1958 Act but introduces and replaces all of Part II of the old statute with a completely new part.

The background to this proposed amendment is a very simple but effective one. A working party was set up some time ago under Mr John Finemore, the Chief Parliamentary Counsel, together with representatives of the Australian Bankers Association, the Share Registrars Association, the Law Institute, the Titles Office and the Trustee Companies Association. In addition, Colin O'Hare, senior lecturer in law from Monash University, was also involved in the formulation of the amendments that are now the product of that working party. I am indebted to Mr O'Hare for his help and support in preparing my comments on the Bill.

The Bill implements the recommendations of that working party and four areas of reform have been proposed and have been brought about by this Bill. The first major area of reform is to abolish registration of powers of attorney—a practice that has gone on since time immemorial.

Secondly, the Bill creates a statutory short form general power. Schedule 12 provides a substitute short form, which will prove most useful. Provisions concerning the irrevocable power will also be changed by the Bill and, finally, third parties and attorneys are protected if they act in reliance on a power that has been revoked.

The statutory short form has a number of possible disadvantages. If a person out of ignorance acts on the short form, he may confer general powers of attorney when he intends only to confer limited powers. Also, a person may attempt to modify the form by including limiting powers. If that is done, the power will not take effect under the Bill but will be treated as an orthodox power of attorney. The modification may be ineffective if it is done in a shorthand manner. The third possible disadvantage is that a person may be more easily deceived into signing a statutory power by a perpetrator of a fraud in the belief that it is a receipt or innocuous document, whereas the traditional power, being an intimidating instrument that is massive and has numerous clauses and provisions, might have aroused his suspicions. The short form meets with the general approval of the Opposition, which supports the recommendations of the working party.

Another major reform is that in lieu of registering and filing powers of attorney, the working party recommended, in line with a report of the United Kingdom Law Commission, that a system of certified copies be introduced. That will also be most useful. Public registrations are often inefficient, inconvenient, undesirable and unnecessary.

With the abolition of the registration system and to facilitate commercial transactions, the Bill will also provide for the recognition of photocopies as evidence of the contents of the original power of attorney. Certain safeguards are built into the Bill, which require that a copy be certified by the donor, a solicitor or a stockbroker. In addition, if, under section 106 of the principal Act, a person is incapable of executing a power of attorney, another
person may execute a power on his behalf, if it is done in the presence of the donor and two witnesses who are also present and can attest to the document. That will assist a donor who is, for instance, physically incapable of signing a power of attorney.

It is a technical Bill and it introduces a number of complex legal concepts. It amends a number of technical statutes, such as the Instruments Act, the Transfer of Land Act and the Trustee Companies Act.

When Bills that are not contested are introduced just on midnight on the last night of a sessional period, it suggests that there should be a review of the method of introducing such Bills. Perhaps the introduction of a consent calendar could be considered. Bills of this type could be examined at length by all the parties and agreement reached in principle, so that the time of the House is not taken up unnecessarily. I urge the Leader of the House to examine a procedure for facilitating the passage of Bills, particularly if they have received the consent of all Parties.

Mr Ross-Edwards (Leader of the National Party)—The National Party supports the Bill and I commend the honorable member for Prahran for the way in which he has dealt with it. Two points are of interest to me. I agree that it should no longer be necessary to register a power of attorney, but I wonder how one verifies a power of attorney in that situation. It is possible to prove the copy, but the original cannot be proved. In days gone by, when powers were registered, banks and financial institutions searched the original documents at the Registrar-General’s office. Perhaps it is not worth the effort, but it is interesting that someone could have a power of attorney without having any opportunity of checking, except to question the giver or the donee.

The other matter that is of interest to me is the provision for short-term or limited powers of attorney. Most of us have given powers of attorney at various stages, and it is possible to forget to whom they have been given. If one is going overseas, one might give it to a partner. It is not revoked and it sits in the file. The donee can, of course, carry out any business on one’s behalf. He has full and complete power. At present that lasts a lifetime and I am pleased that a short-term power will now be able to be given. Most people give powers to cover particular situations and, when the situation has changed, the short-term powers will not require revocation.

I commend the Government for introducing the Bill and reiterate that it has the support of the National Party.

The motion was agreed to.

