Questions without Notice

The Hon. HADDON STOREY (East Yarra Province)—I direct a question without notice to the Leader of the Government. On 13 April, the Premier announced that the Government would introduce guidelines for obtaining access to Government documents prior to the coming into operation of the freedom of information legislation later this year. This morning, the Premier said that Cabinet had approved of those guidelines. Will the Leader of the Government lay on the table those guidelines and ensure that the fullest publicity is given to them so that people are informed of the way in which they may obtain access to Government documents?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I take the view that that is a matter for the Premier in his capacity as Attorney-General. I will take up with the Premier the question raised by the Deputy Leader of the Opposition and inform the House on the matter at a later time.

The Hon. R. A. MACKENZIE (Minister of Forests)—I have withdrawn several publications from Forests Commission offices and other places where the commission distributes its literature. The Forests Commission publishes dozens of excellent pamphlets and brochures. Of these, I withdrew four which did not agree with the Government’s policy and pre-empted decisions of the Government.

Local Government (Board of Review) Bill

This Bill was received from the Assembly and, on the motion of the Hon. W. A. LANDERYOU (Minister for Economic Development), was read a first time.

Motor Car (Breath Analysing Instruments) Bill

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Access to Government Documents

The Hon. HADDON STOREY (East Yarra Province)—I direct a question without notice to the Leader of the Government. On 13 April, the Premier announced that the Government would introduce guidelines for obtaining access to Government documents prior to the coming into operation of the freedom of information legislation later this year. This morning, the Premier said that Cabinet had approved of those guidelines. Will the Leader of the Government lay on the table those guidelines and ensure that the fullest publicity is given to them so that people are informed of the way in which they may obtain access to Government documents?

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FORESTS COMMISSION PUBLICATIONS

The Hon. G. A. S. BUTLER (Thomastown Province)—I understand that the Minister of Forests has recently withdrawn several Forests Commission publications from distribution. I wonder whether he would advise the House of the reasons for his action and of how many publications have been withdrawn.

The Hon. R. A. MACKENZIE (Minister of Forests)—I have withdrawn several publications from Forests Commission offices and other places where the commission distributes its literature. The Forests Commission publishes dozens of excellent pamphlets and brochures. Of these, I withdrew four which did not agree with the Government’s policy and pre-empted decisions of the Government.
The Forests Commission has a responsibility to provide information and advice to the public. Its role is not to buy into public debate or controversy, especially if its opinion is contrary to the policy of the Government.

**BUILDING UNION SITE ALLOWANCES**

The Hon. D. K. Hayward (Monash Province)—I direct a question without notice to the Leader of the Government in his capacity as Chairman of the Industrial Relations Task Force. I refer to the instructions which have been issued to Government departments and instrumentalities to negotiate site allowances for members of building unions. Is it not a fact that such site allowances are contrary to the relevant building awards, both Federal and State? If so, will the Minister ensure that those instructions are withdrawn?

The Hon. W. A. Landeryou (Minister for Economic Development)—It is a pity that members of the Liberal Party, and some on the front bench, do not understand the nature of the problem. The difficulty is simply that—and the shadow Minister for Economic Development and the shadow Minister of Education and Mr Bubb will explain what it is—in the building industry, there are those employees who are covered directly by Federal awards and their rates of pay, conditions and site allowances are a matter for determination by the Commonwealth Conciliation and Arbitration Commission. Government employees are in that category, but, when a private employer engages employees when the Government or some statutory authority is the client, those employees are in a different category. They are not necessarily covered by the relevant Federal award. Some may be covered by a State award. In those circumstances, it is not possible for the Arbitration Commission to make a determination or award. If Mr Hayward had conferred on the matter with the relevant shadow Minister, he would have discovered that the shadow Minister received legal advice to that effect some time ago.

The difficulty the matter presents to the task force is simply that we, as a Government, want conciliation to be the first emphasis and, if we cannot reach agreement, arbitration will then follow. In any event, whatever agreements are negotiated at whatever level, they will be, where appropriate, referred to the relevant arbitral authority.

**PROPOSED SKI LIFT**

The Hon. Joan Coxsedge (Melbourne West Province)—Can the Minister for Conservation indicate whether a decision has been made to permit Mount Smythe Associates to build a gondola ski lift to the top of Mount Feathertop through one of Victoria’s most beautiful national parks, the Bogong National Park?

The Hon. E. H. Walker (Minister for Conservation)—There has been an application before the Government—and it was before the previous Government for some time—for a permit to build a gondola ski lift from Harrietville to Mount Little Feathertop—

The Hon. D. M. Evans—To Bungalow Spur.

The Hon. E. H. Walker—Thank you, to Bungalow Spur. We have examined the proposal very closely and I told Mr Handley, who leads the group that wants to build the lift, that the Government would not mess him around and would give him a decision in short order. The Government has worked hard on the matter and there have been a number of meetings with Mr Handley. We have examined a model and the assessment section of the Ministry for Conservation carried out a careful assessment.

Last week, on my advice, Cabinet determined not to offer a permit for the construction of the ski lift. I have called Mr Handley to advise him that the answer is “No” and, on the telephone, I gave him the three main reasons why that was the answer. Today, I am drafting a letter to send to him.

The Hon. A. J. Hunt—You mean you called Mr Handley and Mrs Coxsedge.
The Hon. E. H. WALKER—Mrs Cox­sedge is interested in matters of environment and asks careful questions concerning them. The reality is that Mr Handley is a man of great capacity and I told him on the telephone that the Government would be pleased to use his entrepreneurial capacity in the ski-ing industry. I have referred him to the Minister for Tourism, because I believe a man of his capacity and skills can be used.

It was not acceptable to have a gondola ski lift built through a national park; nor was it possible, in the view of the Government, to create ski slopes on land that was shown to be unstable and poorly vegetated. The decision has been made and passed on.

NUCLEAR-FREE STATE

The Hon. B. A. CHAMBERLAIN (Western Province)—Can the Minister for Conservation advise whether it is a fact that the Government announcement of a nuclear-free Victoria was made in exchange for an agreement with the Socialist left faction that the number one Senate spot would be given up to either Senator Evans or Senator Button?

The Hon. E. H. WALKER (Minister for Conservation)—I have great difficulty in determining whether it is a legitimate question. Mr President, would you care to give a ruling?

The PRESIDENT (the Hon. F. S. Grlmwade)—Order! I had intended interrupting the Minister. He spoke before I gave him the call. I fancy the question is frivolous and, therefore, I rule it out of order.

SUNRAYSIA VEGETABLE GROWERS

The Hon. K. I. M. WRIGHT (North Western Province)—I refer the Minister of Soldier Settlement to the disastrous severe frosts of which there were six in succession in the Sunraysia district which caused damage estimated conservatively at $1 million, to lemon, avocado and citrus fruit, vegetable and other crops. As a result, consumers in the city will be paying greatly increased prices. What action will the Minister and his department take to alleviate the situation? Will officers be sent to the area to investigate the damage and to make recommendations for further action?

The Hon. R. A. MACKENZIE (Minister of Soldier Settlement)—I am aware of the disastrous frosts that occurred in the Sunraysia region which caused considerable damage to fruit and vegetables. I have spoken to the Rural Finance Commission, which is under my administration as Minister of Soldier Settlement, and at this moment one of the commissioners, Mr Malcolm Smith, is in the area investigating the situation. I am looking at the question of providing carry-on finance to bona fide growers providing that they can show that their whole livelihood depends on that industry. Each case will be reviewed independently and decided on its merits.

MOUSE PLAGUE

The Hon. R. J. EDDY (Thomastown Province)—Following the disastrous mouse plague that virtually destroyed wheat crops approximately two years ago, will the Minister of Lands inform the House what steps the Vermin and Noxious Weeds Destruction Board intends taking to prevent the problem recurring?

The Hon. R. A. MACKENZIE (Minister of Lands)—It is kind of Mr Eddy to refer to the matter today. All honourable members will remember the seriousness of the mouse plague some two years ago which created enormous damage to crops and homes throughout the wheat-growing areas. The Vermin and Noxious Weeds Destruction Board has commenced a research programme in co-operation with the Department of Agriculture, with the South Australian Vertebrate Pests Control Authority and the Commonwealth Scientific and Industrial Research Organization.

At present, they are carrying out tests on biological control and similar techniques. They are not trying to develop another type of mouse trap but are aiming to develop proper techniques, better farm management and forewarning devices through studying
the habits of the mice when they are about to reach plague proportions so that action can be taken before the problem occurs. It is hoped the research will be completed before the plague cycle begins again.

TRADE UNION GRANT

The Hon. CLIVE BUBB (Ballarat Province)—I refer the Minister for Economic Development to the $100 000 grant given to the Victorian Trades Hall Council, I presume, for training union health and safety representatives. Given that public funds are already being made available to the Trade Union Training Authority, what terms and conditions attach to the grant, what priorities will be pursued in safety and what safeguards are attached to the significant sum of public money given to the trade union movement?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I thank the honourable member for his question. The Government views as a matter of concern the need for improved health and safety training and is anxious to obtain the views and support of that concept by the organized employees and employers of Victoria. I am not aware of the precise details. However, I will undertake to check them with the relevant Minister and supply the honourable member with the details.

WHEAT MARKETING

The Hon. W. R. BAXTER (North Eastern Province)—Will the Minister of Agriculture indicate which aspects of the proposed wheat marketing changes he has reservations about and the nature of those reservations? Is the honourable gentleman aware that the proposed changes are endorsed by the Australian Wheatgrowers Federation, and has he contemplated the potential loss to Australian wheatgrowers if he decides to introduce complementary proposed legislation in time for the forthcoming harvest?

The Hon. D. E. KENT (Minister of Agriculture)—I am aware that the amendment has the support of the Australian Wheatgrowers Federation. That organization intends to discuss the matter with me this week, having not done so earlier. I realize implications are involved and, as I stated to Mr Dunn, the matters will be judged on their merits.

POTENTIAL LEBANESE MIGRANTS

The Hon. G. A. SGRO (Melbourne North Province)—I direct my question to the Minister representing the Minister for Federal Affairs. Will the Minister undertake to urge the Federal Government to give serious consideration to facilitating the entry to Australia of people from Lebanon who wish to migrate as a result of the suffering created by Israel's invasion of their land?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—The Government would review sympathetically the problems faced by various people around the world and, like all members of this Chamber, is committed to the concept of peace. The matter is outside my direct jurisdiction, but I will ensure that the matter is referred to the appropriate Minister.

LIVE SHEEP EXPORTS

The Hon. D. G. CROZIER (Western Province)—I direct my question to the Leader of the House in his capacity as chairman of the so-called Industrial Relations Task Force. Is the Minister aware that at a large public meeting held at the Portland Civic Centre on Wednesday last at which the transport, shearing and waterside industries including the local branch of the Waterside Workers Federation of Australia were represented as well as farmers, overwhelming support was expressed for the continuation of the live sheep export trade?

Further, in view of this impressive demonstration of community support for this valuable export industry and in view of the threat of violent interference from the Victorian branch of the Australasian Meat Industry Employees Union, what initiatives has the Minister undertaken or contemplated undertaking to guarantee security to the loading operations at Portland?
The Hon. W. A. LANDERYOU (Minister for Economic Development) —I thank the honourable member for his question and appreciate the difficulty he has with the pronunciation of certain words. The problem in Portland is indeed a vexed one and I appreciate the division not only within the community but also within the trade union movement. Unlike its predecessor, from day one the Government has earnestly sought a solution to the dilemma, difficulty and dispute.

Indeed, the Government has read with some enthusiasm the report to the Federal Cabinet of the trade commission organized by that Government. The Government is waiting for some appropriate decision to be made in the area. The Government went out of its way to speak to the people who are responsible for the operation—the shipping company. The company was co-operative to the point of suggesting that, until the matter was concluded, it would not bring another ship into Portland.

The Government is anxious to ensure that it is even-handed and wishes to co-operate with the Commonwealth Government, the Australian Council of Trade Unions and, for that matter, graziers and the shipping company involved in earnestly trying to seek a solution. The Government understands the enormous problem it creates, whichever way a solution is found, for those employees whose livelihoods are affected.

TOBACCO INDUSTRY

The Hon. D. M. EVANS (North Eastern Province)—The Minister of Agriculture visited tobacco industry areas about ten days ago on what I consider was a full and informative fact-finding tour. Will he inform the House of the Victorian Government’s policy on the future of the tobacco industry in north-eastern Victoria at this time?

The Hon. D. E. KENT (Minister of Agriculture)—As Mr Evans will be aware, it is not the policy of the Government to encourage smoking or the use of any other drugs. The Government realizes there is every likelihood that the tobacco industry will continue to meet a demand in this country for a long time to come. Therefore, it is the intention of the Government to continue providing the research assistance which has been made available in the past to the industry so that it may produce its products efficiently and, I hope, with maximum safety to those indulging in the commodity.

VICTORIAN TOBACCO GROWERS (DISPOSAL OF ASSETS) BILL

The Hon. D. E. KENT (Minister of Agriculture), by leave, moved for leave to bring in a Bill to make provision with respect to the disposal of assets acquired by the Victorian Tobacco Growers Association and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

HEALTH (ALCOHOLIC BEVERAGES ADVERTISING) BILL

The Hon. H. M. HAMILTON (Higinbotham Province), by leave, moved for leave to bring in a Bill to amend the Health Act 1958 for the purpose of imposing restrictions on the advertising of alcoholic beverages.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS

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


Statutory Rules under the following Acts of Parliament:

Explosives Act 1960—No. 172.

On the motion of the Hon. B. A. CHAMBERLAIN (Western Province), it was ordered that the notice of consent under the National Parks Act 1975 be taken into consideration on the next day of meeting.
HOSPITALS SUPERANNUATION (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Minerals and Energy)—I move:
That this Bill be now read a second time.

The purpose of this rather brief measure is to facilitate the transfer of the Hospitals Superannuation Act from the portfolio of the Minister of Health to that of the Treasurer.

Legislation to establish a Hospitals Superannuation Fund was enacted by Parliament in 1965. The scheme constituted under the Hospitals Superannuation Act of that year succeeded the Institutional Staff Superannuation Scheme then being operated for the benefit of hospital employees by the Victorian Hospitals Association. Ever since its enactment, the Hospitals Superannuation Act has been administered by the Minister of Health.

However, for a number of reasons, it is considered more appropriate that the Hospitals Superannuation Fund should come within the ambit of the Treasurer. These include the fact that the Health Commission does not have the expertise necessary to advise the Minister of Health on superannuation matters, and because superannuation is seen as a condition of employment rather than relating to the provision of health services or health care.

The Treasurer already administers the Superannuation Act and the State Employees Retirement Benefits Act and the transfer of the Hospitals Superannuation Act to the Treasury portfolio will help promote a greater consistency between the various schemes.

I might add for the assistance of honourable members that agreement to the transfer was reached between the former Minister of Health and the former Treasurer, although the necessary administrative steps had not been initiated prior to the last elections.

Although the Government has been informed that the transfer could be achieved by executive direction, some machinery amendments to the Act would nevertheless be required to clarify Ministerial responsibility with respect to several provisions.

This Bill will make the necessary “tidying up” changes to section 1, section 6 (3) and section 35FA (7) to facilitate the proposed transfer to the Treasurer as from 1 July next.

The present Government believes that, the transfer of the Hospitals Superannuation Act to the Treasurer will be of advantage to the State, particularly as the Act and its supporting regulations are essentially technical and of an actuarial nature and thus best administered in conjunction with the other major Government superannuation schemes. I commend the Bill to the House.

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

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

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I move:
That this Bill be now read a second time.

It has been the practice to introduce into Parliament towards the end of each spring sessional period a Bill to make miscellaneous amendments to the Local Government Act. These Bills have then been allowed to stand over to enable municipal councils and other interested or affected groups to make submissions.

A Bill of this nature, the Local Government (General Amendment) Bill 1981, was introduced late last sitting by the former Government.

This Government appreciates the need for such Bills. The Local Government Act is extensive, complex and largely prescriptive. The powers of councils are generally set out in detail and amending legislation is required each time a power is to be amended or extended or a new one added. Accordingly, the Act constantly needs to be fine-tuned.

To enable local government to meet the challenges of the next ten or twenty years the Government must look to giving councils more general and less restrictive powers.
The Local Government Act requires too much to be settled in Melbourne—matters that would be better left to the council and the local community to resolve.

Local government is the level of government closest to the people and it should have a greater degree of autonomy—more room to move—to enable it to take the actions needed to provide the services demanded of it.

The Government is investigating the introduction of a general power of competency to enable councils to undertake activities or provide services that are considered to be necessary or desirable for their communities. As a first step, each council has been requested to comment on the form any power of competency may take and the nature of additional activities and services that councils consider should be within the scope of local government and to advise the Local Government Department of its comments.

The Government views consultation of this nature with municipal councils as being an important means of enhancing the relationship between State and local government.

I should like to thank all those who made submissions on the 1981 Bill. Their views were of benefit to the Government in preparing the proposed legislation.

My particular thanks are due to the members of the working party, which reviewed the Bill and comments received. This group comprised representatives from the Municipal Association of Victoria, the Institute of Municipal Administration and the Local Government Engineers Association and is chaired by the Secretary for Local Government, Mr George Pentland.

A number of the amendments made to that Bill flow from their considerations. The Bill eliminates some of the requirements for a council to obtain the consent of the Governor in Council or the Minister before exercising its powers. This is a step in the right direction.

Other major matters dealt with in the Bill include: The inclusion of a requirement that a candidate for election to a municipal council cannot act as a scrutineer for himself or on behalf of any other candidate; the widening of the by-law making powers of councils to enable them to:

- control and regulate building and construction operations to prevent objectionable noises at unreasonable times; and
- regulate the time during which incinerators may be used on property used wholly or partly for residential purposes.

Other major matters dealt with in the Bill include: Making land held in trust and used exclusively for the purposes of the Australian Legion of Ex-Service-men and Women (Victorian Branch) non-rateable; permitting councils to control the placement on roads and streets of receptacles exceeding a capacity of two cubic metres for the reception of litter and waste; authorizing councils to permit the placement on roads and streets of moveable advertising boards, signs or hoardings; empowering councils to introduce parking concessions for vehicles driven by disabled persons; providing that various fees, deposits, etc. that are presently fixed by the Act will in future be prescribed by regulation; and gathering together of a number of certificates given by municipal councils in relation to land.

One provision not included in the Bill, which was in the previous Bill, is a proposal to introduce a secret ballot for the election of the chairman of a municipality. The Government appreciates that at times the election of the chairman can be a sensitive issue. However, the Government believes that generally a community likes to see its first citizen elected in open council—as has traditionally been the practice.

Clause notes are attached to the Bill for the information of members. I advise honourable members that minor amendments have been made to the Bill in another place. I commend the Bill to the House.

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

That the debate be now adjourned.
I suggest that the debate be adjourned until the next day of meeting. In doing so, I invite the Leader of the House to obtain, if practicable, a list comparing the changes in this Bill with the changes made in the 1981 Bill. The honourable gentleman noted one change in the explanatory second-reading notes, but there are obviously other changes that could be determined by a detailed study. I do have some knowledge of local government and, therefore, I believe that a list of proposed changes would exist. It would be of assistance if a list of the proposed changes were appended to the list of recommendations made by the working party.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until the next day of meeting.

LOCAL GOVERNMENT (BOARD OF REVIEW) BILL

The Hon. W. A. LANDERYOU (Minister for Economic Development) -I move:

That this Bill be now read a second time.

It implements aspects of the report of the Board of Review into the Role, Structure and Administration of Local Government in Victoria, known as the Bains report, which accord with the Government’s policies.

Late last sessional period the former Government introduced a Bill into Parliament to give effect to sections of that report. The Bill was held over to enable local government and other interested groups to comment.

The Government has reviewed the 1981 Bill in the light of its policies and has also had the benefit of the report of a working party which was set up to consider comments received. The Bill is the result of that review.

One of the most important matters dealt with in the Bill is the question of the structure of municipal government.

One frequently hears that there is a need to reform the structure of local government in Victoria. But what does “reform” mean?

If one were to take a survey one would probably obtain responses from across the spectrum—ranging from nothing is needed to suggestions for wholesale restructuring. Equally, a wide variety of views would be expressed on the criteria to be followed in any proposed reform.

On the one hand, economic efficiency and viability would be seen as important matters for consideration. On the other hand, accessibility and responsiveness would be put forward as a prime purpose of local government.

The Government believes that one cannot look at “reform” as if it were an abstract concept. Like local government itself, it is about people—where they live, their aspirations.

In considering any change to the municipal structure many factors must be taken into consideration. Efficiency and viability are not the only criteria that must be addressed. Equally, accessibility to a council is of little use if the municipality is so weak that it cannot provide the services its residents want.

Size cannot be the only criterion. The organization may be large and efficient but it may be too remote from those it serves. However, a municipal district can also be too small—relying heavily on the support of its neighbouring councils and central Government.

In the final analysis, changes to the municipal structure are only going to be successful if there is a broad measure of agreement. To assess the views on any proposed change it is necessary to develop a mechanism to measure them.

The Bill provides for the establishment of a Local Government Commission. The commission will replace the present Local Government Advisory Board.

Divisions of the commission will be appointed by the Minister to consider proposals to alter the municipal system. Each division will consist of three members and it will carry out investigations referred to it by the Minister.

The Government believes that the proceedings of each division should be public and the Bill provides that each
division, while undertaking an inquiry, will be required to hold at least one public meeting.

The Bill specifies a series of criteria to which each division is to have regard. They are not in the form of a blueprint, which will automatically apply to every situation, and indeed the matters to be considered may well vary considerably from inquiry to inquiry.

A division will not be precluded from taking into account additional matters considered relevant to a particular situation. A division is to report to the Minister and the report will be made public.

Before any proposal is implemented to change the external boundaries of a municipal district or to establish a new municipal district there is facility for the electors most affected to require the holding of a poll to measure the extent of public opposition to the proposal.

The Minister is to have regard to the result of the poll in forming an opinion on whether to make a recommendation to the Governor in Council. I believe that there is general agreement that some alterations to the municipal structure in Victoria are required and in instances, overdue, but there is no intention to proceed with a wholesale restructuring of municipal government.

The provisions in this Bill strike a balance and provide the mechanism for bringing about change if it is desired and is shown to be in the best interest of local government and the people it serves. There are also a number of other provisions in the Bill which I would like to mention.

Many councillors make considerable sacrifices in time and money to work in the interest of their communities. The Bill provides for the payment of out-of-pocket expenses of up to $1500 a year for each municipal councillor. The maximum figure is fixed by statute but it will be left to each council to decide whether it wishes to make the payment and the amount of the payments up to the statutory maximum. The amount of the payment will be uniform between the councillors.

The Bill will permit councils the option of entering into contract agreements for the appointment of officers and also enable councils to nominate or appoint Chief Executive Officers.

The Government appreciates that there is a growing tendency amongst councils to introduce corporate management structures and this will be facilitated by the provisions I have just mentioned. The Government will watch the operation of the provisions closely. It is concerned to ensure that the contract provisions are not used to bypass the important protective measures for certain senior officers contained in section 160 of the Local Government Act.

Some councils, of course, have already appointed Chief Administrators to coordinate the work of the councils and their staffs. The Bill recognizes this situation. Any Chief Executive Officer appointed is to have administrative charge of the municipality, and in appointing a person to this position the council is to have regard to the appointee having knowledge of and experience in local government methods. The Bill does not disturb the statutory duties of such officers as the Town Clerk and Municipal Engineer.

The Bill will empower councils to delegate certain of their functions and powers. This provision is in recognition of the increasing complexity of the role of local government. However, a council may not delegate matters such as the voting of money and the purchase and sale of land. The limitations on the extent of delegation together with the inclusion of controls over any matter delegated are designed, in the interests of the community, to leave the council with ultimate control.

The Bill also extends the powers of councils to provide housing. Their present powers are too limited and do not give councils sufficient scope for action in this important area.

One notable aspect of the previous legislation not continued in this Bill is the proposed introduction of adult franchise for municipal elections. The Government has a strong commitment to broadening the far too narrow local
government franchise at present in operation. However, the Government is anxious to see that the new franchise is introduced as smoothly as possible.

With this in mind a working group has been established to develop the procedures necessary for preparing the municipal electors' rolls. The group includes officers from the State and Commonwealth Governments and representatives from local government.

The procedures for developing the voters' rolls are long overdue for revision. Indications are that the introduction of adult franchise will lead to the voters' rolls being prepared on a co-operative basis between the Commonwealth and State Governments and local government, thereby making best use of available resources and avoiding unnecessary and wasteful duplication between Government agencies and local government.

Legislation to extend the franchise, and also dealing with a number of other aspects concerning the election of councils, is proposed for the next sitting of Parliament. The Government's announced policy to return an elected council to the City of Melbourne this year will have a bearing on this proposed legislation.

This Bill is an important measure, but is only the first step. The Government believes that many of the restraints that currently restrict the activities of municipal councils should be eased so that councils can more adequately meet the needs of and be accountable to, the communities they serve.

The Bill does not deal with all matters in the Bains report, which the Government accepts. Other legislation will follow. I commend the Bill to the House.

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

That the debate be now adjourned.

I propose that the debate be adjourned for two weeks, and desire to give reasons. The Leader of the Government has twice today commended the practice of allowing local government Bills to lie on the Notice Paper so that councils can be forewarned of them and can make their comments. It is true that the predecessor of this Bill did precisely that and the comments of local government representatives were received and have been taken into account.

However, this Bill, compared with its predecessor, contains at least four major changes which have caught local government completely by surprise. They were certainly not known to many local councils before the Bill was introduced in another place.

Indeed, most councils received advice of those changes only last week from the Municipal Association of Victoria or from local members of Parliament at a stage when the Bill was being brought on for debate in another place, and honourable members on all sides of the House would undoubtedly have received telegrams complaining about one aspect or another of the changes on which they have had no opportunity of commenting.

The telegrams to date have come from council officers rather than councillors, and over the next fortnight many councils will be meeting, and it will be a matter of putting into effect the very principle that the honourable gentleman espoused—and I congratulate him on having done so—because it is a practice which has been adopted on both sides of the House that reasonable time should be allowed for discussion of such measures. That is the reason for seeking an adjournment of two weeks.

The Hon. W. R. BAXTER (North Eastern Province)—I support the Leader of the Opposition in seeking an adjournment of the debate for two weeks. It has been customary, as he noted, for local government Bills to be widely circulated. There are a couple of very significant changes in this proposal compared with the Bill circulated by the previous Government, and councils are only just becoming aware of them.

A classic example of this occurred at Government House on Thursday night when I was speaking with two senior councillors who are well connected with the Municipal Association of Victoria; they were unaware of one
of the major provisions of the Bill concerning the 5 per cent variation in the population of wards.

It would be unbecoming for Parliament to rush this proposed legislation through all former traditions. I urge the Leader of the House to accept the period of adjournment suggested by the Leader of the Opposition.

The Hon. W. A. Landeryou (Minister for Economic Development)
—The Government accepts the proposal for the adjournment of the debate for a fortnight. I hope by that time that everybody will have had an opportunity of doing their homework, and I look forward to the discussion.

The Hon. A. J. Hunt (South Eastern Province) (By leave)—It is not a question of doing one’s homework. I assure the honourable gentleman that I am ready to proceed at this moment. On the other hand, it would be quite unfair to local government, which at least deserves an opportunity of giving its comments on the changes made in the Bill.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, June 29.

MOTOR CAR (BREATH ANALYSING INSTRUMENTS) BILL

The Hon. R. A. Mackenzie (Minister of Forests)—I move:
That this Bill be now read a second time.

This Bill is designed to correct a problem in the drink-driving legislation brought to light by a recent decision of the Supreme Court. It will validate the use by police of some 50 breathalyzers which, because of a technical defect in the legislation, have been deemed by the court not to be approved breath analysing instruments for the purposes of the Motor Car Act. This decision has placed in jeopardy the successful prosecution of many motorists who have been charged with exceeding a blood alcohol level of ·05 per cent.

On 30 April this year, the Supreme Court dismissed an application for an order to review a decision of the magistrate at Prahran Court to dismiss a charge of driving over ·05 per cent. The court so decided on the basis that, because the breathalyzer used in the case was endorsed with an abbreviation of the word “patent”, it was not a breath analysing instrument for the purposes of the Motor Car Act.

The Act provides that where the question as to the percentage of alcohol in the blood of any person at the time of an offence is relevant in court proceedings for certain offences, evidence may be given of the percentage of alcohol indicated to be present in the blood of that person by a breath analysing instrument. A breath analysing instrument is defined as apparatus of a type approved for the purpose of this provision by the Governor in Council by notice published in the Government Gazette.

The most recent approval of the Governor in Council was given in September 1973, and approved of two models of breathalyzers, both of which bore the same patent number but on which the expression preceding the number differed; one referred to “U.S. Patent”, the other to “USA Patent No.”. Both machines are identical save for the different methods of expressing the patent number.

However, at some time since 1973, new breathalyzers purchased by the police were endorsed with an expression preceding the patent number which contained an abbreviation of the word “patent”. The breathalyzer that was used in the case to which I have referred bore this expression and the Supreme Court held that as this specific expression was not included in the Governor in Council’s notice of approval, the reading obtained from the device was not prima facie evidence of the defendant’s blood-alcohol content.

To correct this situation, the Governor in Council issued a new notice on 11 May which approved all breathalyzers which bore the patent number irrespective of how that number was expressed on the machine.

Although the Governor in Council’s approval validates the use of all breathalyzers from that date, there are some 3000 to 4000 outstanding charges based on blood alcohol readings obtained from
the more recently acquired breathalyzers. The police have applied for or intend to apply for adjournments of all of these cases pending resolution of the problem. To this end an appeal against the decision of the Supreme Court has been made to the High Court.

Without knowing the outcome of this appeal, the Government is concerned that these motorists should escape a penalty on a "technicality" in the method of identifying a breathalyzer as a breath analyzing instrument. They have been charged with an offence which is known to be a major contributor to the road toll and, as such, they should not be excluded from the due process of the law. Failure to take action would result in numerous motorists continuing to drive who may otherwise suffer the mandatory cancellation of their drivers' licences.

The Government is determined to maintain the steady inroads into the road toll which have been achieved in Victoria over the past decade. A major contributor to that reduction has been the armoury of drink-driving legislation available to the police and no chinks in that armour must be allowed to go unrefpaired.

This Bill will put the issue beyond doubt. It provides in the Act itself that a breath analysing instrument means a breathalyzer bearing the patent number however that number is expressed. Further, it deems this provision to have been in operation since 1 August 1971, the date on which the 0.05 provisions were included in the Motor Car Act. All outstanding charges will be dealt with on the basis of the law as amended and the technicality of the method of expressing the patent number on the machine will not be available as a defence.

At this stage, I foreshadow an amendment to the Bill in Committee. The amendment is necessary to avoid requiring breathalyzer operators to attend the court hearings of all outstanding charges to give evidence that the instrument they used at the time of a breath test bore the word "Breathalyzer" and the patent number. Certificates stating that the instrument used was of a type approved by the Governor in Council have been issued to all defendants and the amendment deems this statement to be a reference to a breathalyzer bearing that word and the patent number.

Notwithstanding these retrospective amendments, the decision of the Supreme Court to which I have earlier referred will be saved by the Bill. That decision will be considered on appeal to the High Court on the basis of the legislation as it currently stands. I commend the Bill to the House.

On the motion of the Hon. N. B. Reid (Bendigo Province), the debate was adjourned.

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

Stamps (Matrimonial Settlements) Bill

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

The Hon. N. B. Reid (Bendigo Province)—The Opposition does not oppose this Bill which corrects a situation that existed last year and does not effect a major change to the law. The Bill corrects an anomaly which was brought about by a decision of the High Court and it restores the exemption so that transfers of land made pursuant to or for the purpose of an order of the Family Court or a maintenance agreement approved or registered under the Family Law Act in circumstances of matrimonial breakdown will not attract duty. The exemption will operate retrospectively from 1 January so that any person who has paid duty in these circumstances on or after that date will be able to obtain a refund.

As many honourable members are aware, matrimonial breakdown is distressing for the people involved at any time, and the Opposition does not wish to add to the upset by opposing the Bill. When the Minister introduced the measure the Minister said that the
exemption applied to all land transfers. Members of the Opposition believe the exemption does not go far enough. On many occasions the Government has said how efficiently it will operate the State, and this was spelt out again in the second-reading speech of the Minister when he said that the Government was committed to removing anomalies and inefficiencies from the States' revenue raising structures. I believe the Government should have looked at the total field of settlements between parties when a matrimonial breakdown occurs and a settlement takes place. The exemption should apply also to shares and other property such as cars where duty is payable, but this aspect has not been considered by the Government.

**The Hon. B. P. Dunn**—Did you take it into account?

**The Hon. N. B. Reid**—The Government has had the opportunity of looking at the anomalies. In the second-reading speech of the Minister the honourable gentleman said that the Government would correct any anomalies or inefficiencies. That should have been done in this Bill. The Opposition does not oppose the measure.

**The Hon. B. P. Dunn** (North Western Province)—This Bill has been adequately explained by the Minister and by Mr Reid. The National Party certainly supports the measure because it deals with an anomaly. Land transfer between partners or persons involved in a matrimonial breakdown, which is prevalent today, should not be subject to duty. The simple effect of the Bill is to provide for that exemption. Mr Reid mentioned other anomalies which may well be an area that the Government should consider when it has sufficient time to do so.

The National Party supports the provisions contained in the Bill, which are made retrospective to 1 January. Normally the House is reluctant to accept retrospectivity, but in this case it would really be an injustice to the people who have already paid duty on land that has been transferred in those sorts of cases to meet that requirement, so they in fact will be able to obtain a refund once this measure is passed. It therefore has the support of the National Party.

**The Hon. H. G. Baylor** (Boronia Province)—I support the comments of the previous two speakers, Mr Reid and Mr Dunn, in their general support of the Bill. The opinion must be fairly unanimous that when people consider the trauma and heartbreak of the breakdown of a marriage and family any assistance that can be given to these people is to be welcomed. The Opposition supports the measure.

I am somewhat disappointed because the deficiencies in the Bill were brought to the attention of the Government in another place but it has not seen fit to amend the Bill before it reached this House. I refer to the matters referred to by Mr Reid, namely, the conveyancing of real property between partners.

**The Hon. B. P. Dunn**—You could move an amendment because you have the numbers.

**The Hon. H. G. Baylor**—In my view the exemption should have been extended. It would have been a simple process to extend the exemptions beyond real property to settlements between parties relating to chattels, particularly the important asset of the family motor car. In the breakdown of the marriage, the ownership of a motor car may be transferred from the husband to the wife or vice versa and that transfer attracts stamp duty. People will still be penalized in that regard.

It is unjust under the spirit of the measure to allow those anomalies to continue. Likewise, the transfer of parcels of shares could be part of a settlement when agreement is reached between the parties as to the division of the matrimonial property.

I draw attention to the shortcomings and deficiencies of the Bill. At the same time, I welcome the measure and do not oppose it.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.
I thank Mr Reid, Mr Dunn and Mrs Baylor for their support of this measure. I note the comments made by Mr Reid and Mrs Baylor in respect of exempting stamp duty on shares and other chattels and indicate that the Government does not intend to proceed with that matter at this stage.

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

STAMPS (FIRST PURCHASES OF LAND) BILL

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

The Hon. H. G. BAYLOR (Boronia Province)—The Opposition sought the adjournment of the debate on this Bill because the measure fell somewhat short of the promises made by the Government prior to the election. It fell short of what the general public of Victoria, particularly young couples contemplating buying their first home, had been led to believe.

I believe that was a gross deception as part of the Labor Party's campaign prior to the election. By moving that the debate be adjourned, the Opposition gave the Government a chance to put right what had already been pointed out with regard to the deceptive nature of the Labor Party campaign in making the promise to relieve first home buyers of stamp duty.

I have heard nothing to convince me that the Government should not have proceeded along the lines which it led people to believe it would follow, namely, to exempt people purchasing their first house up to a value of $50 000 from having to pay stamp duty. From reading debates that have taken place on this matter in another place, we learn there was some fine print which pointed out to people that that was not so. I point out to the Ministers and members of the Government that people cannot be expected to pick up the fine print, if indeed it exists, informing them of the qualifying clauses which now appear in this measure. It is grossly inept to believe that people would pick up this sort of minor matter concerning the promise. Generally, people believed, if the Labor Party won Government on 3 April, they would not have to pay stamp duty on the first home purchased.

I commend the Government for introducing the Bill as quickly as it has. Nonetheless, the qualifying clauses are so serious that they will inhibit more than 50 per cent of first home buyers in this State because they provide that the combined income of a two-income family shall not exceed $18 000. That is unrealistic. I would have thought the members of the Government, who have been very much au fait with wage rises in this State and who have been involved in fighting with the unions for substantial wage rises, would certainly be in a position to appreciate that for a husband and wife to be working together a combined income not exceeding $18 000 is somewhat unrealistic today.

If, for example, the husband earned $12 000 and the wife earned $10 000 they would be very minimum salaries on today's wage scale. I cannot think of many people who are working full time who would be on those very low wage levels. However, to take as an example, if the wife is earning $10 000 and the husband $12 000, that gives a total of $22 000, it would render them ineligible for the stamp duty benefits.

A very large section of the community is being discriminated against. It is another example of how the Government appears to be looking after some of the population but not all of the population. We find more and more when we examine proposed legislation which is coming through that the people who benefit from many of the promises that were made prior to 3 April are not going to be across the board, as people were led to believe, but just some of the people. Which people will it be? Will it be those people—less than 50 per cent I estimate—who are on a combined income or a single income of less than $18 000 a year? No mention was made of that prior to the election. There was no suggestion that it would
be tied in with Commonwealth grants and the measure appears to be extremely discriminatory when I consider the alternative proposed by the Liberal Party prior to the election.

The Hon. R. J. Eddy—Which proposal was that?

The Hon. H. G. BAYLOR—it was a much fairer proposal.

The Hon. W. A. Landeryou—Which proposal was that—Mr Fraser's, Mr Thompson's or Mr Kennett's?

The Hon. H. G. BAYLOR—I am referring to the combined housing policies which were proposed by the Liberal Party and which were linked with the Commonwealth proposals. It was proposed that the people who did not benefit from the Commonwealth policies were to be assisted by a Liberal Government with a subsidy of 1 per cent on their interest rates. I might add that the Government, within one month of taking office, allowed interest rates to rise in Victoria by more than 1 per cent.

With many fine words the Labor Party indicated how it would help the first home buyers, that it was going to provide an exemption from stamp duty and hold interest rates and so on. What has happened? Interest rates have risen within one month, with very little said about it, and this Bill has been introduced which will discriminate between people to the extent that only a small proportion of first home buyers will be able to benefit. It is for that reason that I am most critical of the Bill and I am sorry that the Government has shown an insensitivity and a total lack of concern for those people who may be in difficult circumstances in attempting to buy their first home.

I do not in any way criticize the price limit at $50,000. That is fair but to couple that qualification with income qualifications is most discriminatory and I condemn the Government for having been so divisive and discriminatory. This tendency is discovered in so many measures and actions which the Government has already implemented. Although the Liberal Party will not impede the progress of the Bill, I register my protest strongly against the discriminatory nature of the qualifications on people who are purchasing a home and who will receive exemptions under the Bill.

The Hon. GLYN JENKINS (Geelong Province)—I support the comments made by Mr Reid and Mrs Baylor. The Opposition has indicated that it is not opposing the measure on the basis that half a loaf is better than none. This is another example of the Cain "Honest to Goodness" Labor Government reneging on a promise. In speeches and comments made in another place it has been said that the definition of a first home buyer was contained in another document, but the Australian Labor Party, to its credit, produced a 49-page document on what it would do in the housing area.

One would have thought that one of the key elements of the policy was spelt out in the 49-page document which would have put forward the exact details of the proposal. The Government is sheltering behind a definition in another document. There is no question that the Australian Labor Party's objective on housing and helping first home buyers to purchase their home should have been spelt out clearly and unequivocally in the 49-page document. What was the value of that document? The Opposition is told to go off and read another comment in an economic document—and to try to find out what it really means, or what is in the mind of the Minister.

The Minister for Minerals and Energy would be aware of another situation in regard to assistance given to people under section 120A of the Sewerage Districts Act. This policy was carefully spelt out in a two and a half page document and the people are now not getting what was promised. Everyone believed that the moneys involved would be repaid in full by a Cain Labor Government over the next 10 years. This will not happen. Other programmes have been put forward but they also have not been spelt out. No one has any idea what is in the mind of the Minister—perhaps he does not even know himself!
The Cain Government will fall if it continues to dishonour the promises it made to the people of Victoria. It won the election by proposing what it believed to be sound economic management and a series of progressive programmes for the people. It won the election convincingly and it is, therefore, entitled to put forward those programmes and implement them in legislation. It was not elected to back off on any promises it gave, and when the Opposition challenged the Government during the election campaign on the cost of these programmes, it said, "Little Rob Jolly will find the money all right. We will have the Victorian Development Fund to fund all these promises." On my estimate, this programme will cost $7.2 million.

The "Jolly Bank" went to the wall and the Government now has to find the funds to implement these programmes. It even put off the establishment of the Victorian Development Fund for the next eighteen months to two years, and the proposed fund was the key element in Labor’s piecemeal programme. The fact is that the Government has already found out—under Dr Peter Sheehan who is on $50 000—$60 000 a year—that all the programmes that were promised and the economic theories that it named to fund its promises were not going to work.

Prior to the election, the Liberal Party said the Labor Party, if elected, would be unable to find the money for these programmes, but it was rubbished. If one tackled the Minister for Minerals and Energy during the election campaign on how the policies would be implemented, the honourable gentleman said, "Mr Jolly has assured us that we can find the money". Well the facts are that the Treasurer cannot find the money.

Although I will not be a member of the Legislative Council, I predict here and now that the Cain Government will not find the money. I will be reading Hansard with great interest over the next two and a half years to find out: Firstly, how many promises the Government has dishonoured; and, secondly, how it failed to raise the $675 million for the Victorian Development Fund but miraculously, at the same time, not to have raised significantly any rates, taxes or charges in Victoria. It was the greatest confidence trick and there were literally thousands of young couples who believed they would gain some benefit from this measure. They believed that if they were buying their first home they would save $1000 in stamp duty. However, they did not go on and read the fine print in another document—I forget which one it was, whether the Frank Wilkes document or the John Cain document—because the cover was changed last year.

The fact is that the Government has not implemented its policy or the promises set out in the 49-page document on housing. If a young couple both work and the man earns more than $346 a week, they are not eligible to receive full benefits. If between the two of them they earn $417 a week, they miss out completely.

The Minister for Economic Development would have to admit that he would be failing in his duty as former President of the Storemen and Packers Union if he could not do better than that for his workers. I am not speaking about professional workers but the ordinary workers who are carrying out their duties as members of the Storemen and Packers Union. If that member could not earn $346 a week for his wife and young family then there is something wrong, and the Minister for Economic Development and his cohorts have failed in their objective of obtaining proper wage justice for their members. What the Government has done is to disenfranchise or disallow thousands of young couples in Victoria who had thought that they would be given assistance after reading the "shiny, white clean" Cain Labor Government document. They believed the Cain Labor Government would help everyone and act absolutely honestly in everything it did but they will find that when this measure finally emerges from Parliament that that is not what will really happen at all.

The Hon. D. R. White—You are going back into the jungle with all your other feral cats.
The Hon. GLYN JENKINS—On the question of feral cats, I did not survive. Generally speaking they do, but there always has to be an exception. I have no hard feelings about losing. I will go on working, and I might be back to haunt the Labor Party yet. If the Labor Party Government goes on breaking promises as it has already done, I might be back quicker than it thinks.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Exemptions and rebates on purchase of first dwelling)

The Hon. N. B. REID (Bendigo Province)—I am disappointed with the Government's decision on this Bill. The debate was adjourned for seven days so that the Government could consider an amendment to clause 3 relating to the exemptions and rebates on purchase of a first dwelling. For a long period the Government built up the expectations of people who wished to purchase a first home. The Government had an opportunity of re-examining the Bill during the past week, but it is regretted that the Government has acted as it has done in this Bill.

It is worthy of note that the undertaking on this matter by the Government goes back as far as 23 September 1981 when the Leader of the Australian Labor Party said that, if elected, his Government would abolish stamp duty on first home purchases up to $50,000. That was said in a debate in another place during September 1981. The word "abolish" was used.

On 11 February 1982, the State Parliamentary Labor Party issued a news release which stated:

The ALP will help first home-buyers by providing a 100 per cent exemption on stamp duty payment for homes costing less than $50,000. This will mean a saving of $1000 on an average home purchase.

This expectation of a saving of $1000 on an average home purchase was built up in the community by the Labor Party saying that sort of thing to young home buyers. This is just another example of Labor Party promises which the Government is reneging on.

In March 1982 Mr Cain said:

We will be able to ease the strain of buying a house by doing such things as abolishing stamp duty on first homes up to $50,000.

The document containing that announcement was widely circulated and it had the headline:

How can any Government afford so many mistakes?

Obviously Mr Cain was talking about what his Government is doing now. It is all in these documents for Mr Lander—you to see. There is the headline:

First homes $1000 less . . . This means $1000 you don't have to find.

The Labor Party made that promise and it is now reneging on it.

On April 5 1982 the Cain Government, in a headline in the Age, said:

The promises Labor will have to keep.

I think the Labor Party intended it as a joke, because it has reneged already on this particular promise. Amongst its promises was a total exemption for stamp duty on first homes costing up to $50,000.

On 31 May 1982, Dr Coghil, the Secretary of the Cabinet, issued his first publication in this Parliament:

Victorian Government Legislation No. 1—Complete exemption from stamp duty on first homes.

Again this promise was reinforced.

On 10 June 1982, following the decision by the Opposition to adjourn the debate on this Bill, the Premier, Mr Cain, slammed the Opposition, saying that the Opposition was "bloody minded". I quote from the Sun of 10 June 1982:

The "Bloody minded" attitude of the Opposition meant that up to 17,000 young new home buyers were being denied aid, the Premier, Mr Cain, said yesterday.

The Premier again took the opportunity of trying to deceive first home buyers of Victoria because, on the front page of this Bill, it states:

This Act shall be deemed to have come into operation on 3 April 1982.

Mr Cain's claim is so much nonsense. The adjournment of the debate gave the Government an opportunity to reconsider this date, and to take appropriate action to meet the expectation built up
in young home buyers of complete exemption of stamp duty. The Government, prior to the election, said that there would be a complete exemption of stamp duty on first homes for everyone—without income qualification.

This view was reinforced in a document entitled:

Housing.

What the ALP will do.

On page 11 of that document it states:

Stamp Duty: We will help first home-buyers by providing 100 per cent exemption on stamp duty payments for homes below $50,000. This means a saving of $1000 on an average home purchase.

The expectation was built up again in the community by this announcement, and I am sure that many young first home buyers are extremely disappointed at the Government’s decision in this matter. There are a large number, at least 25,000, of first home buyers in the State. More than half of them will miss out on this exemption because of the Government’s action in this matter.

The Hon. K. I. M. WRIGHT (North Western Province)—I support the remarks of the Honourable Bruce Reid. The Committee will recall that I spoke at some length on this subject during the second-reading stage, so I do not propose to repeat myself except to say that the majority of my constituents, who are first home buyers, would have considered themselves eligible for this exemption of stamp duty on reading the election material put out by the Labor Party. They were disappointed and astonished when they discovered that only half of them would qualify because of the Government’s action in this matter.

The Hon. K. I. M. WRIGHT (North Western Province)—I support the remarks of the Honourable Bruce Reid. The Committee will recall that I spoke at some length on this subject during the second-reading stage, so I do not propose to repeat myself except to say that the majority of my constituents, who are first home buyers, would have considered themselves eligible for this exemption of stamp duty on reading the election material put out by the Labor Party. They were disappointed and astonished when they discovered that only half of them would qualify because of the Government’s action in this matter.

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

That this Bill be now read a third time.

In moving that motion, I wish to say on behalf of the Government that we have noted the comments of honourable members over the past three weeks. Mr Lawson is opposed to the Government implementing its policy on the Queen Victoria Medical Centre. Mrs Baylor wanted to criticize the Government for not acting on a matter that had already been attended to—stage 5 of the scheme under section 120A at Lilydale—in six weeks, not three years.

The PRESIDENT (the Hon. F. S. Grimwade)—Order! If the Minister wishes to make a Ministerial statement on these matters he may do so at the appropriate time. At present he has moved that this Bill be now read a third time. The motion is specific and does not cover other matters.