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

MELBOURNE (YARRA PARK) LAND BILL

The debate (adjourned from May 1) on the motion of Mr Balfour (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

Mr Remington (Melbourne)—The Opposition supports the Bill, and it does so in the hope that it is the final Bill that will be dealt with in the dying hours of this torturous session. I can only acknowledge the restless interjections that are being made by saying that I am glad the Hamer Government does not administer private enterprise, otherwise Victoria would be in great difficulties.

The Bill will give the Richmond Cricket and Football Social Club the opportunity of entering into financial arrangements to secure a loan of $230 000. At present the newly-formed joint club is carrying out extensive alterations to the oval and has spent $180 000. Because of lack of security, it is funding the alterations through rolling bills at a rate of interest of 13.5 per cent.

The Richmond Cricket Club has had occupancy of the Punt Road oval for 120 years, on the basis of a permitted occupancy. As it is involved in these extensive alterations, calling for a substantial outlay of funds, it is now necessary to provide the Richmond
Melbourne (Yarra Park) Land Bill 9623

Cricket and Football Social Club with a lease that can be offered as a negotiable security to secure the full loan of $230,000.

The club is on a limited occupancy basis, and could be turned out in 30 days. A major development is proposed. The social club services the members of the football and cricket club, and it is intended to extend that membership. There are limited facilities in the Richmond area in the form of gymsnasiums and squash courts. I have had discussions with the directors of the club, and they have assured me that it is their intention to open the new club to the community on a social club basis, and outside people can become members of the social club.

In addition to the social club, an administrative block is being developed and funds will be spent on refencing and beautification, road aspects, clearing and landscaping of the outer area, general improvements to the car park, and other facilities.

The Punt Road oval is in a central situation, and because of its accessibility to the city it is a popular venue. A number of organizations use it regularly throughout the year, such as the Cricket Union of Victoria, the Law Institute of Victoria, the Institute of Chartered Accountants, and so on.

I should like to place on record the proud and long history of the Richmond Cricket Club. It is one of Victoria’s strongest cricket clubs. In the past four years it has won the district cricket championship three times, and in the past 40 years the club claims it has won the championship more often than any other club. It has been the home of famous cricketers, such as Johnson from the 1950s and McCormack from the 1930s. It currently has a number of prominent cricketers playing in the club. The new club not only will facilitate amenities for the cricket club, but will facilitate amenities for the Richmond Football Club.

I wish to place on record in Hansard some details of the first historic meeting of the foundation Richmond Football Club which took place on 20 February 1885. Citizens of Richmond interested in the game attended a meeting at Byrne’s Hotel, Richmond, and without much discussion unanimously resolved to form the Richmond Football Club as a senior team and to apply for admission to the Victorian Football Association.

The committee of management met on 19 March 1885. The club’s colours were chosen which, strangely enough, were not yellow and black. However, caps were worn in those days, which had yellow and black stripes running from back to front. It was at a later stage that the club adopted the colours of yellow and black.

The Speaker (the Hon. S. J. Plowman)—Can the honorable member advise the Chair how this is relevant to the Bill? A passing reference to history is applicable, but a long discussion on it is not.

Mr Remington—I think it is relevant to the Bill because the Bill deals with the Richmond Football Club, and with the remaining 2 minutes allocated to me by my colleagues, I thought it appropriate to make some reference to the Richmond Football Club. I was about to conclude my remarks.

The Speaker—Regardless of the interest of the matters that the honorable member is raising, and regardless of the time available to him, or the time of night, his remarks must still be relevant to the Bill before the Chair. I suggest to him that his remarks are now straying from the Bill and that he return to the clauses of the Bill.

Mr Remington—I acknowledge your comments, Sir, and I would not dispute them, but I refer to the second-reading speech of the Minister. When the Minister made that speech there was no objection when he spelt out the history of the Richmond oval.

The Speaker—Order! I suggest to the honorable member that he has made considerable reference to the history of the club, and that he return to the Bill before the House. Whether or not the Minister made some reference to the history is immaterial. The honorable member has done so at great length, and I ask him to come back to the Bill before the House, if he wishes to continue.
Mr REMINGTON—I refer to the Minister’s second-reading speech in which he made reference to the long history of the Punt Road oval. He said that it had been used as a site, as early as 1885. I thought it would be relevant to spend 1 or 2 minutes—

The SPEAKER—Order! It seems that the honorable member for Melbourne is a slow learner. If he does not want to bring upon himself the wrath of the Chair, and of all the members of this place, I suggest that he conforms with the requirements of the Chair. He has said quite sufficient about the history of the club. I would like him to come specifically to the Bill.

Mr REMINGTON—Thank you, Mr Speaker. I acknowledge the fact that at this late stage in the sessional period, the Government has brought this Bill before Parliament. It is necessary that it be proclaimed in this sessional period so that the newly-formed club can obtain a lease from the Corporation of the City of Melbourne. Currently, the park is vested in the Minister of Lands and the Corporation of the City of Melbourne, as trustees, with the corporation being appointed as the committee of management.

The Opposition welcomes the Bill and is pleased that it will be passed through Parliament during the dying hours of this sessional period.

Mr TREWIN (Benalla)—The National Party supports the Bill. I have a query concerning the words, “shall be a term not exceeding 21 years”. I believe because of the extensive work that is going on at the club, and the planning for the future, that a longer term would have given the club greater security. This is Crown land, with the City of Melbourne being the corporation, and the Bill makes provision for this club to have use of this land for 21 years. I question this period, but if the people concerned are satisfied, this period of time may be adequate. I trust that this famous club will prosper further, both in cricket and in football, and do much, as it has in the past, for the young men and women of this community and for so many country boys who have come down to participate in football and cricket and have been members of the Richmond clubs.

The motion was agreed to.

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

ADJOURNMENT

Stingose—Damage to trains—State Superannuation Fund—Residential Tenancies Bill—State Development—Police districts—Cellco Pty Ltd, Dandenong—Police helicopter—Riddell’s Creek police station—Pool management course—Sleeman Ford Pty Ltd

Mr MACLELLAN (Minister of Transport)—I move:

That the House, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, which time of meeting shall be notified to each member of the House by telegram or letter.

On behalf of all honorable members, and particularly my colleagues, the Deputy Leader of the Opposition and the Deputy Leader of the National Party, I wish to thank you, Mr Speaker, and the staff of the Parliament, the Clerks and the people who have made it possible for us to get through the work of this session. You have met the difficulties and limits which have been very demanding but which nevertheless have always led to full co-operation by the staff, including the catering staff and the people who look after us so well and make it possible for the Victorian Parliament to survive and do the work it needs to do.

The motion was agreed to.

Mr MACLELLAN (Minister of Transport)—I move:

That the House do now adjourn.

Mr ROPER (Brunswick)—I raise a matter for the attention of the Minister of Health. At present products which could be quite ineffective or even dangerous in life or death situations are being sold in Victoria without any controls. One such product is called Stingose which is widely advertised and sold by chemist shops for $5 a 100 millilitre container. Some highly dubious claims have been made...
about its effectiveness. It is a product of Hamilton Laboratories Pty Ltd and has been claimed to be effective in converting venoms into harmless entities, and can be used against a wide range of bites and stings including those of sea wasps, jellyfish of all types, stone fish, bluebottles, bees, wasps, some spiders and stinging plants. A number of experts, including the Commonwealth Scientific and Industrial Research Organization world-renowned scientist, Dr Struan Sutherland, have questioned the effectiveness of Stingose and raised serious doubts about it. Dr Sutherland, in a letter to a recent Medical Journal of Australia said:

> It is difficult to understand how this combined chemical and mechanical antidote could possibly penetrate the skin to reach venom injected even quite superficially as occurs with many of the minor marine stingers.

The public should not be led to believe that Stingose could be life saving under such circumstances in the absence of proof.

For instance, a person who is bitten by a red back spider often has the venom injected comparatively deeply, more deeply than could be reached by Stingose. Parents relying on the claims of Stingose may contribute to their child's death or permanent disablement. Most of the scientific evidence points to a limited use, if any, for particular bites and stings and this must cause the Health Commission to take action against potentially public health risks.

Despite expert recommendations made as far back as 1971, no legislation exists to protect Victorians from possibly dangerous therapeutic substances and devices. Legislation has been promised during the last three sessions of Parliament, but on the last night of the sessional period the record of inaction remains.