The Hon. D. R. WHITE—I have also noted within the first three weeks of this House sitting, that Mr Reid is now indicating—

The PRESIDENT—Order! If the Minister wishes to disregard my instructions, I shall have to take the appropriate action.

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

METROPOLITAN FIRE BRIGADES (AMENDMENT) BILL

The debate (adjourned from June 8) on the motion of the Hon. R. A. Mackenzie (Minister of Forests) for the second reading of this Bill was resumed.

The Hon. N. B. REID (Bendigo Province)—The Opposition does not oppose the measure. It was introduced by the Government to provide additional bank overdraft facilities to the Metropolitan Fire Brigades Board to allow
it to meet its budget requirements. At present, the overdraft limit for the board is $300,000 and it needs an extension of that facility to accommodate pay increases that were granted to firemen during the 1981-82 financial year.

Those pay increases fall into three areas: In July 1981, following an industrial dispute an increase costing the board approximately $2 million was awarded; in November 1981, under the State Incremental Payments Scheme, an increase costing $1.8 million was awarded; and in the period February-June 1982, there was a flow-on from the metal industries award, costing $1.4 million. The total cost is $5.2 million. The average increase received during that period is approximately 27 per cent, or $100 a fireman a week.

The board was able to absorb approximately 60 per cent of the increases through financial management techniques, for which it is to be commended. It was able to do this by transferring funds and curtailing all development programmes. Nonetheless, it needs an extension of its overdraft facilities to enable it to meet the remaining $1.8 million involved in those salary increases.

I offer a word of warning to the Government, because the burden of repaying that overdraft will go way past 30 June and will extend into the next financial year. It would be difficult to try to alter insurance premiums at this time, because the annual budgeting process of the board includes assessing insurance premiums and payments by the insurance companies, metropolitan municipalities and the Government. The board’s budget for the year is decided on the known facts. It is difficult to estimate what future salary increases will be and, in view of the 27 per cent increase over that period, one can understand how difficult it would be for the board to have to absorb all salary increases. As a result of the increases, it appears that insurance premiums will have to be considered during the next financial year and adjustments will have to be made. Otherwise, the Government will have to pick up the additional burden.

The Government’s line on this Bill is strange, in view of its past performance. The Government says it is correct for the board to receive an additional overdraft facility but, when in Opposition, it was extremely critical of the former Minister of Transport when he wanted to do something similar to allow the Transport Regulation Board to meet salary increases. It was also extremely critical of the former Minister of Health when he provided increased overdraft facilities to hospitals to enable them to meet salary rises. I do not see any difference between those situations and the present situation faced by the Metropolitan Fire Brigades Board. I do not understand the logic in the Government’s approach to the three matters, and I shall be interested to hear the Minister’s response to those remarks.

The Opposition does not oppose the Bill. It is necessary for the Metropolitan Fire Brigades Board to receive that additional overdraft facility. The board is an efficient organization that has provided protection to metropolitan Melbourne with its fire-fighting services and has operated at a high level of efficiency for many years. I compliment the board on the fine work its officers have provided to the community.

The Hon. K. I. M. Wright (North Western Province)—The Bill increases the bank overdraft limit of the Metropolitan Fire Brigades Board and the National Party has no argument with that proposition. I point out, as Mr Reid has done, that when the Government was in Opposition, it was highly critical of some of the overdraft limit increases that were granted by the former Government, particularly to public hospitals.

The firemen of the Metropolitan Fire Brigades Board received a salary increase approaching $14 a week which was an unexpected additional cost to the board of $1.8 million and, as a consequence, the Government has increased the overdraft limit from $300,000 to $2 million.

While discussing the increase in the overdraft limit for the board, I take the opportunity of mentioning certain
recommendations concerning fire brigade funding which, if implemented, would mean there would be no need for the House to go through these processes from time to time. Members of the National Party and I have long been concerned at the unfairness in fire brigade funding. In March 1980 I moved:

That this House urges the Minister for Police and Emergency Services to devise a scheme as a matter of extreme urgency to alter the method of funding fire services so that cost is shared more equitably throughout the community.

The greater proportion of the cost of establishing and maintaining fire brigade services in this State is borne by insurance policy owners and it is a surprising fact that 40 per cent of property owners either have no insurance or have negligible insurance. Those who do not insure contribute very little but in the case of a fire to their property receive quite a bit.

At present, the Metropolitan Fire Brigades Board is funded 75 per cent by insurance policy holders, 12.5 per cent by municipal councils and 12.5 per cent by the State Government. The Country Fire Authority is funded differently. Sixty-six and two-thirds per cent by insurance policy holders and thirty-three and one-third per cent by the State Government. In 1980-81, the total cost of these services was $70 million, of which insurance policy holders contributed $50 million, municipalities $5 million and the State Government $14 million.

A similar situation exists in other States with the exception of Tasmania which, following an inquiry has an arrangement for contribution by the State Government of 40 per cent, a property levy of 60 per cent and a 10 per cent levy on policy holders.

As a result of representations and the motion I moved in this House, the then Minister, the Honourable Haddon Storey, agreed to set up a working party of thirteen members to investigate fire brigade funding. Representatives included members of Government departments, the Victorian Farmers and Graziers Association, the Country Fire Authority, the Municipal Association of Victoria and employer and insurance organizations. The working party met on a number of occasions and at one stage was hopelessly divided on which recommendation would be made. Eventually, the majority of the working party recommended that fire brigade funding should be borne by the community, a recommendation supported by members of the National Party and members of the community. A minority report was signed by four members of the working party and recommended that fire brigade funding should remain as it was.

I can hardly castigate the present Government for lack of action on this subject as it has been in office only from 3 April. However, I point out to the Government and to the Minister that, as a matter of urgency, some different approach should be made on this important subject.

I commend the Metropolitan Fire Brigades Board for the excellent service it gives, which is similar to the service given by the Country Fire Authority, which has an excellent voluntary service backed up by highly-trained and efficient officers.

The Hon. F. J. GRANTER (Central Highlands Province)—I support the Bill. I realize the need for its provisions because the situation was placed before me when I was Minister and before the Liberal Party Government went out of office. I know the needs that led to the chairman requesting an increase in the overdraft limit. The overdraft limit will be increased from $300 000 to $2 million and I hope that amount will get the board through its critical time. No doubt, the Treasurer and the Government have gone into the details of the increase and decided that this is the amount that is necessary.

The opportunity has been taken to include in the Bill tidying up provisions that are also necessary. Primarily, the Bill is concerned with the increase in the overdraft limit. When the board submitted its demands to the Government early in the financial year, it was thought that the board's estimates and the amounts applied for would be sufficient for the financial year. Subsequently, that was not the case. As Mr
Wright said, the funding for the board is 75 per cent from insurance companies, one-eighth from municipal councils and one-eighth from the Government through the Consolidated Fund.

The increase in the overdraft limit will mean an increase in insurance premiums. I know it is unfair to ask the Minister what will be the Government's attitude, and I do not do so, but the Minister for Police and Emergency Services has to determine whether insurance premiums will rise, whether municipal councils will increase their contributions or whether the Government will make a greater contribution. No doubt the increases will fall on insurance policy holders, homeowners, small businesses, factory operators, and so on. I hope the increases do not fall heavily on small businesses and farmers who have difficulties enough in financing their businesses today.

I pay tribute to the officers of the Metropolitan Fire Brigades Board and especially to the fire fighters. By world standards the board runs a very efficient organization. Its equipment today is excellent. The board is led by Mr Ern Johnson, the President, and is well served by the Chief Fire Officer, Mr Laurie Lavelle, whom I believe is the best chief fire officer in Australia. Victoria, particularly metropolitan Melbourne, is lucky to have him serve in this capacity. Mr Lavelle also makes a large contribution towards conferences when visiting other States. Recently I heard him address at Fiskville near Ballan a conference of fire fighters from all over Australia. I can assure honourable members that his contribution to the discussions was a real asset for fire fighters as well as for the State of Victoria. I support the Bill and the remarks made by my colleague, Mr Reid, as well as those made by Mr Wright. I wish the Metropolitan Fire Brigades Board well.

The motion was agreed to.

The Bill was read a second time.

The Hon. R. A. MACKENZIE (Minister of Forests)—By leave, I move:

That this Bill be now read a third time.

I shall make passing reference to comments made by honourable members, whom I thank for their contributions and support. The Bill represents an emergency piece of legislation which is required from time to time. Mr Reid was critical because he considered the Government's policy towards overdraft funding differed in this instance from its overdraft funding policy for hospitals and the Transport Regulation Board. The difference is that many hospitals made little attempt to escape from their difficulties. Some hospitals went to extreme lengths to avoid the overdraft situation but many sat back and virtually expected the Government to bail them out.

The Geelong Hospital implemented a few measures—for example, staff cut-back and other administrative changes—in an endeavour to reduce the overdraft. The Metropolitan Fire Brigades Board acted likewise and the Government recognized this. Mr Reid pointed out that the board managed to fund 60 per cent of its debt. Mr Wright mentioned the general funding of fire brigades and I support his comments and agree that inequality does exist in the way in which fire brigades are funded. Many people receive protection for their property without paying any premium at all. The Government's intention is to examine the whole aspect of funding fire brigades, both the Country Fire Authority and the Metropolitan fire brigade.

I thank Mr Granter for his comments and his tribute to members of the Metropolitan Fire Brigades Board. I note his comments about the action the Government will have to take to find the necessary funds to service the overdraft. I thank all honourable members for their contributions.

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

ENVIRONMENT PROTECTION (PENALTIES) BILL

The debate (adjourned from June 8) on the motion of the Hon. E. H. Walker (Minister for Conservation) for the second reading of this Bill was resumed.
The Hon. B. A. CHAMBERLAIN (Western Province)—The aim of the Bill is to increase the penalties provided under the Environment Protection Act and to convert those penalties into the penalty unit system. Generally these changes are in line with policies that the Minister has enunciated in this House over a period of time. I can recall that in the debate on the Mentone factories the honourable gentleman spelt out the need to substantially increase the penalties.

The concept of penalty units was introduced by the Penalties and Sentences Act 1981. In retrospect that will be recognized as one of the most innovative and time-saving moves that has been made in this Parliament for many years. I compliment the former Attorney-General, Mr Haddon Storey, on that measure. As honourable members will know, that Act provides for a system of penalty units and, when it was introduced, the Bill contained a schedule of a large number of Acts which were to be affected at that time.

Gradually a move has been made towards transferring penalties under various Acts to the penalty unit system. Consequently when the Government of the day desires to increase penalties it will need only to increase the value of the penalty unit. Currently this is $100. If it is considered that this should rise by 10 per cent it will be a matter of increasing the value of the penalty unit by that amount and that will automatically increase the penalties in all the Acts of Parliament concerned.

One can examine a number of Acts of Parliament which have penalties by the score, for example, the Local Government Act. Any Government has difficulty in making sure that such penalties keep in step with inflation. The procedure last year—and I think in the one amending Act to the Penalties and Sentences Act—was to bring penalties up to date in monetary terms and to convert that penalty into penalty units. Future increases will be automatic in accordance with provisions of the Penalties and Sentences Act. The Minister has made a good move by taking the opportunity of incorporating the provisions of the Penalties and Sentences Act.

The Opposition does not oppose the general thrust of the Bill. I thought during my initial careful reading of the Bill and the amendments to the principal Act that there were a number of omissions. However, I find that the omissions were from my list of amending Acts. I discovered that this particular Act, which was reprinted on 20 July 1978—four years ago—is subject to amendments under six different Acts of Parliament, namely, numbers 9207, 9571, 9623, 9512, 9425 and 9427.

For honourable members who are given the task of examining these matters—this applies to honourable members on both sides of the House and is not a new criticism—those amending Acts highlight the need for a regular reprint of legislation. What happens is that when honourable members approach the Papers Room to obtain an Act and amendment, these documents are requested from the Government Printer. However, the Planning Appeals Board Act, No. 1952, which was passed in 1980, has a substantial schedule containing substantial amendments to a number of Acts. It is not unusual that in providing these amendments to the Papers Room, the Government Printer does not take up all the relevant Acts.

I realize that the Papers Room itself has a noting service but one has difficulty in trying to read an Act in its amended form and, as can be ascertained from the Acts in the centre of the table in the Chamber, some amendments are made in red, blue, green and black ink. I am not sure whether this is a special colour coding or it is merely the colour of the pen which is first picked up. I urge the Minister to examine this matter in relation to all legislation.

For instance, the only up-to-date service provided for an updated Act by a complex piece of legislation such as the Local Government Act is by a private printer. One must go to a private printing company to be able to
read an amended Local Government Act. That defect also applies in the Federal sphere. The Australian Taxation Office uses loose-leaf copies of the Taxation Act that are produced by CCH Publishers. The problem is not unique to Victoria.

I am not sure what is the generating factor for reprinting of legislation, but I urge the Minister to arrange for a reprint of the Act on the passage of this Bill at an early date for the use of himself and other people. I am sure it will make our collective tasks much easier. As I said, the Opposition does not oppose the measure.

On the issue of fees as opposed to penalties, I point out that last year Parliament passed the Environment Protection (Licence Fees) Bill which provided for licence fees to be increased from $5000 to $16,000 in section 24 of the Act. I suggest that the Minister directs his attention to section 71 (1) (a) which deals with the making of regulations. It provides that regulations may be made which provide for fees not exceeding $5000 for the examination of plans and specifications. That figure may be out of date, as was the figure last year that was increased to $25,000 for the actual application. One can imagine the situation that would apply with a complex industrial process that is more complex than the one that has occupied the Minister's attention at Murrumbeena in which considerable work is required by his department. The provision for an increased fee may require the Minister's attention.

Generally, the Opposition does not note any difficulties with the proposals in the Bill. It increases the penalties to what one would expect today and obviates the need to increase the penalties by hooking them into the penalty unit system that was set up in the 1981 amending Bill.

The Hon. D. M. EVANS (North Eastern Province)—When I first read the second-reading notes to the Bill I considered that it was a simple measure that the National Party could easily allow to pass, regarding it as a prerogative of the Government, provided that the Government was reasonable in setting the penalties at an appropriate level to the community at the time. I continue to hold that view, but on perusing the Bill I recognize that the Government has decided at an early stage in the course of its Ministry to set differing penalties from those that are currently provided in the Act.

I wonder about the way in which the penalties are set. For example, I notice that some of the penalties set under the legislation that the Bill amends are optional up to the maximums. Other penalties are set for persons who may have transgressed against the provisions of the Act and must pay a particular penalty with no options. For example, under section 27 a person who operates with no licence or who discharges wastes after a licence has been suspended, will be charged penalties that are increased from $2000 to $4000 with a substantial penalty imposed for each day that the offence continues to be committed after it is detected. That penalty has an optional maximum. In other words, the penalty that can be set for that offence is at a somewhat lower figure.

The offence under section 56 (2) of not giving one's name to a relevant authority if one is caught in transgression of the Act is raised from the current penalty of $500 to $1000, with no option. Under section 31 a person who has a licence to discharge wastes to the atmosphere may continue to use that licence, but should other generators in a similar area begin to discharge a similar waste which in aggregate exceeds the maximum desirable level and the licencee is notified to discontinue doing so and to take action to reduce the polluting content of discharge to the atmosphere but does not comply with that instruction, the penalty is increased from $2000 to $4000 with no option.

I raise that matter because I understand that in those circumstances the Environment Protection Authority, with its current state of technology and the knowledge available to it, cannot necessarily tell the discharger what he must
do to comply with the Environment Protection Authority requirements. The Environment Protection Authority is more likely to tell the discharger to take measures to reduce the pollution that is being emitted and, when he has done so, the Environment Protection Authority will tell the discharger whether the measures were adequate. Therefore, the person runs the risk of attempting in good faith to take action to reduce the nuisance for which he or she has been given notice and transgressing, perhaps inadvertently, the terms of the Act and becomes liable to pay a fine of $4000.

I make this point because I wonder why the Government did not examine the appropriateness of the penalties and the way in which they were set when it decided to vary the penalties.

The Government seems to have been somewhat hasty with the proposed legislation. I trust that the Minister will give me some explanation on the matter. Having discussed it and examined the Bill I am tempted to suggest that the Government should put aside the Bill for a while and examine the appropriateness of the penalties as they are set in the current Act and introduce a new Bill that is more appropriate to current times. I look forward to the Minister's comments. It may even be necessary to proceed to the Committee stage of the Bill to discuss these matters. No doubt the House will make a judgment on the matter at a later stage. I recognize that the Government has a new Minister and it may be that he can answer all the points I have raised. However, the points may not have been considered. They are relevant to this debate and need to be explained to the House today.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for Conservation)—By leave, I move:

That this Bill be now read a third time.

In response to Mr Chamberlain's comments, I indicate that I appreciate he has done his homework thoroughly. He reminded me that the Bill needs reprinting. I will put in train the reprinting of the Bill because it has been amended sufficiently to require reprinting in order for it to be understood. The process is not difficult.

Mr Evans raised a matter concerning the optional maximum of penalties. I am not in a position to answer his queries in detail. If he so desires, I am happy to have the matter held over for information to be obtained or, if it suits him, I am willing to provide him with answers after the Bill has been passed. I am not sure how seriously he takes this matter. If he considers that it is serious enough not to proceed with the Bill, I am willing to provide him with information provided to him. However, I do not feel competent to answer the queries raised. If he will take my word for it that reasonable answers can be given, I am happy to allow the matter to pass the third-reading stage.

It is also true that the Bill has been introduced in this House to expedite its passage. I think Mr Evans would agree that it is necessary to get the Bill enacted. I should be happy for his counterpart in another place to be given answers when the Bill is dealt with there. If that is acceptable to the honourable member I will have available at that time the answers he wants.

The Hon. D. M. EVANS (North Eastern Province)—Mr Deputy President, have I the right to speak on this matter?

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—The honourable member has the right to speak on the motion for the third reading of the Bill.

The Hon. D. M. EVANS—I appreciate the comments made by the Minister and I am serious in the remarks I have made. I believe the matters I raised are relevant. I recognize the force of the Minister's argument that it is necessary to deal with the legislation and that the penalties may need to be increased.

I should like to consider the Minister's suggestions. Perhaps it could be left until after dinner tonight.
The DEPUTY PRESIDENT—If the honourable member wishes that procedure to be used in place of that suggested by the Minister, perhaps he could move that the further consideration of the third reading be adjourned until later this day.

On the motion of the Hon. D. M. EVANS (North Eastern Province), the debate was adjourned.

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

HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE BILL

The debate (adjourned from June 9) on the motion of the Hon. R. A. Mackenzie (Minister of Forests) for the second reading of this Bill was resumed.

The Hon. B. P. DUNN (North Western Province)—The Bill is important to the Howard Florey Institute because it ensures that the institute will be able to patent the results of its research and therefore to gain, not only recognition, but also any financial rewards that flow from it, and that will further assist the institute to carry out its important work.

The institute provides an important service to Victoria. This State fails to give the attention that it should give to research in a whole range of fields. I know that many Victorians in the medical research field move overseas or to other States to carry out their research work. Victoria has some excellent researchers in the medical and other fields and it is important that the Government should ensure that they stay here, and I have raised that matter with the Minister of Health. Recently I had occasion to take to the Minister the need to assist Dr Struan Sutherland who has done a considerable amount of research work in the development of an antivenene for spider bite. Dr Sutherland is a Victorian who should be supported and encouraged.

The Howard Florey Institute is part of important research work and also deserves support. If it develops, through its own work and its own research, a treatment that has a wider application, it should gain from that work. The National Party supports the Bill and commends the institute on its important contribution.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I have examined this Bill, and am of the opinion that it is a private Bill.

The Hon. R. A. MACKENZIE (Minister of Forests)—I move:

That this Bill be dealt with as a public Bill.

The motion was agreed to.

The motion for the second reading of the Bill was agreed to.

The Hon. R. A. MACKENZIE (Minister of Forests)—Before moving the motion for the third reading of the Bill, I thank honourable members for their comments. As Mr Dunn has pointed out, it is important that Australian researchers be given as much encouragement as possible and that their research be given due recognition in terms of both awards and financial reward so that money can be ploughed back into research generally. By leave, I move:

That this Bill be now read a third time.

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

COUNCIL OF LAW REPORTING IN VICTORIA BILL

The debate (adjourned from June 9) on the motion of the Hon. W. A. Lande-you (Minister for Economic Development) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—This small Bill does two things. Firstly, it provides for the position of Chairman of the Council of Law Reporting so that the Chief Justice, who normally acts as chairman, has power to appoint a deputy to act in his place if he is not available on some occasions. The Opposition supports that amendment.

Secondly, the Bill provides within the principal Act a new sub-section 6 (3) which defines the words “publish” and the “publication” to include “include in
a computerized data bank" and "inclusion in a computerized bank", respectively. The amendment is simple and straightforward and the Opposition supports it. It makes sense and it is heartening that the amendment is necessary. The Council of Law Reporting has, in the past, been responsible for ensuring the publication of the authorized law reports.

The law reports are important depositories of the decisions of the courts. With modern technology it is now possible to place the contents of law reports within a computerized information retrieval system so that persons who have access to a computer terminal can obtain the reports on either a visual display unit or receive a print out of the relevant pages. That computer system has the advantage of using the retrieval system made available through modern technology to discover relevant legal cases; relevant parts of legal cases and the subject matters that have been discussed in the law reports.

The system will require the legal fraternity and other persons who use law reports to learn a new system for retrieval of the information contained in the law reports. At present one uses indices that are published according to the normal principles that give effect to the ways in which lawyers tend to think of legal problems. That is a completely different technique that is readily understandable and can easily be achieved by persons who wish to have access to the law reports.

The establishment of a computerized legal information retrieval system will make possible the creation of a data bank covering not only law reforms but also statutes and, in time, regulations. One data base will be of immense assistance to honourable members, to Parliamentary officers, lawyers and other persons in the community who need to have access to the law.

The former Government called for proposals on the establishment of computerized legal information retrieval data systems some time before Christmas last year, and a number of proposals were received. I established a committee with representatives of the legal profession and the Government.

The Hon J. V. C. Guest—Mr Deputy President, I draw your attention to the state of the House.

A quorum was formed.

The Hon. HADDON STOREY—I was pointing out that I established a committee last year, which had representatives from various bodies, including the Council of Law Reporting. The intention was that private entrepreneurs, subject to the scrutiny of the committee, should make proposals for the introduction of a computerized legal information retrieval system that would be of benefit not only to legal practitioners but also to the Government and honourable members.

One of the members of that committee was a representative of the Ministry for Economic Development, because it was thought the establishment of the system would provide a useful, perhaps even an important, industry in Victoria. Victoria is not the only State that has sought proposals on the matter. The New South Wales Government has also sought proposals for the establishment of a similar system. Through the Standing Committee of Attorneys-General there is agreement that the States should work together so that, if a system is established in New South Wales and one is established in Victoria, they would be complementary and it would be possible for a person to obtain access to the data information for each State through the one computer terminal.

Even though it is possible to have complementary computer systems, it is important that Victoria maintain the lead in this field. I have urged the Minister for Economic Development to take a keen interest in the project and to ensure that Victoria does have the benefit of this system and that Victorian industry has the benefit of providing and running the system. If the Minister does take a keen interest, the legal profession and the community generally will thank him for doing so.
Therefore, I welcome the amendment to the Act because it is a necessary step to enable persons who will use the proposed system to obtain not only the Acts and the regulations but also the law reports. The Opposition supports the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—It might be said that the Bill, when passed, will bring the Council of Law Reporting into the twentieth century because it will provide for the use of computers and data banks. The Bill is to be applauded.

There can be no doubt that modern technology can facilitate the dissemination and the retrieval of information without expensive and time consuming man-hours being lost to retrieve important documentation manually. One should contemplate the tremendous advances that have been made in technology over the past ten years. I was interested to read the annual report of the Australian Mutual Provident Society by Sir Vincent Fairfax, the retiring chairman, when he noted the progress that that organization had made since he joined the board of directors in 1956.

In 1956 the Australian Mutual Provident Society had no computers, as was the case with most other corporations and statutory bodies in Australia. Since that time there has been a tremendous growth in computers and the availability of information. Computers can be used to immense advantage. The National Party is pleased to note that the Government has acted to enable the Council of Law Reporting to keep up with the times.

The motion was agreed to.

The Bill was read a second time.

The Hon. W. A. LANDERYOU (Minister for Economic Development)—By leave, I move:

That this Bill be now read a third time.

I acknowledge the advice I have received on the matter from the Deputy Leader of the Opposition. I assure the honourable member that as a result not only of the interest of present members of the House but also the interest of former members my attention was drawn to the matters raised and I have pursued the interest in the matter shown by my predecessor.

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

BUILDING SOCIETIES (CONTROL) BILL

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

The Hon. N. B. REID (Bendigo Province)—This Bill highlights the fundamental difference between the Australian Labor Party and the Liberal Party in Victoria. The Liberal Party believes in minimal interference being allowed to occur with the business activities of the State, and that interference by the Government in the private sector can have a detrimental effect on the activities of the private sector. When the Minister of Housing in another place commenced his negotiations with the building societies on the control of interest rates, he started off on a determined course.

Before moving on to comment further on the Bill, I declare that I have an interest in two building societies.

It became evident early in the career of the new Labor Government that it was going to take a particular interest in the control of building society interest rates. In an article in the Herald on 15 April the following was stated:

The State is to push ahead with legislation to control building society interest rates. The Premier, Mr Cain, said today the legislation would be used as “an ultimate sanction” against building societies which failed to abide by an agreement reached yesterday. There was a lot of going to and fro over that agreement, and the Minister of Housing had to change his stance considerably during his negotiations. All the Victorian building societies operate with a great deal of integrity and enjoy an excellent reputation within the housing industry in Victoria. However, the new Minister of Housing came in with a heavy hand and tried to stand over the building societies and to control their interest rates, but he found after
a series of negotiations that he had to back off from his original stance. The Minister changed his approach considerably when he found that, of the 42 building societies in Victoria, only two were charging the maximum interest rate of 16.2 per cent. The other 40 societies were charging a rate of either 15.65 per cent or below, and in most instances it was below that figure. The Minister had to back off considerably when he realized that these societies were charging a lower interest rate; the most popular rate that appeared to be being charged by building societies was 14.5 per cent.

Since the measure was introduced the building societies have taken the Minister at his word and agreed, in most instances, to increase their rates of interest to 15.65 per cent. This has caused an increase of 1.15 per cent, and has affected most prospective home buyers and borrowers through building societies in Victoria. At the moment Victorian building societies provide about 40 per cent of home purchase loans in the State, so they play a significant role in providing loans for many people.

While the negotiations were under way, the Herald published an excellent editorial on 16 April drawing attention to the Government’s aim of trying to control building society interest rates to make it more attractive for borrowers to purchase a home. The article stated:

But, of course, there’s a catch. If building societies can’t attract investors by offering competitive interest rates they won’t have the money to lend out to home seekers.

The Hon. C. J. Kennedy—Do you support high interest rates?

The Hon. N. B. Reid—I do not support high interest rates, but the Labor Government has pushed interest rates in building societies up by 1.15 per cent. Most building societies in Victoria were charging 14.5 per cent but will now be charging 15.65 per cent. That is what the Labor Government has done, and all home purchasers will suffer an increase in their monthly repayments as a result of this measure.

The Bill gives the Minister control over setting interest rates. The Liberal Party is not opposed to the Minister having that control; what it opposes is the interference by the Government with the operation of the private sector in the financial world.

All the recent financial studies, including the study by the Campbell Committee of Inquiry into the Australian Financial System, have pointed out that there should be a move toward deregulation of the financial institutions of Australia. This trend has been evident in the financial world in the past few years, and the Campbell inquiry, which produced an extensive report on the financial system in Australia, has once again confirmed that we should not play a part in trying to adjust interest rates in the community. At page 12 of the final report, chaired by Sir Keith Campbell, under the heading of “The Role of Government” in the financial system of Australia in paragraph 1.82 it is stated:

Given the adoption of its recommendations in this Report, the Committee does not see the need for a more extensive or active government role in promoting the efficient performance of financial markets.

Further on in the report at page 68 the matter is further discussed in paragraph 4.12 under the heading of “Interest Rate Controls”. The report refers specifically to the interest rate control and once again reinforces that Government intervention should not be used to try to control interest rates, particularly in respect of housing. It also refers to market forces in the financial world. Paragraph 37.27 on page 639 reads:

Housing construction activity will, of course, continue to exhibit some degree of instability, . . .

Honourable members are all aware of that.

reflecting the sensitivity of demand for housing to increases in the interest rates, and the dependence of purchasers of housing and home builders on credit.

It is highlighted there that Government intervention in all of these activities can push up the rates. Clear evidence on this is contained in the Bill. If one traces the history of the negotiations of the Minister of Housing, Mr Cathie,
with the Victorian Building Societies Association and the negotiations that took place prior to the Bill being introduced, one finds that the Minister had to soften his approach considerably because the building societies realized that if the Government intervened and restricted the range of activities of the societies and put pressure on them to control their rates, those rates would rise; and that is what happened. The rates rose. I am sure that many prospective home purchasers who have undertaken loans with building societies in Victoria will be well aware of this because their monthly payments since that time have increased.

The Hon. D. R. White—That sounds like the voice of the first home buyer.

The Hon. N. B. Reid—I assure Mr White that the people purchasing the homes and paying the additional rates do not agree with him. They are feeling the pinch and the additional burden has led to some degree of hardship, particularly where husband and wife were contributing to the repayments. The increased rates are being forced on people by the Government and the building societies are now looking at their operations to see where they are heading. At present they are restricted to allowing only 10 per cent of their total loans to be put into special loans. It may well be that the building societies will need to have that facility altered so that they can place an additional amount of money into special loans to offset the increase in housing loans.

This Bill is a staggering document. When it embarked on this course the Government knew that it would place an additional burden on young home buyers. That is the effect that the policy has had. The rates have been pushed up. In many instances the rate has gone to the maximum limit proposed—15.65 per cent. I believe, as do many of the building societies, that the rate did not need to rise that high. The 14.50 per cent on which the societies were operating could have been maintained for a period and could have just edged up gradually instead of taking the massive hike of 1.15 per cent, the greatest rise in Victoria for many years.

The Opposition recognizes that the Government will push the measure through and it does not oppose the Bill, but I register the voice of many people who are trying to pay off homes that they will experience difficulties in their repayments under this proposal.

The Hon. K. I. M. Wright (North Western Province)—The National Party does not oppose the Bill. I take this opportunity of applauding the permanent building societies in the electorate that I represent. Three of the major ones are RESI Permanent Building Society, Statewide Building Society and our own Sunraysia Permanent Building Society. The building societies borrow at one rate and lend at another and generally the amount between is in the vicinity of 2 per cent, which covers administration and so on. A valuable aspect of the work of building societies has been that, at times when bank and other finance has been in short supply, the building societies have been prepared to lend money on older homes. Naturally they have required a valuation to ensure that the funds lent were on a secure basis. This factor has been appreciated in the electorate that I represent.

The Bill controls building society interest rates, as was promised by the Government during the election campaign. The National Party believes perhaps the purpose of the Bill cannot be fulfilled; in other words, in the matter of interest rates the natural market forces will prevail. The National Party does not oppose the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Rates of interest)

The Hon. D. R. White (Minister for Minerals and Energy)—I wish to indicate to the Committee that, during the course of the debate, a number of statements were made about the conduct of building societies and that by inference both Mr Reid and Mrs Baylor have said that by the Government introducing a maximum interest rate the building societies have all taken advantage of that and increased their rates accordingly.
By inference, they clearly indicated, that building societies would behave in such an irresponsible fashion that they would take every opportunity at whatever ceiling was set to increase their rates accordingly.

The Government completely dissociates itself from the comments made by Mr Reid and Mrs Baylor. We do not believe any of the building societies have acted in that fashion. We believe they are responsible and would not take advantage of that situation.

In addition, for the sake of providing the Committee with a form V. lesson in macro economics, it is important to draw attention to the statements made by Mr Reid and Mrs Baylor in which they constantly wished to maintain that the State Government has been responsible for the change in interest rates in the past six weeks.

I indicate to the Committee that since 1975 Fraser, Stone and Howard indicated clearly post-Keynesian policies in respect of macro-economic policies, that they intended as a matter of course to adopt a Friedmanite monetary solution to the economic ills and problems of this country. They were prepared to be responsible for the results.

The results can be seen in the increase in interest rates over which the State Government has little opportunity to provide any relief for the people of this country. It is because of those increases in interest rates which have been brought about directly from those macro economic policies, which Mr Reid and Mrs Baylor have consistently since 1976—since they have been in this House—condoned, that the State Government indicated that it wished to provide some form of relief in respect of that matter and that as a first measure towards doing that they would set a maximum interest rate on building societies and draw into question and draw into relief the fact that the macro economic policies—the Friedmanite policies of Fraser, Stone and Howard were not working. On 3 April the people of Victoria clearly indicated they had had enough of such policies.

It is clearly hypocritical—not only is it hypocritical it is a product of gross, conspicuous and overwhelming ignorance that people who are members of this House should argue in such a fashion. It is clear that they are conspicuously ignorant of anything associated with basic economics. We do not ask lay people who come into this House to be possessed of the skills of a second division member of Treasury but they should not put forward debates of such quality.

It is a product of gross, conspicuous and overwhelming ignorance to say that over the past six weeks the cause of the increase in interest rates could be sheeted home to any other cause than the macro economic policies of the Fraser Government. For anyone to say anything else is conspicuous insensitivity. This has been a product and a feature of the former Government for 27 years.

It is in this context that Mr Hayward argued for two hours that the Opposition has a divine right to manage this State. He should look at his colleagues on the front bench and the back bench and recall the fact that his colleagues were responsible for the Housing Commission land deals, for the World Trade Centre and the Arts Centre fiascos, and numerous other fiascos during 27 years plus the fact that at no stage did they take on Government with respect to general macro economic policies which have put this State in the position it is in today. He should look at his colleagues and reflect on his view that they have the divine right to manage the State. It is one of the most appalling contributions and reflects on the ignorance of the Opposition.

In the past I have drawn attention to the contributions made by the then Ministers and the Executive but they pale into insignificance compared with the appalling contribution of this rubbish that has been put before us that one would fail a 15 year old in an economics class. It is clear that the electorate now holds this Opposition in the same contempt we have held them in for such a long time. It is clear they are no more than a rabble without a cause. They
have had their props taken away. They have had their Public Service taken away and their permanent heads taken away and when left to their own resources we get only rubbish. It is intolerable that we have debates of this tone in this Chamber.

The Hon. H. G. BAYLOR (Boronia Province)—In the interests of clarification, I wish to make an explanation as to what I really did say. Despite the fact the Minister for Minerals and Energy has learned a new term which he used seven times—

The ACTING CHAIRMAN (Mr Hauser)—Mrs Baylor should be speaking to clause 2 and in reply to the Minister.

The Hon. H. G. BAYLOR—I am speaking to clause 2 and in reply to what the Minister has just said. He has obviously just learned a new term from the economic advisors that the Government has appointed. He used the term "macro economics" seven times in the course of his short speech which means he is practising that phrase, obviously to familiarize himself with it. One wonders if he knows what it really means, which I doubt. It is part of the jargon he is learning from the economists that the Government is putting into Treasury and other quarters. We are going to be treated to these so-called modern methods of accounting, or whatever, the modern economic terms are. I am sure the Ministers of the Crown will be only one step ahead in trying to follow and understand before they present them to us.

It concerns me greatly that the Minister for Minerals and Energy, in his very limited way of thinking on this matter, has entirely misinterpreted the words and sentiments that members on this side have put forward.

It is clear that what we were saying was that market forces must prevail. We have always put the point of view that if we allow too much control funds will disappear from this State. That is what possibly may happen in due course.

The Minister for Minerals and Energy is unclear and cannot understand the finer points of economic management. All he can spout is macro economics or some economic statement which is meaningless. I would like to hear him elaborate on it some time. No doubt when he has had lesson two we will be treated to that explanation.

The Hon. J. V. C. GUEST (Monash Province)—Up until a point which I shall mention, I have not taken much interest in this Bill because it is and seemed to me a rather stupid political gimmick. It is part of the nonsense which the Labor Party or some factions of it go on with. Some believe in market forces. I know the Minister for Minerals and Energy believes in market forces.

Indeed, the Minister for Minerals and Energy has been conspicuously absent from those attacking the Fraser Government over the past few years in this House for its pursuit of the macro economic policies that he now castigates. He always understood the logic of the approach taken by the Federal Treasury; even if one cannot now wholly support it, even if some of its consequences are open to criticism.

I am interested that the Minister should show such vigour in supporting a political gimmick which he can hardly believe in. It is a political gimmick.

Although I am willing to concede that the housing industry is a special section of the total economy, in some respects it is close to the old ideal of perfect competition, but it is also one of the most State controlled and manipulated areas of the economy. I do not wish to be dogmatic about the way in which building societies ought to be treated by the State, by government; nonetheless, one of the most difficult exercises in which any Government can engage is the control of interest rates—fixing
maximum interest rates—so that they do not run head on into the realities of the market forces.

It is pleasing to know that the Minister for Minerals and Energy has not suffered a change of character as a result of changing from the Opposition side of the House to the Government side and is willing to put his full vigour into anything he takes on—but I would like to know how the Minister will make the Minister of Housing or his advisers understand the intricacies of the financial market, the market in which interest rates are determined. How will he make them understand the macro-economic problems which will inevitably result in greater problems for the Minister of Housing seeking to fix interest rates in just one section of the financial market? That is the real problem which the Government will have to face when it puts forward this piece of economic ad hocery, and I invite the Minister to address himself to that question.

The Hon. D. R. WHITE (Minister of Minerals and Energy)—Throughout Mrs Baylor's contribution, she made it clear, consistently and apparently, that the reason for the 1 per cent increase in interest rates since 3 April was due solely and could be attributed only to the State Government. During the debate on clause 2 she shifted ground and said that the cause for the increase in interest rates was due to the irresistible and immovable market forces. Therefore, there is a clear and conspicuous inconsistency between the whole of her dreadful contribution to the second-reading debate, followed by a conspicuous inconsistency emerging during the course of her contributions to second-reading debates since she has been a member of the Upper House from 1979. It is clear that this is something honourable members could long expect and something honourable members can expect on all occasions from her. It is to be regretted that she feels fit to comment at all on such matters.

It is also to be regretted that Mrs Baylor is not prepared to acknowledge firstly, that it is not the Government's responsibility to control Australian interest rates. Secondly, that the movement in interest rates is not a result of irresistible market forces that cannot be controlled, and that interest rates change as a result of the Federal Government's economic policy.

This Government decided—knowing where the Federal Government's economic policies were determined—that it would go into the electorate and indicate during the election campaign, that the whole community was sick and tired of the Friedmanite monetary policies which were being used in a most insensitive fashion as a means of overcoming the economic ills of the nation.

The Labor Party received an overwhelming mandate to provide some form of protection to homeowners. In implementing that mandate—and in response to the matter raised by Mr Guest—the Labor Party did nothing more than draw attention to the fact that while members of the Liberal Party may have sufficient funds to see their way clear, the overwhelming majority of the community, which they no longer represent, had had enough of the Liberal Party's economic policies. The people wanted some relief and assistance and the vote on 3 April, if nothing else, indicated a massive vote of no confidence in the former Liberal Government's economic measures.

This step in itself does not represent an economic device that will bring about an irresistible downward movement in interest rates; that can be brought about only in conjunction with a change in the Federal Government's economic policy. If that is not forthcoming within the next eighteen months, there is no doubt about what will happen to the electorate in this country—the emergence of a State Labor Government in Victoria will be followed by a Federal Labor Government. The Opposition is on notice right now that that will occur.

The Hon. H. R. WARD (South Eastern Province)—On the sensitive matter that the Minister for Minerals and Energy has been discussing and endeavouring to explain in a number of ways, including declaring that it was a publicity gimmick, most people realize
that the housing market is, in one sense, a barometer of the financial state or the economy of the country. In view of the Minister's vast knowledge, particularly of the new term "macro-economics"—I appreciate that he initially was a Keynesian student—I wish to ascertain whether what we have seen in the past is the establishment of a money market system whereby the commercial money market has developed outside the ordinary banking system and the housing societies have also developed outside the standard money market. I would like an assurance from the Minister, having now put a ceiling on interest rates, that the Government will endeavour to ensure that no other money market is established, because outside the present ones instead of having all the offshoots we already have in the money market, such as the commercial money market, the housing society money market, and the Government now setting a ceiling on interest rates, we are probably faced with another money market of significance, with money going into some other market, such as a black market.

I would like an assurance that that will not occur, the Government having established a particular interest rate. I will leave it at that and see whether the Minister can answer the question because I believe it is an important point in the Bill.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—I take note of the comments of Mr Ward and assure him that a black market will not develop.

The Hon. N. B. REID (Bendigo)—I raised a point with the Minister during the second-reading debate, which he mentioned again a few moments ago, about the protection offered to homeowners against increased repayments. I raised the point during the debate that 40 of the Victorian building societies were below the 16·2 per cent building interest rate and that only two societies were operating beyond that figure.

The Minister has not addressed himself to that problem and the question I raised regarding the number of societies that were, prior to the introduction of the Bill, currently being promoted as being below the level of 14·5 per cent, or on or below that level. I would like to know how many societies in Victoria are now operating at the level of 15·65 because it is quite obvious that people—and many have complained to me as their local member—are paying additional repayments since the proposed legislation was put forward by the Labor Party.

It is quite obvious that some of the societies have increased their rates and it is imperative that the Minister answer the question because interest rates have gone up. Only two of the societies were above the 16·2 per cent interest rate level.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—In response to Mr Reid, it is clear that the semi-Government bond rate during the past six years has moved and increased dramatically and is now in the vicinity of 17·2 per cent. In the absence of the measure before the House, it was clear that the building societies would follow. It is also obvious that the ceiling rate was set at 15·65 per cent which is well below the current semi-Government bond rate. This is the first time the rate has actually been below the semi-Government bond rate.

The purpose of this proposed legislation is to produce that result. It has occurred and it has provided some marginal relief. It was designed to do no more than to produce that situation. It was designed to do no more than to ensure that the effect of the Federal Government's economic policies could be relieved and they have been relieved, because under the management of Fraser, Stone and Howard, semi-Government bond rates were set at 17·2 per cent.

During the past six years when members of the Liberal Party were in Government, it was made clear on every occasion that building society interest rates followed the semi-Government bond rate. If this measure were not before the House, the building society interest rates would not be set at 15·65 per cent, they would be at 17·2 per cent.
In order to ensure that there is some marginal relief for homeowners, this Bill was introduced. It was introduced also with a loud and conspicuous warning that unless and until Howard, Stone and Fraser wake up that the Friedmanite policies are not working, they will be out of Government.

The Hon. H. R. WARD (South Eastern Province)—Having regard to the Minister's remarks that he will ensure as far as possible that there will not be a black market on the money market, it concerns me that the interest rates being paid to people who place money with building societies is about 19 per cent. This means that there is a substantial gap between the interest rate being paid to people who loan their money to building societies and the interest rate being paid by the borrower.

I ask the Minister whether any investigations have been carried out to ensure the stability of building societies which I believe, in some cases, may be in a state of collapse. There have been some mergers of building societies, but I wonder what work has been done to relate all those interest rates together to ensure that the building societies remain stable and that people not only remain in their own homes, but that their money remains safe.

The Hon. J. V. C. GUEST (Monash Province)—I ask the Minister what the Government's attitude will be should the interest rate charged on advances lead to a problem of building societies retaining enough funds to support the long-term mortgages which they have given. Ultimately, a Minister who exercises the power given in this Bill must acknowledge the Government's responsibility for the stability of the whole building society industry.

As I said before, I recognize that the building industry in general is a somewhat peculiar one, a special one. I would be glad if the Minister would give an assurance that the Government recognizes that it is ultimately responsible for the stability of building societies.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—In response to Mr Ward and Mr Guest, it is clear from the comments of Mr Reid during the second-reading speech that the Minister of Housing, Mr Cathie, arrived at this maximum interest rate after consultation with the building societies and with their co-operation. It is also clear that further adjustments to the ceiling rate will be made and undertaken after consultation with them, keeping in mind the points that both honourable members have raised.

The clause was agreed to.

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (DIFFERENTIAL RATING) BILL

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

OPTOMETRISTS REGISTRATION (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister of Water Supply), was read a first time.

The sitting was suspended at 6.27 p.m. until 8.6 p.m.

PAY-ROLL TAX (AMENDMENT) BILL

The debate (adjourned from June 9) on the motion of the Hon. W. A. Landeryou (Minister for Economic Development) for the second reading of this Bill was resumed.

The Hon. P. D. BLOCK (Nunawading Province)—The Bill has two objectives. The first can be disposed of quickly. It will allow the Commissioner of Land Tax to talk to the Commissioner of Pay-roll Tax. At present, the legislation contains secrecy provisions that prevent the commissioners from communicating certain information to one another. As the offices are often held by
the same person, that has created certain difficulties. This is a sensible provision and the Opposition supports it.

The other objective of the Bill is to maintain the 1 per cent surcharge on pay-roll tax. The surcharge is to continue indefinitely from the time the Bill is enacted. Pay-roll tax is a tax on employment. As the Opposition spokesman on Treasury matters, I suppose I could fulminate on the iniquity of the Government in imposing such a tax, but there would be a certain amount of hypocrisy in my doing so. The previous Government—and I was at the time a member of the Government party—maintained a pay-roll tax of 5 per cent. Towards the end of last year it introduced a surcharge of 1 per cent, which was to cease on 30 June 1982. The imposition of the surcharge became necessary to meet the contingencies of government and to cover the extra costs the Government of the day was then facing.

During the course of the recent election campaign, the then Leader of the Opposition, now the Premier of Victoria, said in an interview that, so far as he could see—he did qualify his statement to that extent—he did not intend to impose any further taxation on the people in the foreseeable future. The Opposition at that time had made a whole farrago of promises to the electorate to persuade it to vote for the Labor Party and it was with some bemusement that people such as myself closely followed the Labor Party's intentions to give this largesse, these grand gifts, to the community—for example, extra staff for the Police Force, study leave for teachers and as there were 50,000 teachers, that would have cost $40 million to $50 million a year to implement. There were so many promises that there was no known way in which the Labor Party if it became Government could have brought these promises into effect without raising imposts in some way, without some extended tax or some further dipping into the public pocket. But that the Labor Party should seek to do so on pay-roll tax disappoints me greatly. That is putting it as mildly as I can for the sake of not being over-dramatic about it.

If ever a Government seemed to come in committed absolutely to supporting the less unfortunate, the less well-endowed in the community and those struggling to carry on, it was this Government. The first act of the new Government was to raise hospital charges; its second act was to maintain the 1 per cent levy on pay-roll tax which is a direct impost on employers and causes, right at the work-face, an employer to consider whether it is worth his while employing extra people, and frequently that decision is a direct result of pay-roll tax.

In the past, I have laid seige to the former Government on the issue as I consider unemployment the greatest problem confronting Western industrial democracy. Unless the problem is confronted in a united and co-operative way, ultimately it has the danger of sweeping democracies aside. Perhaps I have waxed too eloquently or not eloquently enough on the subject before. I feel strongly about it. I shall refresh the memories of honourable members on some facts that demonstrate that unemployment is currently an immense costly burden both socially and as a direct cost to the Budget at Federal and State levels.

There are many hidden costs to unemployment. It is known in advance that unemployment reduces the Government's purse by the very fact that there are those persons not working from whom one cannot collect tax and to whom unemployment benefits must be paid. The gross national product is reduced proportionately to the number of unemployed. Those are the identifiable costs.

Certainly, as I have said, I have besieged my own party on the issue of unemployment. As the Labor Party professed its deep concern at this issue and took every opportunity of rubbing the former Government's nose in unemployment figures, I should
have thought the Labor Party Government would perceive the problem of unemployment as being the first task to which to direct its attention.

I have previously made a speech in the House where I described a study made by Dr Harvey Brenner of the United States of America at the Stanford University that had been transmitted to Congress in 1976 by Hubert Humphrey. The study indicated six morbidity indices associated with unemployment: Murder, suicide, imprisonment, mental hospital admissions, renal, cardiovascular diseases and cirrhosis of the liver disease rates.

The Hon. B. P. Dunn—What about the divorce rate?

The Hon. P. D. BLOCK—Harvey Brenner was the first person in the Western World to run a statistical study on what the effects on the economy were of unemployment using those six morbidity indices. He concluded that for 1 per cent of sustained unemployment over a five-year period there was a cost to the United States of America budget annually of $22 billion.