Members of the Opposition call on the Government, firstly, to remove Stingose from sale, pending an expert report to the Minister of Health, and secondly, to legislate for powers to ban or restrict dangerous goods as this may be. This product may be found to have a whole host of worth-while uses but at present it is a threat if people accept the claims made about it. Must we wait until a five-year-old bite victim dies, before action is taken?

Although Hamilton Laboratories Pty Ltd may be acting in good faith and the person from whom it obtained the patent may have been developing the product for many years, it must be checked out to prevent a tragedy from occurring. Over the years many products have been placed on the market which, in the end, have proved either ineffective or dangerous. The Minister can remember when this forum was used to prevent certain kinds of eye protection being sold during the total eclipse. At that time the Minister of Health had no effective legal power to do so. The then Minister of Health said that he would be taking action to gain that power. Nothing has been done and it is still possible for products that are potentially dangerous, because of their inherent danger or their ineffectiveness to do what they claim they are able to do, to be sold and advertised in Victoria and to cause the harm that some experts believe this product can cause.

Mr COLEMAN (Syndal)—I raise with the Minister of Transport the matter of the on-going damage caused to trains at Glen Waverley railway station. In the past twelve months up to $1 million damage has been caused to trains there. Five carriages in one train were burnt out completely. All the fires that have occurred in these trains have been started by paper being stuffed either under or in the seats. One would have thought a reasonable protection would be for the trains to be locked up in some way to keep people from starting fires in them. A number of people in the Glen Waverley area are concerned about this matter. It appears that fires have occurred in the main in the old red trains and not in the silver trains.

I should like to bring to the attention of the Minister that $1 million worth of damage has occurred, and notwithstanding that the damage has occurred, no apparent attempt has been made to make trains vandalproof when stabled at these locations. It seemed a reasonable proposition that the last train
Mr CRABB (Knox)—I raise a matter for the attention of the Premier and the Treasurer. It concerns the State Superannuation Fund. The report of the superannuation committee of the State council of the Liberal Party which I understand was presented to the State council in March has come into my hands. Part of the examination of that committee reveals clearly, for the first time to my knowledge, the fact that the State Superannuation Fund of Victoria has not had an actuarial valuation conducted at any time since the new benefits were introduced in 1975. Alarmingly, a valuation was never conducted into the assessment of the benefits that were introduced.

Since 1975 the amount of money paid into the State Superannuation Fund by the Victorian Government has doubled, from $49 million a year to $98 million a year. It is likely that some thousands of millions of dollars of liabilities have accrued in respect of the State Superannuation Fund. The extent of those liabilities has never been calculated. No private employer in the world would embark on a superannuation scheme for its employees without first calculating the cost of the benefits. It is sheer irresponsibility for this Government not to have done that in the circumstances. That is not only the opinion of the Opposition but the opinion of the State council of the Liberal Party.

I draw the attention of the Premier and the Treasurer to the situation that arose in the City of New York, which went bankrupt because of the lavish promises made and because of the lavish liabilities incurred by its superannuation fund. The Premier is being clever and saying it should be cut down. I would find out how much those liabilities amount to before they were paid. It is not a matter of cutting them down or increasing them or anything else. Any person who enters into a contract without calculating the cost is a complete fool. A superannuation fund can accrue enormous liabilities, and those liabilities are not difficult to calculate. The liabilities of the New York city superannuation fund were a major contributing factor in sending New York city bankrupt.

This Government does not know what the liabilities of the State Superannuation Fund are. The Liberal Party has never made any effort to calculate the amount of liability being incurred on behalf of the taxpayers of this State. At any rough guess, it is well over $500 for every person in the community. The opinion of that committee of the Liberal Party on this matter of no investigation since 1975 was as follows:

The committee believes this is intolerable.
The Opposition agrees with the Liberal Party committee, and so does the entire community. If any member of this House, none of whom was on that committee—

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member's time has expired.

Mr ROSS-EDWARDS (Leader of the National Party)—I raise for the attention of the Minister of Housing the matter of the Residential Tenancies Bill that has not been reached in this session of Parliament—that is a great shame—for a number of reasons, many and varied. I understand that the Opposition has 130 or 140 proposed amendments, that the Minister has 30 or 40, and certainly the National Party has some. I suggest that the Minister, to make this a better Bill, between now and the spring sessional period confers with the other two parties because they could well have some worthwhile suggestions.

Mr Dixon—It is the Attorney-General's Bill and the matter should be addressed to the Minister representing the Attorney-General.

Mr ROSS-EDWARDS—I will transfer my remarks to the Leader of the House. I raised it with the Minister of Housing because of his interest in the
matter. I believe consultation and consensus between the parties could help this difficult piece of legislation. It has proved to be difficult and has been on the Notice Paper for four to five months.

Mr JOLLY (Dandenong)—I raise a matter for the attention of the Premier. It concerns the fact that the Victorian Chamber of Manufactures recommended in October 1979 the establishment of a small unit within the Public Service of this State to co-ordinate Government policies in respect to large development projects. Earlier today, in answer to a question without notice from the honorable member for Morwell, the Premier indicated that such a unit had been established, and he also indicated that the Chamber of Manufactures had been informed of this development.

That statement is in contradiction of the facts. The facts are these: That about a month ago, a committee was established under Mr George Birch to look after these activities. There has not yet been a permanent body appointed within the Public Service in Victoria to handle the matter but, worse than that, the situation is that the Victorian Chamber of Manufactures has no idea whatsoever what the Government is doing.

This is an important area of economic policy. Not only should the Chamber of Manufactures be informed on this issue; it should have been consulted on the issue. It seems to me that the Government is about to go off half-cocked once again. Not only should it consult with the Chamber of Manufactures; it should seek advice from the chamber about these proposals and then develop them. To say that the chamber is informed on the issue is certainly misleading in all respects. The Premier is exhibiting once again his incompetence to manage this State. In fact he runs it like a banana republic. It is essential that the Chamber of Manufactures be informed of this development immediately and its responses should be considered by the Government before making any permanent decision on it.

Mr RICHARDSON (Forest Hill)—I direct the attention of the Minister for Police and Emergency Services to the distress being caused to a number of shopkeepers who have businesses in Blackburn Road, East Burwood, near its intersection with Highbury Road. The problem is the behaviour of a group of teenagers who apparently lack any sort of parental control and who congregate there causing a nuisance. Indeed, their activities are more than a nuisance; they are a great worry to the shopkeepers who are attempting to carry on business in that area.

The difficulty encountered by the police is that the boundary between the Nunawading police district and the Waverley police district is Highbury Road. The group of shops where these problems are occurring is on the south side of Highbury Road, which places it just outside the area of responsibility of the Nunawading police. The result is that the shopkeepers suffer the disadvantage of being at the very end of one police district and slightly outside the boundaries of the adjoining police district. The Nunawading police and the Waverley police are doing as creditable a job as can be expected of them, given the demands being made on their manpower and their time. The Nunawading police answer calls and do stray slightly over the boundary to meet emergencies in this group of shops when called.

It seems, however, that there could be some reorganization of police districts to provide some inbuilt overlapping capacity to enable the people who find themselves in the situation of being on the boundary to overcome the attendant difficulties of that position. I reiterate that the residents of the area and the shopkeepers carrying on business in the area have nothing but praise for the efforts of the police from both Nunawading and Waverley, but I ask that the Minister make inquiries to see whether patrols of police in the districts can be increased to provide continual surveillance of the area and a police presence which would act as a deterrent
to the loutish behaviour of these youths who are causing distress to people in the area and who indeed are causing a considerable amount of damage, as is reported to me.

I ask that the Minister make some inquiries to determine whether there can be an increase in surveillance and police presence to protect the interests of the people of the area.

Dr COGHILL (Werribee)—I raise for the attention of the Minister of Labour and Industry a matter concerning a home insulation company which illegally withheld more than $260 commission from one of its agents following her resignation. The company is Cellco Pty Ltd of Dandenong, which retained Mrs Robyn Anderson of West Melton from January 1979 until 26 February 1980 as a commission agent selling home insulation. She was forced to resign in February because of ill health associated with her pregnancy. When she resigned she was owed $262.31, plus interest on the accumulated commission.