If honourable members can ignore the social cost and human tragedy behind those figures—and I do not want to ignore them for a moment—there is a direct budgetary cost of $22 billion to the American State purse. One cannot scientifically transpose those figures to the Australian scene, but by a sleight of hand one can say that Australia has roughly 8 per cent of the American population in the same socio-economic bracket and thus, in transposing those figures to Australia, there could be an annual cost of unemployment of a 1 per cent sustained increase over five years of $22 billion to the Australian market. Unemployment is an immense cost to the State, not only in its human tragedy but also in direct cost.

The Hon. G. A. S. Butler—I hope you said all this to Mr Fraser.

The Hon. P. D. BLOCK—I intend talking to honourable members at a later time on the subject of monetarism, Friedmanism, libertarianism, and so on because I have a great deal of sympathy for some of the points of view that oppose this thinking. I think it is unworkable in a modern society; it does not begin to tackle the problems of the latter part of the twentieth century; it seems to apply late eighteenth and nineteenth century theoretical philosophy to modern-day problems. I am not talking of that now, but I promise the House that I will talk about it in the future.

Now, I am talking of unemployment, the cost to the community and of the fact that everyone should be united in trying to do something to seek to alleviate this dreadful blight on the way of life everyone treasures. Although members of the Opposition might stand up and occasionally fulminate against the other side—and certainly vice versa as Mr White did earlier today—on this issue all honourable members should be united because it threatens us all.

It is not all right to have a 6 per cent to 8 per cent unemployment rate in Australia. If it reaches 12 per cent, 13 per cent or 14 per cent, which is predicted, the cost to the community will be extraordinary. As my friend and the friend of members of the Opposition, Barry Jones, in his writings and speeches on the post-industrial revolution with the advent of new technology, says, there is no question that employment will be harder and harder to find for a broader range of people. It will permeate throughout society in tertiary, secondary and primary industries. The problem confronts us all.

It is a problem that I certainly have brought time and again to the attention of my party. I like to think that partially as a result of my advocacy, the former Premier, Mr Hamer, set up the Ministry of Employment and Training. I tried to get him to call it the Ministry of Creative Employment so as to pitch its aims higher, but I was not successful.

The Liberal Party has been alerted to this problem and to its shame did not find a way of eliminating pay-roll tax altogether. Pay-roll tax is an iniquitous tax. It is a direct disincentive for
people to employ people. However, when the Liberal Party introduced the impost, and this is a slight credit and I do not claim all of it, at least it said that the 1 per cent levy would be phased out on 30 June and it would find an alternative because the Liberal Party knew that its continued imposition would damage employment.

**The Hon. D. R. White**—It is only to June 30; we are looking for that alternative.

**The Hon. P. D. BLOCK**—I would have expected this Government or the Minister, with his persuasion and spoken sympathies, to have come to this Parliament and said, "This is a tax we will never increase and keep going. This is the one tax that really is directed at the less fortunate people in our society, the unemployed". Are there any people in our society less advantaged than the unemployed? Are there any people, on a philosophical note, less well endowed with the concept of a future as the unemployed?

I would have hoped that this Government more than any other Government would have acted otherwise. I received a better response from the former Liberal Government than this Government seems prepared to give because the Bill seeks to impose the 1 per cent levy on pay-roll tax indefinitely. There is no time limit. As far as the Labor Government is concerned pay-roll tax is here to stay. I will not call it hypocrisy because I hope to pitch my speech lower than that. It is a sad thing to see people who claim to be supporters of the needy introducing a Bill that directly attacks them.

I suppose in its naivety the Government imagined the 1 per cent increase would tax the employers and the rich. It probably thought it would tax Liberal Party supporters, not Labor Party supporters. The Government thought it would attack "our supporters, not theirs" in its lexicon of political sayings. Of course it does not do that at all. Pay-roll tax seems to attack the employers but it is really attacking their capacity to employ.

**The Hon. D. R. White**—We understand the inequity of the tax.

**The Hon. P. D. BLOCK**—I am awfully surprised that if the Minister understands the inequity his Government would seek to impose the tax for a further time. What defence does the Minister have as a human being who has come to this place time and again and claimed to be partisan towards people badly treated in our society? What defence does the Minister have for a further extension of pay-roll tax? Can the Government not find another tax? Pay-roll tax is a tax that should ultimately go altogether.

**The Hon. Joan Coxsedge**—There should be a wealth tax.

**The Hon. P. D. BLOCK**—I am not saying that I agree. However, I would have expected the Labor Government to have argued in favour of a tax other than pay-roll tax. Pay-roll tax is a shameful tax, and I would have expected Mrs Coxsedge to have realized that and supported my sympathies. Let us examine, as a matter of interest, some of the spoken attitudes of the former shadow Treasurer, now the Treasurer, Mr Jolly.

I refer to the statement the former shadow Treasurer made when the former Government sought to raise this impost for a short period of time. On 26 November 1981 at page 3772 of *Hansard*, Mr Jolly is reported as having said that the most important issue that the Government faces is to reduce the rate of unemployment in Victoria.

One up for Mr Jolly. My word, how he supports that! There is no question that Mr Jolly had his sights fixed firmly on the thing that really mattered. He wanted to reduce unemployment and quite properly he brought the Government of the day to task because in his opinion it was not so doing. He continued:

The Government makes no attempt to discover what alternatives exist and whether Pay-roll tax can be modified in a way in which it will reduce unemployment. The Victorian Government always blames the Federal Government, but that is no excuse for the Government at State Level.
I now turn to the second-reading notes from the Treasurer's own speech where he blames——

The President (the Hon. F. S. Grimwade)—Order! I believe the honourable member is quoting the second-reading speech of the Minister in his speech.

The Hon. P. D. Block—it is the speech of the Minister for Minerals and Energy on behalf of the Treasurer, presumably. Actually, according to Hansard, the speech was made on behalf of the Minister for Economic Development. At page 920 of Hansard, the second-reading notes appear. I will read the whole paragraph because otherwise I will be accused of leaving something out:

The problems facing the Government would have been much less if the former Government had acted responsibly when the projected Budget shortfall was first detected by Treasury. Victoria's financial difficulties arise because of the limited growth potential of existing State revenue sources, the rapidly increasing cost of pre-existing Government commitments and the failure of the Federal Government to provide Victoria with a fair share of Commonwealth taxation.

How does that measure against the honourable gentleman's railings against the former Government for always blaming the Commonwealth Government? It goes further than that because he blames the State Government. Honourable members already know that it is a lark and a device to blame the former State Government for allowing the State Treasury finances to run down. All honourable members are aware of that because of the article in the National Times on 18 April by Noel Turnbull. He states:

Three senior Cabinet ministers—Treasurer, Rob Jolly, Health Minister, Tom Roper, and Economic Development Minister, Bill Landeryou—all agreed in early 1981 that the best way to defuse expectations about rapid government action on campaign pledges was to announce that the "Liberals had left the State in worse condition than imagined."

That whole paragraph which I quoted from the speech of the Minister for Minerals and Energy—made on behalf of the Minister for Economic Development—contained comments attacking the former State Government for the malfunctioning and maladroit handling of the State finances exactly as Mr Noel Turnbull, who was formerly an adviser to Mr Wilkes, pointed out. The Government also blames the Federal Government in the usual time honoured way. The Government blames the former Government.

I do not want to float my argument as high as hypocrisy because when the Labor Government assumed office it discovered all sorts of improbabilities which it was not trained to handle. I refer to management, effective budgetary control, the question of actually reading balance sheets and how to balance the budget. It was probably not so much hypocrisy as dilettantism.

The Hon. Robert Lawson—Do not use that word; it is one of the words of the Minister for Minerals and Energy.

The Hon. P. D. Block—I am sorry, I shall use the word, "amateurism". I am sorry if the Minister for Minerals and Energy is blushing. I suppose having to support an added 1 per cent pay-roll tax surcharge would be enough to cause more than the slightest blush to the honourable gentleman's cheeks. Pay-roll tax pays no attention to the profitability of companies. It is an impost imposed whether a company is making profits or not. In that respect it is an iniquitous tax. The former Government imposed it so we are not really lashing out at the Government for pay-roll tax. However, why must the 1 per cent indefinite increase in pay-roll tax be introduced when it brings about the situation I mentioned?

Pay-roll tax disallows companies to adjust to the fact that they are not profitable. The 1 per cent surcharge applies to pay-rolls involving $1 million. That represents one hundred employees receiving $10 000 a year. Since no company employs 100 people at $10 000 a year one must assume we are talking of a company which employs 55 to 60 people a year. Is it a big company or one of the multinationals at which the Opposition is always lashing out? Is the Opposition trying to get at those companies by imposing the 1 per cent tax? That is not what it is doing. It is making a
direct attack on the capacity of small business to employ people in the community. In the current climate I suggest that that is a damn-near evil thing to do. It appears that the Government is ready to attack people who are now its supporters. That is the way it approaches matters. It has saddened me to realize that, because I am interested in good Government in the State of Victoria, be it from the Liberal Party or the Labor Party, and I am anxious to support good Government. When the Government takes action that I think is good, I hope to be able to say so without receiving too much damage from my own benches. However, when the Government is blatantly asked to feather the nests of its own supporters, as is evident with this measure, I will not support it.

Mr Kent may well hang his head in shame because the deal with the Municipal Officers Association of Australia in Gippsland was shameful, and he knows it.

The Hon. Joan Coxsedge—You are an actor.

The Hon. P. D. Block—I am not acting today. If I am, I am working with bad material, which is my own script. I wish I had better material with which to work.

The Hon. Joan Coxsedge—You are not a good actor, but you are acting.

The Hon. P. D. Block—Mrs Coxsedge has never given a speech that she has not read. I cannot remember when I last read a speech.

The fact is that the Government, through its own actions, has proved itself anxious to bring down measures that are of benefit to its own supporters and seeks, in whatever way it can, to attack people who support the Opposition. That is the only excuse the Government can possibly give for this measure, but it does the opposite to that. It attacks the very least capable people who need the most support. This measure deserves the censure of this House, not its support. One has only to walk down Bourke Street and enter stores such as Fletcher Jones and Staff Pty Ltd, James McEwans & Co Pty Ltd and Myer Melbourne Ltd to realize that two, three or possibly more years ago one would have been besieged by people seeking to offer service. At present, one must stand around and wait to get service because those stores are not employing enough human beings because of the costs imposed on them. One of the worst costs that the Government and the former Government imposed on people was pay-roll tax.

I give notice that at the Committee stage of the Bill I will propose a suggested amendment that will provide a sunset effect to the Bill before the House so that at 30 June 1983, in one full financial year, the 1 per cent impost effected by the Bill will cease to be. I strongly hope that the Government will support the amendment because it has a committee of inquiry examining various taxation measures and I take the Government at its word and strongly consider that it will seek to abolish pay-roll tax.

It will not object to the proposal, as the Opposition is not in any way intending to frustrate the intentions of the Government in revenue raising because the Opposition is suggesting that the Government should allow the tax to be applied for only one year. The former Government imposed a limit on its measure of a little more than six months until 30 June 1982. The Opposition suggests that the present Government should adopt a limit totalling one financial year. Therefore, in the Committee stage I will move an amendment that will be a suggested amendment to the Assembly to bring that proposal into effect.

The Hon. B. P. Dunn (North Western Province)—This is an incredibly interesting measure that has brought about a complete turnaround in this place. The time is almost the same and the only difference between this occasion and a previous occasion is that honourable members have changed to opposite sides of the House and have changed their arguments on this issue. It was only last year that members of the present Government were arguing in the same way as Mr Block against the measure before the House.
The Hon. Glyn Jenkins—What did the National Party do?

The Hon. B. P. Dunn—We took a stand on the matter; I will come to that later. This issue has been like a ball game with Opposition members knifing away at the Government. The present Labor Government came to office with grand promises, some of which have eventuated, but much of what it has done, particularly in recent times, has turned out to be bad for the State.

The Hon. Joan Coxsedge—Such as?

The Hon. B. P. Dunn—The decision to declare Victoria a nuclear-free zone is one example. That matter will be debated tomorrow which will give left-wing members a chance to show themselves or, as Mr Block said, to expose themselves, in this House. Mrs Coxsedge will have the opportunity of exposing her views on those issues tomorrow.

The Government came to office with promises that people in the political world knew it could never live up to. The people of Victoria will find out soon enough that they have been fooled by the Labor Government into thinking that it will be able to provide an answer to all of Victoria's economic ills. Where is the Treasurer's fund, or Mr Jolly's bank, that was supposed to pump hundreds of millions of dollars into the economy? He now admits that it may be December 1983 before the Victorian Development Fund comes into operation. It will now be in the next calendar year. One can excuse people for being cynical about politicians, political parties and Government promises. Therefore, it restricts job opportunities. I took the opportunity of checking what the Labor Party did when this tax surcharge was introduced last year by the Liberal Government. It sought an amendment in the following terms:

... this Bill be withdrawn and redrafted to include a provision granting to all employers covered by the Pay-roll Tax Act 1971 the sum of $1500 for each additional person employed full-time during the whole of the year 1982.

In other words, the Labor Government sought to withdraw the Bill so that it would not operate and provide for the surcharge. Mr Kent, who handled the Bill for his party, apparently was chosen for his economic knowledge, and he said:

Although the provisions of this measure will result in increased revenue, this will be done in a way that is detrimental to the economic interests of Victoria, the people who need employment and the businesses, both small and large, that need to be able to compete and to remain viable.

This is what Mr Kent, now the Minister of Agriculture, said in this House on 8 December last year when speaking about a measure that his Government now seeks to extend indefinitely. What does the honourable gentleman say tonight about the speech that he made last year? How can the Government
live with having expressed deep concern about the employment situation in Victoria and then applying a tax like this?

The National Party agrees that the Government may find it difficult, in the short term particularly, to balance its Budget in Victoria, but it concerns my party most deeply that the Government seeks an open-ended approval from Parliament to continue the surcharge on pay-roll tax, not for one or two years, but perhaps for ten years and beyond. One could say that the Government wants to bring in the tax and keep it for the remainder of the life of the Labor Government. That could be three years; it could be six.

The Hon. W. V. Houghton—No way!

The Hon. B. P. Dunn—We will have to wait and see whether Mr Houghton is right.

The Hon. G. A. Sgro—He was wrong before.

The Hon. B. P. Dunn—I point out to Mr Sgro that his Government wants open-ended approval to continue the tax, and the National Party is not prepared to give that approval. The National Party would support a proposal that put a time limit on the tax. The National Party is prepared to say to the Government, as it said to the former Government, "You can have this surcharge for one year, if you need it as an urgent budgetary measure, but let us tie it to that—no open-ended commitments". It is a tax that affects not only the big people in Victoria, and I know Mrs Coxsedge would like to get her hands on them.

The Hon. Joan Coxsedge—Yes, definitely.

The Hon. B. P. Dunn—I picked up her comment before straight from the textbook of the Socialist left that she wants a wealth tax to be introduced in Victoria. I invite her and the Cain Government to go to the people at the next election with a wealth tax proposal, a probate duty proposal and the Labor Party's nuclear-free State proposal and I tell her that Labor will not make three years with policies such as that.

The Hon. Joan Coxsedge—You are misleading the public about the nuclear-free State policy.

The Hon. B. P. Dunn—We will see.

The Hon. Joan Coxsedge—We will, indeed.

The Hon. B. P. Dunn—Mrs Coxsedge is totally out of touch with the Victorian people already.

The Hon. Joan Coxsedge—You are out of touch with the whole world!

The Hon. B. P. Dunn—The National Party will tell Mrs Coxsedge tomorrow what it thinks of the Government's position on nuclear-free zones.

The Hon. Joan Coxsedge—We can't wait.

The Hon. B. P. Dunn—It was reported in this morning's press that the Federal Labor Party has discussed the imposition of a wealth tax and a capital gains tax, and Mr Keating was deeply concerned about that. He argued against it, but he belongs to that section of the Labor Party which is being unloaded by the party and is being steadily replaced in the party machine throughout Victoria. Mr Young is the latest victim.

What further taxation measures can Victoria expect from the Government? Already the Labor Government has talked about reintroducing probate duty. Probate duty was designed to break up estates and the family farm. It is a Socialist measure, if I may so describe it. Now, Victoria is to have a tax on employers whose payroll is in excess of $1 million, Mrs Coxsedge is talking about the imposition of a wealth tax and there are murmurings of a capital gains tax.

The National Party views this measure with concern and there is no way known in which it will give the Government the right to continue this tax open-endedly in the years ahead. I indicate quite clearly my party's view on the matter. Further, the National Party will ensure that the Government continues the pay-roll tax rebate system for decentralized industries because that is one of the important contributions that have been made to the development of decentralized industry in
Australia and in Victoria. The rebate system that has applied in the case of decentralized industry must continue in Victoria, but the pay-roll tax surcharge must be got rid of as soon as possible.

I agree with Mr Block that unemployment is the most serious problem with which the Government must grapple today, because it is a soul-destroying situation that is facing many thousands of people, especially the young. Even worse to my mind is that there appears to be no immediate prospect of an improvement in the employment situation. I believe that is where the Labor Government in this State will come unstuck. It achieved office on promises it now admits will be difficult to achieve, that is, to increase growth and development in this State, the net effect of which would be to increase the available employment opportunities. The National Party wishes the Government well in achieving that end and is itself working towards that goal.

Pay-roll tax in itself limits employment and the sooner the State can rid itself of this imposition on employers the better off it will be. The National Party will support the measure only if it is limited to one year and will repeal itself automatically at 30 June 1983.

The Hon. GLYN JENKINS (Geelong Province)—I support the remarks of my colleague, Mr Block, and Mr Dunn on the measure. I repeat what I said earlier today: The Cain Labor Government was elected on the basis that it would raise no new taxes. It may argue in a pedantic way that the extension of the 1 per cent surcharge on pay-roll tax on large pay-rolls is not a new tax but is merely a continuation of the existing tax.

I point out that the tax was introduced last year because of specific circumstances that applied in the current financial year. Honourable members will recall that Mr Thompson, as Premier and Treasurer, put forward a most convincing, reasoned and persuasive argument to the Loan Council, the Commonwealth Grants Commission and the Premiers Conference as to why Victoria should receive a larger share of the financial cake. He pointed out quite properly that, because of the low taxation policy of the then Government in the early war years, Victoria had been disadvantaged ever since and that there were good reasons why Victoria should receive a larger share. Consequently, Victoria next year will receive further additional funds, as it did this year.

The surcharge on pay-roll tax was put forward on the basis that it would be a temporary tax that would expire on 30 June 1982; it was put forward genuinely and in good faith on that basis.

The Minister for Economic Development, on behalf of the Minister for Minerals and Energy, read a speech which was obviously prepared for delivery in another place, because I do not recall either of those Ministers having made any general statement in this House about the financial position in Victoria except in a most general way.

For some months prior to the election and since the Labor Party has been blaming the former Thompson Government for the alleged financial disarray facing Victoria. Similar statements have been made in a bland manner. However on 8 April, the Labor Party was talking of a shortfall, three months prior to the end of the financial year, of approximately $50 million out of a total Budget of $5432 million. As of 3 April, with three months to go to the end of the financial year, the Labor Party was talking of less than 1 per cent shortfall in the Budget. There is nothing unique about that projected shortfall at that stage.

Almost every financial year, with three months to go before the end of the financial year, the Treasurer of the day has to review what will happen to both the income that can be derived and the expenditure that has to be undertaken or deferred in the final three months of the financial year, and the Budgets have always balanced. In 1980, Victoria had a surplus of $62 million and in 1981, Victoria had a surplus of $13 million.
The Hon. R. J. Eddy—You have not done anything for the past 27 years.

The Hon. GLYN JENKINS—Mr Eddy wants it both ways. If a Government has a projected financial shortfall three months prior to the end of the financial year, it is classed as a bad financial manager. If a Government finishes with a surplus at the end of the financial year, it is also classed as a bad financial manager. It is not a bad track record for a Government to project a shortfall of $50 million three months prior to the end of the financial year out of a total budget of $5432 million, especially if one realizes that, during those nine months, the Commonwealth Government had a Budget deficit in excess of $1000 million, which it could finance through Treasury bills and other available devices. However, those devices are not available to a State Government. A State Government has to balance its budget with the available taxes and charges and loans it is authorized to raise.

Whatever else occurred even if the former Thompson Government had continued in office until 30 June this year, it had to ensure that the Budget would balance. A Government cannot finish the financial year with a deficit because there is no provision under the existing Victorian legislation for that to occur. A Victorian Government cannot budget for a deficit. A Government can delay expenditure, but it cannot bear a deficit.

The Treasurer in another place and Mr Landeryou and Mr White have made a lot of noise about the financial position in Victoria. The former Government had financial matters well under control. The former Treasurer, Mr Thompson, knew exactly what was going to happen with the Budget. If honourable members opposite are attempting to blame the former Thompson Government for what will happen in the next financial year, they should note three new matters that will cost the Cain Labor Government approximately $100 million in 1982-83. Firstly, the Cain Labor Government has given the teachers a 7 per cent pay increase, which is not a bad dividend on election expenditure of $160,000 by the teachers' unions, which contributed to the election campaign of the Labor Party. The salary bill for the teachers is $900 million and a 7 per cent wage increase represents $63 million. That commitment will continue for years and years and it will be a base on which salaries for teachers will continue to increase. Is it any wonder that the teacher unions gave solid backing to the Cain Labor Government? Indeed, if one sees a bearded teacher today near Parliament House, one can assume that it is almost odds on that that teacher is a member of the Parliamentary Labor Party. Secondly, it has been estimated that next financial year the abandonment of limited tenure for teachers will cost the Cain Labor Government somewhere between $13 million and $15 million. Thirdly, next financial year the salary concessions for members of the Victoria Police Force and the salary concessions for the Builders Labourers Federation and other unions in the Latrobe Valley with the other increases I have mentioned will cost the Cain Labor Government all up in excess of $100 million.

One cannot blame the financial situation that will face Victoria next financial year on the former Thompson Government. The Cain Labor Government has been in office in Victoria since April and the Budget will be introduced next spring sessional period. The Cain Labor Government has made decisions and it will continue to make financial decisions that will have a far greater and more profound effect on the forthcoming Budget than will the weak allegations made in the explanatory second-reading speech about an alleged financial deficit in the year to 30 June 1982. It is an unfair argument, that will not hold up to justify the continuation of a 1 per cent pay-roll tax surcharge on the basis of the alleged financial mismanagement of the former Thompson Government. The Bill is yet another example of the Cain Labor Government going back on one of its election promises. Indeed, the explanatory second-reading speech states:

Pay-roll tax and the surcharge will, along with other actual and potential State revenue sources, be the subject of study by the Government's proposed committee of inquiry into State Government revenue raising.
The speech goes on to say that the findings of the committee will be examined. That is fair enough; the Government is entitled to do that, and it is entitled to make decisions. However, honourable members opposite are not entitled to approach this House and ask for an open-ended commitment on an additional 1 per cent pay-roll tax to be continued into the distant future. I foreshadow a fair and reasonable amendment that will be moved by Mr Block in the Committee stage. The amendment will have regard for the problems the Labor Government will create but only conserve the item for one year. Honourable members opposite should adopt the foreshadowed amendment and await the report in pursuance of the policy of the Premier that a Labor Government would be a clean, open Government. They should allow the Parliament to examine what the recommendations of the Government are, and they should allow Parliament the chance to examine the priorities of the Government for both income raising and expenditure, and the Parliament should make its decision in due course.

Like so many other decisions that have been made off the cuff and without proper consideration, the Bill is a premature arrangement.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 8154 ss 31A (2) repealed)

The Hon. D. R. WHITE (Minister for Minerals and Energy)—The Government considers pay-roll tax generally to be an inequitable tax that does not assist in generating employment. However, the measure contained in the Bill will not necessarily penalize employers. The range of tax-raising measures is already limited, but during a period of high unemployment, high pay-roll tax is an undesirable measure. That is a view that is shared universally throughout the community.

Without having checked the sentiments expressed by the former Premier and Treasurer, Mr Thompson, I am sure it is a view that he would not have been unhappy about canvassing. It is clear that, without laboring the point and without on this occasion wishing to say any more than that new federalism did not provide the Victorian Government, either in the past or today, with new tax-raising opportunities, Victoria has not received a fair share from the Federal Government.

I am sure it is universally recognized that if the Federal Government had been more vigilant on the question of tax avoidance and had been prepared to share some of the benefits of a more vigorous programme of taxation raising with the States, some of these tax-raising measures that the States are now engaged in would not be necessary.

Having said that, I wish to continue on a more positive note without qualifying any of the comments I have made about the Federal Government's taxing measures. It is also clear that the Victorian Government has foreshadowed that it is prepared to undertake and embark on an inquiry into the revenue-raising base of this State with a view to preparing a report which it hopes will be presented to both Houses of Parliament by April 1983, and that in that review, which will include pay-roll tax, all the revenue-raising bases will be examined.

There are alternatives to pay-roll tax, but the Government would not wish to appear to be like Luddites and impose the sorts of taxes which inhibit the more intensive capital works programmes. The Labor Party is also very sensitive to the fact that in this House it does not have a majority, and some of the more equitable taxes which could be considered as part of a review would not be endorsed by the Opposition.

However, it is also clear that there are fund-raising measures that were introduced last year that may have growth potential, including the pipeline tax, which is now the subject of a legal challenge. That measure was introduced by the Liberal Party.

We intend to undertake a general review of the entire revenue base, which will include the pay-roll tax. We are mindful of the fact that the current revenue deficit that we have inherited
will be of the magnitude of $50 million. I have been assured by the Treasurer that if we had not taken any steps by 30 June 1982 it would have been as high as $400 million merely to continue and complete the projects commenced by our predecessors. It is in that context that this step has been taken.

We do not resile from the comments we have made, and those views are shared universally, about the inequitable nature of pay-roll tax. We hope that in the course of forming a considered Government, looking at these issues in the proper context with proper public consultation and without taking hasty measures, we can undertake a proper public review of the entire revenue base with a view to completing a report by 30 April 1983. In that context and during that time we will take into account the comments made by the Opposition and in particular by Mr Block.

The Hon. A. J. HUNT (South Eastern Province)—I commend the Minister for Minerals and Energy for his statement. It indicates that a review is being undertaken and that the future of this tax will be determined in the light of that review, together with the future of other taxes, either existing or unimposed and that is a very proper approach.

The result that that leads to is that for the moment, as Mr Block has suggested, the continuance of this surcharge ought to be regarded as a temporary one to be redetermined in the light of that statement.

The point at which the Minister has stopped is in failing to say whether the Government will accept the proposal that Mr Block put forward. I think he owes it to the Committee to do so now, because clause 2 is the first point at which the amendment is proposed, and the Minister’s own argument leads inexorably to the conclusion that Mr Block’s proposal ought to be accepted, for what Mr Block has proposed is that the tax ought to continue to be regarded as temporary so that it can be reviewed before the end of the next financial year—not this one.

The Government is seeking revenue for the next financial year, and the amendment proposes to ensure that the Government has it for the whole of the next financial year. All that is now being proposed is that it be not permanent, but be subject to review. In other words, if the Government comes to the conclusion that, reluctantly or otherwise, it wants to continue the tax further into the 1983–84 taxation year, Parliament should have a further say. That, after all, is in the spirit of the Westminster tradition where appropriations ought to be reviewable annually. All Mr Block’s amendment does is to ensure that that will be the case.

I invite the Minister to take the statement which he made and which I accept as a valid and reasonable statement and to answer the specific issue of whether he will therefore accept the amendment which Mr Block has foreshadowed.

The Hon. P. D. BLOCK (Nunawading Province)—I had hoped that the Minister would indicate his view of the proposed amendment before I moved it, or perhaps even suggested that progress be reported.

The Hon. D. R. White—I will respond to it.

The Hon. P. D. BLOCK—I move:

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 2, omit this clause.

Although the Standing Orders of this House require that the clause I wish to insert in place of clause 2 cannot be moved until after all the other amendments have been moved, one way of overcoming this would be if the Committee waived the Standing Order, because the other amendments are consequential upon the new clause being inserted in the stead of the omitted clause 2.

The CHAIRMAN (the Hon. W. M. Campbell)—That is perfectly in order, because a precedent that has always been upheld during the Committee stage is that if an honourable member wishes to move or suggest an amendment and as a result of that must deal with some other portion of the Bill after the clause
on which he is speaking, he has the right to do so. Mr Block has the right now to speak to his proposed new clause—indeed, to all his proposed amendments, because they are consequential upon the first.

The Hon. P. D. BLOCK—They are totally consequential, tiny and almost insignificant. The main thing that the amendments seek to do is to remove the open-ended nature of the Bill and insert in its place a specific clause. If my proposal is accepted, section 31A would read:

No surcharge on pay-roll tax shall be payable in relation to any period after 30 June 1983. That is what would be inserted in place of the current clause 2, and it would give effect to the proposition that I explained during the second-reading stage of the debate. Therefore I see no purpose in speaking at length on it now.

The Hon. B. P. DUNN (North Western Province)—I cannot understand why the Government does not write this provision into its original Bill because it is clear that the aspect would be supported by the people of Victoria and that it gives the Government the right to this tax for another year with a limit on it. If the Government wished to extend the tax further, it would require legislation before the House. The Government would be acting in the best interests of Victoria by accepting the amendment moved by Mr Block which is supported by the National Party, to limit the pay-roll tax surcharge to apply until 30 June 1983. I ask the Minister to reconsider his stand on this issue. It is an unpalatable tax, and in view of the stated intention of the Government to review the raising of revenue by 30 April 1983, surely that review will tackle the question of the surcharge on pay-roll tax and the whole pay-roll tax question. The Government will have to reconsider its stand on pay-roll tax and this surcharge following the review of revenue-raising. Therefore, it has good grounds to accept the amendment and to limit the tax to apply only to 30 June 1983. The National Party supports the amendment and trusts the Minister will accept it.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—This matter has been discussed with the Treasurer, and the matter was raised in another place. It must be said that the Government is operating in the context of a narrow taxing base. Although it recognizes the inequity of this revenue source—pay-roll tax—it must be understood that the range of opportunities that the State has in a taxing base is narrow and limited. Nevertheless, the Government indicates that it intends to carry out a proper inquiry of the entire revenue base and the comments made during the course of this debate, particularly by Messrs Block and Dunn, will be taken into account by that inquiry and by the Treasurer. In view of the nature of the existing revenue base, and noting the comments, it is nevertheless the view of the Government that it does not intend to foreshadow or pre-empt the result of that inquiry which it is hoped will be completed by April 1983.


The Hon. P. D. BLOCK (Nunawading Province)—It was not clear from what Mr White said that the Government would not accept the amendment. It is now clear. I point out and re-emphasize that the previous Government imposed the recommendation that is suggested by the Opposition on itself as a self-disciplinary measure. I had proposed a levy on pay-roll tax in the latter part of 1981. Here the Opposition is attempting to impose the same discipline on the current Government as the previous Government imposed on itself. The motion stands in my name.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—It is correct to say that the former Government put a time-table on this measure but it was done in a context of six months before an election and this Government doubts the bona fides of its predecessor in saying that it had a genuine interest in removing the levy at that time or at any time afterwards. The evidence to support that statement is that nowhere during the course of this debate
this evening have the Opposition or the National Party put forward a proposition to the Government about how they would compensate for the removal of this revenue source and at no time have those parties indicated any alternative source of revenue acceptable to them. In addition, if they had been genuine in September and October last year, not only would they have indicated an alternative but they would also have foreshadowed precisely what the Government intends to do now— to have a full-scale review of the revenue base. The Government does not intend to pre-empt the results of that inquiry by indicating that this measure will be removed at 30 June next year.

The Hon. H. R. WARD (South Eastern Province)—I wish merely to restate the points made by the Minister who does not seem to understand the situation. The House is dealing with two or three small points. One is that the Opposition is not preventing the Government from carrying out the job of preparing its Budget and having an assured base of income. Another is that the amendment enables the Government to prepare a new base or to work out what it will do as a result of the report next year. It is really a discipline imposed on the Government to think about what it will do for a future Budget in 1983-84 because that is what it will be required to do. That cannot be dodged. The matter will arise in the pre-Budget discussions in 1983-84 and it will come back to the Parliament for further work, in the light of the report. I merely emphasize what the Minister has said.

The Hon. HADDON STOREY (East Yarra Province)—The Minister has always given speeches of impeccable logic, although at times the initial premise may have been wrong. On this occasion I heard him respond to Mr Block’s remarks, and the logic led to only one conclusion, that the Government ought to have been introducing this amendment and not be relying on the Opposition to introduce it.

The Hon. P. D. Block—It should have been part of the Bill.

The Hon. HADDON STOREY—Indeed, it should have been. Mr White has said that the Government will have an inquiry into all sources of revenue and that the Government does not want to pre-empt the results of that inquiry, but this Bill pre-empts the result of the inquiry because it seeks to impose this tax for the life of this Parliament, whereas Mr Block’s amendment enables the Government to have the inquiry and, in the light of the result of that inquiry, to determine what it will do. The amendment enables the tax to be collected for only twelve months, during which time this inquiry will be conducted.

I commend Mr White and the Government on holding the inquiry that the honourable gentleman has foreshadowed. It is an important and worth-while thing to do. However, the Government should have the honesty to carry through that resolution and accept this amendment so that the inquiry is not pre-empted one way or the other. The Government cannot have it both ways. Mr White is giving a logical argument but is not drawing the right conclusion from it. He is trying to have the best of both worlds, trying to persuade the community that the Government has an open mind on revenue-raising, but at the same time he is insisting on putting through a clause in a Bill which would pre-empt what the sources of revenue should be in the future. The amendment is eminently sensible and it does not prevent the Government from conducting its business for the next twelve months. It does not in any way inhibit the raising of revenue that the Government wishes to succeed. The suggestion by Mr White is a red herring and, knowing him as I do, I know he does not believe what he says about the matter. The Minister for Minerals and Energy knows that the proposed amendment will not prevent the Government from raising revenue from this source over the next twelve months.

The Hon. A. J. Hunt—On the contrary, it facilitates it.
The Hon. HADDON STOREY—Of course, it facilitates it. It will be open to the Government to come back after the inquiry, within the next twelve months, to move that this tax be continued for a further twelve months, two years or abolished if that is the result of the inquiry.

If the clause is passed as it stands, why have an inquiry? There would be no point, because the results of that inquiry would have been pre-empted by this measure. It seems to me that the logic of the argument of the Minister for Minerals and Energy compels the Committee to agree to the suggested amendment.

The Hon. A. J. HUNT (South Eastern Province)—Before the question is put, I make one final appeal to the Minister for Minerals and Energy. He has had no opportunity to personally consult with the Treasurer since Mr Block's remarks or regarding the precise terms of the amendment suggested by Mr Block. Since it is a question that goes to the heart of the Westminster system and the way in which money ought to be raised, if the honourable gentleman cannot see his way to accept the proposal at this stage, I respectfully suggest to him, through you, Mr Chairman, that the least he can do is to report progress to enable the arguments that have been raised this evening to be considered by the Government as a whole.

I suggest that is the least he owes to this Committee and to the public of Victoria. I invite the honourable gentleman, as an alternative to acceptance, to take that course and to report progress at this stage.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—In response to the Leader of the Opposition, I wish to assure the House that I have had consultation with the Treasurer both before the Bill was introduced into this House and since Mr Block spoke during the second-reading debate.

The Hon. A. J. Hunt—Personally?

The Hon. D. R. WHITE—Personally—since Mr Block spoke during the second-reading debate. I have not spoken to the Treasurer since Mr Block spoke in Committee but I do not believe that Mr Block or any other member of the Opposition has canvassed any issue in Committee which was not canvassed during the course of the second-reading debate.

Therefore, while I take note of the comments made by the Leader of the Opposition, the Government does not resile from the position that it held. The issues have been canvassed with the Treasury, and it is clear that, while taking note of the points that have been made which will be taken into account during the course of an inquiry, the Government does not accept the motion moved by Mr Block.

The Committee divided on the motion (the Hon. W. M. Campbell in the chair).

Ayes... 24
Noes... 11

Majority for the suggested amendment 13

AYES
Mr Baxter Dr Howard
Mrs Baylor Mr Jenkins
Mr Block Mr Knowles
Mr Bubb Mr Lawson
Mr Chamberlain Mr Radford
Mr Crozier Mr Reid
Mr Dunn Mr Storey
Mr Granter Mr Ward
Mr Guest Mr Wright
Mr Hamilton
Mr Hauser Tellers
Mr Hayward Mr Evans
Mr Houghton Mr Taylor

NOES
Mr Eddy Mr Walker
Mr Kennedy Mr Walton
Mr Kent Mr White
Mr Mackenzie Tellers
Mr Sgro Mr Butler
Mr Trayling Mrs Coxedge

PAIRS
Mr Hunt Mr Landeryou
Mr Long Mr Thomas

The clause was postponed.

Clauses 3 to 5 (Amendment of No. 8154 ss. 31B, 31E and 31F)

The CHAIRMAN (the Hon. W. M. Campbell)—To ensure that the Committee disposes of matters in correct order, I suggest to Mr Block that his suggested amendments numbered 2, 3, 4, 5 and 6 as circulated to honourable members be considered together. Then the Committee can deal with the clauses
that follow and dispose of them before considering clause 10, to which Mr Block has a further suggested amendment.

The Hon. P. D. BLOCK (Nunawading Province)—I adopt your suggestion, Mr Chairman, and move:

That it be a suggestion to the Assembly that they make the following amendments to clauses 3, 4, and 5:

Clause 3, paragraph (b), page 2, lines 2-4, omit "there shall be substituted the expression "30 June 1982 or any financial year after 30 June 1982" and insert:

"there shall be substituted the expression "30 June 1982 or the financial year ending on 30 June 1983"."

Clause 4, paragraph (c), lines 15-16, omit "in any other taxing period" and insert "in the succeeding taxing period".

Clause 4, paragraph (d), line 20, omit "in any other taxing period" and insert "in the succeeding taxing period".

Clause 5, paragraph (b), sub-paragraph (iii), lines 35-36, omit "in any other taxing period" and insert "in the succeeding taxing period".

Clause 5, paragraph (b), sub-paragraph (iv), page 3, lines 2-3, omit "in any other taxing period" and insert "in the succeeding taxing period".

The Committee divided on the motion (the Hon. W. M. Campbell in the chair).

Ayes 24
Noes 11
Majority for the suggested amendments 13

AYES
Mr Baxter
Mrs Baylor
Mr Block
Mr Bubb
Mr Chamberlain
Mr Crozier
Mr Dunn
Mr Evans
Mr Granter
Mr Guest
Mr Hamilton
Mr Hauser
Mr Hayward
Mr Houghton
Dr Howard
Mr Jenkins
Mr Knowles
Mr Lawson
Mr Storey
Mr Taylor
Mr Ward
Mr Radford
Mr Reid
Mr Storey
Mr Taylor
Mr Ward
Mr Wright

TELLERS:
Mr Radford
Mr Wright

NOES
Mr Butler
Mrs Coxedge
Mr Kent
Mr Mackenzie
Mr Sgro
Mr Trayling
Mr Walker
Mr Walton
Mr White
Tellers:
Mr Eddy
Mr Kennedy

PAIRS
Mr Hunt
Mr Landeryou
Mr Long
Mr Thomas

Clauses 3 to 5 were postponed.
Clauses 6 to 9 were agreed to.
Clause 10 (Amendment of No. 8154).

The Hon. P. D. BLOCK (Nunawading Province)—I move:

That it be a suggestion to the Assembly that they make the following amendment in clause 10, paragraph (c), page 5, lines 19-20, omit "any succeeding financial year" and insert "the succeeding financial year".

This is also a consequential amendment, and I suggest to the Legislative Assembly that it accepts it.

The Committee divided on the motion (the Hon. W. M. Campbell in the chair).

Ayes
Noes
Majority for the suggested amendment 13

AYES
Mr Baxter
Mrs Baylor
Mr Block
Mr Bubb
Mr Chamberlain
Mr Crozier
Mr Dunn
Mr Evans
Mr Granter
Mr Guest
Mr Hamilton
Mr Hauser
Mr Hayward
Mr Houghton
Dr Howard
Mr Jenkins
Mr Knowles
Mr Lawson
Mr Storey
Mr Taylor
Mr Ward
Mr Radford
Mr Reid
Mr Storey
Mr Taylor
Mr Ward
Mr Wright

TELLERS:
Mr Radford
Mr Wright

NOES
Mr Butler
Mrs Coxedge
Mr Eddy
Mr Kennedy
Mr Kent
Mr Mackenzie
Mr Sgro
Mr Trayling
Mr Walker
Mr Walton
Mr White

PAIRS
Mr Hunt
Mr Landeryou
Mr Long
Mr Thomas

The clause was postponed.
Clauses 11 and 12 were agreed to.

New Clause
The Hon. P. D. BLOCK (Nunawading Province)—I move:

That it be a suggestion to the Assembly that they insert the following new clause to follow clause 1:

'A. In sub-section (2) of section 31A of the Principal Act, for the expression “30 June 1982” there shall be substituted the expression “30 June 1983”.'

This new clause is the main measure for the amendments to the Bill. The Opposition has been totally right in moving the amendments that it has, because from the Government’s intransigence on these matters, it immediately becomes apparent that this impost it is proposing is definitely intended to be a long-standing one. Therefore, I have no hesitation in suggesting the insertion of this new clause.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—It is clear that the matter before the House this evening foreshadows a taste of what is to be expected from the Opposition in respect of not only this Bill but also many Bills, and there is every reason to believe that on every occasion that the Opposition gets the opportunity it will ignore the events of 3 April; it will ignore the mandate that the Government has received. It is clear that it is a foretaste of what can be expected in the future. They will not only ignore the mandate of 3 April but will also take every opportunity of seeking to amend and attempt to defeat proposed legislation and will also attempt to use their numbers to defeat every word of every clause of every Bill. That is so, despite the fact that in the 1979 election the Labor Party received a two-party preferred vote of more than 49 per cent and in 1981 it received a two-party preferred vote of more than 53 per cent, yet it has less than 45 per cent of the membership of this House. It is obvious that the Opposition intends to misuse its numbers to defeat the Government's mandate.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! I ask Mr Dunn to return to the motion and not to allow the debate to become too broad.

The Hon. B. P. DUNN (North Western Province)—The Minister is really saying that any honourable member who has a view contrary to that of the Government on any measure should sit back and, on the basis of what he calls the Government's mandate, say nothing to defend the interests of the people represented by that honourable member, the interests of the State or the interests of good legislation.

When the Minister was a member of the Opposition, the Labor Party was a good Opposition. It was consistent in its criticism of proposed legislation, such as this measure, and took every opportunity of moving amendments, regardless of the mandate of the Liberal Government of the day. Nothing has changed except that the then Opposition is now in Government.

Members of the Opposition and of the National Party would be neglecting their responsibilities to the State of Victoria if they did not try to improve proposed legislation. The Minister talks about the Government having a mandate from the people of Victoria, but the Labor Party went to the people on the basis that it would not increase taxes. In the first few weeks of being in Government, it has done the very thing it promised not to do.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! I ask Mr Dunn to return to the motion and not to allow the debate to become too broad.

The Hon. B. P. DUNN—Yes, Mr Chairman. The Government has departed from the basis on which it sought a mandate from the people, because the Bill establishes a principle on which the Government does not have a mandate. I should like the Minister to understand quite clearly that members of the National Party will not stand by and allow him to belt proposed legislation through this House if we believe we can improve it. The amendments seeking to limit the surcharge to 1983 are in accordance with all of the views expressed by Mr White tonight. They are compatible with the suggested review of Government revenue-raising measures and with virtually everything the Minister put forward. Is it sheer pride, arrogance or what that makes the Minister refuse to accept the suggestion? There is no logical or economic reason why the
Government should not accept the proposal. If it wants to continue the surcharge after the review of revenue-raising sources, the Government can introduce a further measure seeking an extension for a year or beyond.

The Government has acted stupidly. It could easily have accepted the amendments that have been suggested, thereby avoiding the conflict and, if it wished to continue the surcharge, it could achieve that by introducing further proposed legislation.

Members of the National Party have no doubt about the course they should be taking. We believe we have done the right thing tonight and that members of the Opposition have also taken the right course.

The Hon. HADDON STOREY (East Yarra Province)—The Minister's attitude tonight is typical of the arrogance of the Government. Because it was elected on 3 April, it believes it can ride rough-shod over the entire Parliamentary process, do what it promised it would not do and claim that as part of its main mandate and that it can quell any voice raised in a constructive manner in an effort to help the State.

The Minister evoked the shades of 1975. That was completely and utterly dishonest and he knows it. The new clause proposed by Mr Block will not deprive the Government of one cent during the next twelve months. In fact, it endorses the principle of the Bill, even though the Government is increasing a tax, which is contrary to the promise made by the then Opposition before 3 April and dishonestly suggesting that in some way the proposed new clause would interfere with the Government's revenue-raising sources over the next twelve months.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—In response to the remarks made by both Mr Dunn and Mr Storey, I point out that it is clear from the conduct of both parties since 3 April that the Opposition and the National Party intend to take every opportunity of amending Bills and of foreshadowing their intention to repeat the events of 11 November 1975.

The CHAIRMAN (the Hon. W. M. Campbell)—Order! I have tried to be lenient with all honourable members. I asked Mr Dunn not to be too broad in his remarks and he returned to the motion before the Chair. Mr Storey did likewise. I ask the Minister also to follow that course. He should not widen the debate beyond the existing confines.

The Hon. D. R. WHITE—Thank you for your advice, Mr Chairman. I point out that the timing of the introduction of the measure should be understood. It has been introduced in a period when, clearly, it would be unproductive for the Opposition to contemplate going to an election, but at another time and in another political context I have no doubt that, at the earliest opportunity, the Government can expect a repetition of the events of November 1975.

The Hon. J. V. C. GUEST (Monash Province)—The Minister is on dangerous ground in invoking the "mandate", firstly because I have half an hour of material already prepared on the subject. However, I am not attempting to debate that now, against your stern resistance, Mr Chairman.
The CHAIRMAN (the Hon. W. M. Campbell)—Order! I was not stern, I was explicit.

The Hon. J. V. C. GUEST—I shall not debate the question of the mandate. I do say there is a doctrine of restraint on the Government—that is what the classical authorities on the subject show. It has been established that a Government which has no mandate must, if it has not presented the issues on which it is to legislate fairly and squarely to the electorate, go to the people to obtain the mandate. The only comparable case is that of the 1910 Liberal Party Government in the United Kingdom.

The CHAIRMAN—Order! Mr Guest, I am sorry but the Committee is dealing with a motion before the Chair. I permitted one honourable member to just mention 1975 and he stopped quickly and thus the Committee has gone no further on that. There is no way known that I can agree to going back as far as 1910.

The Hon. J. V. C. GUEST—I am saying that the only proper reaction of the Government is, if it disagrees with this proposition, that is the suggested amendment, and indeed, if it wishes to be honest in putting forward the Bill at all, it has to go to the people to seek a mandate. That was done in comparable circumstances on a tax Bill in 1910 when the Asquith Government honestly recognized that it had no mandate.

The Committee divided on the motion (the Hon. W. M. Campbell in the chair).

Ayes . . . . . . . 23
Noes . . . . . . . 11

Majority for the suggested amendment . . 12

PSYCHOLOGICAL PRACTICES (SCIENTOLOGY) BILL

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

SESSIONAL ORDERS

New business

The PRESIDENT (the Hon. F. S. Grimwade)—Order! I direct the attention of the House to Sessional Orders which state that, unless otherwise ordered by the House, in each week of the present session no new business shall be taken after 10 p.m.

The Hon. E. H. WALKER (Minister for Conservation) (By leave)—Earlier tonight when your deputy was in the chair, Mr President, the House was dealing with a Bill to amend the Environment Protection Authority Act. The third-reading stage of the Bill had been reached when an issue was raised by Mr Evans. I agreed to report to the House later on the matter. I realize that it is now past 10 p.m., but I should like the debate on the Bill to be completed so that it may be passed through the House. It is only a short Bill. Therefore, I seek leave of the House for the resumption of the debate on the third reading of the Environment Protection (Penalties) Bill.

Leave was granted.

The PRESIDENT—Since leave has been granted, it is in order to continue.
ENVIRONMENT PROTECTION (PENALTIES) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for Conservation) for the third reading of this Bill was resumed.

The Hon. E. H. WALKER (Minister for Conservation) (By leave)—To refresh the memories of those honourable members who were not in the House at the time, I had arrived at the point where I moved by leave that the Bill be read a third time and accordingly made a number of comments.

In response to certain issues raised by Mr Evans it was clear that I was not able to offer a satisfactory answer to the honourable member. I then asked for leave to have the matter adjourned and since then have received advice. The answer is simple. Mr Evans's question was: Why were some of the penalties in the Environment Protection Authority Act and the amendment simply stated as amounts of money whereas other penalties were indicated as optional maxima?

In other words the wording is "not more than" a certain amount of money. It is interesting that such a small question should take so much answering. I made contact with members of the Environment Protection Authority, but the redoubtable Parliamentary Counsel, Mr Finemore, had to supply the answer. The answer is that in the Acts Interpretation Act and the amendment simply stated as amounts of money whereas other penalties were indicated as optional maxima?

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Works to provide relief in those cases where there was a dramatic increase in the valuation of domestic rateable properties. The Bill is designed to implement the Government's policy as indicated by His Excellency the Governor when he opened Parliament on 27 April, 1982.

It basically contains provisions to allow the board greater powers to make differential rates and adjust valuations, and it standardizes sections allowing relief against each rate already incorporated in the board’s Act.

I shall deal with the adjustment of valuations later, but at this point it should be said that this is regarded as a valuable new power which complements the differential rating powers already referred to. Sections 99 and 175 of the Melbourne and Metropolitan Board of Works Act 1958, hereinafter referred to as “the Act”, empower the Melbourne and Metropolitan Board of Works to make and levy water and sewerage rates on a differential basis on “included land”. “Included land” is land which was added to the metropolis since 1957. This provision was used by the Melbourne and Metropolitan Board of Works in respect of certain “included lands” on the outer metropolitan fringe until the commencement of the 1977-78 rating year.

It is desired to extend this power to the whole of the metropolis and consequently it is proposed to amend both those sections by inserting in the second line of section 99 (2) of the Act the words “paragraph (a) and” in lieu of the word “paragraph” and, to achieve the same objective, by making a similar amendment to section 175 (6A) by substituting the expression “paragraph (a) of sub-section (6) in respect of different areas of land in the metropolis” in lieu of the expression “sub-paragraph (ii) of paragraph (a) of sub-section (6) in respect of different areas of included land”.

As a matter of interpretation the words “different areas of land in the metropolis” may well be confined to meaning geographical areas rather than small groups of properties, and the words “or different rateable properties in the metropolis” have therefore been added at the end of both section 99 (2) and section 175 (6A). Certain sections have been included in the board’s Act in the past to allow relief in respect of land other than that used primarily for residential, commercial or industrial purposes.

Unfortunately the wording of the sections concerned has differed as they have been added and accordingly the opportunity has been taken to make the wording of these sections consistent throughout the Act. Comparison of clauses 3 (b), covering water, 4 (b), covering sewerage, and 5, covering planning, of the Bill shows that the wording is now identical with that already contained in section 280 which covers drainage. In this context it should be noted that clause 5 of the Bill has removed sub-section (1b) of section 218 and reconstituted it in exactly the same wording as sub-section (1b). This sub-section is retained to assist in the definition of properties eligible for relief.

These sections give the board power to allow relief to rural land. An example of circumstances where such relief might be allowed is where a farm has a domestic water service connected to a main extended past the whole of the property to serve an urban community. In such a case it is envisaged that instead of levying water rate on the net annual value of the whole of the property the water rate might be levied on a nominal net annual value calculated by taking 5 per cent of the valuation of the improvements to the property plus 5 per cent of the proportion of the land valuation represented by 5 acres divided by the total acreage of the property.

The new and innovative provision in the Bill is contained in clause 6. One of the results of the last revaluation based on values at 30 June 1978 is that many domestic properties, particularly in the inner suburbs, became valuable for many and various reasons and had their valuations lifted by, in some cases, as much as 150 per cent. Honourable members can well imagine...
the problems that this created for people who are on fixed or controlled incomes who may not have expected such a tremendous variation and would not have budgeted for such a substantial increase.

My Government supports the principle of valuation as the basis of rating. Nevertheless, this situation needs to be sympathetically approached so as to avoid undue hardship in the first year. It must be conceded that in inflationary periods, valuations of properties will rise and one cannot quarrel with an adjusted valuation which includes inflation. However, where other factors occur to influence the valuation upwards by a substantial percentage, then it is my Government's view that the additional value ought to be phased in rather than applied in the first year. Consequently, the intention of the Government is to provide a mechanism to enable the Melbourne and Metropolitan Board of Works to phase in these high valuations and thus alleviate the initial hardship.

Whilst it must be a decision for the Melbourne and Metropolitan Board of Works, subject to the Minister, an example of the way in which the new provision could be used is as follows: Assume that a property had a 1974 valuation of $1000 and a valuation, following the 1978 revaluation, of $2500. Since inflation for the four years from 1974-75 to 1977-78 totalled 54 per cent. then the percentage for year 1 would be set at the old valuation plus 54 per cent + 50 per cent × (100 per cent minus 54 per cent) = 77 per cent. The percentage for year 2 would be set at 100 per cent. The valuations on which rates would be levied would therefore be as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Old Valuation</th>
<th>Additional Set Percentage</th>
<th>Adjusted Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>$1000</td>
<td>700 (77 per cent.)</td>
<td>$1770</td>
</tr>
<tr>
<td>Year 2</td>
<td>$1770</td>
<td>1000 (100 per cent.)</td>
<td>$2770</td>
</tr>
<tr>
<td>Year 3</td>
<td>Actual Valuation</td>
<td>1000 (54 per cent.)</td>
<td>$3770</td>
</tr>
<tr>
<td>Year 4</td>
<td>Actual Valuation</td>
<td>1000 (54 per cent.)</td>
<td>$4770</td>
</tr>
</tbody>
</table>

Honourable members will readily see that in the first year, inflation plus a part of the valuation in respect of the other causes is taken into account; the second year the property owner is effectively subject to a further increase and, in the third and fourth years, the whole of the new valuation will be taken into account, thus preserving the principles of valuation as a basis of rating as well as maintaining the equity sought to be achieved as the result of the revaluation process.

As valuations at different points in time are likely to produce different results and create different problems, flexibility is required to handle these results and problems as they occur. It is therefore not considered advantageous to set an inflexible formula to calculate adjustments under the provision of the board's Act.

It must be pointed out that where alterations or improvements to a property have occurred before the valuation date and the new valuation reflects these alterations and improvements, which may be a new house on vacant land, then the Melbourne and Metropolitan Board of Works would need to exclude such factors in assessing any adjusted valuation before deciding upon what ought to be the adjusted valuation.

While there is the power to adopt an adjusted valuation, it is essential that the original valuation be not exceeded at any time, hence the provision in clause 6(1b). I am sure honourable members will support this Bill as it does provide for obviation of hardship, a degree of flexibility and retains the essential principles of valuation as a basis of rating as well as enabling the Melbourne and Metropolitan Board of Works to approach the various rates that it has to set in a consistent manner. I commend the Bill to the House and I thank the Leader of the Opposition and the Deputy Leader of the National Party for their indulgence in allowing the second reading of the Bill 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 the next day of meeting.
ADJOURNMENT

Proposed Closure of State Electricity Commission offices — Lilydale Magistrates Court — Victorian Dental Therapists Association — Dual meat inspection — Travel by State employees — Health insurance payments by Esso Australia Ltd — Overcrowding at Essendon football ground — Section 120A schemes

The Hon. E. H. WALKER (Minister for Conservation) — I move:

That the House do now adjourn.

The Hon. K. I. M. WRIGHT (North Western Province) — I direct a matter of urgent Government business to the attention of the Minister for Minerals and Energy. I am extremely concerned about State Electricity Commission report which recommends the closure of the Red Cliffs and Sea Lake district offices of the State Electricity Commission that will eventuate in the loss of seven full-time positions in the region.

It is entitled, “Review of the Mallee Electricity Supply Region” and was prepared by senior officers of the State Electricity Commission to investigate present and expected work demands of the offices and other similar matters. I emphasize that any decision to close the Red Cliffs or Sea Lake offices should not necessarily be taken on purely economic grounds. The effects of the closure of the offices at Red Cliffs and Sea Lake should be considered for the whole community and the effect any closure would have on the prosperity and wellbeing of each town.

Another significant loss could be that of the regional manager who is presently based at Mildura. The work he is presently doing would be effected by the manager at the Bendigo office. A further matter of concern raised in the report is that the State Electricity Commission presently operates in three different locations in Mildura and the report recommends that the operations be contained in one building. The interesting aspect of the report is that out of the twenty proposed closures of State Electricity Commission offices that have come to my notice, this is the first time that a really economically viable office is proposed to be closed. The growth rate at Red Cliffs was 20.5 per cent to 30 June 1981. The report also mentions the fact that significant potential exists for the installation of more spray irrigation, which would use more electricity. Without continuing further, it can be understood that if the report were brought to fruition, it would bring hardship and change to the area. I ask the Minister to ensure that full consideration be given to these matters before a hasty decision is made.

The Hon. H. G. BAYLOR (Boronia Province) — I am in a dilemma because I want to raise a matter for the attention of the Leader of the Government representing the Attorney-General but as he is not here I shall direct a matter to the Minister for Conservation because it relates to the administration of the Law Department. The matter I want directed to the notice of the Attorney-General is the state of the Magistrates Court in Lilydale. I know full well that the matter has been directed to the attention of the previous Government. Discussions occurred between the Law Department at the time and the people concerned with the court.

Having visited the court last week, I consider that it is a matter of urgency. I hope the Minister will convey to the Attorney-General the inadequacy of the accommodation at the court, which is crucial because no storage space is available for files to be kept in a proper order. I noticed that confidential files on matrimonial causes and so on were stacked under the magistrate’s bench, which was a totally inappropriate place in which to store documents.

It is most noticeable that the court room has an extremely bleak appearance. It does not contain an Australian flag or a Victorian flag, nor does it have a portrait of the Queen. It has no aura or symbol of law and order so that the court room is entirely bare and vacant. The matter should be rectified. I would like all the courts in Victoria to display both the Australian flag and the Victorian flag and perhaps some symbol to create an atmosphere for those who come before the court so that they know they are...
in a court of law. Symbols should indicate the law and order of the society in which we live.

The clerk of courts' office is a disgrace. It is in dire need of maintenance. The morning I attended the court was extremely cold and the heater was out of action. The staff were coping with a small substitute heater, which was inadequate. I consider that if the judicial system is to work properly in the jurisdiction of the Magistrates Courts, the staff must be provided with proper accommodation, adequate to cope with the work load they are now receiving. As honourable members will remember, the jurisdiction that the Magistrates Courts covers was extended to cover matters involving sums up to $3000. That move, in itself, has brought further work to the Magistrates Courts. In addition, there is absolutely no storage space for equipment outside the building. The lawn mower and the cleaning implements are kept in the small wash room. The situation is quite unsatisfactory. I draw the attention of the Attorney-General to the concern of the people who work there and of members of the public who are obliged to attend the court from time to time, and I hope the matter will be rectified as quickly as possible.

The Hon. ROBERT LAWSON (Highton-botham Province)—My remarks are directed to the Minister for Minerals and Energy who is the representative in this place of the Minister of Health. The matter arises from a letter I have received from the Victorian Dental Therapist Association which is based in the northern and western suburbs and operates throughout part of Gippsland and the Geelong area.

The basis of the complaint of the members of the association is a lack of funds. These people operate in the field of dental health for school children, doing much of the work of a dentist. Part of the argument they advance is that they do not receive adequate pay. In the course of the letter, the association states that a nursing aide, whereas dental therapists receive only 55 per cent of the salary of a dentist. The association also states that one of the recruiting brochures says that, at the expiration of a four-year training period, trainees will receive a dental therapist's certificate. They do not receive such a certificate.

The Minister could well initiate an inquiry into the subjects that have been raised by the association. No doubt the Minister has also received a letter from the association, as I understand that a letter such as the one I received was sent to all members of Parliament. However, if the Minister requires further information, I will be pleased to let him have my own letter.

The Hon. J. W. S. RADFORD (Bendigo Province)—I direct to the attention of the Minister of Agriculture a matter relating to dual meat inspection of live sheep for export. The anomaly of dual inspection arises because State authorities check the sheep's health and Federal authorities ensure that the merino ram export embargo is not contravened. The Minister is perhaps aware that State inspectors believe they are capable of carrying out the duties currently being performed by the Federal officers.

Is the Minister aware that, as from 1 July, the Federal Government will introduce an inspection fee to recover up to 50 per cent of the costs of the inspection by Federal inspectors and that this cost is estimated on the basis of 5 cents a head for the first 10,000 sheep loaded and 2 cents a head for the remainder of the load? In the eyes of some, it may be considered only a small sum of approximately $2400, but when one takes into account that this occurs not only in Victoria but throughout Australia one realizes that a high and unnecessary cost is involved.

I ask the Minister what steps he is taking to resolve the problem of dual inspection of live sheep for export, as well as dual inspection of meat for export. What stage have his negotiations, if any, with the Commonwealth Government reached?
The Hon. W. R. BAXTER (North Eastern Province)—I raise with the Minister representing the Treasurer a matter which seems to be a recurring problem towards the end of each financial year. It concerns public servants who are located in the country and who are required to travel to undertake their tasks, using either their own motor cars or those belonging to the State Government. Such employees are allocated a certain number of kilometres for the year and, before the year is out, they have travelled that number of kilometres and are given instructions to travel no more but to remain in the office. Often, these limits seem to be arbitrarily set by boffins in Melbourne who fail to understand the distances involved and the absolute necessity for personal contact.

I accept that some form of control is necessary over the use of motor vehicles and the number of kilometres travelled. However, I suggest that that control should be exercised with flexibility and understanding.

On the present occasion, I understand that some licensing inspectors in country Victoria have used up their allocation of kilometres for the year. Honourable members would agree that licensing inspectors should not be hindered in their work of inspections and approval of licensing applications. In no way am I attributing blame to the Government in regard to this matter; the situation has gone on for a number of years. However, I ask the Minister to ensure that sufficient funds are made available this year to enable those inspectors to carry on their work and that in subsequent years a better scheme is devised.

The Hon. H. R. WARD (South Eastern Province)—I raise with the Minister representing the Minister for Youth, Sport and Recreation a matter concerning the magnificent game of football which was staged at “Windy Hill” yesterday.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I hope it involves a matter of Government administration.

The Hon. N. B. REID (Bendigo Province)—I raise with the Minister representing the Minister for Youth, Sport and Recreation a matter concerning the magnificent game of football which was staged at “Windy Hill” yesterday.

The Leader of the Government is probably aware that the Transport Workers Union and the Storemen and Packers Union have made claims for the employer to make health insurance payments on behalf of their members. If the claim flows on, as it almost certainly will, increased burdens will be placed on employers, especially on the small business man. Above all, we hear the cry of the Government on tax avoidance and all sorts of other issues in regard to benefits it claims that nobody else receives.

Will the Leader of the Government inform the house whether he has studied the scheme that has been adopted by Esso Australia Ltd and its effect on all other employers but especially on those engaged in small business? Can it be seen that this new scheme is a method of tax avoidance now being employed by members of the trade union movement?

The Hon. N. B. REID (Bendigo Province)—I raise with the Minister representing the Minister for Youth, Sport and Recreation a matter concerning the magnificent game of football which was staged at “Windy Hill” yesterday.

The DEPUTY PRESIDENT (the Hon. W. M. Campbell)—I hope it involves a matter of Government administration.

The Hon. N. B. REID—It certainly does, Mr Deputy President. This great spectacle of Australian rules football attracted a tremendous crowd to the Essendon football ground. In fact, 33 800 people crowded into a ground which was designed for approximately 30 000 people, so approximately 3000 more people gained admission to that match than are normally accommodated in that ground. I understand that there were instances of people climbing over fences topped with barbed wire, to gain admission. Apparently the police did a magnificent job in controlling the crowd.

However, I am concerned that this situation could occur again and I ask the Minister to raise the matter with the Minister for Youth, Sport and Recreation. I can understand the Essendon Football Club having its loyalty to
The Hon. GLYN JENKINS (Geelong Province)—I ask the Minister of Water Supply whether the Cain Government has formulated a straightforward policy on refunds for money paid by participants in section 120A sewerage schemes under the Sewerage Districts Act? The Minister has received a number of deputations over recent weeks from a number of areas in Victoria where these schemes are being implemented. The Minister would recall that, in the short policy document he prepared prior to the election, he indicated that places like Portarlington, Lara, Lilydale, Mount Helen and Chirnside Park, Lilydale, would receive a Government refund on those capital funds over the next ten years.

It now appears that another formula is to be applied in which some of the capital funds will be refunded and, to supplement those refunds, the authorities will borrow money at 17 per cent to repay the participants in the schemes. Is there a consistent policy for the five section 120A schemes that were referred to in the policy initiative document issued by the Minister? Are those policies consistent and clear? Does the Minister propose to extend the principle to other section 120A schemes? On the figures I had prepared when Minister of Water Supply, there were 136 schemes, not 5, that involved more than 10,000 blocks of land and approximately $13.5 million in capital funds paid by those participants. I raise those matters because there is confusion in the area I represent, especially in Portarlington, on what the specific policies of the Government are on the refunds of these moneys. Does the Minister propose to make further refunds that will need to be supported by fifteen-year loans and, if so, is it not true that some of these loans will be finally paid back in approximately 25 years?

Mr. Ward raised with me the health insurance offer that Esso Australia Ltd, as a company, made to its employees and he made the allegation that the offer could be a tax avoidance measure. I am prepared to examine that matter in detail in the context of tax avoidance if Mr. Ward, on behalf of the Liberal Party, is asking me to examine some of the payments that are made in terms of attending for work in this place on a similar basis. However, in the spirit of conciliation, I shall undertake to examine the implications of that agreement, as it may well affect the State of Victoria as a principal employer.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—Mr. Wright raised with me the review of the Mallee electricity supply region being prepared by the State Electricity Commission of Victoria. It is correct that the State Electricity Commission of Victoria has prepared a document that has been circulated locally. That document contains a number of options. Discussions will be held between the relevant employee bodies, including the Municipal Officers Association of Australia, Victorian Branch, and the State Electricity Commission of Victoria on Thursday of this week. The Government looks forward to receiving comment from local interest groups and communities before any decision is made on that matter.

Mr. Lawson raised the matter of the dental therapy associations and associated matters. I look forward to raising that issue with the Minister of Health in another place.
Mr Baxter raised a matter for the attention of the Treasurer on the possibility of the allocation of travelling allowances for public servants expiring before 30 June this year, thus jeopardizing the capacity of those public servants to fulfil their obligations. I shall raise that issue with the Treasurer.

Mr Jenkins raised with me the implementation of the policy of the Government on the section 120A sewerage schemes. At no stage has the Government sought to repeal section 120A of the Sewerage Districts Act. Indeed, the Government has said that, if either any individual or group of individuals wishes to take an initiative to implement a section 120A scheme and there are no objections to that proposal—

The Hon. Glyn Jenkins—None at all?

The Hon. D. R. WHITE—Where there are no objections the Government will allow the schemes to proceed. In addition, the Government has approved a 120A scheme at Mount Helen, where there were two objections by absent landholders of vacant blocks of land.

The Government has negotiated on a number of stages of the scheme for Chirnside Park, Lilydale, and has satisfactorily entered into an agreement with the Lilydale Sewerage Authority, which will, in the next financial year, receive approximately $400 000 in subsidized loan funds to enable it to complete the schemes in progress and $100 000 to repay a scheme that was completed at stage 5. Legislation will be required in the spring sessional period to give the authority the power to repay the contractors in stage 5. I look forward to a Bill being introduced and being passed with the agreement of the Opposition.

In respect of the proposed section 120A sewerage schemes at Mount Martha, the Government has decided not to proceed with those schemes. In respect of the section 120A sewerage schemes at Delacombe, Ballarat, the Government has had discussions with the Ballarat Sewerage Authority and these discussions will continue.

The Ballarat Sewerage Authority has agreed to complete the two schemes in progress by means other than private, up-front contributions from landowners. In respect of the Bellarine and Portarlington schemes, Mr Jenkins would appreciate that that was a shandy scheme involving an initial contribution of $900 000 by landowners, about which there was significant objection. The Government has had two meetings with the Bellarine Sewerage Authority on the Portarlington scheme and Mr Jenkins should note that the Government and the State Rivers and Water Supply Commission have made a specific offer of grant money to the Bellarine Sewerage Authority for consideration. That offer is under consideration and the Government is looking forward to continuing discussions with a view to ensuring that the policies of the Government are effectively implemented.

The Hon. D. E. KENT (Minister of Agriculture)—On the question raised by Mr Radford, it should be noted that veterinary and animal health services are the responsibility of the State Government, which does check the condition of live sheep being exported from Portland.

If the Government which purports to represent the pastoral industry wishes to impose an additional burden on the industry by introducing dual inspection, the honourable member should raise that matter with the Federal Government, but, after all, the cost of 5 cents to 7 cents a head is not a substantial amount compared with the value of the sheep.

The matter has been raised by the Department of Agriculture, because we believe it is wasteful to have any form of dual inspection, whether for live sheep or meat, and we will attempt to have that situation rectified.

I refer to the matter raised by Mr Reid, and shall take up with the Minister for Youth, Sport and Recreation in another place the problem that has
arisen because an overcapacity crowd was allowed into a football ground. The Minister may discuss the matter with the ground management of various clubs and the Victorian Football League, so that a policy may be implemented to ensure that dangerous overcrowding is prevented in the future, if possible.

The motion was agreed to.

The House adjourned at 10.52 p.m.

**QUESTIONS ON NOTICE**

**MINISTERIAL STAFF APPOINTMENTS**

(Question No. 13)

The Hon. B. A. CHAMBERLAIN (Western Province) asked the Minister for Economic Development, for the Premier:

In relation to the list of Ministerial advisers and private secretaries to Ministers issued by the Parliamentary Secretary of the Cabinet on 5 May 1982, will the Premier advise in relation to each such appointment—(1) whether the person concerned is a public servant or employed on contract, giving details of any such contracts; and (ii) the annual salary and allowance payable?

The Hon. W. A. LANDERYOU (Minister for Economic Development) —The answer supplied by the Premier is:

Ministers may obtain the services of Ministerial advisers and private secretaries either through direct recruitment pursuant to section 40 (5) or section 4 of the Public Service Act or through secondment of Public Service officers to perform those duties.

Where employment is pursuant to section 40 (5) or section 4, the Ministerial advisers and private secretaries are paid rates in accord with a scale determined by the Public Service Board. Details of salary levels and conditions of employment are set out in Attachment A.

While specific termination of employment conditions are prescribed for Ministerial staff, other conditions of employment are similar to those applying to employees in the Public Service other than for those conditions covered by a commuted allowance.

Public servants seconded to perform these duties are paid an appropriate allowance to provide a total emolument equivalent to that applying for employees employed pursuant to section 40 (5) or section 4 but they retain their normal Public Service conditions of employment.

Details of the designations of Ministerial advisers and private secretaries, including those who are public servants, are set out in Attachment B. (The list of staff issued by Cabinet Secretary on 19 May, which supersedes that of 5 May, is used.)

**RATES OF PAY**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Rate</th>
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<td>Principal Ministerial Adviser</td>
<td>$1200 per year</td>
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<td>Administrative Officer, Class &quot;A&quot;</td>
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</tbody>
</table>
rate of total emolument of the private secretary shall not exceed the rate of salary prescribed for the second subdivision of Administrative Officer, Class “B1” in Part A of the Second Schedule to the Public Service Determinations.

(c) The commuted allowance for a Ministerial adviser or private secretary shall not be payable in respect of periods of sick leave (including worker’s compensation leave) to the extent by which such periods of leave exceed twenty days in aggregate in any one year. The allowance payable to a Ministerial adviser or private secretary during a period of long service leave shall be calculated, pro-rata, on the basis of one-half (1/2) only of the commuted allowance.

Retiring Gratuities
A Ministerial adviser or private secretary shall have an eligibility to retiring gratuities in accordance with the relevant provisions of Schedule “A” General Conditions of Employment Determination made by the Board pursuant to Section 4 of the Public Service Act 1974.

Termination of Employment
The employment of the Ministerial adviser or private secretary may be terminated by the employee or the Minister, giving one to the other a minimum period of notice according to the period of continuous service as set out below—

<table>
<thead>
<tr>
<th>Period of Service</th>
<th>Minimum Period of Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) In first 26 weeks of service</td>
<td>1 week</td>
</tr>
<tr>
<td>(b) Between 26 weeks and 12 months service</td>
<td>8 weeks</td>
</tr>
<tr>
<td>(c) After 12 months of service but less than 10 years service</td>
<td>12 weeks</td>
</tr>
<tr>
<td>(d) After 10 or more years service</td>
<td>16 weeks</td>
</tr>
</tbody>
</table>

If the employment of an employee is terminated by the Minister without the required minimum period of notice having been given, the employee shall be paid an amount equal to his rate of pay for the required minimum period of notice of termination. If an employee terminates his employment without having given the required minimum period of notice, he shall forfeit any salary that may be due to him.

Provided that the foregoing shall not affect the right of the Minister to dismiss an employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases payment shall be made up to the time of dismissal only.

Other Conditions of Employment
As far as practicable, other conditions of employment shall be those applying generally from time to time to employees of the department under the Public Service regulations and Public Service determinations other than those prescribed in Part IX of the Public Service regulations and in Division II, Division III and Division IV of Part III of the Public Service determinations.

An additional Ministerial adviser, appropriately classified in accordance with the provision of this determination, may be employed at the discretion of the Minister for a portion of the required minimum period of notice of termination of employment as set out above for the purpose of work familiarization, briefing etc., by the outgoing Ministerial adviser.

LIST OF MINISTERIAL ADVISERS AND PRIVATE SECRETARIES ISSUED BY CABINET SECRETARY ON 19 MAY 1982

<table>
<thead>
<tr>
<th>Department/Office</th>
<th>Principal Ministerial Adviser</th>
<th>Ministerial Adviser</th>
<th>Private Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premier and Federal Affairs—The Honourable John Cain</td>
<td>Mr. Alan Otley</td>
<td>Mr. Mike Salvasi</td>
<td>Ms. Jenny Macmillan</td>
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<tr>
<td>Attorney General—The Honourable John Cain</td>
<td>Mr. Howard Nathan, QC</td>
<td>Dr. Michael Henry</td>
<td>Ms. Jenny Love</td>
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<tr>
<td>Education and Educational Services—The Honourable Bob Fordham</td>
<td>Mr. Jim Betson</td>
<td>Mr. Terry Tovey</td>
<td>Ms. Barbara Stroud</td>
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<tr>
<td>Economic Development—The Honourable Bill Landeryou</td>
<td>Mr. Terry Larkins</td>
<td>*Mr. Ian Wykes</td>
<td>Ms. Sue Kelty</td>
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<tr>
<td>Tourism—The Honourable Bill Landeryou</td>
<td>Mr. John Hattam</td>
<td>Ms. Lenv Macmillan</td>
<td>Mr. Shirley Huttley</td>
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<tr>
<td>Conservation—The Honourable Evan Walker</td>
<td>Ms. Jenny Love</td>
<td>Ms. Patricia Kerr</td>
<td>Mrs. Shirley Huttley</td>
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<tr>
<td>Planning—The Honourable Evan Walker</td>
<td>Mr. John Lane</td>
<td>Mr. Mike Salvasi</td>
<td>Mr. Dick Coughlin</td>
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<td>Housing—The Honourable Ian Cathie</td>
<td>Ms. Jenny Macmillan</td>
<td>Mr. Mike Salvasi</td>
<td>Mr. Mike Salvasi</td>
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<tr>
<td>Transport—The Honourable Steve Crabb</td>
<td>Ms. Jenny Macmillan</td>
<td>Mr. Mike Salvasi</td>
<td>Mr. Mike Salvasi</td>
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* Provided for the purpose of work familiarization, briefing etc., by the outgoing Ministerial adviser. **CT**
LIST OF MINISTERIAL ADVISERS AND PRIVATE SECRETARIES ISSUED BY CABINET SECRETARY ON 19 MAY 1982—continued

<table>
<thead>
<tr>
<th>Department</th>
<th>Ministerial Adviser</th>
<th>Private Secretary</th>
<th>Temporary Liaison Officer</th>
<th>Stenographer/Secretary</th>
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<tr>
<td>Treasurer—</td>
<td>Mr. Ian Watson</td>
<td>Mr. Ian Stubb</td>
<td>*Miss Anne Marshall</td>
<td>MA III</td>
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<tr>
<td>Labour and Industry—</td>
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<td>Agriculture—</td>
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<td>Forests—</td>
<td>Mr. Phillip Staindl</td>
<td>Mr. Russell Joiner</td>
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<td>Lands and Soldier Settlement—</td>
<td>Mr. David Jones</td>
<td></td>
<td>*Miss Sue Woolridge</td>
<td>Typist</td>
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<td>Arts—</td>
<td>Mr. Bruce Grant</td>
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<td>Police and Emergency Services—</td>
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<td>Health—</td>
<td>Mr. Stephen Perryman</td>
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<td>Employment and Training—</td>
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<td>Ms. Rhonda Gaibally</td>
<td>Ms. Barbara McGowan</td>
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<td>Youth, Sport and Recreation—</td>
<td>*Mr. Colin Carter</td>
<td>*Mr. Daniel O’Farrell</td>
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<td>Minerals and Energy—</td>
<td>Mr. Andrew Herington</td>
<td>Mr. Robert Bladier</td>
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<td>Water Supply—</td>
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<tr>
<td>Local Government—</td>
<td>Mr. John Robertson</td>
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<td>Administrative Officer &quot;CT&quot;</td>
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<tr>
<td>Consumer Affairs—</td>
<td>Mr. Joseph Nieuwenhuizen</td>
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<tr>
<td>Immigration and Ethnic Affairs—</td>
<td>Mr. Demetri Doleis</td>
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<tr>
<td>Parliamentary Secretary of the Cabinet—</td>
<td>Ms. Angela Jurjevic</td>
<td>Ms. Bette Moore</td>
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(*Asterik denotes permanent public servant).

WATER SUPPLY EXPENDITURE
(Question No. 54)

The Hon. K. I. M. WRIGHT (North Western Province) asked the Minister of Water Supply:

Expenditure by Ministry of Water Resources

<table>
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<th>Year</th>
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<th>%</th>
<th>Revenue $</th>
<th>%</th>
<th>State budget $</th>
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<td>1976–77</td>
<td>44 649 983</td>
<td>1·5</td>
<td>41 400 815</td>
<td>1·4</td>
<td>2 955 619 785</td>
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<tr>
<td>1977–78</td>
<td>47 468 127</td>
<td>1·4</td>
<td>46 461 343</td>
<td>1·4</td>
<td>3 294 890 574</td>
</tr>
<tr>
<td>1978–79</td>
<td>38 104 949</td>
<td>1·1</td>
<td>51 060 126</td>
<td>1·4</td>
<td>3 543 597 686</td>
</tr>
<tr>
<td>1979–80</td>
<td>33 509 665</td>
<td>0·8</td>
<td>56 281 022</td>
<td>1·4</td>
<td>3 953 106 202</td>
</tr>
<tr>
<td>1980–81</td>
<td>34 365 352</td>
<td>0·8</td>
<td>66 124 196</td>
<td>1·5</td>
<td>4 501 739 968</td>
</tr>
</tbody>
</table>
POLICE TRAINING
(Question No. 55)

The Hon. N. B. REID (Bendigo Province) asked the Minister for Forests, for the Minister for Police and Emergency Services:

(a) When will the review of police training programmes and in-service education commence?

(b) What is the present cost of training a new recruit to the Victoria Police Force?

The Hon. R. A. MACKENZIE (Minister of Forests)—The answer supplied by the Minister for Police and Emergency Services is:

(a) Police training programmes and in-service education will be reviewed in the course of the proposed inquiry into aspects of the administration and procedures of the Victoria Police Force due to commence later this year.

(b) There are many incidental and intangible costs incurred in the training of a police recruit. However, the salary costs incurred in training a recruit at the Police Academy are estimated to be as follows:

Recruit's salary for 16 weeks $4405
Plus percentage of salary of unsuccessful recruits $168
Plus percentage of salary of Training Staff $2487

$7060

SCHOOLS IN PRAHRAN ELECTORATE
(Question No. 59)

The Hon. N. B. REID (Bendigo Province) asked the Minister for Conservation, for the Minister of Education:

How many high, technical, primary and special schools, respectively, are located in the electoral district of Prahran?

The Hon. E. H. WALKER (Minister for Conservation)—The answer supplied by the Minister of Education is:

Two High Schools.
One Technical School.
*Four Primary Schools.
No Special Schools.
*Includes one Central School.

MINERAL WATER DEVELOPMENT FUND
(Question No. 61)

The Hon. J. W. S. RADFORD (Bendigo Province) asked the Minister of Lands:

What amount is held in the Mineral Water Development Fund and what immediate action is planned to utilize the moneys in the Daylesford–Hepburn Springs area?

The Hon. R. A. MACKENZIE (Minister of Lands)—The answer is:

As at 31 May 1982, there was a balance of $347,502.11 in the Mineral Water Development Fund. Current commitments for disbursement from the fund in respect of approved projects in the Daylesford–Hepburn Springs area total $23,000. Details of these are set out in the following table:

<table>
<thead>
<tr>
<th>Payee</th>
<th>Approved project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Daylesford and Glenlyon</td>
<td>Development of the Tipperary Springs Reserve</td>
<td>$4000</td>
</tr>
<tr>
<td>Shire of Daylesford and Glenlyon</td>
<td>Daylesford Landscape and Strategy Plan for the development of mineral springs reserves.</td>
<td>$15,000</td>
</tr>
<tr>
<td>Sailors Falls Mineral Springs Reserve Committee of Management</td>
<td>Enlargement of the reserve by the purchase of a small piece of adjacent land.</td>
<td>$4000</td>
</tr>
</tbody>
</table>

The following applications for disbursement from the fund are presently under consideration:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Proposal</th>
<th>Estimate of cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. W. and P. W. Upham, Daylesford</td>
<td>Improvements to Gooches Spring</td>
<td>No estimate</td>
</tr>
<tr>
<td>Sailors Falls Mineral Springs Reserve Committee of Management</td>
<td>Provision of additional facilities and improvements for the reserve</td>
<td>No estimate</td>
</tr>
<tr>
<td>Shire of Daylesford and Glenlyon</td>
<td>Provision of facilities and improvements for the Tipperary Springs Reserve.</td>
<td>$43,000</td>
</tr>
</tbody>
</table>
Legislative Assembly
Tuesday, 15 June 1982

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 2.8 p.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER (the Hon. C. T. Edmunds)—I have to announce that the Minister for Local Government will be absent during question time today.

QUESTIONS WITHOUT NOTICE

NUCLEAR POLICY

Mr THOMPSON (Leader of the Opposition)—Will the Premier give a clear indication to the House whether his Government, in the area of Victorian administration, will follow the Hayden interpretation of Labor nuclear policy or the Bowen interpretation of the Labor nuclear policy?

Mr CAIN (Premier)—The Victorian Labor Government is following the policy that was put to the electorate and endorsed by the electorate on 3 April. I have made the Government’s position clear. A Bill will be introduced into this place in the spring making it clear that the Government wants no part of the nuclear industry in this State. I made clear to the Prime Minister on May 27 and, as reported in last night’s Herald, I made clear to Mr Brand some time before that, the Government’s attitude in regard to the presence of nuclear-powered or armed vessels in Victorian ports. I stress that the two matters are unrelated.

The Prime Minister indicated what he sees as considerations relating to the Federal Government’s powers in an area that is currently a legislative void and one in respect of which both Parliaments have power. I have told the Prime Minister, I have said in this House and I repeat, that that position is being examined.

I have received an opinion from the Solicitor-General and have asked for further information regarding one aspect of it. I will indicate the Government’s response to the matters raised by the Prime Minister. I have never suggested that the State Government was attempting to intrude into those areas concerning treaties, external affairs or defence. I repeat for the edification of Opposition members—and the honourable member for Brighton ought to know better than most—that this is a field in which there is a legislative void in respect of which both Governments have power at this time. When that decision has been made I will be making the Government’s position clear to the Victorian electorate. I am sure that the electorate will be interested to know what the position is in view of the strong and overwhelming vote it gave to the Victorian Labor Government at the election on April 3.

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Premier to discussions he had with representatives of the American diplomatic corps concerning the presence of nuclear-powered vessels in the port of Melbourne. During the last discussions that took place between the Premier and the American diplomatic officials, did the Premier indicate that American vessels were or were not welcome in the port of Melbourne?

Mr CAIN (Premier)—The only discussion I have had is the one referred to in the Melbourne Herald last night. I think the date referred to was 7 May. It was a courtesy call by Mr Brand during which he wanted to discuss a number of matters. The matter to which the Leader of the National Party refers was raised by me simply as a matter about which I believed he should have information. I told him the position. He seemed to be unaware of it. I told him what the Victorian Government’s policy was. I was surprised he was unaware of it, but I do not believe that the Leader of the Opposition, or his Parliamentary or Federal colleagues...
were unaware of that policy, and the people of Victoria were not unaware of it.

I told Mr Brand of the Victorian Government's position. I made it clear to Mr Brand that the Victorian Government welcomed American involvement in this country. I believe we were discussing matters of trade and commerce, and I believe the course that I took on 27 May of informing the Prime Minister on this matter was the proper course to take. I might add that a similar course was taken by both the New South Wales and South Australian Governments, but it did not bring the same sort of political response from the Prime Minister when those announcements were made and those decisions were conveyed to him, and I express surprise that he should have responded in the way he did. He was aware of the American response to the information I gave Mr Brand.

TAX AVOIDANCE

Dr COGHILL (Werribee)—I ask the Premier, in his capacity as Attorney-General, whether he can inform the House how the role of corporations in Victoria is being subverted for tax avoidance purposes.

Mr CAIN (Attorney-General)—The role that is being played by corporations in this State ought to be a matter for concern for all of us, not just in the State but throughout this country. There are 600,000 registered companies in this country—1 for every 23 men, women and children in the country.

The whole notion of companies is firstly, to provide a means whereby wealth could be created, while at the same time limiting personal liability; secondly, to provide a means whereby the corporation could continue beyond the lifetime of the original entrepreneur. What is occurring in this State and in other States, and with the clear acquiescence of the Federal Government, is that a company is being used to protect and conceal wealth, and it is time that steps were taken by the responsible Government in the taxation field to prevent this occurring.

I note last week that the Federal Treasurer was so insensitive to this whole issue as to draw distinctions between what he referred to as "wet" and "dry" Slutzkin schemes. I gather he meant that one takes marginally less away and leaves just a little for the taxation commissioner, and one gives the body a decent burial, which the other does not do. It is time the Federal Government, the Federal Treasurer and the Liberal Party made up their minds where they stand on tax avoidance. Is the Liberal Party for or against tax avoidance?

OMEGA NAVIGATION BASE

Mr MACLELLAN (Berwick)—Can the Premier assure the House that, irrespective of the views of the various Ministers, there will be a continuation of the supply of services such as water, electricity, roads and other State services to the Omega navigation base in east Gippsland?

Mr CAIN (Premier)—The matter to which the honourable member for Berwick refers has not been considered by the Government. I do not know of any suggestion that has been made either by any member of the Government or by any other person associated with the Omega navigation base that State services would not be forthcoming. I shall take the matter on board and consider it if and when it arises.

ARARAT CUP INQUIRY

Mr HANN (Rodney)—In view of the fiasco that has developed as a result of the Victoria Racing Club inquiry into the running of the Ararat Cup, can the Minister for Youth, Sport and Recreation advise the House what that inquiry has cost the racing industry; whether the Minister will make a Ministerial statement on the inquiry and what action the Government intends to take in order to establish an independent racing tribunal?

Mr TREZISE (Minister for Youth, Sport and Recreation)—I agree that a fiasco has developed. Indeed, it was a fiasco for all concerned in the racing industry, that is, the licensed persons and the racing public in general.
I am not in a position to give the exact costs of the inquiry. The costs to the Victoria Racing Club were approximately $100,000. I know that the hearing cost the licensed persons many thousands of dollars. Therefore, the over-all costs of the inquiry, on a legal basis alone, would run into hundreds of thousands of dollars. The honourable member for Rodney asked me what the Government intends to do about establishing an independent racing tribunal. The Labor Party has had a policy on that for a number of years, and that policy was reiterated at the recent election, to appoint an independent racing appeals tribunal. However, the establishment of that tribunal was opposed by the Opposition some weeks ago. I do not know what the attitude of the National Party is to the establishment of an independent racing appeals tribunal. It is the intention of the Government to appoint an independent racing appeals tribunal at the earliest opportunity. The Government will consult with the racing industry in an endeavour to overcome a repetition of the Ararat Cup inquiry.

MELBOURNE AND METROPOLITAN BOARD OF WORKS LOAN

Mr McCUTCHEON (St Kilda)—In view of the fact that the Treasurer requested that statutory authorities not participate in the recent Melbourne and Metropolitan Board of Works $90 million loan, can the Treasurer inform the House on what happened during the recent activities of the loan raising for the Board of Works?

Mr JOLLY (Treasurer)—In regard to the Melbourne and Metropolitan Board of Works target figure of $90 million, I am pleased to inform the House that the Board of Works was able to borrow the money from sources almost entirely outside the public sector. As a result there were tenders from three different organizations for the $90 million. It means that money will now be available, and potentially a larger sum, to the Victorian Development Fund to boost both urgent capital works in the State and employment. Therefore, Treasury officials, the Office of Management and Budget Task Force and I are pleased with the outcome because it means the Government has greater potential to boost capital works expenditure and employment in the State.

SITE ALLOWANCES

Mr WOOD (Swan Hill)—Can the Premier advise the House on details of his Government’s policy in relation to the settlement of site allowance claims by unions on Government departments and instrumentalities, and can he advise whether that policy is correctly outlined in the circular known as Circular No. 4 dated 11 May 1982 and forwarded to Government departments and instrumentalities by Mr J. Thomas, Director of the Office of Industrial Relations Co-ordination?

Mr CAIN (Premier)—The reports that appeared in the press recently, to which I think the honourable member made some contribution, are quite inaccurate. There is no question of agreements reached over site allowances not being submitted to the Conciliation and Arbitration Commission for ratification. I do not know where that suggestion came from and I am sure it is not a suggestion made by the Office of Industrial Relations Co-ordination.

The Government’s policy is being followed, in that genuine conciliation takes place before agreements are submitted to the commission for ratification. In those areas where there are no Federal awards and, therefore, the respondents are not parties to Federal awards, agreements are being finalized and negotiated by the Industrial Relations Commission and those agreements will be ratified by that body on application by the private employers or employer organizations, as the case may be.
It is unfortunate that the reports should have received the currency they did. I understand the inaccuracy has been reported to the journalist concerned—either yesterday or Sunday—and a correction or restatement was made accordingly.

NUCLEAR HEALTH HAZARDS

Mr GRAY (Syndal)—Further to the answer given by the Minister of Health to a question asked by the honourable member for Benambra concerning health dangers associated with nuclear power, can the Minister advise the House what information is available setting out the health risks associated with nuclear-power?

The SPEAKER (the Hon. C. T. Edmunds)—Order! Can the Minister of Health inform the Chair whether this is the same or substantially the same as the question asked by the honourable member for Benambra?

Mr ROPER (Minister of Health)—The question I was asked last week was what advice the Health Commission and I had provided to the Premier.

Mr LIEBERMAN (Benambra)—I raise a point of order. If I heard the Minister correctly, his comments about the nature of the earlier question and answer were not, in fact, as reported in Hansard.

The SPEAKER—Order! There is no point of order.

Mr ROPER (Minister of Health)—Since the honourable member for Benambra asked about the advice I had given to the Premier and also the advice the Health Commission might have tendered to me, and because the hazards of nuclear activity are obviously of such great concern to honourable members on the Opposition side of the Chamber, we have obtained a wide range of information that will be available to any honourable member or any member of the community concerned about this matter. The amount of material available would suggest that there are severe health hazards from nuclear activity and radiation and it is certainly of concern.

By interjection, the honourable member for Mildura suggests that I should make a Ministerial statement. Instead I shall provide him with a reading list, as I shall do for any other honourable member. The amount of material contained within the Health Commission is voluminous. The honourable member for Benambra was for some time a Minister associated with the Health Commission and he would be well aware of the huge quantity of items contained in the John Lindell library. The Parliamentary Library also has at least 50 articles relating to radiation, nuclear waste management and the like. There are more than 50 texts on the subject in the Parliamentary Library and I shall be making those available to honourable members so that they can improve their education in this area. Numerous reports on these matters are also available and honourable members may have noticed my comments in the press this morning.

Mr WOOD (Swan Hill)—I raise a point of order. Having read the Hansard report, I point out, Mr Speaker, that the explanation or answer now being given by the Minister is practically word for word with the answer that appears there. I am sure an examination of it would reveal that.

The SPEAKER—Order! There is no point of order, but I ask the Minister of Health to come back to giving an answer to the specific question asked by the honourable member for Syndal.

Mr ROPER (Minister of Health)—Certainly, in a report in one newspaper this morning I set out the whole range of matters that should have concerned the previous Government about the dangers to Victorians from radioactive sources that have been damaging the health of Victorians for many years, but the previous Government was not concerned about those matters.

A number of major articles have been published concerning nuclear powered vessels and the dangers from them, particularly, in this instance, Japanese vessels that have encountered continuing problems. I refer particularly to the
nuclear powered ship Mutsu, which has certainly been plagued by trouble since 1977.

If honourable members opposite are interested, we will provide them with all the relevant information, and they may well change their attitudes and adopt the sensible and rational position that the Government has taken.

SITE ALLOWANCES

Mr RAMSAY (Balwyn)—I direct a question to the Premier. As doubt exists about whether an instruction was sent from the Office of Industrial Relations Co-ordination within the Department of the Premier to authorities advising them to negotiate and pay site allowances without reference to either Federal or State industrial tribunals, will the Premier table in the Library for the information of honourable members a copy of the circular that went out from that office so that all honourable members can see exactly what that instruction was?

Mr CAIN (Premier)—I discussed the matter this morning with Mr Thomas of the Office of Industrial Relations Co-ordination. I do not believe any confusion existed on the part of anybody, save and except those who would seek to make mischief. Again, we are seeing the concern of members of the Opposition that they have a Government which is concerned to resolve industrial disputes and to bring industrial harmony to this State. They do not want to see industrial matters resolved by conciliation. They always avoided it while in Government.

I am appalled at the ignorance of the honourable member for Balwyn and other honourable members opposite on this whole issue. I am a reasonable person; I recognize their intellectual shortcomings and that they are slow readers and slow learners.

Mr THOMPSON (Leader of the Opposition)—I raise a point of order. The question did not relate to our intellectual capacity or industrial relations policy. It related to whether the Premier was prepared to table a particular document.

The SPEAKER—Order! I do not uphold the point of order, but I ask the Premier to come back to the nub of the question.

Mr CAIN (Premier)—I do so, Mr Speaker, and I recognize that some honourable members have been doing some reading over the week-end, because their lips are cracked! I am aware of their sensitivity on this issue, and I will take the matter up——

Honourable members interjecting.

The SPEAKER—The honourable member for Brighton will remain silent. I ask the House to come to order to hear the answer given by the Premier.

Mr CAIN—I recognize the sensitivities of honourable members opposite, and I will take the matter up with the Minister for Economic Development, Mr Landeryou, who is responsible for the Industrial Relations Task Force. I will ask him whether he is prepared to ask Mr Thomas to make those documents available to honourable members opposite who have difficulty in comprehending what is going on in the industrial relations field.

CO-OPERATIVE HOUSING SOCIETIES

Mr WALLACE (Gippsland South)—Can the Minister of Housing advise the House whether the Government intends to continue funding for co-operative housing societies in Victoria, and, if so, how long it will before an allocation of funds will be made to these societies?

Mr CATIE (Minister of Housing)—I thank the honourable member for Gippsland South for the question because the Government regards co-operative housing societies as important bodies which are able to make funds available to low-income families in order to get them into the home purchase field at subsidized rates of interest.

Unfortunately, the former Government and the former Minister of Housing, prior to the last State election on 3 April, allocated $1·5 million to
co-operative housing societies by Ministerial direction; it was not allocated on the basis of the recommendations of the Home Finance Division.

Mr Kennett—That is an absolute lie.

Mr CATHIE—It is the absolute truth.