The company refused to pay her at the time. On three subsequent occasions it has promised to send her cheques but these have not appeared. The company retained the money on the pretext that one of the clients to whom Mrs Anderson sold insulation on behalf of the company had not completed its payments under the contract. However, Mrs Anderson’s only responsibility, having secured the sale, was to collect the deposit and she was not responsible for collecting any subsequent payments.

I ask the Minister to take up this matter to ensure that Mrs Anderson can recover the money owed to her and that other commission agents who may find themselves in a similar position will also be able to recover such moneys.

Mr McINNES (Gippsland South)—I direct to the attention of the Minister for Police and Emergency Services the fact that the police helicopter is shortly to be fitted with a powerful light as an essential part of its crime deterrent role. The helicopter will be used extensively over the suburbs of the Greater Melbourne metropolitan area. I believe it is necessary that a publicity campaign be carried out to ensure that the public is aware of the use to which the helicopter will be put and to secure acceptance of its role so that there will not be a rash of accidents and complaints in the first few days of its use. Both the helicopter and the searchlight must have acceptance by the public because they will be used in the early hours of the morning on many occasions. Overseas experience indicates that public support is very necessary.

Mr REYNOLDS (Gisborne)—I raise a matter for the attention of the Minister for Police and Emergency Services. I make a plea that the police at the Riddells Creek police station be supplied with a marked police car. The Riddells Creek police district covers 80 square miles and has a population of approximately 2000. The Shire of Romsey contains the three towns of Romsey, Lancefield and Riddells Creek. Romsey and Lancefield applied for police cars a couple of years ago, as did Riddells Creek, but the Riddells Creek station missed out because it was much smaller.

The town has grown at a rate of about 8 or 10 per cent in the past five years and that rate of growth is expected to continue. It is now a much larger town.

The police area covers two major roads, one being the Bacchus Marsh to Melbourne road, the other the Melbourne to Romsey and Lancefield road. Constable Goss of Riddells Creek covers the whole area in a small, worn and battered red 1972 Renault in which he looks a little too affluent to be a member of Parliament.

A police car acts as a deterrent. In this instance, Constable Goss owns the car but only the locals know it is his car, so there is no deterrent to visitors and traffic through the town and I am informed that all the crime and wrongdoing in the Riddells Creek area is committed by the visitors. Many new homes are being built in the area and there is a lot of pilfering from these homes.
I am supported by the residents and the Shire of Romsey who raised this matter with the Chief Secretary on a deputation in 1978. I ask the Minister to examine the problem and bring the Riddells Creek police station into the 1980s. Police patrols, modern crime detection and deterrent methods are most necessary, and the demand exists in Riddells Creek for a police car.

Mr WILTON (Broadmeadows)—In the absence of the Minister of Health, I ask the Premier to direct a matter to his attention on my behalf. The Minister is already aware of the problem which concerns swimming pool management and the use of chlorine gas.

For quite some months there has been serious and widespread agitation for the Government to take some action to implement a compulsory course for swimming pool managers. Such a course is currently in operation at the Footscray Institute of Technology and clearly demonstrates the need for people who hold these responsible positions to undergo the course.

In today's press there is a report, not the first but one of a number, of an incident involving the escape of chlorine gas as a result of which certain people had to receive medical treatment.

The pool operators management association has consistently put the case that a compulsory course on the management and control of this gas is desperately needed in Victoria. Commonwealth Industrial Gases Ltd, which supplies the gas, has already published a pamphlet setting out quite clearly that the control of the gas, and especially the servicing of cylinders at pools and the use of the gas, once the cylinders have been installed, needs to be carried out by people who understand what they are doing.

I am aware that the Minister has set up a committee to examine the question. I urge that he give the matter the highest priority and ask the committee to expedite its inquiry. There is a volume of evidence available. The Minister need only contact the pool operators management association and it will provide him with all the information he needs to establish regulations and guidelines to lay down the criteria under which pool management people must attain some expertise in the handling of this gas.

I appeal to the Premier to put the matter to the Minister of Health because it is an urgent problem. Children, adults and parents have been affected by the gas. It is not a situation which can be treated lightly because the after-effects can be hazardous and if a person is an asthmatic the situation can be disastrous.