It would appear that the basis on which the $1.5 million was allocated to co-operative housing societies was that the area was politically sensitive to the Liberal Party Government.

As a result, I have issued a further direction that all unspent funds from the $1.5 million allocation shall be returned to the Home Finance Commission. I will be able to make an announcement shortly on the additional funds that the Government will make available. I assure the House that the funds to be distributed by this Government will be allocated on the basis of needs and priority and not on the basis of buying votes.

HOMELESS YOUTH

Mr KENNEDY (Bendigo)—Is the Minister for Community Welfare Services aware of the growing problems of homeless youth and does she anticipate an increase in the funding for accommodation for homeless youth?

Mrs TONER (Minister for Community Welfare Services)—Every honourable member is conscious of the problem of youth homelessness, which certainly is compounded by the very low unemployment benefits payable to young persons of $36 a week each. That amount has not been increased for a long time and this adds to family stress because often with young unemployed people there is someone else in the household unemployed. This causes family breakdown and stress which frequently result in the problem of youth homelessness.

The programme that attempts to come to grips with the problem of youth homelessness is the Youth Accommodation Services Programme, which was instigated by the Federal Government in 1979. In Victoria, it is administered by my department on the basis of 50-50 funding. It was pleasing this year when the Federal Government decided to extend the pilot scheme for another year until 30 June 1983, but the department was quite shattered when it learnt that, while extending the programme, it was not to be expanded. It was specifically stated by the Federal Government that no additional projects would be funded. This has caused great concern because many voluntary and community groups established programmes on the understanding that they would be part of the Youth Accommodation Services Programme and that opportunity has been denied them.

The various grants that have been available are running out and, despite many representations by my department, the Federal Government seems to be running away from this important issue. I shall continue to apply pressure on the Federal Government to ensure that it meets its obligations in this regard so that the State Government can continue with its commitment to further areas of need. All honourable members should take the matter up with their Federal colleagues, as youth homelessness is a matter of very real concern.

SITE ALLOWANCES

Mr MACLELLAN (Berwick)—Following the Premier's answer to a previous question concerning discussions with Mr Thomas of the Office of Industrial Relations Co-ordination, which is under the administration of the Department of the Premier, is the Premier able to confirm whether the words, "the underlying principle in both cases is that site allowance claims are to be resolved by negotiation and not formally arbitrated" in that instruction were used to Mr Thomas and the instrumentalities? If so, what do those instructions mean in relation to his answer?

Mr Jona—Yes or no?

The SPEAKER—Order! The question was not asked of the honourable member for Hawthorn.

Mr CAIN (Premier)—I do not know to which document the Deputy Leader of the Opposition is referring. I have
seen a copy of a newspaper report. I am not aware of the source of the comment to which the honourable member refers. If he will make it available, I will take up the matter with Mr Thomas later today.

OPEN GOVERNMENT

Mr GAVIN (Coburg)—Can the Premier inform the House what action the Government has taken to date to provide more open government in this State?

Mr CAIN (Premier)—I thank the honourable member for his question, in the atmosphere that the Opposition seems to think should exist in this place. Most honourable members will be aware of the initiative taken by the Labor Party in regard to the Freedom of Information Bill last year. The Labor Government is unlike the previous Government in that it is dedicated to open Government. Members of the Opposition do not know what those words mean and never have known. During the spring sessional period I intend to introduce a Bill which will be along the same lines as the Freedom of Information Bill that was introduced in this place last year. In the interim it intended that a code will operate which will embody the right of access to Government documents except in very clear and well defined areas of specified exemptions. There will also be the right of correction of information contained on personal files. There will be exemptions that will include personal privacy, trade secrets, Cabinet discussions and law enforcement documents, and there will be a right of appeal where access is denied.

On 26 April a decision was made and a memo was sent to all permanent heads of departments outlining the principles and concepts of the code that was to be introduced and, as far as possible, fostered and observed by the Public Service and public pending the introduction and implementation of the Act. I acknowledge that the code does not have the same force as legislation. For instance, there is no protection in regard to defamation actions that might ensue because of information supplied. I have told officers that they should not run any risk and that they should err on the side of refusing access if there is the slightest chance of that occurring. Members of the Opposition laugh and snigger, of course. That is what they did for years in relation to freedom of information. They sniggered and laughed and derided those who sought it. The code will not only give access to documents being created now. It will also give access to documents created over the past five years.

Mr JONA (Hawthorn)—I refer to the statement just made by the Premier that, in theory, he still subscribes to the principles of open government and the principles intended to be embodied in the Freedom of Information Bill. Having regard to this renewed commitment by the Premier, I ask how he reconciles this policy with the statement that was conveyed to me by the Minister for Community Welfare Services in a letter dated 10 May in which she said that the Opposition spokesman on Community Welfare Services would have access to officers of her department on an annual basis only and that such access would take place in her office at 55 Swanston Street. I ask the Premier, in the light of his previous statement, whether he will now instruct the Minister for Community Welfare Services to participate in the Government’s open Government policy and make reasonable access to information available to the Opposition, at least more often than once a year, and as required.

Mr CAIN (Premier)—The honourable member for Hawthorn seems to share the abysmal ignorance of his colleague, the Leader of the Opposition, on freedom of information. Last week I made it clear to the Leader of the Opposition, and it seems that the honourable member for Hawthorn was not listening, that freedom of information does not mean and never has meant access to every file, every document or, as a journalist wrote and asked for, access to all of the Stump Gully files. That may cause some embarrassment in many parts, but that is not what freedom of information is about.
is about the honourable member for Hawthorn or any other member of the Opposition or any other citizen of the State or the country indicating and identifying the document he or she wishes to see and that wish being considered by the appropriate officer in the department.

I have no doubt that the honourable member for Hawthorn can, from time to time, make arrangements with the Minister for Community Welfare Services about access to documents and files that are under current consideration outside of those he would be entitled to view under the freedom of information provisions of the Act. However, if the honourable member for Hawthorn cannot make those arrangements—I am well aware of his lack of capacity to get along with people—I am sure that he will learn—slow learner that he is—that there is provision even for him under the provisions of the Freedom of Information Act that will enable him to make application like everybody else.

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Hawthorn has already asked the question.

Mr Jona—He is not answering!

The SPEAKER—I will give the honourable member the call again, if necessary.

Mr CAIN—If the honourable member wants more information, I suggest he examines the provisions of the Freedom of Information Bill which I introduced. The Bill has been printed and copies are available. If the honourable member studies the Bill he will ascertain the access to which he will be entitled as a citizen of Victoria and as a member of Parliament. That access will be far more than he ever gave to his counterpart during the past four and a half years.

I repeat that, quite apart from the provisions of the Freedom of Information Bill, the Minister for Community Welfare Services is also a reasonable person like me and I am sure she will forgive and forget the arrogant way in which she was treated by the former Minister for Community Welfare Services when the positions were reversed. I am sure the Minister for Community Welfare Services will be more charitable to the shadow Minister than he was to her.

MUNICIPAL RECREATION OFFICERS

Mr JASPER (Murray Valley)—I refer the Minister for Youth, Sport and Recreation to the municipal recreation officer scheme which provides $9000 to municipalities which employ a municipal recreation officer. There are approximately 80 such officers in Victoria. Will the Minister consider making this amount available to all 211 Victorian municipalities, regardless of whether they employ a municipal recreation officer, or not to use as they see fit either to employ an officer or to assist sporting developments?

Mr TREZISE (Minister for Youth, Sport and Recreation)—I must say that the honourable member for Murray Valley is a live wire concerning the recreation needs in the electorate he represents! Under current circumstances his suggestion is obviously unrealistic. As the honourable member pointed out, approximately 92 councils have already been assisted with the provision of 80 municipal recreation officers. Some 85 of the municipalities employ the officers on a full-time basis using the $9000 grant and the others are on part subsidies. Apart from this, funds are not available for that purpose. Municipalities are provided with funds for recreation purposes apart from those already allocated for municipal recreation officers. Funds are provided for special municipal grants for major approved developments, for special recreation initiatives and also for allocation to youth in the local area.

Although the suggestion of the honourable member is worthwhile and appears on the surface to be practical, it may result in councils replacing municipal recreation officers by using the $9000 in the local area. This could mean the loss of jobs for approximately 82 municipal recreation officers. The Government is in the role of providing
jobs, not reducing job opportunities. I thank the honourable member for the suggestion because it has merit. However, it is not realistic at this stage.

INTELLECTUALLY HANDICAPPED FUND OF AUSTRALIA

Mr MILLER (Prahran)—Is the Minister of Health aware of reports concerning the Intellectually Handicapped Fund of Australia and, if so, what action has he taken?

Mr ROPER (Minister of Health)—I do not have the full file, but I hope to be in a position to provide more information to the House in the next few days. This important matter was drawn to the attention of my predecessor by myself and the honourable member for Prahran in June last year. When I became Minister of Health I immediately sought details of the Health Commission material on the subject and, as a result, entered into discussions with the Attorney-General about how officers of his department could assist in ascertaining more information about the organization.

I had it put to me even more strongly a couple of weeks ago when I was pulled up at an intersection on the corner of Punt Road and collectors for the Intellectually Handicapped Fund of Australia approached me and sought a donation. They got a donation of words but not of money: I will explain to the House why.

That organization, which the Health Commission has viewed with some concern for the past twelve months is operating by collecting at traffic intersections, getting money put in tins, and also by selling pens and similar small articles in shopping centres. Between September 1980 and September 1981 the organization collected $128 000 and after expenses had some $43 000 left for distribution to various charitable organizations. To 30 June last year, only $6250 had been distributed and since then a further $16 500 has been distributed, meaning that $20 000 of the money raised before June last year still remains undistributed.

A further significant amount of money has been raised this year, amounting to some hundreds of thousands of dollars. This money has not been distributed to organizations for the intellectually handicapped.

My advice is that people would be wise not to give any money to this organization. I hope to be in a position in the next couple of days to provide the Parliament with all of the information that has been made available to us to date and will be collated in the next few days.

Good-minded people in this State are giving money believing it is going towards the disabled and intellectually handicapped. It is not going for that purpose. This organization is also damaging other genuine organizations that need to collect funds from the public. I hope I will soon be in a position to inform all honourable members, and in the meantime every Victorian should be aware of this organization.

AUSTRALIAN SCHOOLS COMMISSION

Mr RICHARDSON (Forest Hill)—Is the Minister of Education aware of the angry reaction of the Victorian Federation of State Schools Parents Clubs and the Victorian Secondary Teachers Association to his agreement to the appointment of the Director-General of Education as a part-time member of the Australian Schools Commission without what these two organizations regard as mandatory prior consultation with them?

If the honourable gentleman is aware of this reaction, will he give an assurance that all future decisions will be made only after consultation with these organizations and, if not, why not?

Mr FORDHAM (Minister of Education)—The Premier received from the acting Prime Minister a request that Dr Curry should be released by the Victorian Government to be able to attend meetings of the Australian Schools Commission as the Federal Government wished to appoint Dr Curry to the commission. This matter was raised with me by the Premier.
I am pleased that the offer was made. It was to fill a vacancy on the Schools Commission for a director-general. I was advised by the Prime Minister that it was the turn of Victoria to fill this position following the recent retirement of the Director-General in Western Australia. The appointment has been made, and the position stands.

APRENTICES

Mr WALSH (Albert Park)—Can the Minister for Employment and Training inform the House what steps have been taken to implement the Government’s policy that requires firms contracting with the Government to employ an appropriate number of apprentices?

Mr SIMMONDS (Minister for Employment and Training)—This matter relates to a Cabinet decision. Cabinet has decided to institute a programme of giving preferences to contractors who demonstrate a responsibility to trade training by employing appropriate numbers of apprentices. The method by which preferences will be given is under consideration. One of the alternatives is to adopt the Western Australian system where a specific quota is established. Another alternative of establishing a training code is also under consideration. After consultation with the Minister of Public Works, appropriate steps will be taken and the relevant trade organizations will be notified.

SCHOOL ENTRANCE REQUIREMENTS

Mrs SIBREE (Kew)—In view of the announcement by the Minister of Education of the cancellation of the intake examinations at University High School at extremely short notice and the Australian Labor Party policy on private schools, will the Minister advise the House of the Government’s real intentions with regard to University High School, MacRobertson Girls High School and Melbourne High School, the remaining specialist schools for gifted children in the State system?

Mr FORDHAM (Minister of Education)—The honourable member obviously has the situation confused and has raised five or six unrelated matters. It was brought to my attention that University High School had chosen to advertise an intake test that was held recently for prospective year 7 entrants to the school for 1983. I have received a number of representations, as the previous Minister of Education did, from schools in the local community and other schools expressing concern at the impact of the test on what was considered to be a matter of principle vis-a-vis other schools. I met the principal of University High School and the president of the school council and requested that the test should not proceed at this stage. I indicated that, pending the resolution of the matter, a task force would be established to examine the future role of University High School in its relationship both to surrounding schools and to the State system as a whole. I will announce the composition of that task force within the next few days.

PETITION

The Clerk—I have received the following petition for presentation to Parliament:

Poker Machines

To the Honourable the Speaker and Members of the Legislative Assembly in Parliament Assembled:

The humble petition of the undersigned citizens of the State of Victoria sheweth their concern that a campaign has been launched to influence the Government to permit poker machines to operate in Victoria.

Your petitioners therefore pray that the Government will not legalise this particularly addictive form of gambling in this State.

And your petitioners, as in duty bound, will ever pray.

By Mr Austin (68 signatures)

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

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

National Parks Act 1975—Consent of the Minister for Conservation to the granting of an exploration licence in the Wadonga Plateau State Park.

Statutory Rules under the following Acts:
Explosives Act 1960—No. 172

SUPERANNUATION (AMENDMENT) BILL

Mr MATHEWS (Minister for Police and Emergency Services)—Pursuant to Standing Order No. 169 (b), I move—That I have leave to bring in a Bill to amend the Superannuation Act 1958.

Mr THOMPSON (Leader of the Opposition)—Could the Minister give a brief indication of what is contained in the Bill?

Mr MATHEWS (Minister for Police and Emergency Services) (By leave)—The Bill arises from changes in the Superannuation Act which were made in 1979 and which affected the Police Force. Up until that time members of the Police Force could elect to retire at the age of 60 years but they were required to pay a higher rate of superannuation contribution as a result. After 1975 arrangements were altered and pensions payable to members of the Police Force electing to retire at the age of 60 years were reduced proportionately, instead of requiring them to pay a higher contribution. The Bill makes it possible for the higher contributions that were paid by certain members of the Police Force to be refunded.

The motion was agreed to.

The Bill was brought in and read a first time.

APPROPRIATION MESSAGES

The SPEAKER (the Hon. C. T. Edmunds) announced that he had received messages from His Excellency the Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills:

Bourke Street Mall Bill,
Victorian Economic Development Corporation (Amendment) Bill.
Hospital Benefits ( Levy) Bill.
Public Accounts (Cash Management Account) Bill.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (DIFFERENTIAL RATING) BILL

The debate (adjourned from June 2) on the motion of Mr Simpson (Minister of Public Works) for the second reading of this Bill was resumed.

Mrs PATRICK (Brighton)—The history of this Bill is interesting. At page 7 of his Speech, the Governor said:

There will be legislation to empower the Melbourne and Metropolitan Board of Works to strike a differential rate.

I wonder what the person who drafted the Governor's Speech had in mind? Was any real thought given to the statement, or was any research done into what I consider to be a loose promise by the Government? How was this promise to be implemented? I also question how many other Labor Party promises were not thought out and not worked out or consideration given to how they were to be put into operation.

I come to the question: Who drafted this Bill? It certainly was not the Minister. I believe it was officers of the Melbourne and Metropolitan Board of Works who were given this statement in the Governor's Speech that there be legislation to empower the Melbourne and Metropolitan Board of Works to strike a differential rate and they were asked to work out some system that would implement this promise. It is an interesting promise, because the Melbourne and Metropolitan Board of Works already has power to strike some differential rate, so it is hard to know what was at the back of the mind of the author of the statement.

The Opposition believes the Government is trying to use this Bill as a social weapon. The Government has stated repeatedly that it will set up a metropolitan authority; that it will set up regional development authorities. They
all seem to be going to be set up with the view of creating so-called equality of income and assets.

While the Opposition firmly believes that relief for domestic users is desirable—and it has great sympathy with domestic users—it does not believe this Bill will achieve the results which presumably the Government sought. The stated aim of this Bill is to provide relief in cases where there was a dramatic increase in the valuation of domestic rateable properties. The existing powers of the Board of Works to strike differential rates have been increased to include the whole metropolis. The phasing-in formula is said to be a formula to alleviate the greater fluctuation of rates, and this Bill does provide, it is true, temporary relief to domestic users in the inner suburbs.

Under this Bill, not only will industrial and commercial properties be penalized, but small businesses and outer suburban areas will suffer. The inner suburbs will obtain only temporary relief. During the two-year phasing in they will receive relief, but in the end they will pay a higher rate.

While the Bill provides relief for inner suburban users, if the rate burden is moved, it is shifted on to other ratepayers. All honourable members know that Melbourne and Metropolitan Board of Works rates are based on property valuations, and valuations fluctuate. It may be that the rate base should be changed. The former Government established working parties to consider the entire rate base, especially in relation to the Melbourne and Metropolitan Board of Works rates. The former Government promised that pilot programmes would be established to work out a more equitable means of rating. All of that work has been ignored.

It is possible that the Board of Works could strike differential rates for industry, commerce and domestic and rural users. Perhaps those differential rates could be struck as base rates and further payments could be made on the principle of the user pays.

The Opposition is sympathetic to the plight of domestic users, especially those persons who live in urban areas where property values have risen dramatically. I must mention the Brighton area, which I represent, where property values have increased dramatically. The people who I represent, especially those on fixed incomes, are finding it difficult to meet the Board of Works rates in addition to local government rates.

It has been said by me and by others that it costs much more to flush a toilet in Brighton than it does in Bentleigh and that it costs more to flush a toilet in Bentleigh than it does in an outer area. Some rate relief must be granted to domestic users. The Bill is not the answer.

It is curious to note the introduction of the Bill when it is the stated policy of the Government to create a greater Melbourne authority. Indeed, in a document issued prior to the election, the Labor Party stated that it has traditionally supported the concept of an elected metropolitan authority for Melbourne. The Labor Party has stated that the establishment of such an authority would be a priority for a Labor Government once the necessary financial arrangements had been made. Is the Bill a part of those necessary financial arrangements?

Prior to the election, the Labor Party said that under a Labor Government a metropolitan authority would take control of all the existing functions of the Board of Works, including planning, sewerage, drainage, water supply and metropolitan parks and that the metropolitan authority would exercise its responsibilities for strategic planning of the metropolitan area and so on.

The document issued prior to the election states that the present boundaries of the Board of Works area would be reviewed prior to the creation of the new authority and that additional responsibilities would be reviewed and added to the authority, which would improve the co-ordination and effectiveness of metropolitan strategic planning and urban services. The document states that under a Labor Government the metropolitan authority
would be fully democratic. Why, therefore, this proposed piecemeal legislation? One must therefore query the need for the Melbourne Corporation (Election of Council) Bill in the light of the stated policy of the Labor Party.

The Opposition opposes the Bill on the grounds that the present powers of the Board of Works are very wide and should not be increased. Although the phasing in process would provide temporary relief for some ratepayers, it would unfairly place the burden on other ratepayers.

Mr WILLIAMS (Doncaster)—I support the comments made by the honourable member for Brighton and oppose the Bill. It is with some dismay that I note the Government is hell bent on introducing measures that are not in accordance with the principles of the Labor Party that you, Mr Deputy Speaker, knew as a boy.

I have stated my allegiance to the principles of the British Liberal Party, proponents of which brought their views to Australia a century ago and which eventually also became the policy of the Australian Labor Party.

At its foundation, many great men in the Australian Labor Party were completely committed to the system of rating on the site value on unimproved capital value of land. It was their concept that, as a locality developed into a metropolis, the community created value of land increased, and that that was an appropriate means of raising additional revenue from the citizens.

I am opposed to the system of a rate being levied on the net annual valuation adopted by the Melbourne and Metropolitan Board of Works because it is a regressive tax; it hits those who have heavy mortgages. Their properties may have a high capital value, but compared with the debt against that capital value, the owners may have only a small equity.

The present situation is that the board's rating system is encouraging owners of run-down premises on high value sites such as those in the City of Melbourne. When Melbourne was founded, one could have bought a block of land for about $100. Such a block would probably now be worth $5 million, and this enormous accretion in land value is held, in the main, by overseas investors who are paying only a token amount of rates in relative terms because of the use of the net annual value rating system. I am adamant that the proposals put forward in this Bill for a change to a differential rating system using this abominable net annual value rating system will not achieve the purposes that the Labor Party has in mind. It will not increase the board's revenue on a just and equitable basis.

I thoroughly agree with the aim of the Labor Party of putting more equity into the Board of Works rating system, but this is certainly not the way in which to achieve it. I am satisfied that the framers of the original Melbourne and Metropolitan Board of Works Act intended to give ratepayers the same choice given to municipal councils, whereby the ratepayers decide whether they wish to have a rating system based on net annual value or on unimproved capital value of land. I have checked back through the original legislation and was horrified and surprised to find that at some time during the debates on the measure, when it was introduced into the House, the proposal to allow that choice was dropped.

The Brisbane City Council, which is equivalent to the Victorian Board of Works in providing water, sewerage and drainage services, as well as being a municipal authority has always since its establishment levied rates on unimproved capital value. The Sydney Water, Sewerage and Drainage Board reverted in 1975 to site value rating for all residential properties, which comprise about 90 per cent of all Sydney properties. Only 10 per cent of Sydney properties are rated on the net annual value system. The same applies to the Hunter River District Water Board, which covers Newcastle, Maitland and Cessnock. All other water authorities in New South Wales rate on the site value rating system.
I again urge the Government to learn from its colleagues in New South Wales. Premier Wran and his Ministry have a lot to teach the fledgling Cain Government. I wish the Government would not rush into things without conferring with its Labor colleagues in other States.

The Darvall inquiry into the Board of Works recommended that the board should be able to choose alternative rating systems, as occurs with municipal councils; that it should be able to use either site value or a combination of site value and net annual value. The Local Government Act gives municipal councils the choice by straight resolution of the Council or by a poll of ratepayers of the rating system that the ratepayers want, and what can be fairer than that?

Members of the Labor Party are always telling us in this House that they believe in the rights of the people, yet the Government has introduced this hodge-podge of a Bill, hastily assembled and thrown into the House. It will impose injustice on the people it is supposed to help without giving them a chance by poll or resolution of the council to choose a just system of rating.

Thirty of the 51 municipal councils that are rateable for Board of Works water and sewerage in the metropolitan area of Melbourne have chosen the site value basis and, by and large, the Board of Works services provided are the same as the services provided by municipal councils. One can talk of recreation planning and a number of matters outside the basic run-of-the-mill sewerage and water provided by the Board of Works to the people of Melbourne.

Six hundred and thirty thousand tenements are connected to Board of Works water mains in Melbourne, and the ratepayers for those tenements pay the board on a net annual value basis but, on a municipal basis, they are rated at site value. Only 320,000 ratepayers connected to water mains pay council rates on a net value basis. The majority of the ratepayers of Melbourne already pay rates on a site value basis for municipal purposes and should be able to do so for Board of Works purposes.

On the general principles of the advantages of site-value rating, I am sure the Treasurer and the Minister for Economic Development will be most interested in the effect of site-value rating in stimulating economic growth. Site value rating, by removing the penalty on new building renovations, maintenance and so on, cannot help but increase the value of sites. The low rating revenues in the inner suburbs referred to by the honourable member for Brighton apply because the land and property values are low. If the property values are increased, the rating base is increased. The outer suburbs, particularly the eastern suburbs, will pay dearly because they contain new homes of relatively high capital value. I should have thought that the political realists in the Labor Party who rose on the backs of the people in the eastern suburbs would realize that if they do not come to their senses soon, they will fall on the votes of the people in the eastern suburbs. This measure is anti-eastern suburbs. It is all very well for the honourable member for Melbourne to smile. He will rue the day when the Labor Party turned its back on the people in the eastern suburbs.

I know some people in the Labor Party think that this measure will help the battler in the inner suburbs and shift the rate burden on to the backs of the middle class in the outer suburbs. I have news for them. It will mean the destruction of the Labor Government because the people in the eastern suburbs were mainly attracted to Labor propaganda before the election. The brilliant advertisement showing a $20 note going down the drain attracted votes for the Labor Party. I know that with regret. The Liberal Party will turn the tables and it may have new advertising agents next time. All it will have to do is point out Labor's broken promises. The Labor Party promised to reduce Board of Works rates, but instead, it will find it has lifted the burden of Board of Works rates on commercial property development and,
particularly, lifted them on land speculators in relation to undeveloped land and open space. These people will have their rates reduced under differential net annual value rating, and the poor people in the nice homes in the eastern suburbs will be penalized. When this is shot home the Labor Party will not like the result at the next election. The Labor Party, which is all for providing jobs for people, should favour the rating system that stimulates building development. When one looks at the statistics for the City of Sydney they show that the retreat from net annual value rating in New South Wales stimulated building development, whereas Victoria is alleged to be in a declining situation.

It is important that more jobs be provided for people. Building is the catalyst that gets the economy moving—as some economists would say, the multiplier. If anything can be done to encourage people to demolish and rebuild their sub-standard properties in industrial suburbs, that would provide further jobs for the workers and tradesmen and those associated with consumer industries, such as furnishings and all of the things that go to make a modern home.

The Labor Party has rushed headlong into something without conducting a full inquiry into the basis of the rating system in Victoria. As I say, I am an unashamed supporter of site value rating. There are some flaws in that system but I am equally sure there are massive flaws in the net annual value rating system used by the Board of Works. Resorting to the sort of differential rating that the Government has in mind will not remedy the situation.

I take grave exception, as does the honourable member for Brighton, to the fact that a person pays for sewerage and the water he uses according to the value of his home. Why should a young couple with a growing family that uses nappies and all the things a young family needs that increases water use—they already have a heavy mortgage and low equity in their homes—have to pay an excess water bill far greater than that of a wealthy couple who for half of the year are probably on the Gold Coast or somewhere? That is how unjust the net annual value rating system is.

Another grave injustice of the net annual value rating system is that it falls with much greater severity on homes than on commercial or industrial buildings. I know that some people in the Labor Party think that the net annual value rating system is a good means of getting back at the big companies. I have news for them; the big companies and commercial properties constitute only about 10 per cent of rateable properties. Ninety per cent of rateable properties are private homes.

One does not have to be a mathematical genius to work out that more revenue is collected from the 600 000 or 700 000 homes than from the 50 000 big commercial developments.

I wish members of the Labor Party would understand that they are cutting off their noses to spite their faces. They are trying to get at the big fellow but in doing so are putting an unreasonable burden on the little ratepayer. In the final analysis it is the little ratepayer that has to pay. If one increases the rate on commercial developments they pass them on in increased prices for services or goods. There is no way, under this proposition, that the Labor Party will get to the people at which it is aiming. All it will do is place a greater burden on the ordinary worker, particularly the worker in the eastern suburbs of Melbourne, upon whose support the Government will utterly depend for survival.

I appeal to the Government to reconsider the Bill. I hope the Government will not throw a tantrum if my colleagues in another place, in their much greater wisdom, refer the Bill to an appropriate committee of inquiry. Such an action would be of greater service not only to the people of Melbourne, but also to the Labor Party.

I urge the Government to be cautious and remember the proverb: Fools rush in where angels fear to tread. Some
people in the ranks of the Labor Party think they have a monopoly on wisdom but, I believe, the Government is listening to the wrong advisers.

I am quite firm in my opposition to the Bill, but I urge members of the Labor Party to reconsider the Bill and urge their colleagues outside the House also to reconsider the Bill, and, if it is rejected in the Upper House, do not cry foul and call for a Lower House dissolution, because the Opposition is trying to look after the ordinary ratepayer.

Mr TANNER (Caulfield)—I oppose the Bill and, like every other honourable member, I wish for a more equitable distribution of Melbourne and Metropolitan Board of Works rates on ratepayers.

In Caulfield many people are suffering because of the high Melbourne and Metropolitan Board of Works rates which they have to pay. Last year several people came to me because they had to pay rates in excess of $700 a year. Many people also find it a difficulty to pay rates of more than $400 a year, which can be equally burdensome in some circumstances.

Previously in the House I have recommended various ways in which the Melbourne and Metropolitan Board of Works rate burden could be more equitably distributed in the metropolitan area. One way, as I recently stated, is for Board of Works rates— for drainage, sewerage and planning—to be set at a standard rate throughout the metropolitan area, with the user pays principle applied to those who use excessive amounts of water.

At present, the rates are levied on the value of property. Often, one may find that those people who use far less water and other Board of Works facilities, including sewerage and drainage, than other people have to pay higher rates. The present rating system used by the Board of Works is a true Labor Party style wealth tax system. I am very apprehensive of the Bill because it certainly could extend that wealth taxation principle.

In recent weeks, honourable members have been made aware of many complaints about tax avoiders, people who have attempted to minimize their tax burden, and some of those people have been trying to minimize their tax because of the inequitable income tax structure in this country. Governments have been more concerned with redistribution of income rather than with the creation of wealth and higher incomes and, as a result, the pie has not grown bigger. Governments have tried to slice the pie to make it go around, but those who have been less fortunate have not received a greater share. A far more positive attitude would be to try to increase the size of the pie.

The Minister indicated that he wanted to introduce a Bill to relieve the Melbourne and Metropolitan Board of Works ratepayers; I support that principle but, as I said, this Bill is not the way to do it. In his Speech when opening the Parliament, the Governor said:

And there will be legislation to empower the Melbourne and Metropolitan Board of Works to strike a differential rate.

No doubt the Bill will do that! Unfortunately, some areas in the Bill are not fully explained. In his second-reading speech the Minister stated:

... where other factors occur to influence the valuation upwards by a substantial percentage, it is my Government's view that the additional value ought to be phased in rather than applied in the first year.

He did not explain what these other factors are that may cause that increase in valuation. The Minister continued:

As valuations at different points in time are likely to produce different results and create different problems, flexibility is required to handle these results and problems as they occur. It is therefore not considered advantageous to set an inflexible formula to calculate adjustments under the provision of the board's Act.

The Bill asks Parliament to hand over total power to the board in this area whereas it would be preferable for the Bill to spell out the duties of the board.

It is a grave problem and a matter that leads to apprehension that there may be a flow-on from a speech made in this House by the now Premier when, as Leader of the Opposition, he said that
a Labor Government would tax the super rich. That is a chilling phrase. It implies that the Government will create class divisions, something of which this country has been free.

I agree that flat rate taxation is not completely practicable. Nevertheless, there are limits to the redistribution of wealth, of which the Labor Party seems so enamoured. During the life of the former Parliament, the then Leader of the Opposition spoke about restructuring, rebuilding and reviewing different Government charges—all, presumably, to tax the super rich. I also noticed that, in the daily press, it was claimed that a Labor Government would lower health charges, public transport charges and so on. Presumably, it would also lower Board of Works charges together with State Electricity Commission charges and Gas and Fuel Corporation charges. However, that does not appear from the Bill to be the case.

The Bill presents some bland assertions that there will be rate relief for certain people but it fails to specify who those people are, on what grounds relief will be granted or what formula is to be applied. Parliament is being asked to hand over carte blanche to a group of people—presumably to the commissioners of the Board of Works—complete control in those matters, and that is something about which Parliament should be deeply concerned. Parliament should be the final arbiter in such matters and should stipulate the criteria for rate relief, to whom it should apply and the formula on which it should be worked out.

Mr Remington—What do you suggest?

Mr TANNER—The honourable member for Melbourne should have listened earlier when I stated that a general base rate ought to apply throughout the Melbourne metropolitan area for drainage, planning and sewerage services provided by the Board of Works and that there ought to be a user-pays principle for water usage. Otherwise, the Labor Party runs the risk of rightly being accused of using this measure as a wealth tax.

Honourable members have heard that the Government will introduce a new land tax and will expand probate duty and gift duty, and here is another way that the Government plans to redistribute income. The Government would serve the community better by concentrating on ways of increasing the community's income rather than redistributing it.

I oppose the Bill, not because of its stated aim of providing assistance to people to meet their Board of Works rates, but because I do not believe it will achieve that aim. In fact, it will be another instrument of wealth taxation.

Mrs SIBREE (Kew)—My contribution to the debate will be brief because a number of factors have already been covered by previous speakers. However, I join with the honourable member for Caulfield in expressing the sentiment that there needs to be some relief and rating rearrangement in the central area of the metropolis of Melbourne, but the Bill does not go about the matter in the right way. It fails to spell out the way that the matter should be handled so that fairness prevails, so that the burden is properly placed and so that relief will be more than mere temporary relief. It fails to take a good look at the whole question in the long term.

In his second-reading speech, the Minister indicated that any differential rating would be subject to Ministerial approval. I have looked through the Bill and through the Acts concerning the Board of Works and I cannot find the provisions to which the Minister refers in respect of Ministerial approval. Following the remarks of the honourable member for Caulfield, I express even more concern in respect of Parliament being the arbiter of how the differential rating system should be struck and how it should operate.

It has been indicated in the second-reading speech that any differential rating and its operation would be subject to Ministerial approval. A perusal of section 99 of the principal Act in respect of minimum rate charges reveals that, in the past, a differential rate has been fixed in respect of "included lands".
Under that definition, included lands were subject to an Order of the Governor in Council, but there is no reference to that in the amending clause in the Bill. That matter has been completely overlooked.

Further, there is no reference to subsection (3) of section 99 of the principal Act relating to other areas of differentially rated land. I ask the Minister how he can convince the House that there will be Ministerial approval of these rates and Parliamentary responsibility for answering relevant questions on how rates might be struck.

The same problem arises if one examines the amendments to section 175 of the principal Act, which relates to sewerage rates and the recovery of debts. Previously, there was power to strike a differential rate in respect of included lands and an Order in Council was required for that purpose. Under the provisions of the Bill, there is no reference to including differentially rated lands under any Order in Council or Ministerial approval, so the matter will be out of the hands of the Minister under the new provision.

Perhaps the Bill requires further amendment, or perhaps the Minister can answer those points. The Bill has not tackled the problem in the right way. It has been hastily drafted and leaves a hiatus between the various subsections of section 99 of the principal Act. It ignores differentially rated lands which, under the existing legislation, are subject to an Order of the Governor in Council. Again, there is no reference to the changes that are being made by the amendment to sub-section (6b) of section 175 of the principal Act.

The Bill should not be passed in its present form because the problems that I have raised are obvious from a cursory reading of it. I wonder how many other problems may be created if this Bill is allowed to proceed.

Mr SMITH (Warrnambool)—On the surface, the Bill seems fairly simple. In the hands of sympathetic and careful administrators, one may have some faith that, in instances where hardship is suffered, some justice will be done. However, on a deeper examination of the possibilities opened up by the Bill, the Opposition cannot support the measure because of what it fails to say. After all, it was only a short time ago that the Government, while in Opposition, was screaming to the community about the inadequacies of the Melbourne and Metropolitan Board of Works and pointing up to people a building which the then Opposition felt was being bungled because it cost so much to repair. Now, the same people, in greater number after the election, come to this House with a Bill to increase the powers of the Melbourne and Metropolitan Board of Works. Where would the former Government have been if it had peddled a Bill giving the board more power? Absolute derision would have been poured on it by the former Opposition. How can the new Government suggest that this simple little Bill empowering the Board of Works to introduce a differential rating system will be competently administered? What is it that the Government now plans to do by stealth? Is it not time that the Government came clean with the community rather than just putting a couple of ads in the weekend newspapers seeking to fill the positions of a part-time chairman and a full-time general manager of the board?

Is it not time that the Government came clean with the ratepayers of the metropolis and said exactly what it has in mind? This simple Bill contains the seeds for a great misuse of power by an authority. No one knows what sort of authority it will be. The advertisements tell us that, not the Government, despite the fact that this Government is supposed to be involved in so-called “open Government”. This little Bill could be used insidiously to draw lines around areas that are not or might not be sympathetic to the Government while other lines might be drawn around areas that might be or are sympathetic to the Government, and differential rates could be introduced that could create such hardship for
some individuals and commercial undertakings that they could be driven out of the area as punishment for non-conformity with the Government line.

That might seem to be an extreme view, but we have already seen the actions of the fellow travellers of the Government in the Latrobe Valley and on the waterfront in Portland. They are the people who put this Government into power and they understand the language of power politics. If those sorts of principles are to permeate through with this measure, giving power to the Board of Works, a body that was discredited by the Government when it was Opposition, what will be the results?

If members of the Opposition had been told more about the intent of the Government, the principle of differential rating might be considered differently by the Opposition. We concede that there are some factors in some cases that would make differential rates and ensuing charges, as outlined by the honourable member for Caulfield, advantageous, particularly in a dry continent and where interest rates are costing the authority's ratepayers an enormous amount. It would be a sensible idea if a base rate differential according to class of usage, could be applied, followed by the user-pays principle and based on sound conservation policies, so that, rather than there being a need to continue expansion in the costly water catchment and storage needs of Victoria, there could be a much more sensible use of a valuable and costly resource.

If all those things were explained and if the Government really knew what it was on about, instead of there being the mystery of advertisement in the paper about a seemingly reconstructed board, about which no one seems to know anything, the attitude of the Opposition might be different.

As the honourable member for Kew pointed out, there is no provision in the Bill for Ministerial control yet, in the explanatory second-reading speech, as reported at page 583 of Hansard, the Minister stated that a decision would be “subject to the Minister”. The Bill makes no mention of that and contains no provision about “subject to the Minister”.

Is the present Board of Works structure, which, for years, was discredited by the Government, to be in full control of its own differential rates or are they to be subject to the Minister? That is not spelt out in the Bill, but the explanatory second-reading speech states that the decisions will be subject to the Minister. Is there to be a new board, operating under the advertised positions and under full Ministerial control; if so, what will the result of that be? It is high time the Government came clean with the ratepayers. After all, the provisions of the Bill will be phased out in four years, so it is really just window dressing. It will provide a benefit for a limited number of people, decided upon by a group that we do not know will be in existence in the future—and, if it is, we do not know for how long it will be—and we are not sure whether there will be Ministerial control.

There are so many loose ends, the Opposition is right in opposing the Bill but reserving its right to deal, at some future time, with the principle of user pays, in order to encourage the sound conservation of water and to try to alleviate the ever-increasing burden that Board of Works ratepayers have to bear.

As four members of the Opposition have spoken on the Bill, all expressing concern and all except myself directly representing Melbourne and Metropolitan Board of Works water users and ratepayers, I should have thought there would have been some member of the Government with sufficient knowledge to at least add something to the hazy second-reading speech that was obviously prepared by an officer of the board. Where are the people in government who know what they are doing? Let them now explain to the House just how they intend to make the measure work, because members of the Opposition believe it will not work. The question of who is to try
to make it work certainly leaves a lot of doubt in one's mind. The Opposition opposes the Bill.

Mr McNAMARA (Benalla)—Members of the National Party have some reservations about the Bill. We listened with interest to the comments made by members of the Opposition, but over the years the National Party has supported the principle of differential rating. Members of the National Party realize someone has to pay to fund the various authorities, but the Bill has not been presented as a panacea, and it may offer some assistance to people experiencing hardship or in necessitous circumstances. As I understand it, the Melbourne and Metropolitan Board of Works (Amendment) Act, passed last year, amended section 176(6)(c) of the principal Act, to provide a differential rate for rural sewerage. That measure was supported by all parties.

Members of the National Party share the concern of the Opposition about the implementation of the measure. We hope the Bill will be implemented according to the guidelines set out in the Minister's second-reading speech and that rates will be assessed fairly and in a way that is acceptable to everyone.

I now turn to the arguments put forward about the various amounts of services people use and the various contributions they may have to make. Sometimes, the contribution made is disproportionate to the value of the services received. The National Party suggests consideration should be given to a higher minimum rate to equalize the contributions made by various individuals.

The Bill further extends relief to rural land and that proposal is also supported by members of the National Party. Although we accept the criticism made by the Opposition and have a degree of apprehension about the way in which the Government may interpret the Bill and its implementation, members of the National Party support the measure.

Mr SIMPSON (Minister of Public Works)—This has been an interesting debate and I have enjoyed listening to the contributions made by members of the Opposition. It is perhaps the first Bill handled by the honourable member for Brighton on behalf of the Opposition.

Mr Williams—Wrong again.

Mr SIMPSON—Sadly, I have missed the contributions of the honourable member for Brighton to debates on behalf of the Opposition and this measure is the first for which I have been present. Clearly, her heart was not in her contribution today. The honourable member has been in this place for six years as I have, and I know that she is a caring person. When it is brought to her attention that certain properties owned by pensioners have had rate increases of approximately 150 per cent in two years while certain business houses have had a reduction in rates, that will not bring joy to her and she will be seeking some means of a more equitable distribution of rates. That is why the honourable member's heart was not in the speech she made.

The honourable member for Doncaster said that he supports the aim of the legislative measure but that the Government was not using the correct procedure. He said that the Government should reconsider it and refer the matter to an inquiry. Time is an important aspect of this measure. If the Bill is not passed in this House and in another place, obviously the same imbalances that have occurred over the past two years will continue in the next financial year. It is obvious, too, that this matter is affecting the Minister of Water Supply in another place in exercising his mind on other matters.

The honourable member for Benalla said that the measure was not a panacea to embrace for all time, and he hit the nail on the head with those words. The Government does not say that the measure in the Bill are the perfect
answer. It is important that the Government does something quickly to assist those who are badly disadvantaged by rating systems.

Differential rating is an option that will be given to the Melbourne and Metropolitan Board of Works to enable the board to assist those persons who are disadvantaged. Once that is explained to the honourable member for Doncaster and when he realizes that if the matter were referred to an inquiry another twelve months would pass, I am sure that he will agree that this growing imbalance will continue to affect those persons if the measure is not passed.

The honourable member for Caulfield attacked the Government on the measure because it will tax the super rich—I think that was his reference. I do not understand how this will hurt the Government when it announces that the honourable members for Caulfield opposed the Bill because it could finish up taxing the super rich. That is incredible and there is no other interpretation one can put on the comments he made during the debate.

Clearly, the Bill will assist those persons who are at present disadvantaged. I am talking of pensioners and of those who are not able to claim these sums as deductions in their taxation returns as many business houses do. The honourable member for Caulfield will understand that those business houses whose rates have decreased are still able to pay a lesser figure than they have paid over the past few years and will still be able to claim that reduced figure on their taxation returns. No householder is able to claim that deduction in his taxation return. In this case, the Government is able to re-allocate that tax assessment and give the benefit to those who are not able to claim some of that money back as taxation deductions. I do not know how the honourable member is claiming that it is a tax on the super rich.

The honourable member for Warrnambool said the Australian Labor Party was giving more power to the Board of Works and that this is something it would have been aghast at when it was in Opposition. In some obscure way, he related the Bill to the problems of the Board of Works building and how that can be related, I am still not able to rationalize. It is true that this is a power the Government is giving to the Board of Works. It is an option that officers of the board will be able to use. If it is used to correct imbalances that have occurred for several years, who on earth will complain about that? What honourable member would oppose the board having that option?

The Government is amazed to learn that the Opposition intends to oppose the measure. I shall be watching with great interest whether the Bill will be opposed when it reaches another place. If the measure is defeated, when the rate notices are sent out next year, when the people are advised of what the Government tried to do to correct these imbalances, and when the Government informs the people of Victoria that the increase in rates occurred because of the attitude of the Opposition and because the Labor Party Government did not have the numbers in another place, the judgment of the people will be made.

I thank the honourable member for Benalla for his contribution. He is concerned with the electorate he represents and he was intelligent enough to realize the advantages of the measure to people in rural areas. The honourable member for Warrnambool had not thought through his remarks and that is a matter he will need to take up with his constituents when he advises them that he opposed this measure in Parliament.

The House divided on the motion (Mr Wilton in the chair).

Ayes . . . . . . . 51
Noes . . . . . . . 23

Majority for the motion . . 28
AYES

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Evans
Mr Emst

(Gippsland East)
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Gray
Mr Hann
Mr Harrowfield
Mrs Hill

(Frankston)
Mr Hills
Mr Hockley
Mr Helein
Mr Jasper
Mr Jolly
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr McGrath
Mr McNamara

Tellers:

Mr Mathews
Mr Miller
Mr Newton
Mr Norris
Mr Pope
Mrs Ray
Mr Roper
Mr Ross-Edwards
Mr Rowe
Mr Sheehan
Mr Sheehan
Mr Shell
Mr Simmonds
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Wallace
Mr Walsh
Mr Whiting

NOES

Mr Austin
Mr Brown
Mr Burgin
Mr Delzoppo
Mr Dickinson
Mr Ebery
Mr Evans
Mr Jona
Mr Kennett
Mr Lieberman
Mr McKellar
Mr Maclellan

Mrs Patrick
Mr Ramsay
Mr Reynolds
Mr Saltmarsh
Mrs Sibree
Mr Smith
Mr Thompson
Mr Williams
Mr Wood
Tellers:

Mr Richardson
Mr Tanner

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Amendment of No. 6310 s. 99)

Mrs PATRICK (Brighton)—Clause 3 amends section 99 of the Act and enables the Board of Works to strike the differential rate. It states:

After sub-section (3) there shall be inserted the following sub-sections:

"(4) Where the Board is of the opinion that relief should be given under this sub-section in respect of any land or class of land upon which a rate would otherwise be made and levied under this section . . ."

There is no suggestion in the new sub-clause that any Ministerial approval will be sought or given. As has been rightly pointed out by the honourable member for Kew, the second-reading notes on the Bill clearly state that the striking of the new differential rate is subject to Ministerial approval. Therefore, the Opposition opposes the clause and considers that it should be withdrawn and redrafted to agree with the second-reading notes or, conversely, the Opposition must conclude that the Minister was quite irresponsible in making that comment in the second-reading speech when there is no reference to Ministerial approval in the Bill.

Mr SMITH (Warrnambool)—I waited some time for an explanation from the Minister of Public Works who is handling the Bill. It became clear to the Opposition that he did not understand the Opposition that he did not understand the Bill when he heralded the comments made earlier by the honourable member for Benalla and indicated that the Bill would be of significant benefit to rural people. There are few rural areas, but he included the Benalla electorate. The Opposition is alarmed that the Minister knows so little about the Bill and is sitting at the table like a clucky hen waiting for the Bill to be passed by the Government’s numbers.

The Opposition wants to know where Ministerial authority is provided in the clause or whether the Board of Works, discredited by the present Government, when it was the Opposition last year, will go off willy-nilly with its own powers to do what it likes without any Ministerial approval. Either the second-reading notes are right and the Bill is wrong, or vice versa.

Mr WILLIAMS (Doncaster)—I am absolutely astonished at what is happening at present. It has long been a practice in this Chamber for advisers to be readily on hand to answer questions raised by the Opposition. Lest my eyes deceive me, no advisers are available in the traditional place in the House. Perhaps an adviser is hiding himself! It is most important that the Opposition receives an answer to the query raised. I hope the Minister of Public Works will report progress on
the Bill so that he can be briefed and intelligently tell honourable members what is the situation.

Mr McNAMARA (Benalla)—The National Party is inclined to agree with the Opposition on the matter of Ministerial approval. The National Party generally approves the Bill in principle, but a number of minor areas need clarification. The National Party does not understand why the provision of determination by approval of the Minister, which was raised by the honourable member for Warrnambool, should not be included in the Bill.

Mr MACLELLAN (Berwick)—A simple matter has been raised by the Opposition and the National Party which requires an explanation from the Minister or else progress should be reported if advisers are needed to assist with the matter. The second-reading notes state, “subject to the Minister”. The Opposition wants to know whether clause 2 includes a requirement of the Melbourne and Metropolitan Board of Works to get approval from the Minister. The honourable member for Warrnambool put it neatly when he said that the Government has stated that the Board of Works is not subject to sufficient Ministerial control. If I remember correctly, it has recently been said that the Chairman of the Board of Works has been creating something of an empire. Will the Government strike back by striking its own rates, or will it be subject to Ministerial control, as was indicated in the second-reading speech? It is not as though the Opposition invented the explanatory second-reading speech. The Opposition did not draft the Bill; it did not write the words; it did not trick anybody into believing it; and it did not propound the Bill or mark it as requiring Ministerial control or making the matter subject to the Minister.