Mr COLLINS (Noble Park)—I ask the Premier, as the Minister for State Development Decentralization and Tourism, whether the Government will discuss the causes behind the failure of Sleeman Ford Pty Ltd which has been placed in receivership by Ford Credit Australia Ltd? Will the Premier discuss the failure of that company with the Australian Automobile Dealers Association and the Victorian Automobile Chamber of Commerce?

Some months ago when the House debated increases in stamp duty the point was made that a number of companies would go bankrupt in the near future. It has nothing to do with stamp duty in this case but the reality is that Sleeman Ford has been the leading Ford dealer in the Melbourne and metropolitan area in the past seven years—

The SPEAKER (the Hon. S. J. Plowman)—Order! The honorable member's time has expired.

Mr MACLELLAN (Minister of Transport)—On the matter raised by the honorable member for Brunswick who wished to draw to the attention of the Minister of Health a product called Stingose and its possible dangers, I will draw that information to the attention of the Minister of Health so he can get in touch with the honorable member. It may be possible that the Minister of Consumer Affairs might look at some of the advertisements to see whether they are misleading and, if that is so, action might be taken to suppress the misleading advertisements which might
restrict the market to its legitimate purposes, if it has legitimate purposes. The honorable member left that as an open question.

The honorable member for Syndal raised a matter regarding my own area of transport. There has been damage to trains at Glen Waverley station. The honorable member suggested that the last train to that station's stabling area might be a train that could be locked up. I shall certainly inquire of VicRail if that scheduling can be done so as to reduce the incidence of vandalism, which is an enormous worry.

VicRail has engaged in a programme of additional supervision and it is to be hoped that some of the persons involved in the vandalism will be caught and the problem will be quickly suppressed.

VicRail is examining its stabling policy with a view to trying to develop railway housing and railway stationing in adjacent areas so it might have a better opportunity, as the Leader of the National Party put it, of having persons employed to do some of the security work on a more regular basis which will prevent some of these fires.

The Leader of the National Party raised a matter concerning the Residential Tenancies Bill and the desirability of consultation on that Bill before the resumption of the House at its next session. I have circulated to the National Party and the Opposition the Government's intended amendments to the Bill which is on the Notice Paper. I have not received the Opposition's amendments and I had not realized that the National Party had some amendments, but in the "forest of amendments" suggested or talked about, one could have expected that. The opportunity might be taken to redraft the Bill to incorporate the Government's amendments which will reduce the number by that many. Perhaps with that Bill redrafted and with any incidental changes that might be further discovered, it could be circulated to the National and Labor parties and their comments and co-operation sought in terms of exchanging amendments so that the House might have a less difficult debating problem in the new Parliament.

Mr Maclellan

There is a sheer scheduling problem of time in the Parliament if the House is going to deal with that number of amendments in the Committee stages.

The honorable members for Carrum and Bundoora sought to identify one specific problem as to why the Bill has not been brought on. The Bill has not been debated in this session, although there have been opportunities when it might have been. However, the number of proposed amendments to the Bill was a considerable deterrent to its being dealt with at the expense of opportunities for other honorable members to speak. The honorable member for Carrum, naturally, would like to join his colleague in the shouting match and I can only regret that he did not get his opportunity to raise something on the adjournment so he could have re-established his reputation before the House adjourned.

Mr HAMER (Premier)—In relation to the matter raised by the honorable member for Dandenong, the fact is that a new division has been created in the Department of State Development Decentralization and Tourism. The term "unit" was used by the questioner and I repeat it. It is a division of the Department of State Development Decentralization and Tourism under the title of Major Projects Division. The original proposal came from the Victorian Chamber of Manufactures with whom it was discussed and action had been taken accordingly. Undoubtedly there will be further discussions.

The honorable member for Broadmeadows asked me to bring to the notice of the Minister of Health the desirability of swimming pool managers receiving training in the handling of chlorine gas and I will bring that matter to the Minister's attention. It is a legitimate, proper and urgent matter.

The honorable member for Noble Park began to talk about the failure of Slee-man Ford Pty Ltd. The receivership of that dealer was precipitated by Ford Credit Australia Ltd and it is the second large Ford dealer in a short time to fail. I will have some inquiries made to determine the cause of the failure but