The Minister made the speech and the Government wrote the speech. The Opposition is politely asking the Minister to explain why the provision is not contained in the Bill or why the statement was made in the second-reading speech. I also gather that it was not the Minister for Local Government—I could understand if it was him—it was the Minister of Public Works who moved that the Bill be read a second time and who read the second-reading speech. It may be that the Minister read a second-reading speech which reflected that the Bill had been changed. I acknowledge that possibility and I am sure that the honourable member for Warrnambool would be the first person to acknowledge that that may happen in this place. I remember a spectacular occasion when he gave a second-reading speech to a Bill that was not before the House. It was a different Bill, the other one having been changed. It can happen and if that is what happened, perhaps the Minister could explain the matter to the Committee, or report progress on the Bill.

I do not want to move that progress be reported because I do not want to provoke the Government into claiming that the Opposition raised this matter unnecessarily. If an explanation can be provided that will convince the Opposition, I will be delighted for the debate to proceed. If the Minister of Public Works proposes to sit at the table silently and sulkily and not explain something that is a perfectly normal matter to be raised in the Committee stage, the next procedure will be to move that progress be reported so that an explanation can be found, if one exists.

The Opposition wants to know what the words, “subject to the Minister” mean. Do they mean that the differential rate, if used and struck by the board, in the way provided in this clause, will have to have Ministerial consent? The Minister owes an explanation, not only to the Opposition, the National Party and Parliament, but also to the people of Victoria, municipalities and ratepayers of the Melbourne and Metropolitan Board of Works area. As I am one of those ratepayers who happen to receive an annual bill of $20 for a metropolitan improvement rate, I want to know whether the board will be able to increase that rate differentially. The board does not provide water; that is supplied by paying the State Rivers and Water Supply
Commission bill. It does not provide sewerage because residents in the area that I represent have septic tanks. It does not provide drains; residents pay the Dandenong Valley Authority rate. The only rate that residents in my electorate are required to pay to the Melbourne and Metropolitan Board of Works is the metropolitan improvement rate. The Berwick electorate has been rounded into the Melbourne and Metropolitan Board of Works area and when residents in the area asked for an explanation of the matter, ratepayers who were rude enough not to pay the rate received polite letters indicating that the board would cut off the water supply to those residents. They replied with a hoarse laugh stating that the board does not provide their water. The explanation they eventually extracted from the board was that the rate is struck for the provision of metropolitan parks and planning. That situation exists today.

I ask whether this non-elected board or “empire-strikes-back” empire will be able to strike a differential rate and whether it will be subject to Ministerial control. Is the Minister using a “behind the scenes” clause? Was the careless phrase in the second-reading speech a phrase that related to a provision that had been dropped from the Bill? The Opposition, the National Party and the Government's own members are entitled to a frank explanation from the Minister and, if that is not provided, the Opposition is entitled to suggest that progress be reported to enable all parties to consult on the matter.

Mr SIMPSON (Minister of Public Works)—Honourable members are witnessing a tactic by an Opposition that realizes that it has made an error in opposing the Bill. It is a tactic to try to delay the passage of this measure. In summing up the explanatory second-reading speech, I explained that the Government wanted the Bill to pass quickly from this place to another place and be proclaimed, so that relief could be given to many thousands of people in the metropolitan area and rural areas who are affected by the Melbourne and Metropolitan Board of Works and who wants these progresses to take place. I read a newspaper article in which Mr Reg Macey, a spokesman for municipal matters, indicated that he hoped the matter would be dealt with quickly.

The Minister of Water Supply, in another place, said he knew of no opposition to it, yet delaying tactics are being employed. Opposition members are putting it that the powers being offered to the board will be misappropriated. After all the publicity that was given to this matter before the recent election and after all the debate that has occurred here on the Bill today, why would the Minister not oversee any action taken, and how could any board member take anything other than the direction that has been clearly outlined in my second-reading speech and in the debate that has come from members of the Government? It is abundantly clear that there will be proper consultation with the Minister and that no board member will do anything outside the clear principle that comes from this measure.

Mrs PATRICK (Brighton)—The situation would be funny if the matter were not so serious. Obviously the Minister does not know the answer to the question asked by the Opposition. The Opposition merely asks: Why is there an inconsistency between the explanatory second-reading speech and the Bill before the House? The honourable member for Kew has gone through the principal Act and this Bill with a fine-tooth comb. I suggest it was irresponsible for the Minister to say in his second-reading speech that there is Ministerial approval, but I am beginning to wonder whether the intention was to delude persons reading the second-reading speech that that speech was in accordance with the Bill.

I take the opportunity of raising the awareness of the public and those people who have access to second-reading speeches. The Opposition said last week that those people must not rely on the second-reading speeches because it is obvious that local government and other people will need to go with a fine-tooth comb through every
single piece of legislation that comes into this House, and they will have to go through Bills line by line. It is obvious that they can no longer rely on the second-reading speeches as being accurate and that they cannot trust the Government to implement in Bills what is outlined in the second-reading speeches.

I am amazed that the Opposition's question has not been answered. I know that officers of several departments concerned with the Bill have been around the House and visible to me today while I have sat at the table, yet I have heard no explanation of the intention of the Bill. In those circumstances, I do not believe the Bill should be allowed to proceed while this question remains unanswered. It is unfortunate that the Minister for Local Government is ill today. He might have known what he said in the second-reading speech and what was contained in the Bill, and he might have had the answer, although I doubt it. The Minister of Public Works, in a puffed up way, has tried to do his best with the Bill but has looked uncomfortable. While uncertainty exists in the Bill, it should not proceed.

I foreshadow that the Opposition is uncertain about clause 4 and will have to make the same comments in regard to it. It appears that there is a gap in the drafting of the Bill. It might have been the intention of the Bill and of clause 3 that the matter be tied in with Ministerial approval, but that is not obvious from the Bill.

Further, there has been mention of the handing over to the board of this wide power to do as it likes. In my hand, I have a copy of the Government's pre-election policy which refers to the setting up of a Melbourne metropolitan authority. Are these powers to be handed over to such an authority, a restructured Melbourne and Metropolitan Board of Works? Much uncertainty exists as to whom these powers will be handed to, without Ministerial approval.

I therefore move:

That progress be reported.

The Committee divided on Mrs Patrick's motion (Mr Kirkwood in the chair).

Ayes ... ... 31
Noes ... ... 42

Majority against motion 11

AYES

Mr Austin  Mr Maclellan
Mr Brown  Mrs Patrick
Mr Burgin  Mr Ramsay
Mr Delzoppo  Mr Reynolds
Mr Dickinson  Mr Richardson
Mr Ebery  Mr Ross-Edwards
Mr Evans  Mrs Saltmarsh
(Ballarat North)  Mrs Sibree
Mr Evans  Mr Smith
(Gippsland East)  Mr Tanner
Mr Hann  Mr Thompson
Mr Jasper  Mr Wallace
Mr Jona  Mr Whiting
Mr Kennett  Mr Wood
Mr Lieberman  
Mr McKellar  Mr McGrath
Mr McNamara  Mr Williams

NOES

Mr Cain  Mr Miller
Miss Callister  Mr Newton
Mr Cathie  Mr Pope
Dr Coghill  Mrs Ray
Mr Crabb  Mr Remington
Mr Culpin  Mr Roper
Mr Ernst  Mr Rowe
Mr Fogarty  Mr Sheehan
Mr Fordham  (Ivanhoe)
Mr Gavin  Mr Shell
Mr Gray  Mr Sidiropoulos
Mr Harrowfield  Mr Simmonds
Mrs Hill  Mr Simpson
(Frankston)  Mr Spyker
Mr Hill  Mr Stirling
(Warrandyte)  Mrs Toner
Mr Hockley  Mr Trezise
Mr Ihlein  Dr Vaughan
Mr Jolly  Mr Walsh
Mr Kennedy  
Mr King  
Tellers:
Mr McCutcheon  Mr Norris
Mr McDonald  Mr Sheehan
Mr Mathews  (Ballarat South)

Mrs SIBREE (Kew)—I oppose clause 3 because there is a doubt about which areas of land will have differential ratings. For example, what will occur if an area of land is re-zoned? What stages, steps, changes and considerations will occur? The terminology used in the clause is too wide and it has not been carefully considered so that a thorough definition is provided.
I again raise the problem of Ministerial responsibility and the danger of the Minister of Public Works vetoing any decision of the Melbourne and Metropolitan Board of Works in respect of differential ratings.

During the election campaign, the Labor Party stated that if it was elected to office it would ensure that the Melbourne and Metropolitan Board of Works would be allotted for community discussion of proposed legislation. However, the Government is attempting to rush an important Bill through the Committee. The action of the Government goes against those principles it enunciated during the election campaign.

I am astounded that the Minister of Public Works is unable to answer the queries I have raised about Ministerial responsibility and its definition in the Bill and the Melbourne and Metropolitan Board of Works Act. I was a member of the Public Bodies Review Committee and, therefore, I am aware of public concern about Ministerial responsibility for statutory and public bodies. I could not find a reference in the explanatory second-reading speech on Ministerial responsibility. I oppose clause 3 because of the absence of any definition on those areas of land that will have differential ratings and Ministerial responsibility.

Mr Maclellan (Berwick)—The Minister of Public Works is still either unable or unwilling—and one becomes more suspicious that it is unwilling—to explain the position. One would have thought the honourable member for St Kilda, having previously been something of an expert in this matter, may have been able to assist the Committee. I noted that the honourable member had left the Committee, but he has now returned. I am surprised that, as a leading Government back-bencher, the honourable member for St Kilda has not yet said anything on the subject. Is it because the honourable member has discovered that the Opposition has raised the matter and that something is wrong with the situation? Is it because there is an explanation which is still to be given?

It did not escape my notice, and doubtless it did not escape yours, Mr Acting Chairman, that the Chairman of the Board of Works was in the precincts of the House, although he is not visible at present, and doubtless somebody has consulted him. What in hell's name is the answer, and why can the Committee not be told the answer? What is the situation? What is the embarrassment the Government is suffering?

The Government does not want time to reconsider the matter by reporting progress. The Government does not want to report progress now and resume the debate after the suspension of the sitting for dinner. The Government does not want to say what the situation is. I make a passing reference to clause 4, which contains a lot of detail on the Board of Works submitting estimates to the Minister and providing fourteen days notice, but during the explanatory second-reading speech, the Minister indicated that he will be responsible for the setting of differential rates. Either the Minister or his advisers have miscalculated the intent of the proposed legislation.

One does not know whether the honourable member for St Kilda has been deprived of providing the Committee with information that he may have. Why is the honourable member sitting silent on the question? Why can the honourable member not assist the Committee and say that there will be no Ministerial control over the differential rates? If that is the situation, as one suspects from a reading of the Bill, and there will be Ministerial control by either some means or another, the Government cannot have it both ways. Either the Minister has the responsibility and takes the responsibility for differential rates, and that is what the explanatory second-reading speech was about, or else that is not the situation and the Board of Works will act at large.

If the Board of Works is going to operate at large with a completely open discretion on differential rates, the community is facing an alarming situation because the honourable member for
St Kilda has not said anything on the matter, although he has been elected to represent the electors of St Kilda. Indeed, the Minister will not explain the situation to the Committee, although he is the Minister responsible for the proposed legislation, even though the honourable gentleman appears innocent of its meaning and purpose, at least so far as the Committee is concerned.

Honourable members are elected to represent their electors and to explain to them what in hell's name this piece of legislation means, but I do not think there will be one member who will be able to leave this Chamber after the Committee passes this clause, if it is foolish enough to do so, and explain exactly what power has been given to the Melbourne and Metropolitan Board of Works, because it looks as though the Board of Works is to be able to strike whatever rate it likes on any category of property it likes, and to do that simply without the slightest authority from the Minister and subject only to giving the Minister fourteen days' notice. In other words, the Minister may be told fourteen days beforehand that the rates on certain properties will be reduced to the barest of minimum and the rates on other properties may be increased to astronomical levels.

Parliament is by this clause, and through the Government, being invited to hand over to the Board of Works a taxing power which it would give to no other authority. No one would say that this would be done by any responsible Parliament, any responsible Opposition, or any House of Parliament, let alone a Lower House which likes to pretend that it has some privilege in taxes and finances.

Here we are, about to hand over to the Board of Works a power which would be greater than the power of Parliament itself; the power indefinitely to strike, year after year, category by category, whatever rate it likes, up or down, in respect of various classes of property. The only obligation being imposed on the Board of Works by this Bill appears to be the obligation to give the Minister fourteen days' notice, not subject to Ministerial control.

I was staggered at the puff of wind that came from the Minister of Public Works. He makes very funny speeches on some occasions, and in his Opposition role was one of the great humourists of this Parliament when he was really wound up, but he must realize that he is now a Minister and must accept his responsibility. He must explain to Parliament and to the people, through Parliament, what the Bill means. It is not enough for him to stand up like a bag of wind and avoid the question. It was a straight, direct question raised genuinely by the Opposition. It is no answer for the Minister to say that this was an attempt to delay the Bill and to delay the provision of relief for the residential homeowner. It has nothing to do with providing relief for the residential homeowner, but it has a lot to do with responsibility to the Parliament and, through Parliament, to the people and the ratepayers of Melbourne, to explain to them what it is we are doing by this Bill.

Are we simply giving the Board of Works an unlimited and unrestricted power, subject only to the next clause which states that fourteen days' notice must be given to the Minister, to strike whatever rate it likes in respect of whatever class of property it identifies, or are we passing legislation that says that, subject to the control of a Minister answerable to Parliament, the Board of Works may have power to exercise some differential in the rates it strikes?

If the latter is the case, that is what the Opposition indicated it did not oppose. We did not oppose there being a variation in the rates between various classes of properties. What we do oppose is an unlimited and unfettered ability to vary the rates between classes of property without any Minister being responsible.

The Minister is exceptionally clever. He makes, as I said, very funny speeches on occasions, but he has to accept that he has the responsibility of
standing up in Parliament and explaining why in his second-reading speech he used the phrase “subject to the Minister” and why the Bill makes no reference to the Minister being involved in this case in any way.

The honourable member for St Kilda, because of his role in respect of the Board of Works and as a senior Government back-bencher of considerable talent and a person upon whom high hopes may rest, owes it to Parliament and through Parliament to the people who elected him and to the people of Melbourne to explain what the Bill and this clause means. I do not think he can duck or run away from it; he cannot say he was taken by surprise, because the Chairman of the Board of Works was in the precincts of this building and obviously was available for consultation had the honourable member chosen to do so. I do not want to allege that the honourable member has had a conversation with the Chairman of the Board of Works, because I do not know, but I should be very surprised if he denied it.

All I can say is that something has been wangled out which the Government is ashamed to front up to, and again we have seen one of the most devious performances of subterfuge which the Government is now becoming well known for. An explanation is never given frankly: a direct question is never answered. It is covered in an avalanche of words but is never answered directly. The Minister is about to join his colleague, the Minister for Local Government, as one of the two Ministers who introduced into the House a measure which is completely inconsistent with the second-reading speech. As the honourable member for Berwick pointed out, this is the second time in the life of this Parliament that the Opposition has been misled in this way. How can we rely on the second-reading speech if it is not reflected in the provisions of the Bill? In future members of the Opposition will have no confidence in second-reading speeches and will have to scrutinize Bills clause by clause because, as has been found in clause 3 of this Bill, no Ministerial supervision is imposed and the Board of Works has the right to strike whatever rate it wishes without any reference to the Minister or to Parliament.

There are no safeguards in the Bill for the people of Melbourne, and, despite the Government’s claims that it is going to provide assistance to certain people, it has in no way explained which people are going to receive the assistance.

The Bill is full of holes and inaccuracies, and something must be done by the Government to quell the apprehensions that members of the Opposition, and no doubt, the public, are going to feel.
Mr McCUTCHEON (St Kilda)—I rise at the request of the Deputy Leader of the Opposition who, unfortunately, is not now present in the Chamber, to give an explanation which I hope will cast some light on the darkness on the other side of the House.

The first thing I point out is that this is not a Bill to reform the Melbourne and Metropolitan Board of Works. The Opposition has been raising arguments as though this measure were the main piece of work of the Government in relation to the Board of Works. This Bill is merely a proposal to introduce rating reforms that will bring some relief in the critical areas that affect metropolitan ratepayers as a result of the revaluations and the unevenness of revaluations in recent years.

The Opposition has acknowledged that something has to be done to overcome that problem. This is a Bill which will do that, and if members of the Opposition are seen by the voters of Victoria, particularly metropolitan voters, to be opposing the measure, they will be the ones who will suffer. Clause 3 which is under debate contains a provision which will give relief to rural landholdings on the edge of the metropolitan area. When the board is putting through a main or an access for one of its services, past a quite large property, and some of the properties on the edge of the metropolitan area are large, that property has access to water because the main will go past that property. If the property was rated on its total value for that service, it would pay a much larger water rate component. This measure gives the board the opportunity of putting a differential on that large holding so that its proportion of rate paid for water is commensurate with the proportion of rate paid by other ratepayers in the metropolitan area. This can happen in more areas than just those that have been added since 1957. The present provisions of the Act do not allow the system to work equitably, and the amendments correct the situation. I should have thought that a number of the electorates represented by members of the Opposition would support this improvement to the Act.

The Opposition asks for Ministerial control. I point out that the ratepayers have little control over the rate striking ability of the board. The accountability of the present board is lamentable. That is the result of amendments in 1978 which are not the subject of this Bill. The Government has given notice that in a later sessional period of this Parliament it will introduce legislation to amend the operations of the Board of Works. The main question at issue now under clause 3 is the quite small amendment made so that equity can be provided on larger land holdings that have board services going past their front doors. Under normal circumstances those property owners would be rated an inequitable amount for access to that service.

Mr WILLIAMS (Doncaster)—The honourable member for St Kilda has still not provided the answer that the Opposition is seeking. I recall the Minister of Public Works and the honourable gentleman who occupied the adviser's box for a short time and whom I saw elsewhere a moment ago, when in Opposition telling honourable members what an awesome body the Melbourne and Metropolitan Board of Works was, that it had enormous, arbitrary dictatorial powers and that it was beyond Ministerial control. If that is so, honourable members deserve an answer. Is the Board of Works, particularly in rating which is very important to every honourable member because it is the hip pocket nerve that decides the fates of Governments, in control or does the Government have control over rating?

A number of my former colleagues in the eastern suburbs suffered severely because the former Government was blamed for the enormous escalation in Board of Works rates. I believe that is largely why the Labor Party now sits in Government in this State. The people in the eastern suburbs were tired of the escalating Board of Works rates which were rising faster
than was the rate of inflation. The reason for this was that property revaluations were rising in the eastern suburbs faster than those in the other suburbs.

I am most concerned about the differential rating proposition. I believe in helping the little fellow and particularly those on low incomes and limited budgets. I have no brief for the people at whom the Minister says this Bill is aimed, the people who can well afford to pay, and especially those who receive taxation benefits—the larger enterprises and those which pay rates on income-earning properties. I appreciate that principle. I am concerned about the basis on which the differential rate will be struck. If it is struck on a net annual valuation, it will be struck on a basis that is highly hypothetical. I know of no occasion on which a valuer ever inspected my property. If there is to be a correct net annual value, it must be assessed as the real estate agent assesses the value of a property when one wishes to sell it, or as the property is assessed when one wishes to borrow money against it. On such occasions the valuer looks at the property inside and out and takes particular note of how well it is painted and renovated. I note a caucus is assembling around the Minister of Public Works. I am incredulous that the Labor Party has so little faith in the Minister that he must be advised so conspicuously on the floor of the House by several of his colleagues who occupy vulnerable seats. They will be concerned if the Minister has blundered in relation to this clause.

Mrs PATRICK (Brighton)—On a point of order, Mr Acting Chairman, I note that a member of this honourable place is speaking to an honourable member from another place across the Bar of the Parliament. I draw that to your attention.

The ACTING CHAIRMAN (Mr Kirkwood)—I uphold the point of order. I ask honourable members to refrain from speaking to the gallery.

Mr WILLIAMS (Doncaster)—It is illustrative of the problems of the Labor Party newly in office, and members of the Opposition sympathize with them. It is understandable that the adviser is not in his correct place where he can pass messages to the Minister at the table, without insult to this Chamber. I observed the honourable gentleman in his proper place a moment ago and that is where he should be if he wants to direct advice to the Minister.

In relation to the defects of the rating base adopted by the board, it concerns me that the whole basis of Board of Works rating in this State is not in accordance with the finer principles of valuation. It is now proposed to impose further valuation discrepancies on the community. Mr Acting Chairman, as a former local government man, you will be aware that in a site valuation rating city, such as Preston or Doncaster and Templestowe the council did not go out of its way to encourage the valuer to spend a great deal of time directly assessing the net annual value of each property in the city. The council was not concerned with the Board of Works. If the valuer was conservative with net annual valuation for Board of Works purposes, the council was happy because it did not have to bear the wrath of the bulk of the constituents when they received their Board of Works rate bills.

However, the council was concerned that the site valuation was correct. The site valuation is easy to assess. It is based on the vacant block of land without improvements. It is simple, based on recent market sales of vacant blocks, particularly in the suburbs that I represent, to make an accurate site valuation. However, it is well nigh impossible to obtain a just and equitable net annual value. One starts with the value of the site and then must estimate the value of the improvements. As I pointed out, if the valuers sit in their offices and just read files and never go near the properties, how will it be possible to obtain a correct net annual value? Members of the Opposition, including myself, are highly suspicious of granting still further powers to the Board of Works
without ensuring Ministerial control over the board. The board will have a lovely time discriminating between areas, because of the valuation cycle some areas will incur large rises in the net annual value which will result in big rate increases, and which others will escape for a time. The valuers will go out to the City of Doncaster and Templestowe, the City of Ringwood, the City of Eltham, the shires of Lilydale and Upper Yarra and all the other places temporarily represented by members of the Government party where they believe they will find easy pickings. That is where the rate rises will be extortionate.

It is all very well to take the rate burden away from people in the inner suburbs where there are safe Labor seats, but when the penny drops and the valuations hit the people in the eastern suburbs where the Labor Party has a slender majority the Government will find itself in trouble. The defeated members in those areas will not thank the Minister of Public Works for foisting these provisions on them and not giving a satisfactory assurance that the Minister will be in control of the measure and not the boffins at the Board of Works.

Mr SIMPSON (Minister of Public Works)—I do not think that people who read the debate that has taken place this afternoon and who are at this moment desperately disadvantaged will be impressed. They will not be impressed by the various arguments put forward by members of the Opposition because nowhere have the arguments demonstrated the real intent behind what the Government is trying to do—to help those people and to eliminate the imbalances that exist.

The honourable member for Doncaster who has just resumed his seat has said he is happy to go to the people within the electorate he represents, when they are paying substantially increased rates, and say that this is the proper course of action but that he opposed in this House Chamber the introduction of differential rates.

We then heard continual talk about the failure to include a clause relating to the responsibility of the Minister. I refer the Committee to section 4b (1) and (2) of the Melbourne Metropolitan Board of Works Act which states:

(1) The Minister may at any time in writing to request the Board to propose in writing a scheme with respect to any particular matter or for carrying out any matter of general policy specified by the Minister.

(2) The Minister may approve or disapprove the scheme proposed by the Board or may approve the scheme so proposed subject to such variations as he thinks fit.

The matter that concerns members opposite is covered in the Act. They seem to be supercritical because they did not raise this matter. They have painstakingly gone through the Bill and reminded the Government that Ministerial responsibility did not exist when in fact it did. They have deliberately tried to delay this measure.

I assure the Committee that the Government is resolute in its intention to rectify the imbalances that have occurred over the past two years. If this measure is passed in this and another House, the rates for the forthcoming financial year will provide a huge improvement for those people who are currently disadvantaged.

Mr RAMSAY (Balwyn)—I thank the Minister of Public Works for the explanation he has just given. The confusion that has obviously developed in this Chamber is the result of some apparent conflict between the proposed legislation and the explanatory second-reading speech. It is clear that clause 3 gives the board the right by resolution to exempt a person from this rate—not to modify the rate, to reduce it or cut it back, but to give a complete exemption if in the opinion of the board that relief should be given. Similarly clause 3 (6) provides that the board can reimpose the rate by a resolution of the board. There is no indication of Ministerial supervision over this area. That is what has been concerning the Opposition.
I ask the Minister of Public Works:

Is it the intention of the Government to use the power he has referred to in section 4 of the principal Act for the Minister to supervise and keep a close eye on any exemption that may be given under clause 3?

It has been noted that under clause 4 there is a specific need for the board to advise the Minister of certain actions taken under that clause. Under clause 3, which amends section 99 of the principal Act, there is no obligation on the board to bring to the attention of the Minister exemptions it may or may not have decided to grant under the clause.

Can the Minister give an assurance that it is the intention of the Government—I am looking only for a statement of intention at this stage—that the Minister should keep an eye on exemptions that occur under clause 3 with the express purpose of allowing or disallowing them if the Government considers that the board has stepped out of line.

The Committee divided on the clause (Mr Wilton in the chair).

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**PAIR**

| Mr Wilkes     | Mr Richardson   |

Clause 4 (Amendment of No. 6310 s. 175)

**Mrs PATRICK** (Brighton)—Although the Opposition has been given an explanation one and a half hours later, it still believes that, although there are some provisions in the principal Act, the provisions of this Bill should not take effect without the Minister's approval. No degree of certainty exists on whether the Minister does or does not have the oversight of these new differential rates.

When one reads clause 4 one finds that the Minister is to get notice:

Before the Board proceeds to make and levy any rate under this section, it shall give not less than fourteen days' notice in writing to the Minister of its intention to make that rate and of the time and the period for which the rate is intended to be made and shall provide the Minister with a copy of the estimate.

It is this area that the Opposition believes should have been linked to the principal Act.

In addition, it is interesting because the board, during the term of office of the Liberal Government, did not even think of or mention any scheme, or change any rates without consulting the Minister. It is also interesting to consider whether this small provision, slipped in the proposed new section 2A, was a new direction to the Melbourne and Metropolitan Board of Works, because the provision provides clearly that notice must be given to the Minister.

Was the Government suggesting that the Board of Works would do something other than what it had done under a Liberal Government and that
it was suddenly going to strike rates and run off and have differential rating without consulting the Minister? Otherwise it is hard to see why this provision was inserted, having been given now the information that the whole of the operation of the Board of Works is subject to Ministerial approval. Why is this new provision required? For what is it included? It does not tie back to the principal Act, so was the Government suggesting that somebody who is a member of that proposed newly-constituted Board of Works was suddenly going to strike a rate without the Minister being informed? It is hard to understand the purpose of the new provision.

Perhaps the Minister of Public Works can offer an explanation—this I very much doubt, as previously it took him more than an hour and a half to give an explanation—whether or not there was to be Ministerial approval.

I do not know how the Minister is going to explain the reason behind clause 4 (a). There is no adequate explanation for suddenly giving the Minister fourteen days' notice in writing and providing him with a copy of the estimate. If that is true, I have no doubt the whole operations of the Board of Works are subject to approval. I pose that question to the Minister because I know full well that the Opposition is not going to get an answer, and I deplore the Bill if it cannot be followed and the reason for this clause is not known.

Mr MACLELLAN (Berwick)—The Minister's explanation on the previous clause in some ways makes the situation more complicated rather than explaining it, and it makes this clause even more complicated. It is now a greater problem for the Opposition. The Minister is saying, "There is no need for this clause". The Minister can require the Board of Works under the principal Act to prepare a scheme. If he did not like the differential rates in the scheme he could write his own rates in substitution for them. The Minister is saying that he will require the power to do something and if he does not like what the Board of Works does, he can rewrite it.

I ask the Minister what the words in proposed sub-section (6b) contained in clause 4 mean:

A resolution shall not be made under sub-section (6c) in a case where the land or class of land is used primarily for residential commercial or industrial purposes.

People who owned residential land were not going to be greatly benefited. The Opposition was supposed to be holding up this great benefit for residential landholders, people who lived in houses. Yet proposed sub-section (6d) states:

A resolution shall not be made under sub-section (6c) in a case where the land or class of land is used primarily for residential commercial or industrial purposes.

The Minister obviously has to give a further explanation. What does proposed sub-section (6d) mean? There will not be exemptions in respect of residential, commercial or industrial purposes land; to what land is the Bill referring? I suppose it could be referring to farm land, vacant land which is zoned for any of those purposes, or is in fact used primarily for any of those purposes. If the Minister is saying that the principal Act enables the Minister to give a direction to the board to prepare a scheme for differential rates, and if that board does not apply the sort of differential rates the Minister believes is appropriate, the Minister can alter them. I cannot understand why this proposed sub-section, and the previous proposed sub-section are before the Committee. It seems that the Minister had the power to act all the time; it is just a matter of exercising that power. As the honourable member for Brighton said, it has taken the Minister an hour-and-a-half to start to believe that fact, but having taken an hour-and-a-half to convince himself that he has found the answer to the problem of the Ministerial control, then what does this sub-section mean when it states:

A resolution shall not be made under sub-section (6c) in a case where the land or class of land is used primarily for residential commercial or industrial purposes.
If the Minister's views on the Bill are correct, he expects the Board of Works to have a lower rate for residential purposes, and a higher rate for other categories of land. This sub-section prevents that in the sense that the Board of Works cannot give a complete exemption. The explanation lies in that the board might be able to have lesser rates, but not exemptions.

Clause 4 (c) of the Bill reads:

For sub-section (6c) there shall be substituted the following sub-sections:

“(6c) Where the Board is of the opinion that relief should be given under this sub-section in respect of any land or class of land upon which the Metropolitan General Rate would otherwise be made or levied, the Board may by resolution exempt the person or persons who would otherwise be from time to time liable to pay the rate in respect of the land or land of that class from liability to pay the rate in respect thereof either wholly or to such an extent as is specified by the resolution.

(6d) A resolution shall not be made under sub-section (6c) in a case where the land or class of land is used primarily for residential, commercial or industrial purposes.

Any resolution made under sub-section (6c) may be revoked by resolution of the Board and shall have effect in each year until so revoked.”.

The Minister will have to give an even more complicated explanation. I again offer him an opportunity, if he is without advisers to assist him in this complicated area, which rating always is, of reporting progress and resuming the debate after the dinner recess. In the meantime, the House could usefully continue with another debate. That would be a generous and mature response, but I see every chance of the Minister lurching straight into the same murky waters with this clause as he did with the last one. His explanation of the last clause does not clarify this one. This is why I reminded the Minister that his explanation of the last clause, if anything, has made the explanation of this one more complicated and difficult. The Minister suggests there is an overriding power of the principal Act, not specifically referred to in this clause, and that the Minister may require the board to devise a scheme and, having devised that scheme and submitted it to the Minister, if the Minister does not like it he may rewrite it. This particular clause is meant to be the heart and soul of the benefit to residential ratepayers to pay lower rates. The honourable member for Doncaster commented that under proposed sub-section (6c) the board will not be able to make a resolution in respect of those classes of land which are primarily used for residential, commercial or industrial purposes.

If the words mean what they appear to mean, and if the board cannot pass a resolution in respect of residential, commercial or industrial land primarily used for that purpose, then which land is possible to be exempted? I would have to say it is "other land"—and other land other than residential, commercial or industrial purposes—in which case the Minister has a problem and he has a problem to explain it to the Committee.

Mrs PATRICK (Brighton)—I thank the Deputy Leader of the Opposition. The clause to which he was referring states that a resolution will not be made where the land or class of land used primarily for residential commercial or industrial purposes. It seems under this clause that the only land that can be exempt is rural land. I believe the Government's intention is that all hospitals, charitable institutions, schools, all those people who presently provide services to the electors, to the community, and to Victoria generally, will not be exempt; their differential rate will not be equitable; they are going to be told to pay the full rate and thereby the burden again will be shifted. Does that mean that hospitals will have to pay high Melbourne and Metropolitan Board of Works rates? Does that mean that the great hospital levy will have to be raised? Is that what it means? Does it mean that the charitable institution that is performing a function, which currently does not pay full rates, will now have to pay full rates? What exactly does it mean? The Minister of Public Works should provide an explanation of exactly what the clause means. He should come out and be honest on behalf of the Government. We have heard a
great deal about honesty in government. When the Liberal Party was in Government, it was gibed at by the then Opposition, which said, "Be honest". Let the Government now be honest. Let the Government tell us what this clause actually means. Let it tell us whether it intends to include hospitals and charitable institutions, whether they are not to benefit from the differential rate; whether, in fact, they are to go backwards in time. Let the Minister give that explanation, not only to the Opposition, which has expressed its concern about the Bill being hastily drafted and not reflecting accurately the Government's intentions, but also to the people of Victoria and those who will have to pay this rate.

It is all very well for the honourable member for St Kilda to say that it will benefit the owner of a rural property through which a pipeline passes. I feel sympathy for people affected in that way and believe they should be given relief, but they should not be the only ones to receive assistance. Who else should gain relief? Does the Government suggest they should be only people who live in the inner-suburbs of the metropolitan area? It all comes back to the statement I made in the beginning: If the burden of the party is shifted, somebody else has to bear it. Will it be the hospitals, the charitable institutions or the schools, organizations that are not at present paying full rates? Let the Minister answer that!

Mr WILLIAMS (Doncaster)—Mr Chairman, I am making the point that I am a lone voice on behalf of a population of approximately 100 000 people in the City of Doncaster and Templestowe. I seek an explanation from the Minister on the effect of the clause as it relates to the Melbourne and Metropolitan Board of Works rates. The honourable member for Warrandyte was very vocal, according to press reports in local papers during the past month, pleading on behalf of landowners whom he thought were being adversely affected by council decisions to increase rates. Why is he not present? He should be trying to assist people and finding out whether the proposition contained in the Bill will once again result in an increase of the rates of rural landowners.

It is all very well for me to have to do it. There is little rural land in the electorate I represent but in the electorate represented by the honourable member for Warrandyte, there is a considerable amount of rural land. I, for one, am speaking on behalf of the disfranchised landowners in the Warrandyte Ward of the City of Doncaster and Templestowe. The Parliamentary representative of these people has not seen fit to stand up during the debate and plead the cause of the electorate he represents.

It is a travesty of everything the Labor Party stands for for the Minister to have parroted off some speech prepared by an officer of the Board of Works. No doubt the board knows what it is on about, but the Minister even with the help of his eminent adviser who is at the table at present, the honourable member for St Kilda, has not been able to satisfy the Opposition about the intention of the clause.

I again appeal to the Minister to report progress, so that he can obtain proper advice and tell the Committee what is going on.

Mr McCUTCHEON (St. Kilda)—I shall attempt to clarify the situation for the Opposition. The proposed amendment to the Act that will actually provide differential rating powers is contained in paragraph (b), which
provides for the deletion or omission in section 175 of the principal Act, *inter alia*, of the words "different areas of included land" and the substitution of the words, *inter alia*, "different areas of land or different rateable properties in the metropolis". That alteration in the wording will have the effect of broadening the differential powers already contained in the principal Act and will enable the board to extend those powers across different areas and properties.

The Opposition questioned the effect of proposed section 175 (6b). The real effect will be to remove an amendment to the principal Act effected by a Bill passed on 19 May last year, when the Opposition was in Government. The amendment in that Bill was to allow for a rural sewerage rate. That provision is being removed so that, rather than being able to strike a special rural sewerage rate, the board will have the power to amend the size or proportion of the property on which the rate is struck. This is merely a different way of dealing with the problem. The system will be the same under clauses 3 and 4.

**Mr TANNER** (Caulfield)—I thank the member for St Kilda for his explanation, but it still does not change my opposition to the Bill or to the clause. Time and again the Minister has been questioned about the Bill and the clause and it is obvious that the honourable gentleman is completely puzzled. He has had to call for outside help to assist him.

The Minister is proposing that the Parliament should hand over to the Board of Works complete power in this area, thus taking away the power of this Parliament. He seeks to allow the Board of Works, without any criteria to follow, to decide what the board’s rates should be for various organizations or individuals. Despite constant questioning, the Minister has not explained who will gain from the proposed ability of the board to set differential rates. The Minister is refusing to explain to the Committee who will benefit. I ask him once again, particularly in relation to clause 4, to tell honourable members who is likely to benefit.

**Mr SIMPSON** (Minister of Public Works)—I am nonplussed by the continual questions being asked by members of the Opposition. What the Bill will do is to make available to the Board of Works a number of options to allow it to assist people who are desperately in need of that assistance. Questions concerning control and Ministerial responsibility have already been answered. If the honourable member for Caulfield was not paying attention, I refer him to sections 4A and 4B, and especially 4B(1) and (2), of the Act.

The honourable members for Caulfield, Doncaster and Brighton have continually asked for examples and an explanation of exactly where differential rates will be imposed. The Bill before the House will provide powers and options, under Ministerial control, that will allow the Board of Works to assist certain people. The decisions concerning those rates will take place after proper deliberation, through the proper channels and after proper investigation. I cannot give specific examples. However, I assure honourable members that the people who are most in need of assistance are those who will be given the most assistance through the measure.

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.

**OPTOMETRISTS REGISTRATION (AMENDMENT) BILL**

The debate (adjourned from June 3) on the motion of Mr Roper (Minister of Health) for the second reading of this Bill was resumed.

**Mr WHITING** (Mildura)—The Bill improves the registration procedures of optometrists in Victoria and makes some progress in that it will be possible for any registered optometrist to use certain drugs that previously were limited to those optometrists with special qualifications. This facility will be available now to all registered optometrists. I have discussed the pro-
visions of the Bill with optometrists of long-standing who perceive no problem with them. The drugs used by the optometrists would assist in eye examinations to assess eye damage.

The provision that an optometrist be not younger than twenty years of age is being removed. It is possible for persons younger than twenty years of age to achieve the necessary qualifications and their registration is being provided for in the Bill.

The Bill also increases penalties, in some cases from $500 to $1000 and from $1000 to $2000. The National Party is not unhappy with those provisions because they are in line with the inflationary trend that has occurred. Likewise, the National Party has no quarrel with the proposed increase in fees for optometrists, from $5 to $50 for renewal of registration and so on. The improvements contained in the measure will assist all Victorians.

Mr LIEBERMAN (Benambra)—The Opposition supports the Bill and commends the Minister of Health for introducing it so promptly following his appointment. The Victorian College of Optometry of the University of Melbourne has indicated that the college has examined the Bill and agreed with its provisions. The Minister of Health will not mind my saying that the Bill is based largely on proposals made by the former Minister of Health, Mr Bill Borthwick. I understand the elements of the legislative measure compare identically with elements that were developed by the former Minister. I know that Mr Borthwick will be very happy that the measure has been proceeded with so promptly by the new Government.

The Australian Optometrical Association, Victorian Division, has confirmed its support also of the amendments proposed to the Act and states that it is in total agreement. The association mentioned that the Minister of Health was kind enough to brief the association on the measure. The association appreciates that and knows that the measure is in accordance with the legislation that was to be initiated by the former Minister of Health, Mr Borthwick.

There is a growing awareness in the community of the value of optometrical services. In the past, there has been some division in the community as to whether seeking the assistance of a qualified optometrist is appropriate compared with consulting a doctor and being referred to a specialist. I am sure the Minister of Health will agree that the uncertainty and uneasiness that existed appears to be rapidly disappearing and that the medical and optometrical professions have found their respective positions.

The availability of skilled optometrical services to the people of Victoria is important and just as important as the availability of skilled medical and specialist facilities for diseases of the eye and treatment of eye ailments.

The measure is significant. It marks another step in the progress and development of the science of optometry and its practice in Victoria. Speaking especially as a member of Parliament representing a country electorate, I anticipate continued dialogue with the Minister of Health and the Health Commission towards developing more services in country Victoria and maximizing the present facilities. I refer particularly to assisting aged people and pensioners where access to the Royal Victorian Eye and Ear Hospital in Melbourne is not so readily available and where optometrists might well be included in the services available to country people for the purposes of obtaining spectacles. At present—I know the Minister is aware of this—I regret that many pensioners in country areas seeking prescriptions and spectacles may obtain the prescriptions fairly readily, but when it comes to obtaining the spectacles they experience difficulty. A long waiting list exists at the Royal Victorian Eye and Ear Hospital. This is sad, and those honourable members who have elderly friends and constituents know the distress they suffer.
because they do not have spectacles which suit their particular eye condition.

I have been a fairly vocal advocate in negotiations with the Health Commission and the optometrical profession that under the auspices of the Royal Victorian Eye and Ear Hospital and the Health Commission the profession should be allowed to fill prescriptions for pensioners in country areas rather than patients having to wait a long time for a Melbourne appointment. That system puts additional pressure on Melbourne. The Minister asks how the former Minister of Health, Mr Borthwick, felt about the matter. I am glad to say that Mr Borthwick was extremely sympathetic to my plea, and indeed agreed that he would endeavour to introduce such a system. The former Minister pointed out that the matter needed consultation because it was a delicate matter and involved health funding.

Prior to the election, as the Minister would know, a significant breakthrough was made in the area. However, the question of funding is still a difficulty. The arrangement to give recognition to the optometrists in this area had been agreed in principle. I look forward to the Minister carrying on that idea. I realize that the Government has financial problems, and if the Opposition can be of assistance it will gladly do so.

The Minister cannot pluck funds out of the air to fill the need, but the elderly and pensioners, particularly in isolated areas, should be given special attention. I hope the Minister will persuade the Treasurer, who is in the House, to give a sympathetic hearing to his case. He can be assured that he will have the full support of the Opposition. I wish the Bill a speedy passage and hope that the optometrical profession will go from strength to strength following its enactment.

Mrs SIBREE (Kew)—I support the Bill, which contains sensible provisions, and takes up the former Government's ideas of changing some provisions of the Act. I support also the remarks by the honourable member for Benambra when he pointed out that the Bill will improve the services available by Victorian optometrists.

Whenever I have spoken about the Bill to members of the profession I have noticed a glint of happiness in their eyes. The provision concerning the payment of fees to the registration board is a more sensible arrangement. On the topic of optometry and eye care, I refer especially to eye care for children. I have received many representations about this and I am sure the Minister in charge of the Bill will be interested to hear my comments. I realize that there are difficulties in supplying care in all areas, but I am mindful of a recent case in the electorate that I represent of a baby born with cataracts on his eyes. After a complicated and well-publicized operation, the cataracts, together with the lenses, were removed and contact lenses inserted.

The parents have informed me that the child will require contact lenses for many years which will be made even more expensive because a young baby will undoubtedly lose many lenses. I hope that the Minister, in dealing with the whole area of optometry, will be mindful of the real problems faced by the parents of children with eye problems and the continuing need for changes to spectacles and lenses that will result.

I refer particularly to an anomaly involving assistance provided by the Federal Government. I hope the Minister will take up the matter in any discussions that he has. The anomaly concerns the fact that children with a deafness disability receive support for hearing aids from the Federal Government but children with optometrical problems do not receive any benefits whatsoever for lenses or spectacles.

I hope in raising the matter I will be able to assist the Minister in taking the case further to Canberra in seeking further assistance for parents of children with eye difficulties. I realize real problems exist with costs and care and I am mindful that the Royal Victorian Institute for the Blind has probably also
made representations to the Minister. I reassure the honourable gentleman that he has my full support in taking the matter further. I support the Bill, which is a step in the right direction and full support must be given to people who are trying to help the general health of the community in more ways than one.

Mr ROPER (Minister of Health)—I thank the honourable members for Mildura, Benambra and Kew for participating in the debate. I have had close co-operation with optometrists for many years but particularly in the past six years when I was shadow Minister of Health. I value the approach of that profession in the preventative health area.

The week before last I had pleasure in assisting with the launching of National Vision Week which the profession was carrying out to encourage parents to pay attention to the eye care of their children. I take up the comments made by the honourable member for Kew because young children are not adequately and regularly assessed for eye defects, leading to the possibility of an eye problem which may considerably worsen.

It is usually relatively easier to detect a hearing disability, but the community tends to regard the majority of children as having normal eyesight. I am aware of the Federal Government's funding arrangements in this area as in other areas and have been for some time. I am also aware of the current nineteen months' waiting list for spectacles at the Royal Eye and Ear Hospital and the two-year plus waiting time for dentures at the Royal Dental Hospital of Melbourne. Both these problems need to be addressed because if people cannot be provided with these basic services, obviously the Government has failed to provide an adequate health service. Both these areas are being examined and I will certainly call on the honourable member for Kew to support the Government when it meets with the Commonwealth Government to ask for assistance for disadvantaged people.

The motion was agreed to.

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

PSYCHOLOGICAL PRACTICES (SCIENTOLOGY) BILL

The debate (adjourned from June 3) on the motion of Mr Roper (Minister of Health) for the second reading of this Bill was resumed.

Mr LIEBERMAN (Benambra)—This small Bill will have a significant effect. The Opposition does not oppose it, but it should be made clear to honourable members that in doing so it has no intention of being seen to endorse the practice of scientology. The Minister is obviously of the same mind on this matter. The Opposition considers that in not opposing the Bill it is taking a logical course in a difficult and vexed matter that will haunt the community for many years to come.

The Opposition makes it absolutely clear that by not opposing the Bill it does not endorse any of the other sects or cults that have sprung up in Australia, including Victoria. Many people in the community are troubled by the presence and practice of some of these cults and sects and the way in which they operate. I wish I did not have to say to honourable members that this will not be the last we will hear on the matter. That attitude would be burying our heads in the sand. Honourable members will hear considerably more about the activities of these cults and sects. All of us, as Parliamentarians and Victorians, should resolve to be more alert, interested and concerned about how they operate and what they are about.

I read some comments on overseas views on scientology. I do not want to rake over the coals, but I consider that the Anderson inquiry, which was held before I entered Parliament, is noteworthy of mention. I shall mention some matters that occurred overseas so that they will appear in Hansard. People in Victoria who are interested in the subject will then have reference to overseas experience of scientology so that I will serve a purpose in pro-
viding the information and people can make up their own minds about the matter. An article appeared in the June 1980 Readers Digest—unfortunately I do not have a copy of it—entitled, “Scientology: Anatomy of a Frightening Cult”. The article provided information on the anatomy of scientology that people interested might like to read.

I also understand that it has been confirmed overseas that Mary Sue Hubbard, the wife of Lafayette Ron Hubbard, the founder of scientology, together with four other highly ranking members of the Church of Scientology in America, have been sentenced to prison terms in the United States of America on charges of conspiring to burgle and infiltrate Government agencies. In addition, I understand they were fined $10,000 each with the court ruling that they must go to gaol immediately, even though an appeal was pending. The evidence on which the convictions were based were documents seized in raids on the church's offices. The documents allegedly disclosed a campaign by the organization in America to obtain documents illegally from an internal legal service to deal with certain people in the United States of America. The documents also had some relation to the Department of Federal Justice and other Federal agencies.

I consider that matter ought to be mentioned because of the alarm held by people in Victoria, which is not unique to Victoria but spread throughout the world. I notice that the Minister's second-reading speech advises that the investigation and review of the Psychological Practices Act by Dr Evans of the Health Commission, which was set up under the former Government, is continuing. I am glad that is the case. I take it that the Minister is virtually confirming that the Government considers the review should be allowed to be completed. The Opposition looks forward to the report being available as soon as possible.

It will allow a study to be undertaken of psychological practices in this State and, although I understand that the terms of reference specifically exclude the practice of scientology, if one can call it that, I anticipate that the report will give some guidance and assistance to all of us in considering whether any action by legislation or by other means will be appropriate, at least for psychological practices in the State.

Someone mentioned to me that perhaps Parliament should one day consider introducing legislation that will require at least the disclosure of collections of funds by some of these groups. I know that the Minister and the Opposition will not want traditional churches to feel they are under pressure or required to participate in an exercise of that kind. That is the difficulty involved. At question time today I was interested to hear the Minister indicating that he will inform the House about an organization that collects money and obviously fleeces the community under the guise of helping the disadvantaged, particularly physically and mentally handicapped people. The report that the Minister will make available on this issue will provide Parliament with another opportunity of considering how some so-called religious organizations are raising money for so-called good works in the community. Obviously the Minister will enlighten honourable members with that knowledge. The report that the Minister will make available will be another source of assistance to honourable members as well as Dr Evans' report into the Psychological Practices Act.

With those words and with some trepidation, I wish the Minister of Health good luck. Introducing this Bill would not have been an easy decision to make and I commend him on making the decision so promptly in his career as Minister. The Opposition does not oppose the Bill.

Mr WHITING (Mildura)—This is a simple Bill that repeals sections 30, 31 and 32 of the principal Act. As mentioned in the second-reading speech, it will have the effect of taking away the prohibition on the use of a galvanometer E-meter or similar instrument.
and will prevent persons from accepting fees for that type of service. It will also no longer require persons to send any scientological records to the Attorney-General, as was required under the principal Act. Like the honourable member for Benambra, the National Party does not oppose the Bill. However, it has some concern about any organization that would have its adherents or others, including applicants for membership, subjected to any kind of psychological pressure to become members or to remain members of that organization. Like other members of my party, I have had discussions with the Rev. Bob Allsop of the Church of Scientology and a number of other representatives of that organization, and they appear to be genuine in their beliefs.

The National Party believes it is necessary that the Bill should be passed to remove the prohibition that was placed on the Church of Scientology in the 1960s. As has been stated by other speakers, members of my party do not necessarily support scientology or any other cult.

It is interesting to note that the working party under Dr Evans of the Health Commission reviewed the Psychological Practices Act. As a result of its findings, that working party supported the repeal of these three sections of the Act, but not of the others. Perhaps that is significant.

However, if such pressures as were mentioned are possible within some religions or cults that have developed over recent years, the National Party believes action either of a voluntary nature or by way of legislation will be required at some future time to prevent the stress and distress that these kinds of pressures can cause. The talk of programming or deprogramming of a person in the way that has been described, especially overseas, concerns me and other members of the National Party, and we hope that is not the intention of any organization in Victoria at the present time. That being the case, we can rest easily in this regard. Honourable members who believe freedom of speech and freedom of religion should be available to all persons must support the Bill now before the House.

Mr Saltmarsh (Wantirna)—I want to say only a few words, basically to defend the freedom and the right of individuals to follow and practise their own systems of belief, no matter how much others may question them. It is important to recognize that the Act which is now being repealed—and I congratulate the Minister on bringing the Bill forward so soon—was the result, in the first instance, of some agitation by a couple of Labor Party members of the Legislative Council at that time. As a result of some outlandish statements there and further accusations in some elements of the press, an inquiry was set up. I believe that inquiry has not been well endorsed anywhere else in the world. In fact, I understand that copies of the Anderson report were sought from jurisdictions and administrations both in Australia and overseas, and none of those were prepared to substantiate as valid the sorts of claims that were made. Perhaps that comes back to the quality of the report itself, and I will not comment on that matter except to say that I believe there is a major question mark about its methodology.

I follow on some of the concerns expressed by the honourable member for Benambra, and these obviously are concerns that many people have about all sorts of activity, whether it be activity of a religious nature or of some other kind. Rather than trying, by means of our so-called democratic systems, to provide legislation that denies the basic freedom of association and freedom from belief, Governments ought to ensure that actions which are shady or criminal are subject to the criminal law. Fraud, theft, coercion or whatever should be subject to the appropriate course of law rather than Governments seeking to proscribe freedoms.

Historically, we know that most social systems have involved special castes, and the daily activities of most people are determined by reference in some way to what might be called the vision
of the good life. Any society is free if, and only if, all people are at liberty to formulate and strive to realize their own vision of the good life. Whether they realize that vision may be another matter, but if that vision of the good life involves, for example, mountaineering, I should be free to pursue that vision in that I should enjoy the right to make the attempt to climb a mountain. In turn, other people are obligated to refrain from coercively preventing my making that attempt. Of course, some visions of the good life will appear to be strange, quaint, ugly or even misguided. One person, for example, may join the flat earth society or the green ant society.

Mr Roper—What is that one?

Mr Saltmarsh—Some say there may be some special merit in green ants. Another may spend his time accumulating possessions; yet another may join a religious or a political revivalist group. Defending the liberty of people to formulate and to strive to realize their fulfilment of goals or visions, even if that vision be by way of scientology, in no way implies approval of those value systems.

It seems to me that Governments should be value neutral. They should neither proscribe nor prescribe, nor should they reward any noncoercive vision of the good life. For example, if a Government were to make charity obligatory, at least in principle another Government could make the exercise of charity a criminal offence. It could be argued that, when a Government goes beyond protecting the individual from force, fraud and theft, it is no longer a Government but a State. Honourable members know well that Mussolini and other dictators of the right as well as dictators of the left have operated on the basic assumption: All things in the State, nothing outside the State, nothing against the State.

The pursuit of the vision of the good life can be regarded as the pursuit of rational self-interest in which a social dimension adds to the strength of a community of people. It seems that this is an important basic right, and I am delighted that the Government has recognized it in this way. Through the experience gained from this whole scientology episode, we must realize that, in a democracy, there must be protection for the freedom to believe, even if the belief appears to be stupid, provided that no damage is being done to people by coercion, theft or fraud.

I come back to my original point that, rather than seeking to proscribe a system of beliefs, the Government should ensure that any movement away from what may be accepted as normal behaviour in our society should be treated through the normal process of the criminal procedure if criminal allegations occur. I support the Bill. I hope honourable members will not see the day when this sort of measure being repealed is again introduced but, rather, will take action at the appropriate level to protect basic freedoms.

Mr Williams (Doncaster)—Unlike my colleague, the honourable member for Wantirna, I do not support the Bill. The Minister of Health has had the most extraordinary influence on two things—the cure of people who are afflicted by drugs and now the care of people who are afflicted by a peculiar religion. On both I have to differ with my colleague, the honourable member for Wantirna.

I agree with the sentiments behind the Bill. Freedom of religion must be allowed in this country, but shades of the Hon. Jack Galbally who quite properly drew to the attention of the people of Victoria the enormous harm being done by those who were practising scientology! In my opinion it was a cynical, money-gathering exercise by a man named Ron Hubbard, a former fiction writer. Documentation exists to prove that Mr Hubbard succinctly set on record his intention to establish a religion to make money. Unfortunately, persons were foolish enough to follow the activities of Mr Hubbard, in a similar way that persons in the United States of America and Australia are following the activities of the Moonies and the Hare Krishna sect.
It is the right of any person to make a fool of either himself or herself. Although I am a member of the Liberal Party and I quote John Stuart Mills, on the liberty of one individual, I do not think anybody has a complete and untrammelled right to generate enormous income from contributions made by people to a religious sect. Often in the cases I have cited, money is sent overseas and is not spent in Australia, and that is the difference between established religious institutions and religious cults. The financial contributions made to established religions are, in the main, devoted to charitable and teaching works and so on.

However, Mr Hubbard lives in extraordinary luxury overseas and has at his disposal yachts and castles; indeed, Mr Hubbard is living the life of Reilly on money that has been contributed by members of the Church of Scientology. However, I find the attitude of certain members of the Labor Party extraordinary on the cult of scientology. I well recall when Senator Murphy, as he then was, as Commonwealth Attorney-General allowed the Church of Scientology to conduct marriage ceremonies on the specious ruling that scientology was a religion. Therefore, the members of the Church of Scientology adopted the view that because the church was allowed to conduct marriage ceremonies, the practice of scientology should be given the status of a religion. Honourable members might not be aware but, when handing down a decision on whether the Church of Scientology should be liable for payroll tax, Mr Justice Crockett was adamant that scientology did not constitute a religion. The practice of scientology represents a travesty of established religious principles.

Mr Whiting—How long ago was that decision?

Mr WILLIAMS—I am surprised at the honourable member for Mildura.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I ask the honourable member for Doncaster not to be provoked.

Mr WILLIAMS—Mr Speaker, I thank you for your advice. I am astonished that I should be provoked on a Bill like this.

The SPEAKER—Order! I ask the honourable member not to be.

Mr WILLIAMS—It is to be hoped that, like the Minister of Health and the honourable member for Wantirna, I am a person of goodwill and it is not my wish to oppress the beliefs of anyone. Persons should be entitled to choose which religion they wish to belong to and persons should be free to express their political opinions. It is to be hoped that the Bill does represent the first step on the road to full freedom from religious persecution. However, I am still reluctant to support the Bill.

Dr VAUGHAN (Glenhuntly)—I am unsure of what to make of the remarks of the honourable member for Doncaster who, as usual, is having two bob each way. The best thing to do would be to ignore the remarks of the honourable member. I am pleased to speak in support of the Bill. Before I became a member of Parliament, I had never met a member of the Church of Scientology. Shortly after being elected to the Parliament that situation was rectified.

Indeed, on almost a weekly basis at times during the past three years, I have had the opportunity to meet numerous members of the Church of Scientology. That situation would apply to most other honourable members.

Mr Saltmarsh—Was that at church?

Dr VAUGHAN—It was not. As a member of Parliament, I discovered that I represent a significant group of members of the Church of Scientology. I have found the members of that church to be a fine group of citizens, although I know little of the details of their religion. However, I am prepared to accept that it is a religion. I am of the view that the Psychological Practices Act should never have contained sections 30, 31 and 32. It is a tragedy and a pity that it has taken seventeen years to rectify a serious
error of judgment made by the Parliament of the day. I conclude by saying that I commend the Bill to the House.

Mr ROPER (Minister of Health)—I thank the honourable members for Benambra, Mildura, Wantirna, Doncaster and Glenhuntly for their contributions to the debate and for the fact that the Parliament will ensure that the Bill is passed unopposed.

It is only a small measure, but it is one that should have been passed some time ago. I can understand the difficulties that some persons have experienced on the matter. The Government is not endorsing the Church of Scientology, but it is saying that the Parliament should not set itself up as a judge on religion and on what can and cannot be practised. There are other ways of resolving those problems and honourable members should be careful before they allow legislation of the Parliament to make a judgment on what constitutes a religion.

The motion was agreed to.

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

The sitting was suspended at 6.28 p.m. until 8.5 p.m.

COUNCIL OF LAW REPORTING IN VICTORIA BILL

This Bill was received from the Council and, on the motion of Mr CAIN (Attorney-General), was read a first time.

HISTORIC BUILDINGS (AMENDMENT) BILL

The debate (adjourned from May 27) on the motion of Mr Cain (Premier) for the second reading of this Bill was resumed.

Mrs PATRICK (Brighton)—As the House will no doubt be aware, the Historic Buildings Act was amended in Parliament late in the 1981 autumn sessional period and was proclaimed, and that Act came into force on 1 June 1982. The main differences between the previous measure that was introduced and proclaimed and this Bill are firstly, that, the provisional register is to be abolished. The provisional register was established under the 1981 Act and would have operated, as I said, from 1 June 1982. The reason for setting up the provisional register was that it provided another avenue of adding buildings quickly to the register, subject to the owner of the building entering into a covenant for the future preservation and protection of the buildings.

It is interesting that the Labor Government now sees fit to abolish that provisional register, because it was well thought out. I pay tribute to the honourable member for Benambra for the hard work he did as Minister for Planning under the Liberal Government and for the thought that he put into the establishment of the provisional register. I had some doubts in my mind about the setting up of the register, but they were dispelled by a good description of the register and what it means, which was set out very well in a submission received by the Inter-Churches Committee of Planning, a group of lay people, who stated that:

The Historic Buildings Bill removes the provisional register. This register was established so that the parties could avoid the unnecessary expense involved in lengthy hearings by the Historic Buildings Preservation Council.

It permitted owners of buildings to volunteer particular buildings for designation and to discuss the terms of any designation with the appropriate Minister.

Apart from the expense saved by the owners, particularly the churches, it also assisted the Government by the parties voluntarily co-operating with the notion of an Historic Buildings Register.

This was an excellent provision; as I have already stated, it stopped lengthy proceedings. There are many people in Victoria who own buildings of historic significance who were quite ready, willing and able to co-operate with the Government of the day in setting up this provisional register.

It is a retrograde step in the field of preservation of historic buildings that the provision of the register has been deleted from the Bill.
The next difference is that the numbers on the Historic Buildings Council have been increased from twelve to fifteen. The additional members will be a nominee of the Minister, an architectural historian and one of a panel of three names submitted by the Victorian Public Service Association. Members of the Opposition believe it is proper that the Victorian Public Service Association should be represented because the Bill also covers public buildings, a subject to which I shall address myself later. The powers of the council will be widened by clause 8 to include a power to report on buildings classified by the National Trust and on matters of its own motion. The Opposition has no quarrel with those two recommendations.

In regard to the examination of whether the buildings should be added to the register, at present an application to have a building examined can be initiated by the owner, the Minister, the National Trust of Australia (Victoria) or the Historic Buildings Council itself. Under this Bill any person can initiate an inquiry into an historic building. The Opposition believes this could lead to many mischievous applications. I own a house that was in existence in 1850 and that is not classified, not registered. I would be prepared to co-operate with the provisional register, if asked. The new provisions allow any person who is interested in that house to have investigations made into it. Moreover, I do not want to sell my house, but perhaps another person would want to sell his and the price could be substantially decreased if it was known at the time of the auction, and most houses are sold at public auction, that an examination was proceeding, initiated by any person. The Opposition finds this a difficult concept, that any person, without any right, can go to the council and suggest an investigation. I suggest that there is ample opportunity for an interested person to go to the National Trust and to ask it to look at the building. Honourable members who receive the National Trust newsletter will know that constantly their attention is being drawn to buildings that are of historical significance and that have been investigated by the National Trust and the cause taken up to preserve them. Under the 1981 Act anybody can apply to the Minister.

In the present Bill, although a building may have historical or architectural significance, no provision is made for economic factors to be taken into consideration. In relation to a State-owned building, it is clearly spelt out that consideration must be given to whether it is economically feasible to maintain that public building. Although the Minister in another place states that he wishes to ensure that both privately-owned and State-owned buildings are dealt with in the same manner, that will not occur. No provision is made for whether it is economically feasible to preserve privately-owned buildings. Members of the Opposition oppose that provision.

In the submission by the Inter-Churches Committee for Planning, one finds a good piece about churches being dealt with under the Bill. The committee states that the manner of liturgical celebration should not be subjected to the scrutiny of the council. The committee regards it as an unwarranted intrusion of the State into the area of public worship by individual churches. It states that any rights sought by the Government to constrain the alteration of churches for liturgical purposes, whether interior or exterior, is outrageous and, it is suggested, it may even be blasphemous. The committee says that no Government has any right to restrict the freedom of action in areas regarding public worship by any church unless the basic rights of others is being affected, and the alteration of buildings for liturgical purposes can never be regarded as a deprivation of the basic rights of others in society. The committee says that this is an offence against the basic right of religious freedom.

It has been said one can drive a horse and cart through the provisions of the 1981 Act relating to churches. The Opposition does not believe this. There has been no opportunity to test the 1981 legislation which came into
operation only early this month. The committee's submission goes on to say that it finds the provision which allows any person to make representation to be undesirable and that this could be used for mischievous purposes. It mentions economic factors. It says that the Bill, by amending section 18(7), removes the consideration of economic factors from the matters which the council is obliged to take into account when considering whether it should make a recommendation to the Minister.

The committee states further that economic considerations are extremely relevant to the owners, and I suggest that that is indeed so, and under the 1981 Bill there was a provision for a rolling fund to deal with questions of compensation and so forth.

The committee also says that economic consideration should be relevant to the question of designation, unless the Government can provide full and adequate compensation for the economic loss suffered by the owners as a result of the designation. Moreover, the committee states that the new Bill prevents any appeal being made to the Planning Appeals Board through the Minister in respect of the recommendation of the Historic Buildings Council, and that the right of appeal should be preserved. With that the Opposition agrees.

Clause 15 allows the council to delegate its function of issuing interim preservation orders and this is seen as a dangerous precedent. It may be that this Bill will preserve historic buildings for the future and there is no doubt that the Opposition and the Government wish historic buildings to be preserved for the enjoyment of future generations—they are part of our history which is not very old. Therefore, the Opposition is anxious for this to happen. However, perhaps the whole matter should be reconsidered in the light of current thought. On what should this new thought be based?

The Opposition believes the 1981 Bill should have been given a chance because this is a young country and we are learning and feeling our way and there are questions of balancing economic loss against preserving historic buildings, and owners' rights have to be taken into consideration. I am sure the Premier will appreciate what I am saying about property rights because in Victoria and in Australia there is freehold property. How far do freehold property rights extend? The situation in the United Kingdom might be different because in that country there is much leasehold land. Australians have been used to owning their own homes and their half-acre blocks of land and people have been used to doing what they wish with their homes so long as they do not break the law or affect the rights of other people. The whole question of preserving historic buildings goes to those rights. It goes to the question of whether a person owns his own home, or whether the Australian's home is his castle. Can any person, under the Bill, demand an investigation? There are very large questions at issue. I suggest that the Government has, once again, been hasty. It has the churches off side.

An article appeared in the Herald on 9 June 1982 under the heading, “Pulpit protest on Act change” which states:

Statements of protest were read today in Melbourne’s oldest Catholic church, St. Francis, in Lonsdale Street, against proposed amendments to the Historic Buildings Act 1981.

The rector, Fr. Tony Lawless, said today the amendments “swept away many of the safeguards and healthy limitations of the 1981 Act.”

Fr. Lawless said the amendment would infringe on the rights of churches to conduct worship in their own buildings in the way that they thought best.

He said the church was concerned that the amendment repealed an explicit exemption in the 1981 Act.

This exemption left the church free to make alterations “for the purpose of religious and liturgical natures.”

Fr. Lawless said: “The new Bill would give the Historic Buildings Council power over alterations, even to the painting, plastering and any form of decoration.

Fr. Lawless said that in modern practices of worship, to keep pace with modern life, it was quite common for the churches to adapt their decoration and layout to provide for better participation by the people.
"It would be quite unacceptable that the church be required to have a permit from the Historic Buildings Council for this," he said.

Fr. Lawless said it would place the historic significance of the building above its purpose—the worship of God.

The thought comes to me that churches exist to serve people and to provide a place of worship for the people of Victoria. If they want to alter something—for example, put a cross on a wall or inset it into a wall they should not have to run to the Historic Buildings Council. Not only does that cost time and money, the churches exist to give support to people who believe in what they espouse. In these days of materialism, it is refreshing that the churches are still doing such good work. This measure will hamper them in the provision of services to the people. If they want to bring their particular religion closer to the people by altering their buildings in some way, this measure will prevent them from doing so.

The Opposition opposes the Bill on the grounds that the 1981 Act was not given a chance. I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until the provisions of the Historic Buildings Act 1981 have been given a fair trial and until extensive consultations have taken place with all interested and affected persons in the State of Victoria."

The DEPUTY SPEAKER (Mr Wilton)—Is the amendment seconded?

Mr LIEBERMAN (Benambra)—I second the amendment.

Mrs PATRICK (Brighton)—I am supported in this reasoned amendment and in expressing the views of the Opposition by the honourable member for Benambra, who has taken this matter close to his heart. When we say a fair trial and extensive consultations, one could not criticize the former Minister for Planning on that ground. He had extensive consultations with numbers of interesting people. That is why the 1981 Bill was introduced. A lot of thought went into that Bill and it should be given a fair trial.

When one talks about extensive consultations, we again find in this place today that it does not appear that much consultation has taken place on this measure, particularly when the churches have banded together and made a submission to members of Parliament setting out this disagreement with the Bill.

One wonders why the church leaders were not listened to when no doubt they approached the Government and said they were unhappy about this measure. I know that many of the church leaders—I do not want to single them out—have worked very hard in contacting members of the Government and have resorted to the Opposition because they realize that they will not get a hearing from any of the members of the Government.

The Government appears not to be interested in what the churches want or think or whether they are unhappy.

I see I am getting the wind up signal from an honourable member who is chewing gum on the other side of the House. Honourable members will be interested to hear his contribution to the debate.

The Opposition believes that consultation has not taken place otherwise the extensive submission to which I have referred would not have been made by the Inter-Churches Committee for Planning.

Having spoken to some of the church leaders as recently as a couple of days ago, I know they have had no approaches from the Government to have discussions or to try to get over the difficulties. This Government that wanted consultation, that accused the former Government of introducing legislation without consultation, does not in this instance seem to have put its money where its mouth is. The church leaders are disappointed and upset.

I am sure there will be members of the community who will be absolutely horrified when they learn that, under the proposed legislation, any person can ask that a home or building be
investigated by the Historic Buildings Council. In my view, that is improper and is an infringement of personal liberty.

The Government has once again been hasty in introducing this measure without giving the Historic Buildings (Amendment) Act, which was recently passed and which came into operation early this month, a fair trial. Had time been given to see how that worked, we may have had better legislation and a whole new look at the historic buildings scene generally.

Mr WHITING (Mildura)—The Bill is interesting because one only has to read the speech of the Premier when he introduced it to realize that somebody has been examining the situation for quite some time and one may suspect some of the back-bench members—perhaps the honourable member for St Kilda—could have written the second-reading speech, because the terminology is very much along his line of thought. The first thing the Premier stated was:

In its present form the 1981 Act is unacceptable to this Government.

I do not remember that the Opposition, as it was then, being so violently opposed to all the provisions in the 1981 Bill.

Mr Cain—It was a long debate.

Mr WHITING—I realize that it was a long debate, but the Opposition was not so violently opposed to many of the provisions which the Government is now seeking to remove from the 1981 Bill. It is interesting because as the honourable member for Brighton has said, there has not really been a trial of the present Act because it was due to come into effect on 1 June.

Secondly, the checks and balances that were contained in the 1981 Bill are considerable and one would have at least thought that a Government rushing to pass other measures through Parliament may have been prepared to leave the Historic Buildings Act for amendment at a later stage, if that was the wish of the Government, after first seeing how the provisions worked in practice and whether it needed such violent amendments that are contained in this measure.

The Premier claimed:

The Government sees the replacement as lacking the conceptual quality of the original Act.

I guess honourable members could argue that point for a number of days. Until the 1981 amendments had been put into effect and given a chance to prove themselves to see whether there were deficiencies or otherwise in the actual registration of buildings, together with the effect the provisions had on various people who owned or had control of buildings that would be on the register of the Historic Buildings Council, the Government may have seen that maybe there was not such a great need for large scale amendment.

A further comment of the Premier was that because of the amendments before the House, the long-term certainty should be the objective. One could believe that that is probably the case, with the long-term certainty in the actual provisions of the Act, but then again, the same could be said of the previous provisions because, as I stated earlier, they contained a number of procedures that were available under every circumstance that could have come up under the registration of a particular building. Those provisions would have coped with the majority of situations that could arise, and, therefore, be covered reasonably well under the 1981 Act.

The Premier also claimed, that in addition to the immediate changes, the Government committed itself to a comprehensive review of all aspects of heritage control. Possibly as a result of that, further amendments will be made to tighten the provisions. There could possibly be control over those people who are fortunate or perhaps unfortunate enough to own buildings that are considered to be part of Victoria's heritage and, therefore, should be preserved with or without financial support from the Government or any other organization which is usually carried out at considerable cost to themselves. That is not an unreason-
able suggestion in most cases because generally people are prepared to cope with that sort of situation if the building is truly historic and a building in which they have a great deal of pride. There may be a proliferation of buildings that may eventually have to be preserved and the expense of maintaining them at the original standard with the limitations that are placed on the usage of those buildings, because of their shape and size and so on, can be an immense burden to the persons or organizations controlling them.

I refer particularly to the situation faced by the Uniting Church in Australia where it often finds that in most towns there are two buildings under its control—the original Methodist Church and the original Presbyterian Church—and either one or both could be described as an historic building in every sense. Obviously, the Uniting Church does not wish to retain both buildings. Victoria could be faced with a situation where anybody who believes in a large register of historic buildings, will be rushing around, under the provisions of the Bill, seeking to have these buildings on the register and, therefore, preventing, in most cases, the possibility of them being sold or transferred to be used for other purposes. That would not apply under the new provisions provided in the Bill.

The Premier should be cognizant of that fact and the fact that all honourable members have received representations from the inter-church committee for planning, pointing out the problems that face it in its planning, particularly with regard to buildings that are in the precincts of the church and not necessarily the church building itself. A permit would have to be provided or obtained before any alteration could take place in those buildings. The honourable member for Brighton believes that a permit could even be required in the case of a repainting or any small alteration such as plastering and so on. That is taking the measure a little further than I am prepared to take it, but that possibly may be the case.

Another provision that disturbs members of the National Party is the fact that the Historic Buildings Council, contrary to what is normally considered to be the Westminster tradition of Ministerial responsibility, will not have to obtain the consent of the Minister to issue an interim preservation order but the chairman and council will be able to issue an order subject to confirmation by the council. We have then a group of 15 people—admittedly with one member representing the Minister—with various interests around the State, making decisions for which the Minister himself would not at any time be responsible to the Parliament.

Mr Maclean—The operations of the Government Buildings Advisory Council are being merged with the Historic Buildings Council.

Mr Whiting—I agree, the Government Buildings Advisory Council activities are being merged with the Historic Buildings Council activities and, therefore, they have a different set of rules, but on the other hand, that is not of any major importance: although, again, the Minister will not be responsible for those buildings by virtue of the fact that the council is not responsible to him. He will have no control over the activities of the council in any way once the Bill is passed.

The National Party is not unhappy about the addition of the two members to the council because, obviously, it is suitable that an architectural historian be placed on the council, and naturally a representative of the Victorian Public Service Association, because of the involvement or inclusion of the Government Advisory Council provisions, merging them with the Historic Buildings Council provisions, that organization rightly should have representation.
Many of the other provisions are contained in the clauses of the Bill and I will have more to say on those points at a later stage. It is interesting that the Premier indicated earlier in his second-reading speech that the Government believes that any process of review should be, in his words:

to add substantially to equity and reliability whilst meeting the broad objective of simple, decisive decision-making at an appropriate level.

This is all very fine because, obviously, if it were to take place, the council, and those people involved with the registration of historic buildings and the like, would probably have disagreements from time to time. However, if some inexpensive decision-making process is available, that is all right.

The Premier went on to say in his second-reading speech:

The cross-section nature of the council, its broad terms of reference in this respect, and the provision of a right to be heard before a permit is refused, offer the owner a high degree of protection against biased or unfair decisions. If a decision is seen by an applicant to be improperly reached, the owner has, naturally, recourse to the courts.

Recourse to the courts under those circumstances would be an expensive undertaking. I find it hard to reconcile that comment with the earlier comment of the Premier that there should be simple, inexpensive decision-making at an appropriate level, when the only appeal provision is recourse to the courts.

The National Party is concerned about the comments of the Inter-Churches Committee for Planning. It believes the committee is genuine in its belief that this Bill is an affront to the decision-making ability of individual church bodies. I do not know whether the Premier intended that result when he introduced the Bill, but there will be more said about it during the Committee stage.

The National Party, because it doubts the genuine reasons for having such a rapid change to the existing untried legislation, will support the amendment moved by the honourable member for Brighton. If that motion were carried, and the present provisions of the Act were given a fair trial, the National Party would be far happier with the end result. With the co-operation of all people involved with historic buildings throughout the State, and people volunteering to provide information or allowing their buildings to be registered without any great argument, there will be a much more effective register of historic buildings and preservation of those buildings for many years to come than by force being used and by a council not responsible to Parliament.

If the Government is hell-bent on proceeding with this line, it will meet opposition from people who would normally be on side. I earnestly request the Premier to think about the comments of people who have already made submissions, and about the comments made by members of Parliament, before proceeding with the implementation of this Bill through this House and another place.

The DEPUTY SPEAKER (Mr Wilton)—In calling the honourable member for Benambra, I advise the House that honourable members will be now addressing themselves to both the amendment and the question that the Bill be now read a second time.

Mr LIEBERMAN (Benambra)—I support the comments of the shadow Minister for the Opposition and I support the amendment. Before going into detail, as the Minister for Planning in the former Government, it would be appropriate for me to refresh the memories of honourable members about some of the circumstances surrounding the legislation which the Cain Government Bill seeks to amend, and also the history leading up to the 1981 legislation.

The first point I ought to make is that if honourable members think that framing laws dealing with heritage preservation when it affects private property is easy, then they are kidding themselves. I speak with conviction on that because I had the pleasure of being Minister for three years in this State, responsible for the historic pre-
servation laws affecting private property. Those three years were challenging, and also very worrying on occasions, because there is inherent conflict in what Parliament seeks to do through the statute law with respect to the ownership of property, how it might be used and effected; the aspirations of sections of the community, like members of the National Trust, as to which property ought or ought not be preserved. It is a minefield, and very worrying at times, but overall it was satisfying.

I wanted to know a lot more about how these laws came about and I did not confine myself just to Victorian history. I did a lot of research and had discussions with people from other parts of Australia and overseas on their experience in this area. I remind honourable members that it was the Victorian Liberal Government that introduced the first law into Australia dealing with historic buildings. It is about eight years ago now that that legislation was passed. It was picked up in part by other States, New South Wales and South Australia; I do not think Western Australia, Tasmania, or Queensland, for reasons honourable members would understand very well.

In the eight years of operation of the Victorian legislation a lot was learned. Many sincere, dedicated people were involved, and a lot was achieved. A number of buildings were placed on the Register of Historic Buildings and problems dealing with how those buildings could be saved were overcome. Some new policies were developed as well, and these had tremendous potential. I hope the Premier will pursue those policies and give them endorsement as time goes on. There were programmes in Maldon, Chiltern, Yackandandah and Beechworth. Those last three places are within the electorate I represent. With a small amount of priming money, $20,000 to $25,000, an architectural advisory service was provided for private owners and, with encouragement and assistance, they became involved in the challenge of preserving their properties. Many of them succeeded. Many buildings were thought to be beyond viable future use but people found a way of saving them. They made them attractive and fit to live in, or to be used for business, and the success stories are there for people to see.

I invite honourable members to visit Beechworth, Chiltern and Yackandandah to see the progress that has been made in the preservation of historic buildings, and then to go to Maldon, which was started by the former Minister for Planning, Mr Geoff Hayes. That project has been tremendously successful. I understand that as many as 15,000 people visit Maldon every week-end to breathe in the atmosphere of the wonderful old buildings and to view their precincts. That is an indication of what can be achieved with imagination, co-operation and team work, and a minimum amount of funds.

The overall challenge to preserve all buildings that are considered by some people to be worthy of preservation, is where the real problem arises. The difficulties and problems that I experienced as Minister for Planning were not unique to me; they exist in England where, even with England's rich history and magnificent old buildings, which survived the second world war, the people had many problems in preserving some of those buildings. I found that the controversy that existed there was often not resolved and bitterness existed in some quarters there as it appeared to in some quarters in Victoria.

In America, I thought the hassles faced were similar to those faced by Victoria. It was there that I became convinced that one of the best ways in which the preservation of private buildings could be achieved was through depreciation tax provisions. This is particularly so when economics are involved. That is always the case and there is no point in attempting to hide it. It will always be the case. The Federal Government in America had recognized the value of heritage in the nation by introducing provisions in its income tax laws to enable depreciation claims to be made. The law in America
allows the cost of capital improvements involved in preserving buildings recognized as worthy of preservation to be written off for income tax purposes. I understand that approximately 50 per cent of the successful preservation projects in America are attributable to that incentive.

One can easily imagine that a commercial enterprise making profits that would attract a corporate tax of, say, 46 cents or 50 cents in the dollar, would welcome, for example, the opportunity of spending $1 million on saving, preserving and recycling a building, if it could write off that $1 million for income tax purposes over a period of five or ten years. The former Government, of which I was a member, commenced a campaign to persuade the Federal Government to examine the idea of inserting incentives of that nature in the Federal income tax legislation.

I can claim some limited success, in that I was able to secure the agreement of the Prime Minister and the Federal Treasurer to refer the question of depreciation on buildings on State registers to the committee studying depreciation under the income tax laws in connection with investment building. I am eagerly awaiting the outcome of that committee's deliberations. In the meantime, I was able to secure the support of all the State Ministers responsible for planning, who were kind enough to support the Victorian Government's submissions to the Commonwealth. I hope the Cain Government will also support the initiatives commenced by the former Government.

I am convinced that by a single act, the introduction into Federal law of the right to depreciation for moneys expended on buildings on the registers, would solve most of the problems encountered by the States, particularly with commercial buildings.

Honourable members have commented about the fact that the legislation I was responsible for introducing, which was to become law this year, will not be given the chance of a trial. That is a pity, not because I introduced it and take some pride in it— I remember the blood, sweat and tears shed in the conferences and negotiations held with many people—but because I believe it was worthy of trial. I well remember moving 80 or more amendments to the measure. Of those, 40 involved alterations to words but the remaining 40 or so were amendments of principle. I was prepared to move them, even though I was criticized for doing so, because I had learnt from consultation with many people that the Bill as it then stood could be improved and I believed the inclusion of the amendments would make the legislation worthy of further support and minimize the conflict, resentment and apprehension felt by some members of the community. I make no apologies for that. Legislation dealing with matters of this type should be developed in this fashion.

It is a shame that the Premier does not have a base of experience concerning the operation of the 1981 measure before proposing amendments of the nature proposed in the Bill. He and his party have said, “They are not suitable to us”. That is the Premier's right. He has the mandate. I hope, while the Bill is between here and another place, or during the Committee stage, the Premier will give consideration to changing his view on some of the proposals contained in the measure.

The first point is that an architectural historian is to become a member of the council. There is nothing wrong with that. I had thought that a member of that discipline could have been included under the categories provided in the measure introduced by the former Government, but a specific provision is to be made. Never mind, the Opposition will support the Premier in that; if he wants that discipline categorized, so be it.

The Premier rejects the establishment of a provisional register, which, as the honourable member for Brighton mentioned, was to be the new means of trying to bring parties together. At first, the provisional register was severely criticized by many people who
did not understand it. They said it would provide a chance for the Minister of the day to do deals behind closed doors. As a Minister for Planning, one gets used to that sort of unfair comment because people tend to be a bit derisive in that regard. They do not really understand what goes on and the effort put into trying to resolve problems and trying to achieve something that is worth while for both the owners of affected properties and the heritage of the people of Victoria.

If people took the trouble to examine the provisions of the 1981 measure, they would find that the provisional register would allow for maximum consultation. Nothing could be done without the knowledge of the Historic Buildings Council. The Minister was obliged to notify the council of negotiations, the registrar was to be alerted and the protection afforded the relevant buildings was iron clad. In fact, the provisions were so severe that one wondered whether many owners would want to take the opportunity of using the provisional register.

Despite all that, the Premier has said that the provisional register is to go. It is a pity the honourable gentleman is not prepared to try it for six or twelve months. He might then have been able to tell the House some success stories about buildings that might not have been saved had it not been for the provisional register. There will be no chance for that. Only time will tell what the effect of not having that mechanism will be.

The Premier proposes to insert in the principal Act a provision that will allow any person to apply to the Historic Buildings Council for a building to be examined. That was the law before the 1981 legislation, which attempted to remove areas of concern for many people. Whether that concern was really justified, only time will tell. They were concerned that the earlier provision had held back consultation and created unnecessary obstacles. Because of that concern, the 1981 legislation limited, to some degree, the persons who could apply to have a building examined for possible inclusion on the register. It provided that the National Trust of Australia (Victoria) could apply to the council. Of course, the trust has a representative on the council anyway, so it would have ample opportunity of trying to persuade the council to initiate an inquiry; the council, on its own initiative, could examine a building for suitability for inclusion; the owner of a building could also apply to have it examined for suitability; and the Minister could make application.

The Bill proposes to provide that any person may apply to the council to make an examination of whether a building should be added to the register. It was the belief of the former Government that any person who did not fit into the categories I have mentioned would have ample opportunity to apply to the Minister, asking him to bring it to the attention of the council, or could write to the National Trust, making the same request. If the person was a member of the National Trust, he could in that way ask the trust to initiate an application. The former Government was not cutting off the rights of any person outside that group to have a building examined. Indeed, there were more than adequate means for a person to do that but the Premier has decided to extend that additional means of examination. Unfortunately, this will create occasional areas of concern that will lead to an undermining of the confidence people need to have in the justice and equity of this sort of legislation.

Occasionally, despite the best of intentions of the Premier—and I accept that he means well—he will have ill-considered applications coming from people and under the statute and because of an ill-considered application has been made, it will immediately set in train a statutory process which will frighten the hell out of the owner in many cases and put the trust off-side at a time when a bit of patience and diplomacy could have been brought into the fold of consultation and perhaps a solution found to overcome the
perceived problem about preservation and perhaps lead to an agreement for the building to be registered without the need for the adversary role and atmosphere to develop. That is the tragedy of putting it that way.

I know it is democratic to say any person can apply but it should not be forgotten that one is talking about the rights of people with respect to their own property. That is very precious. I do not think any honourable member will argue about the need to regard a person’s property as precious in a democracy. Already there are laws that impinge on the rights of property, but democracy has evolved over the years with the belief that those rights ought to exist. Laws on planning impinge on rights and occasionally there are a few screams, and I could tell honourable members stories about those, but the fact is that most people accept that this is reasonable in a modern society and thus there are laws on planning; heritage law is another layer of responsibility and a potential erosion of property rights, and is a highly sensitive issue.

Parliamentarians must find the right mix of laws preferably with the least amount of restrictions possible to achieve the harmony, trust and confidence of people to get them to accept the extra responsibility they might not want with their own property so as to save a building that the community believes is worthy of preservation because it is part of our heritage. That is the challenge.

One does not add to the soup pot, if I can call it that, an unnecessary area of aggravation because the job will be made harder perhaps not this year or next year but sometime after that. A property will become the subject of a highly controversial argument or discussion. Perhaps there will be another Rialto—I hope there is not. That was a challenge to the Liberal Party, which it was able to solve but it did not do Victoria, the owners and the National Trust any good; while the matter was unresolved it did not do anyone any good. That problem was solved but eventually the Government will have a major area of controversy that will immediately excite the people again on the problem of heritage law and there will be that erosion of confidence that one needs to overcome the problem.

It is a shame that the Premier has to include this provision. I would not say that if I thought the rights of a person to have a building examined were not reasonably provided for in the 1981 Bill. There ought to be the rights of the citizen to express his interest in heritage and to have some mechanism of following it through. The law as it stands is reasonable. Through proper channels, any person can have a building considered and I think that is the way it ought to be. That ought to at least be tried, but it looks as though that may not be possible.

The other major area of change is the proposal by the Government to remove from the legislation provisions regarding the economic effects of preservation and the viability issues that were provided in the 1981 legislation. I find it rather fascinating. The Cain Labor Party Historic Buildings (Amendment) Bill will be a permanent monument to the strength, power and influence of Victoria’s new Minister of Public Works and I congratulate him. If one reads the measure, one will perceive that the Minister is so persuasive and powerful at the Cabinet table that he is able to have special provisions inserted on Government buildings on the questions of economics. He has been able to achieve this—and I refer honourable members to proposed new section 30(3) in clause 20. Some elements of economic criteria have been inserted for buildings owned by the Crown. It is fascinating to note that the Government is prepared to make such a provision—and it is quite wise in having those provisions inserted. Why on earth is it not prepared to maintain equal rights for private property owners?

The 1981 legislation initiated by the Government of which I was a member provides for some equity, some justice and for the right to have economics considered. Those provisions are to be struck out by this legislative measure.
Strangely, because of the persuasiveness of Victoria's Minister of Public Works, the Government is inserting economic provisions for Government buildings. The Minister of Public Works did well but the people of Victoria who own private property have done very badly. That is a tragedy and I cannot fathom it.

As I said before, I took the trouble of studying the laws in other States to determine whether there was any justification in inserting economic criteria in the Bill for which I was responsible. It seemed fundamental that if one were saying to a property owner that his property is of such great importance and significance that it ought to be classified as a building of historic significance and put on a register, which means hereafter he cannot do what any other property owner can do, whether renovation or demolition unless he satisfies the Historic Buildings Council and if not and he damages the building, under certain circumstances he may go to gaol, the same criteria should apply to public buildings. That is very heavy stuff and, when talking of heritage, I suppose it has to be that way.

What is wrong with the 1981 provisions of the former Government? Because of the level of law and obligation on a property owner, if either a property owner or the Historic Buildings Council decide that economic factors need to be considered because the question of preservation is of concern, what is wrong with that being examined? What is wrong with the legislation providing for that right? I cannot work out why the Labor Party Government will not allow it.

I had recognized that there was some validity in the argument that economics should not be the first criterion. I was prepared to accept that and that was the justification for some of the substantial amendments that I moved to the 1981 Bill. I was convinced that, when examining the historic significance of buildings, economics should be a matter of separate consideration. I came to that view after consultation with many people. I also came to the view that when one comes to the question of recommending a building for addition to the registry for preservation the question of preservation and economics are inseparable. One cannot bury one's head in the sand and say, "Do not worry about the economics of keeping the building safe and intact." One cannot say, "Forget about the law which says a person may go to gaol if a building is not preserved."

The economics and the preservation aspects are inseparable. That is why when in Government, the Opposition in 1981 introduced a Bill which provided for the rights of the owner to ask for the economics to be taken into account and to ask for a report about the viability of the project. In this way a balanced report could go to the Minister before he went to the Governor in Council with the recommendation. In that way the owner could ask for a review if he felt the economic burden was too high. If in the final outcome the owner was rejected in all those processes and told, "Forget about the economic arguments; they are not sound; they are rejected and the building will go on the register", at least the Parliament and the owner could be satisfied that justice had been done.

Under that Bill members of Parliament would feel that the owner had canvassed all areas of concern. The owner could present his economic argument, and have it carefully evaluated, if necessary by an independent person. Finally the Minister through Cabinet would make the fateful recommendation and then be accountable for his decision to the Parliament and the people of Victoria under the Westminster system.

Unfortunately, the Bill before the House removes these elements of justice and equality. It is a pity and it is not an area of legislation which the Liberal Government introduced without precedent. I remind honourable members that the New South Wales heritage legislation which was enacted in 1977 provides for these factors. I understand that the legislation has been amended a few times since, but remains basically the same. Section 41 of the New South
Wales legislation provides for the consideration of economic factors. The Act states inter alia:

Where an owner . . . makes a submission by way of objection on any one or more of the following grounds, namely—

(a) that the building, work, relic or place the subject of that proposal should not be subject to a permanent conservation order by reason that it is not an item of the environmental heritage;

(b) that the building, work, relic or place the subject of that proposal should not be subject to a permanent conservation order by reason that its permanent conservation is not necessary;

(c) that the building, work, relic or place the subject of that proposal should not be subject to a permanent conservation order by reason that such an order would render the building, work, relic or place incapable of reasonable or economic use; or

(d) that conservation of the building work, relic or place the subject of that proposal could not be achieved without causing undue financial hardship . . .

The New South Wales legislation provides the owner with some rights and protection and I suggest similar rights should be allowed for in the Victorian legislation. I will be following up the matter in Committee and opposing an amendment concerning the aspect affecting churches. It is a tragedy and the Premier should have regard for the amendment of the honourable member for Brighton. The honourable gentleman should take the opportunity of deferring discussion further so that he can once again meet with the churches. The Bill seeks to place churches in a position where they have to approach the preservation council. In that way the preservation council becomes the court that will determine what the liturgical or religious practice is.

Mr DICKINSON (South Barwon)—I support the amendment. Previous speakers have mentioned the concern for the abolition of the provisional register which is a retrograde step and the dangers of allowing any person to initiate the classification of a building. They have also mentioned the economic factors whereby a party can be put to the problems of a building remaining empty for a long time. We saw what happened with the Rialto building. If we bring the matter home there are 25 per cent of buildings listed by the National Trust of Australia which belong to churches, whether they be Catholic, Uniting Church in Australia, Anglican or Presbyterian Church of Victoria.

In response to an interjection, I shall begin with the Presbyterian church for the benefit of our friends from Scotland! In Geelong the building known as St Giles Presbyterian church has sat idle for five years and cannot be demolished because it is on the historic buildings register. The hands of the owners are tied. Members of the House may not be aware that prior to the building of the Mercy Maternity Hospital, a well-wisher had classified a cottage on the site which formerly belonged to Bishop Gould. Thousands of dollars later the building was removed from the register so that the building of the hospital could go ahead.

Honourable members are probably also aware of instances where, prior to the sale of a building, it is classified and put on the register. I can single out Raheen in Kew, the former home of Archbishop Mannix and Lathamstowe, which is an Anglican rest home for clergy in Queenscliff.

I also refer to the building belonging to the Uniting Church in Toorak Road and more recently the Clark Rubber Ltd building which is a mock Gothic building, constructed of Portland cement, next to St Paul's Cathedral in Flinders Street. The facade to this building is classified, and plans for development of this property are being delayed.

It can be said that unless we are careful the State can be accused of unwarranted intrusion into private property rights. In 1981 when the former Bill was discussed I can well recall Archbishop Little sharpening his cutlass in readiness to meet the former Minister for Planning, the honourable member for Benambra. On that occasion the church was not at first consulted and I had the fortune to be a lay member of the inter-church buildings committee. After putting various submissions together to the Government, due weight was given to the considerations of that committee concerning unwarranted interference whether it be a church or private prop-
Some property. Someone may have a development in mind and may be hindered by a well wisher placing it on a register.

I can remember another instance involving an old weatherboard property owned by the Catholic church in Burnley which was placed on the register. That building was about to be developed into homes for the elderly and once again the church was put to needless expense to remove it from the register.

If the State is to have this protection of its heritage some people must bear the legal costs of placing buildings on the register. If buildings are placed on the register and later removed the person responsible should bear the brunt of the expense. Honourable members are aware of many buildings which are important to our heritage whether it be the Smeaton flour mill near Ballarat, the Portarlington Flour Mill, the Russell's Bridge Flour Mill or Barwon Park near Winchelsea. Another area important to our heritage is the Anglican Church at the old gold mining town of Steiglitz near Geelong. An unnecessary burden would be placed on the church if this was classified and had to be restored.

If a church building is on the register, the church is forced to maintain that building to the required standard. It is of concern to the church that some buildings have gone beyond their economic life. The placing of buildings on the register can be an untold burden on a church and its congregation.

Churches have limited funds to do their work in the community and ask for special consideration with the retention of this preliminary register so that the hardship is lessened. I urge the House to consider the amendment and not to place the preservation of buildings before the interests of people. When it all boils down, the good sense of many people in the community has saved many historical objects of community interest for posterity by virtue of the fact that they are worth saving and common sense has prevailed.

The structures will be preserved because of their true worth, not because someone gets carried away and manipulates the provisions of the Act, bringing untold economic hardship on those who own the buildings.

Mr BURGIN (Polwarth)—This is a unique debate because, for the first time in my memory of this House, debate on an issue has been one-sided. It seems to me that the Premier and the Minister for the Arts are battling this issue on their own. Not one honourable member on the Government side of the House is backing the proposed legislation. Maybe the gag has been applied, but it would be interesting for members of the public and the Opposition to hear the views of the Government on this amending legislation.

I fully support the remarks that previous speakers of the Opposition and National Party have made on how the amendments affect churches in Victoria. They are naturally worried about the measure because the amendments will intrude into worship in Victoria. It is deplorable that the Premier has been willing to introduce these amendments without consulting the people involved. I plead with the Premier to accept the reasoned amendment moved by the Opposition for that reason. I have been involved with historic buildings, which I want to save as much as anyone else in this House, but I have been particularly involved in the problems that the proposed legislation have created for private persons in their private homes. I refer to the homes that they live in, which are their castles and which have always been considered to be so. These buildings are predominantly out in country areas, which is where the electorate that I represent is situated.

Ever since the legislation was introduced I have been involved in the problem of preserving private homes for the future. I wanted to be able to preserve those private homes as much as anyone else, but I consider that the people who are living in them have significant rights as well. I refer to times when young people who were just married took over a homestead on a property. The property may have been split up over the years so that not a
large income was received in order to keep the homestead going. Those people suffered the indignity of having to put up with people from various departments—connected with the Bill—coming into their homes and telling them what colours they could paint their rooms. They came in uninvited, without notifying the owners, and on other occasions they did not arrive when they had notified the owners they were coming and the owners had stayed home to receive them. Those may have been the bad old days and matters may have improved since that time.

Mr Simpson—When did this occur?

Mr BURGIN—These events occurred after the legislation came into effect eight years ago. Private homeowners who wished only to look after their homesteads and keep them intact were being told to paint their rooms blue, even if they had a baby girl, because that is the colour they had originally been painted. This occurred before the legislation was changed, introducing common sense into the Act and causing the people administering the Act to adopt a more common-sense approach.

It seems to me that without giving the last amendment a trial the Premier has decided to turn back the clock a number of years to the days when these events can happen again. The situation was reached in which homesteads were often classified only for a staircase in the building, not for the structure of the actual building. Common-sense should prevail and people in those homes should not be burdened with the extra additional cost and additional hassle when a staircase can be preserved in other ways without including all of the building and its surrounds.

The same position has applied on many occasions in which one could not alter the colour of decor in rooms without the permission of the Historic Buildings Council. That is carrying the matter too far. If one wants to preserve a wallpaper that is 100 years old, one should reserve it and put restrictions on it being altered, but restrictions should not be put on walls that have been painted and re-painted over the years because someone noted on the original plans that the decorating was handled in a certain way 100 years ago and put restrictions on the family concerned to restore the building in the same manner. That is what was happening and what will happen under the proposed legislation.

Mr Premier, you mentioned earlier today on four or five occasions that you are a reasonable man. I heard you say it and laughed about it because I really think you are, but thought that for you to be saying it was carrying it a little too far.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member for Polwarth should address the Chair.

Mr BURGIN—I laughed when the Premier said that. I believe he can be an extremely reasonable man and all I ask him to do is not to change the legislation at this time but simply to lay the Bill aside for a period and listen to the problems of the people who are involved and caught up with private domestic homes.

I am not talking about the private commercial situation as that is another category. I ask the Premier, through you, Mr Speaker, to consider the private domestic home situation. People in those homes do not always have the money to be able to afford to repair a slate roof as it should be, and yet they can be compelled to do so. There are many other incidents in which magnificent homesteads are falling into disrepair. They may be on the Historic Buildings Register, but nothing is being done to them because the owners cannot afford to restore them.

If the public and individual persons who have rights want these buildings preserved, let the taxpayer help in some instances. I also consider that if the taxpayer is helping in the provision of money to restore some of these private domestic homes, the individual owner must withstand restrictions placed on him. If he is willing to look after that home on his own account, as those people have done in so many
cases for generations, I do not consider that person should have a number of people telling him what to do on matters that really have nothing to do with the state of the home that is required to be preserved.

I plead with the Premier to hold off this Bill for a period and listen to those people, as I have listened to them over a number of years. The former Minister listened to them but, so far as I am concerned, he did not go far enough on this subject either. If one listens to these people one hears of the problems that are involved with the private, domestic home that they want to look after on their own account, as their forebears have done before them for many years.

Mr EBERY (Midlands)—The Bill being debated has the same title as the first Bill to be introduced in 1974. When it was spawned, the reason behind it probably was to make provision for the township of Maldon to be classified by the National Trust. Maldon was the first town in Australia to be classified by the trust.

No doubt the Government fully intended to ensure that the township of Maldon was retained in its historic state and many mistakes were made during those first few years when various buildings in the township were ordered to be retained. One of the problems Maldon faced initially was the almost total lack of communication with the Historical Buildings Council which was located in Melbourne. That caused dissention within the local community, and that was where the majority of the problems arose. Costly delays in planning resulted and even the Maldon hospital committee was placed in a difficult financial situation. The Historical Buildings Council was sometimes completely unrelenting in those early days and that, too, created problems.

When Mr Hayes took over as Minister for Planning, the problems began to be resolved. Mr Nigel Lewis, a consultant to the Town and Country Planning Board, was employed two or three days a week at Maldon talking to the local community and explaining ways and means by which people could improve their properties, and then the revolving fund was established. I hope the Premier will continue that fund because it was most beneficial. It gave a sense of pride to the local community in Maldon and virtually saved the town. The character of the township of Maldon has improved to a marked degree over the past four or five years, and that is an indication of the importance of the revolving fund.

The Premier should also consider employing further specialist people throughout the State. Where communication is good, the sense of "them and us" is overcome. There can be no doubt that, in relation to Maldon, the appointment of Mr Nigel Lewis was the best way of overcoming difficulties regarding the preservation of historic buildings.

At the same time, economic factors must be considered. I can quote one instance that occurred a number of years ago. In about 1977, one couple employed three people to restore a derelict home. They were prepared to spend $50,000 to $60,000 on the property. Then the Historical Buildings Council placed an order on the wallpaper. The wallpaper had been applied in the kitchen to be used as the backdrop for the film Break of Day and the trust classified the wallpaper which had been in position for only six months.

The point I am making is that Ministerial responsibility must be established. The Minister should have at least overviewing responsibility. If the Historical Buildings Council is not responsible to the Minister, those types of instances can occur and the overriding responsibility should be with the Minister. The Premier should ensure that that type of responsibility is accepted.

It is interesting that the Minister of Public Works is not bound to respond in respect of buildings under his control and I believe the Historical Buildings Council should take cognizance of the economic factor of buildings. Why should some sections of the community
be exempt from responding to the register when others are not? That is a double standard.

The House should support the amendment moved by the honourable member for Brighton so that the Historic Buildings Act 1981 can be given a fair trial. As I have already said, when the Historic Buildings Bill was introduced a number of mistakes were made, but the Government nevertheless allowed the Act to continue to operate and, as a result, the 1981 Act was a better Act, but the present Government is not prepared to give this amendment a fair trial. It is not allowing the consultative process which it always pursued when in opposition. I urge the House to support the amendment.

Mr RICHARDSON (Forest Hill)—This is an important Bill. The history of settlement in Victoria is relatively short, yet a number of significant and substantial buildings exist in this State. Due respect should be paid to the architectural heritage of Victoria. Honourable members opposite have said that the Bill recognizes the importance of these buildings to the heritage of Victoria and that recognition is bestowed upon those persons who own the buildings. However, what bothers the Opposition, and indeed many sections of the community, especially the churches and private owners of historical buildings, is that although the historical and architectural significance of buildings is recognized, the rights of Victoria are not recognized in the same way by the present Government.

The Opposition is deeply concerned that the propositions contained in the Bill do not take account of the rights of individuals, the churches and the owners of many of the buildings that will be covered by the proposed legislation. Honourable members opposite have made what could be described as almost passing references to the importance of liturgical practice. Indeed, the Government has given a rather glib assurance that there will be no interruption or interference with the rights of the churches and liturgical practice in the relationship between the provision of the proposed legislation, its operation and those buildings that are used by active churches in the community.

However, the community is faced with the problem that the Government has already given a multitude of bland assurances on a variety of matters. The evidence is that one simply cannot believe what the Government has said. The explanatory second-reading speech is couched in the most delightful phrases. That speech has been nicely put together and it contains bland assurances to all and sundry that rights will be preserved and that the architectural heritage of Victoria shall continue forever. However, the substance of the Bill does not measure up to the assurances contained in the explanatory second-reading speech given by the Premier.

Not only does the Opposition fear for the preservation of individual, corporation and church rights within the community, but also the community is fearful for those rights. The churches are deeply concerned about the implications of the proposed legislation. The churches are concerned that the Government cannot be trusted to measure up to the sorts of assurances it has given.

The Opposition is concerned that the rights of individuals should not be trampled underfoot by a Socialist Government in pursuit of some ideological goal. The Opposition is concerned that historic buildings of architectural and other significance should be preserved. The former Government enacted legislation to that effect.

The Government wishes to sweep the provisions of the 1981 legislation aside, but it has not given any good reason for its action. There are several pages of the explanatory second-reading speech contained in Hansard, but nowhere in that speech is there an adequate justification for the decision of the Government to refuse to give the 1981 legislation a chance to demonstrate whether or not the provisions of that legislation will work; one will never know if the Government continues with its course of action because the 1981
legislation will be repealed. The proposed legislation carries many threats to individuals and organizations within the community. Why was the Government not prepared to allow the 1981 legislation to run its course and to demonstrate either one way or the other that it would meet the needs of the community?

One could adopt the most charitable view and say that the Government is driven by its own ideology. That appears to be the most charitable explanation that one could provide for the action taken by the Government in introducing a Bill of this type. The Opposition has moved an amendment, which states, *inter alia*:

> That this House refuses to read this Bill a second time until the provisions of the Historic Buildings Act 1981 have been given a fair trial and until extensive consultations have taken place with all interested and affected persons in the State of Victoria.

That is an eminently reasonable suggestion. After all, the Government cannot claim that the provisions of the 1981 legislation have been a failure because the Government has not given the legislation a chance. The Government has decided, in a high-handed manner, to sweep the 1981 legislation aside in pursuit of its ideological objectives. One suspects that the new Government having come to office, in a fit of pique, has decided that it will sweep away as much as is possible of what has gone before under other Administrations. I appeal to the House and to the Premier, who made much of his reasonableness this morning during question time——

Mr Cain—You didn’t laugh.

Mr Richardson—No. I find very little to laugh about in the Premier. I appeal to this most reasonable of Premiers to consider the amendment that has been moved by the Opposition in the interests of the individual within the community; in the interests of organizations within the community and in the interests of the many churches within the community that are genuinely concerned about the intrusion into their rights as religious organizations.

The amendment, if adopted, would not interfere with the intention of the Government to preserve historic buildings that are of architectural significance. However, if the Government retained the 1981 legislation, it would demonstrate to the community that it is a reasonable Government and that it is not a Government that operates in a high-handed, ideological and Draconian manner. The Government would reveal that it is prepared to listen to the requests of individuals, organizations and bodies within the community that are genuinely concerned about the provisions contained in the Bill before the House.

I ask the Premier to consider his position on the matter and to give the 1981 legislation an opportunity to run a course. If the Premier does agree to the proposition, and if that course is allowed to run for a certain period of time, it should be allowed to run fairly. There should not be any deliberate attempt by the Government to make it fail so that it can demonstrate what a disastrous piece of legislation it was.

I ask the Premier to give the 1981 legislation a fair trial in the interests of fairness to the community, to the unselfish organizations and to individuals.

Mr Saltmarsh (Wantirna)—I want to say a few words on behalf of churches, because many people believe that because churches have a lot of property, they are wealthy and can afford to undertake expensive repairs and renovations on some of the buildings they have developed over many years for their worship and the service they provide to the community.

The churches, because they have been one of the most basic of social units in our society, have provided many of the early buildings which are now regarded as being of historic merit and value. However, because the churches see themselves as having a continuing life of their own, constantly
adapting to social change and need, from time to time the shape or style of their building needs to be changed to conform with varying standards and expectations of community life. Therefore, to have a requirement that they may not change in the way they believe is legitimate for their own life, and to be required to appeal to some other outside body which is not interested in understanding the role of the churches or their liturgical needs seems to be a deep intrusion into the rights of citizens and of groups. It is a fundamental right that must be responded to, and I hope the Premier will give real consideration to this matter.

As I understand it, it is not that the churches are necessarily concerned about having to conform to certain standards for their buildings; they are concerned about an outside body seeking to tell them what their internal activities should be and what form they should take. Even if that is done unwittingly, it is still a basic intrusion which must be regarded as a real problem in a democratic society. I do not want to expand on this view, but simply to make the one basic point that we must respect the integrity of these groups, without interfering and without giving instructions to them to change the way in which they see their life being adapted.

On the other hand, these days churches in many instances do not have large congregations. Years ago it was regarded as a public responsibility of people to support their church, so instead of taxes, large contributions were made to churches. Some people know about this through present stewardship drives and similar activities. Nevertheless, in past years a significant public contribution was made to maintaining the fabric of the building of the churches.

These days the circumstances have changed and there is not the same capacity within the community to provide for the maintenance and upkeep of these properties. Therefore, if a Government seeks by the means contained in this measure to ensure that maintenance is carried out, for some reason other than liturgical, on particular types or forms of building, it is incumbent that additional public resources also be made available to enable that work to be done. This is a basic right that attaches to the very nature of property.

If we deny the nature of property, in a real sense we also deny the nature of freedom.

I therefore ask the Premier to take into account seriously what is being done in this measure and at least let it stand over for the time being to allow further consultation, to establish and maintain the goodwill of the community.

Mr WILLIAMS (Doncaster)—It is a new experience for me to sit in Opposition. For nine years I had to endure people on the other side of the House going on and on, so if some of us are getting our own back now, that is not surprising!

This is another example of a half-baked Bill that the Government is trying to steam roll through, as it does in Caucus. I do not know how the junior Government back-benchers will ever get experience of speaking in the House, because they are not enabled to make their contributions to debate. I am sure there are honourable members with brilliant minds on the other side of the House who must be concerned, as I am, about the preservation of our historic buildings.

I represent an electorate in which there are some remarkably old buildings that need preservation. One of these is the Holy Trinity Church in Doncaster which is much more than 100 years old. That church needs to be protected for our future heritage.

The churches are quite right in their objection to this Bill. But of all controversies that have been debated in Parliament seldom has there been one in which every church across the spectrum—the Catholic Church, the Church of England, the Uniting Church, the Greek Orthodox community and the Jewish community—is gravely concerned about the effect of this Bill on its privileges and heritage.

Mr Saltmarsh
We are all concerned to maintain our freedom of expression and our freedom of religious beliefs. In some respects the Bill threatens the traditions of our way of life, and I oppose it.

Mr A. T. EVANS (Ballarat North)—I appreciate the opportunity of saying a few words in this debate. The honourable member for South Barwon raised the matter of the Smeaton flour mill, which is probably our most historic building in Victoria. It is a five-storey bluestone building which was built by the pioneers in the early days and which still contains a water wheel which is in running condition and could become one of the highlights of the tourist industry in this State.

The SPEAKER (the Hon. C. T. Edmunds)—I presume this water wheel is relevant to the Bill?

Mr A. T. EVANS—Sir, it is more historic than some of the fittings and some of the characters around this House.

The SPEAKER—It was the relevance to the Bill that I was curious about.

Mr A. T. EVANS—In fact, I believe it could be much more active!

The reason why this mill has been preserved is very important to this debate. The honourable member for Polwarth, in particular, said that families who still control or own these buildings are prepared to co-operate in playing their role in preserving the buildings for the future, but the question that is asked is: Why should they carry the cost?

I believe the answer can be found in the preservation of this magnificent building in as much as the Commonwealth Government and the State Government have both contributed by providing essential funds for the preservation of the building. For years I have maintained that it is too much to ask for the full restoration of many of these valuable buildings which play an important role in the heritage and history of our State. The least the Government can do is to weatherproof these buildings so that in the future other generations can restore them to their past magnitude and glory. This mill was roofed with Welsh tiles which came out as ballast in the windjammers. The building has been restored and the windows have been repaned and it is now weatherproofed. It is one example of what can be done with some understanding by the Government instead of simply imposing a hard law and ruling on the owners of the building.

Another example of which I am particularly proud is the restoration of the Baker Hill building in Ballarat which is now regarded as one of the landmarks throughout the world of the McDonald chain of stores. During the fight to prevent the demolition of this building, I stood alongside the ladies of the National Trust and the long-haired young fellows to protest against plans to erect one of the standard McDonald glass and aluminium buildings. The retention and restoration of that building by the McDonald's chain was a hallmark in the preservation of old buildings in Ballarat and also in the approach that the McDonald chain had throughout the world. It found that people liked that kind of building and the patronage exceeded expectations. Now wherever possible, McDonalds has tried to make its contribution to the preservation to these types of buildings.

Only one other example comes to mind at this stage—the preservation and weatherproofing of a building in Clunes which was the original Methodist church in the town. This was a prefabricated building made in England and brought out here, somewhat like the Parliament House in Sydney. Was not that the rum hospital, a prefabricated building brought to Australia?

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member will address his remarks to the Chair.

Mr A. T. EVANS—Certainly, Sir. I did not think you were so interested, but I apologize. This building in Clunes, which was used by the local boy scouts,
was preserved when it was likely to be demolished, because it was becoming run down and the weather was getting into it, by no other group than the Young Liberals which had working bees to preserve the building. Today it has been vacated by the scouts for another building in the town, but at least it has been weatherproofed and will be preserved for the future.

I ask for tolerance by the Premier and his Government because I believe in a little co-operation instead of standing over the owners to preserve many of these buildings for the future of Victoria.

Mr CAIN (Premier)—I suppose one could listen to this debate with a sense of déjà vu because it was all debated in this place fifteen months ago. Those who took part will confirm that not much new has been said today. Perhaps the only new principle embraced in this Bill that was not contained in the measure before the Parliament earlier is the joining together of Government and non-Government buildings in the one provision. That is a different provision. Last time the debate was long. I believe there have been three Bills on this subject before the House on previous occasions. As the former Minister said, there were some 80 amendments during the course of that Bill.

I also point out that the Government is making a benign response to the arguments raised by the Opposition because, as I said before, it believes all the relevant issues have been debated by the Parliament before. I point out that the 1981 Bill to which reference was made was gazetted and proclaimed three days before the election—I think I am correct in saying it was 30 March or thereabouts—in the full knowledge that there was a sharp conflict between the two principal parties in this Parliament over the principal issues, the subject of this measure and the subject of the 1981 Bill.

Mr Lieberman—The Parliament passed the Bill.

Mr CAIN—I am not suggesting that it did not, but that was the sequence of what occurred. That affects the Government's attitude on this measure.

Firstly, I shall deal with some of the arguments raised by honourable members during the course of the debate. I believe all Opposition speakers missed the critical point of this measure. The Bill separates the identification process from the preservation process. That is the key feature. I make it clear that the fact that a building is identified as being an historic building does not necessarily mean that any further action will be taken in respect of preservation. It merely creates the situation of identification having taken place, and the second stage of the process may or may not occur.

I shall deal briefly with a couple of points raised by both the honourable members for Brighton and Benambra whom I regarded as the principal Opposition speakers on the Bill. Each raised the question of the provisional register which was to go. The Government makes no apology for that. It does not believe any good purpose is served by the register. There is nothing attractive about it. All the arguments about the provisional register that were made during the last debate still apply. It opens the way for a back-room process. It is not out in the open as it should be. The Opposition believes the register and the process set out in the present Bill which reinforce the 1974 provision are the proper ways of dealing with the question.

The other matter raised with some vigour by the Opposition was the third-party applications. Those are now excluded by the present Act. What I describe as "Any person" is precluded from making a direct application in regard to the identification or preservation of a building. He or she must now lobby either the Minister, the Historic Buildings Council or the National Trust to "get a guernsey". The Government believes the community has an interest in buildings at large and that certain individuals have a right to exercise their franchise or to put their views in respect of particular buildings. If the application is pedantic, frivolous or vexatious it will be quickly identified as being so by the Historic Buildings Council and will be put out the door.
The alternative of that process is the capacity for knowing how to work the system and lobby.

The next matters raised by both the honourable members for Benambra and Brighton were economic considerations. The Government regards these as creating a situation where one has transitory economic considerations and personal matters determining the future of a building for all time. I point out that economic considerations change. It could well be argued today that very few, if any, city buildings could be said to be economically viable for the present cost of money and the cost of maintaining even a building of recent vintage and recent origin. What is economically viable is subjective.

Under the provisions of section 22 of the principal Act almost anything that an owner asserts could be held to be of economic consideration and make a building, as it presently stands, not economically viable.

The last consideration of consequence put by the Opposition is the concern of churches. I say at the outset that the position the churches will enjoy under the amending provision is a stronger position than they enjoyed from 1974 to the present time.

Mrs Patrick—Why are they not happy about it?

Mr CAIN—The 1981 Act has not been proclaimed. I see the honourable member for Benambra endorses what I say, that from 1974 until the 1981 Act was passed the churches did not enjoy the position it is now said they enjoy and which they wish to preserve.

The churches are in effect saying that they should be treated differently from anyone else, that there are special reasons why they should be treated differently. As I said, the churches are better off now than they were under the 1974 Act.

The provisions contained in clause 18 make it clear that there is a right of determination in respect to those matters which it is suggested concern the churches. Clause 18 (b) states:

For sub-section (11) there shall be substituted the following:

"(11) In determining an application in respect to any alteration to a registered building or registered land (being a church or land within the precinct of a church) for purposes which are of a religious or liturgical nature the Council shall not make a determination which will prevent the carrying out of religious rites liturgies or accepted practices of worship in or relating to that church."

The honourable member for Benambra interjects to say that the council acts as judge and jury. That is the role in which the council is cast in the determination of historic buildings generally. What is being put is that churches should be treated differently from anybody else. In regard to the determination of that provision, the churches are better off than they were from 1974 to 1981.

The other matter I want to join issue with is the suggestion from an honourable member opposite that there was no discussion with the churches. I am advised by the Minister that there has been considerable discussion with the churches, that he had discussions with them and will continue to do so and intends not to ride roughshod over their views. In his report to me, the Minister believes he had satisfied the reservations the churches had by the insertion of the provision contained in clause 18 (b).

The Government does not accept the recent amendment moved by the honourable member for Brighton. It is not possible to try out something that can and will be as destructive as the provisions contained in the 1981 Act and restore the position. One cannot put buildings back together again. The other reason the Government is not prepared to give it a trial, as suggested, is that expectations are raised when a measure is in operation for some time.

As indicated earlier in response to the remarks by the honourable member for Mildura, there was considerable debate on this matter. The present Government, when it was in Opposition, made its views very clear about the measure and
I repeat that the primary thrust of the measure is to sever the identification and the preservation processes and to say that they should not be merged. One identifies first and may or may not preserve in the future.

The House divided on the question that the words proposed by Mrs Patrick to be omitted stand part of the motion (the Hon. C. T. Edmunds in the chair).

Ayes 44
Noes 28

Majority against the amendment 16

AYES
Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Gray
Mr Harrowfield
Mrs Hill
Mr (Frankston)
Mr Hill
Mr Hockley
Mr Ihlein
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews

Tellers:
Mr Pope
Mr Sheehan
(Ballarat South)

NOES
Mr Austin
Mr Brown
Mr Burgin
Mr Dickinson
Mr Ebery
Mr Evans
Mr (Ballarat North)
Mr Evans
Mr (Gippsland East)
Mr Hann
Mr Jasper
Mr Jona
Mr Lieberman
Mr McGrath
Mr McKellar
Mr McNamara

Tellers:
Mr Delzoppo
Mr Saltmarsh
The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes: 44
Noes: 28

Majority for the motion: 16

AYES
Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Gray
Mr Harrowfield
Mrs Hill
Mr Hockley
Mr Ihlein
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Miller
Tellers: Mr Gavin

NOES
Mr Austin
Mr Brown
Mr Burgin
Mr Dickinson
Mr Ebery
Mr Evans
Mr Evans
Mr Hann
Mr Jasper
Mr Jona
Mr Lieberman
Mr McGrath
Mr McKellar
Mr McNamara

The SPEAKER (the Hon. C. T. Edmunds)—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived.

On the motion of Mr FORDHAM (Minister of Education), the sitting was continued.

The Bill was read a second time and committed.

Clauses 1 to 11 were agreed to.
Clauses 13 and 14 were agreed to.

Clause 15 (Amendment of No. 9667 s. 18)

Mr WOOD (Swan Hill)—Many members of the Opposition have expressed concern about problems that may be created by the amendments proposed by the Government in the Bill. Clause 15(a) provides for the amendment of section 18(1)(c) of the principal Act to provide that any person may make application in the prescribed form for the examination of a building to be included on the register. This matter has been thoroughly debated, and the Premier talked about the right of any person to have an input. I do not think anybody could deny the right of a citizen to have an input in asking whether a building is of historic significance.

Under the 1981 measure, the National Trust, the Historic Building Council and the Minister are able to seek or carry out an investigation of any building that may be considered to be of historic significance, to determine whether it should be put in the register and preserved in its entirety or in part, and any person could go to the Minister, the council or the trust seeking such an examination. However, under the proposed legislation, any person can make application in the prescribed form to the Historic Buildings Council to examine a specific building to determine whether it is worthy of preservation.

The CHAIRMAN (Mr Wilton)—Order! There is too much audible conversation in the Chamber. The House is not a place in which to conduct meetings. If honourable members wish to confer with one another, they should leave the Chamber.

Mr WOOD—Under the existing provisions, a person is able to go to the Historic Buildings Council, the National Trust or the Minister seeking the classification of a building he or she believes is of some significance. Under this clause, any person may make an application in the prescribed form in his own right and such an application must be examined. The Government said all applications will be examined promptly and will be over and done with quickly, so there will be no worry about a vexatious litigant or a person who may be fanatical about a particular building. However, I point out that the Bill contains no provision to stop a person making as many applications as he or she wishes. Those applications must be examined and must go through the proper process. There is no provision that allows the Minister to say, “Look, you have had three or four goes. We do not agree with you, so forget it”.

A vexatious litigant or overzealous person could walk the streets of Richmond, Carlton, Port Melbourne, Williamstown, Swan Hill, Maldon or any other part of the State and one by one make applications for buildings to be examined by the Historic Buildings Council which would be obliged to examine each application. There is nothing to stop that type of person from continually, hour by hour, day by day, week by week, making application for certain buildings to be examined. Some people may believe buildings are worthy of preservation even though those buildings may be only twenty years old. It may be that someone could get a little carried away about the need for preservation of a specific building, which in fact has little or no historical significance.

Practices of that nature will considerably increase the workload of the Historic Buildings Council. I am at a loss to understand how the council would deal with each application. It cannot merely say, “Well, we took a photograph of the building” or, “We sent Fred over to look at it”. The council must specifically examine each building about which an application is made. A person who did not like his neighbour could, when the neighbour puts his property on the market, make an application in the prescribed form to have the neighbour’s building placed on the register. If there were an auction, the applicant could then advise the auctioneer that such an application had been made. What happens then? It means that the auctioneer must say to the would-be purchaser that an application has been made. The auc-
tioneer would be mad if he did not do that. Of course, the value of the property would drop and interested purchasers would say that until the application is determined they did not want a bar of the property.

No time limit has been set down in which the council must consider an application. Any person can make application to the council and a ludicrous situation could arise where, because of stupidity or a crazy idea that all buildings more than 30 years old must be preserved, a vexatious application could be placed with the council and there would be no time limit on the council to examine the application.

It is all very well for the Premier to say that common-sense would prevail but there are people in the community—and all honourable members know of them in their own areas—who are fanatical about the preservation of old buildings irrespective of their design, architecture, appropriate age, and so on. Those persons believe a building should be preserved regardless of worth or cost. In the 1981 Bill a provision was made wherein the council had to reply to an application within some six weeks and state whether it agreed with the application. There is no such time limit with this Bill. There could be a great list of thousands of buildings that individuals have asked to be classified and put on the register that the council must examine in detail. The Premier said that that is not likely to happen but he also expressed some concern about any person doing so and wiped it off by saying that it is the right of an individual to have an influence.

The Opposition does not deny or argue that a person has not got the right. The right under the 1981 Bill was that any person could go to the council or the Minister and ask for an examination of a building. Under the 1981 Bill, if that person was pedantic, a vexatious litigant, and so on, the council could decide that it had had enough of that person's representations but under the provisions of this Bill, irrespective of the merits of the building, the application must be examined by the council. That concerns me and I am sure that it concerns many property owners. An agnostic or an atheist or someone who simply hates churches and secular groups could create mischief by going around saying and making application that all churches in Victoria should be examined.

I am concerned also that in clause 15(b) the economic factor is being repealed so that the provisions of the Bill will apply to the private sector and not to the Government sector. The Premier has stated that the Government Buildings Advisory Council and the Historic Buildings Council are being brought together and I suppose it could be said that is logical. However, why should there be a law for the Government sector and not for the private sector and vice versa? Yet the economic factor is considered for Government buildings and not for private buildings. Why? In both the Government Buildings Advisory Council Act and in the Historic Buildings Act 1981 these economic factors were considered, and rightly so.

I shall not canvass that argument in detail because it has been dealt with very capably by the honourable member for Benambra. Is it fair to say to a person who has a building believed to be of historical significance on one side of the street that the Government is not worried about the economic factor, whether it will ruin that person, or his business or his livelihood; that the Government is dealing with the building on the criterion that does not allow economic factors to be considered when across the road the economic factors of a school of historic significance will be considered and the Government will say to the Education Department that if the department cannot afford to renovate the school to its original condition, the criterion of economic factors will apply? In this respect there should not be a law for the private sector that does not apply to the Government sector.
How can the Government logically say to a person that the Government is not worried if that person cannot afford it but the Government is worried if a Government department cannot afford it? If a building is owned by the Government and for years the economic factor has applied to that building and the Government department that owns it has not had to renovate it to its original state and has perhaps replaced a broken original slate roof with an iron roof and that building, because it is surplus to the requirements of the department, is sold subsequently the Government should not then say to the private purchaser that he must restore the building to its original condition. That is unreasonable. The economic factor must relate to both private and Government buildings. For those reasons and many others that concern the Opposition, the clause is rejected by the Opposition.

Mr LIEBERMAN (Benambra)—One other element of clause 15 that causes the Opposition great concern is the removal of questions regarding economic disability and financial hardship. I did say during the second-reading debate that there was precedent in other States, for example, New South Wales, for these factors to be examined and that the wording was not exactly the same as the 1981 Victorian legislation but nevertheless the principal expression was clear.

During the debate, the Premier replied on the need to separate the question of historic significance and the economics and one point he made that struck me—and I do not know whether I misunderstood him—was that he at least acknowledged by implication the validity of the argument that economic factors should be considered at some time.

By interjection, the Premier says now he was not saying that in his reply, so with that response I have no hesitation in saying to the Committee that, if one removes the economic factors and matters to do with hardship on the owner, the operation of the amended legislation, if the Bill is passed, will mean that there is no method in the legislation providing for an examination of economic factors and hardship for private property owners.

There will be a great chasm in which the owner will have nowhere to go. Parliament will not have laid down any principles in the Act for the council, the Minister or the Governor in Council to consider and examine economic factors and hardship.

That needs no more words from me; it stands for all honourable members to see quite plainly and clearly that they will have put owners of properties in Victoria in a position where, having had their building established to be worthy of preservation because of its historic significance, their concern, anguish, hardship and economic difficulties cannot be examined.

Further, assuming the goodwill of members of the council—and I am sure that will always be evident in considering matters in the future—those members will have to make up for themselves in some way or another an excuse for not putting a building on the register if in their view it is worthy of preservation because of its historic significance if they find evidence of economic hardship and the fact that it is not practicable. Members of the council will have to dream up some way of removing it because the legislation will not enable them to have regard to economic factors. There is a double fault because of the Government’s proposed legislation.

Mrs PATRICK (Brighton)—While the previous speaker was talking it came into my head that economic consideration would not be given to private owners under this Historic Buildings (Amendment) Bill because there are more and more examples of the Government regarding itself as judge and jury on what people own and what is their economic situation. I suppose the Government considers that anybody who owns an historic house has the means of paying for it to be restored for the rest of Victoria. Unfortunately that is not so. As the Premier would
know, many young people are interested in old houses and are slaving to get them into good condition. The houses may be only single-fronted dwellings but have some historic significance. I ask the Premier to give further thought to this economic question, particularly when one considers the provisions in the Bill relating to public buildings.

It is a dangerous precedent when considering whether a building is of architectural or historic importance, that one is not permitted or encouraged to look at economic considerations. I am almost tempted to say that this matter is of such significance that progress should be reported so that it can be considered a little more. However, honourable members will see what develops in relation to the other clauses.

Mr CAIN (Premier)—The honourable member for Benambra is overlooking the provisions of section 27(2) of the 1981 Act which, as I understand it, remain unchanged with the amending Bill. I believe that provision ensures that the economic factors remain specifically in the permit application provisions contained in that section.

Mr WHITING (Mildura)—This clause makes several amendments to section 18 of the principal Act. Section 18(1) reads:

The Council shall—

(a) of its own motion;

(b) on the application of the National Trust of Australia (Victoria);

(c) on the application of the owner of the relevant building in the prescribed form; or

(d) at the direction of the Minister—

make an examination as to whether a building should be added to or removed from the register or that any alteration be made to any item on the register.

With the amendment section 18(1)(c) will now read:

on the application of the owner or any person in the prescribed form,

That is a major departure and, as has already been pointed out, any person who has a vague interest in a building that looks to be of some age can immediately say, “That looks as though it should be preserved. Get the necessary form and place it before the Historic Buildings Council for consideration”. As I think the honourable member for Benambra pointed out, the council would then have to find some reason why it believed it was not necessary to place that building on the register. It is quite possible that a further amendment to this same clause will allow the council to give to the owner of the building, if he so requests it, a written statement of the reason for its recommendation. Presumably, if the recommendation was in the negative, the council would have to inform the person who made the original recommendation that the building be included on the register.

The work load of the council will increase considerably because contrary to the view of the Premier, obviously many more people will now be making recommendations. In the past a person would have to convince the Historic Buildings Council, the National Trust or the Minister that a building should be included and then the examination procedure would take place. I do not believe that will be the case from now on. Many people will make recommendations that buildings be placed on the register. The council will then have to go through the procedure of examining all those buildings and making recommendations one way or the other on whether they should be included.

The other provision that is repealed relates to what I describe as the checks and balances on the situation. Subsections (3), (4), (5) and (10) of section 18 are all being repealed straight off the cuff, as it were. Sub-section (3) states:

The council shall not make an examination in respect of any building which is subject to an application to the Minister pursuant to section 15 unless the Minister otherwise directs.

With that, and the removal of subsections (4) and (5), the checks that will be placed on the council particularly will be removed and it will be very easy for the council to go its merry way at the behest of any person who sees fit to make a recommendation that a building should be included.
on the register. It will be found that the whole procedure will perhaps be abused to such an extent that a large amount of unnecessary work will be required of the council, particularly as the present Act contains many provisions which I believe would have covered the situation adequately.

The alteration to sub-section (7) is also of extreme importance because this provided the parameters by which the council was to make the examination. It reads:

In making an examination the Council shall consider whether the building is of such architectural or historic importance as to warrant preservation of the building and may at that time consider whether—

(a) preservation of the building is economically feasible;

(b) registration would render the building incapable of reasonable or economic use; and

(c) preservation of the building could be achieved without causing undue financial hardship to the owner in relation to the building or land—

All these provisions are to be removed and there will be a new sub-section (7) which will read:

In making an examination the Council shall consider whether the building is of architectural or historic importance.

This completely removes the economic feasibility, the undue hardship and whether the registration renders the building incapable of reasonable or economic use. Those three points are vitally important to the fact that if a person owns a building which it is recommended by some other person should be registered, all these points that should now be taken into consideration are not necessary to be considered. I am quite certain that considerable hardship will be caused to a number of people in that regard. I have already mentioned the removal of paragraph (a) of sub-section (8) and leaving only the requirement that before a recommendation is made to the Minister under sub-section (6) the council shall give the owner of any building concerned an opportunity of being heard and if the owner so requests a hearing the council will furnish him with a further statement of the reasons for the recommendation.

The part removed covers the situation where, if the owner so requests at the hearing, the council shall consider and report on any submission made by the owner in relation to the matters set out in sub-section (7) with regard to financial hardship, economic feasibility, and so on.

The Bill produces a combination of the removal of both these parts which will mean that all the owner is entitled to is a hearing. The only result of that is that he will obtain a written statement of the reasons for the council’s recommendation. Considerable hardship could be caused to the owners of some buildings and also the economic feasibility of retaining a building in its existing state will be completely ignored so far as the council is concerned. In that way the owner will be considerably disadvantaged. Therefore, for the reasons outlined, the National Party opposes clause 15.

Mr Lieberman (Benambra)—I have some comments in response to the points made by the Premier. I thank the honourable gentleman for drawing attention to the provisions of clause 27 of the Bill which he states satisfactorily deal with the concern that I expressed in relation to the 1981 Act.

The point at issue has been made clear to the Premier after listening to the honourable member for Mildura. Of course, the issue is that, under the 1981 Act, when the building is being examined in the first place for historical significance and possible recommendation for inclusion on the register, the owner may request the council to take into account the matters concerning economics and hardship referred to by the honourable member for Mildura.

The council itself—even if the owner does not—can take this into account. In many cases this could be a useful and proper exercise. The Premier states that the relief the owner may want is contained already in section 27 of the 1981 Act. However, unfortunately section 27 of the 1981 Act applies after the building is on the register and where the
owner is seeking a permit for alterations. In any event, section 27 (1) of the 1981 Act does not require the council to consider the one important element of the clause in the 1981 legislation which is under amendment now. I refer to section 18 concerning whether or not preservation of the building is economically feasible.

This creates an unfortunate situation and it is no wonder that owners become apprehensive about heritage and preservation. This will become aggravated under the proposals of the Premier when the owner is placed in a position where first of all his building is examined. One can take the example of an owner who does not believe his building should be examined for many reasons. At that time he is deprived of the right to ask that the economic factors be considered. Under the Bill the question of economic feasibility is not relevant. Even buildings found to be of historical significance may be added to the register. The owner is in a no-win nonplussed situation!

The owner has to apply under section 27 of the 1981 Act for a permit to demolish or repair. He may have to dream up a proposal for alteration with demolition even if he did not want to. Therefore this hastens the process of alienation. The owner may have been prepared to sit quietly and use the building even though it may not be preserved for ever. However, this provision places him in a situation where his back is against the wall. The economic factors, which may bear heavily upon him, will not have been canvassed. If a building is about to be put on the register, it is human nature that the owner will look for a way out. That is the experience in heritage all over the world. The owner will become more and more determined that by hook or by crook he will remove his building from the register. The 1981 Act provided a wonderful opportunity for a proper examination of the owner's concern about economic factors whether the owner asked for it or whether the council thought it would be prudent. It may well be one of the types the honourable member for Swan Hill mentioned where a capricious or vexatious person may make an application and the council may wish to knock him out on the grounds of economic feasibility.

The CHAIRMAN (Mr Wilton)—Order! I do not want to stifle the debate on this important question, but I would like to draw the attention of the honourable member to the fact that the economic factor has been alluded to by four speakers from the Opposition side. I suggest that the honourable member give some consideration to the fact that this point has been laboured to some extent. I do not intend to rule on the matter but I draw the attention of the honourable member to that point.

Mr LIEBERMAN—I appreciate your comments, Mr Chairman, and the message in them. I had intended to speak only once during the Committee stage but the comments of the Premier prompted a response. I hope honourable members are as alarmed as I am about the consequences of the clause. The clause represents another lost opportunity in removing some areas of dispute and alienation in the quest for successful heritage.

The Committee divided on the clause (Mr Wilton in the chair).

Ayes . . . . . . 43
Noes . . . . . . 27

Majority for the clause . . 16

AYES
Mr Cain Miss Callister Mr Newton
Mr Cathie Mr Pope
Dr Coghill Mrs Ray
Mr Crabb Mr Remington
Mr Culpin Mr Roper
Mr Ernst Mr Rowe
Mr Fogarty Mr Sheehan
Mr Fordham (Ivanhoe) Mr Sheehan
Mr Harrowfield (Ballarat South) Mrs Toner
Mrs Hill (Frankston) Mr Shell
Mr Hill Mr Sidiropoulos
Mr (Warrandyte) Mr Simmonds
Mr Hockley Mr Simpson
Mr Hilein Mr Spyker
Mr Jolly Mr Stirling
Mr Kennedy Mrs Toner
Mr King Mr Trezise
Mr Kirkwood Dr Vaughan
Mr McCutcheon Mr Walsh
Mr McDonald Tellers: Mr Gavin
Mr Mathews Mr Gray
Mr Miller
Clause 16 (Amendment of No. 9667 s. 21.)

Mrs PATRICK (Brighton)—I draw the attention of the Committee to the amendment contained in clause 16 which deletes section 21 (2) of the principal Act which provides that a notice pursuant to sub-section (1), which states that the council shall give notice to each person who appears to the council to be the owner of the building or land, shall invite submissions to be made to the Minister setting a time period of not less than 28 days. It also states the manner in which the submission shall be made. That condition is being deleted by the Bill which means that there will be no time limit in which notice is to be given. The Opposition draws the attention to the Committee to that deletion.

The clause was agreed to.

Clause 17 (Repeal ss. 22, 23, 24 and 25.)

Mrs PATRICK (Brighton)—Clause 17 deletes sections 22, 23, 24 and 25 of the principal Act. Four of those sections state:

22. An owner of a building or land may make a submission to the Minister on any matter that the Council was required to consider under section 18 and in particular in relation to the following matters:

(a) That the building or land the subject of the recommendation should not be placed on the register because it is not of historic or architectural importance;

(b) That the building or land the subject of the recommendation should not be placed on the register by reason that its registration is not necessary;

(c) That the building or land the subject of the recommendation should not be placed on the register by reason that such a recommendation would render the building or land incapable of reasonable or economic use;

(d) That the preservation of the building or land the subject of the recommendation could not be achieved without causing undue financial hardship to the owner in relation to the building or land.

23. Where a person makes submissions on a recommendation of the Council pursuant to section 22, the Minister shall appoint the chief chairman of the Planning Appeals Board to hold an inquiry into all submissions made with respect to that recommendation.

24. At an inquiry held under section 23—

(a) any person who has made a submission pursuant to section 22;

(b) the National Trust of Australia (Victoria);

(c) the Historic Buildings Council; and

(d) any other person with the consent of the owner and the Council or with the leave of the Minister—

may appear at the inquiry.

Section 25 provides that at the conclusion of an inquiry held under section 23, the person who held the inquiry shall furnish a report in writing to the Minister and the Minister shall forward a copy of the report to the owner of the building or land and to the council.

This provision is being repealed. When a building is placed on the Historic Buildings Register that will be the end of it. There will be no appeal. The matter of whether the building should be placed on the register in the first instance will not be considered. The Opposition vehemently opposes the clause.

Mr LIEBERMAN (Benambra)—The honourable member for Brighton has, of course, drawn the attention of the Committee to a very sad result if clause 17 is agreed to. In addition, it highlights another omission that was canvassed at great length during the debate on the 1981 Bill, that this approach by the Government in fact emasculates the Westminster system and puts an extra burden on some property owners...
in the State as a result of a decision made by the Historic Buildings Council, albeit in good faith, and not by a Minister of the Crown who is answerable to Parliament. It leaves a gulf in the operation of the modern Parliament. It leaves the Minister in the position in which he is deprived of the opportunity of having a proper input into decision-making in the Parliamentary system. For that reason, as well as the reasons raised by my colleague, the honourable member for Brighton, I suggest that the clause be rejected as it weakens and diminishes the rights of owners of property in this State and puts them in a no-win situation. They are in a worse position than property owners in other parts of Australia and again are on the offensive. They are looking for ways of successful heritage and partnership, but are being forced to find a way to leave Victoria.

Mr WHITING (Mildura)—This is an important clause because it completely repeals four sections of the Act, as the honourable member for Brighton has pointed out. It basically takes away the ground rules for inquiries held into submissions made by owners of buildings or land. Any person who is subject to a recommendation that a building be included on the registry will find that he or she has no guidelines on how to put forward a point of view should that person be concerned that the council will make a decision that will adversely affect him or her, subject to the provisions of section 18 that honourable members previously discussed with regard to the economic viability and so on.

It is of extreme concern to me that even the right of appearance at an inquiry currently provided in section 24 will be repealed. Under those provisions, only four types of persons were permitted to appear at an inquiry. Any person who has made a submission pursuant to section 22, representatives of the National Trust of Australia (Victoria) and the Historic Buildings Council and any other person with the consent of the owner and the council or with the leave of the Minister.

Those provisions are being taken away completely and it will be virtually impossible presumably for any person to attend an inquiry without restrictions on them. It will not do them any good because they will not be able to make any input into the inquiry. The owner will be virtually prevented from getting a fair hearing at whatever inquiry takes place. By the same token, under section 25 the inquiry was required to furnish a report in writing to the Minister containing a summary of the submissions made at the inquiry, the findings of that person with respect to those submissions and a recommendation as to how they should be dealt with.

Presumably, no other report of that inquiry is to be provided. It will be left completely up in the air and one will find that the so-called open Government that the present Premier has so proudly spoken about during the election campaign will have completely disappeared. It will be a sad day for the State of Victoria when this situation is allowed to prevail.

Mr CAIN (Premier)—In brief reply, I make it clear to the Committee that the Government took a serious view about the provisions that the clause removes. During the 1981 debate I indicated that the powers given to the Minister and the obligations cast on him were powers and obligations that no Minister should have because it would involve him in a process that Ministers and Governments ought, if possible, to keep away from.

The Government considers that the clause takes many of the considerations that were contained in the 1981 Bill out of the political arena. So far as possible, it will achieve a result whereby a body that is seen to be above and away from matters of contention can make a determination. The public of Victoria would have more confidence in that sort of operation than the acute, constant and deep involvement of the Minister in the process at this level.

The Committee divided on the clause (Mr Wilton in the chair).

Ayes . . . . . . 43

Noes . . . . . . 28

Majority for the clause . . 15
A Y E S

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Harrowfield
Mrs Hill
Mr Hill (Frankston)
Mr Hill (Warrandyte)
Mr Hockley
Mr Ihlein
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Miller
Mr Newton
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Sheehan
Mr Sheehan (Ballarat South)
Mr Shell
Mr Sidiropoulos
Mr Simmons
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Gavin
Mr Gray

N O E S

Mr Austin
Mr Brown
Mr Burgin
Mr Delzoppo
Mr Dickinson
Mr Ebery
Mr Evans
Mr Evans (Ballarat North)
Mr Evans (Gippsland East)
Mr Hann
Mr Jasper
Mr Jona
Mr Kennett
Mr Lieberman
Mr McKellar
Mr Maclellan
Mrs Patrick
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Saltmarsh
Mr Tanner
Mr Thompson
Mr Wallace
Mr Whiting
Mr Williams
Mr Wood
Mr McNamara
Mr Sibree

P A I R

Mr Wilkes
Mr McGrath

Mrs PATRICK (Brighton)—The Opposition has canvassed at length its view on the matter and the churches have had the benefit of examining this clause. The churches are not happy with it and wish to return to the provisions of the 1981 Act.

It is no good the Premier pointing out that in 1974 the churches were worse off. The fact of the matter is that they are worse off as they were consulted and had consented to the 1981 Act and the amendment is seen as a retrograde step. They do not wish to have any interference of a religious or liturgical nature when they wish to make alterations to their buildings. In the main, it would be timely to say that the Government cannot offer any examples of where the churches have not looked after their properties and the fabric of their churches. They have tried to preserve something for future Victorians. The churches ought to be given the chance, as under the 1981 Act, to continue with that work of preserving our heritage. They are not likely to destroy the beauty and the graciousness of historic buildings.

Restrictions are now to be placed on them and they do not wish to be mentioned in the Bill—they wish to be exempt. The inter-church planning committee sent a thoughtful submission to all members of the Opposition and one realizes that they take a responsible attitude.

Mr WOOD (Swan Hill)—As the honourable member for Brighton has stated, this matter has been subjected to a great deal of discussion this evening, but the ramifications of the amendment to the principal Act are on the head of the Government. Earlier, the Premier stated that churches were better off now than they were in 1974, but they were better off in 1954 than they were in 1974, and so it goes on if one goes back far enough. That is a completely ridiculous argument or simile to put forward.

Under the 1981 Act, the churches did not have to apply for a permit if they stated that the purposes for which they needed to make alterations were of a religious or liturgical nature. Under the proposed amendment, if the churches wish to make any alterations to the buildings, they must prove to the Historical Buildings Preservation Council that the purpose for the alteration is of a religious or liturgical nature. Who decides this? Under the proposed amendments, the council will probably be absolutely flooded with work. It will now have to decide whether the alterations are of a religious or liturgical nature. Are they qualified to do this?
In the past, the churches have exercised a tremendous amount of responsibility in the preservation of their buildings, and I do not believe honourable members would argue about that. The churches should determine whether they believe honestly and deeply that the alterations are of a religious or liturgical nature.

The Historic Buildings Council will now have to make that decision. The churches will have to go cap-in-hand to try to sell to the council that what they intend to do is within the confines and beliefs of their religion. The churches will have to convince the council that the moving of an altar or the provision of a crucifix fall within that category.

The churches are quite rightly worried about the ramifications of the proposed amendment and are worried because the composition of the Historic Buildings Council changes from time to time and places the council in a position of determining the validity of the religious beliefs of the people or the liturgical beliefs of a church group. Surely, the council can determine the preservation of a building without having that extra responsibility thrust on to it.

In 1981, the then Minister for Planning held many discussions with the churches and they were quite happy with the amendments as they were then proposed. I am sure that all honourable members believe that it is not the wish of the churches to desecrate or destroy their church buildings for any willy-nilly reason. The churches are the best determiners of whether the alterations are necessary for the buildings which fall in these categories.

When one first reads the clause that seems fair, but when compared to the 1981 Act it becomes obvious that the Historic Buildings Preservation Council will make that determination. I do not believe the church groups have any wish or desire to alter a building on a whim or without the alterations falling into the particular religious needs. I am sure that if the 1981 Act had been allowed to run on, the churches would have honoured and respected its provisions and displayed a tremendous amount of responsibility in making their determinations. For those reasons the Opposition opposes the proposed amendment contained in clause 18.

Mr WHITING (Mildura)—Clause 18 of the Bill makes several amendments to section 26 of the principal Act. Amongst them, it repeals sub-section (9) which provides:

Sections 27, 28, 29, 30, 31 and 32 shall with such modifications as are necessary apply to an application for a declaration under the last preceding sub-section as if the application were an application for a permit.

That refers, of course, to a permit to make alterations to buildings that are on the register or to buildings that are within the precincts of a building that is on the register. It is possible that church halls, school halls and the like are included on land adjacent to a church building that is already on the register of historic buildings. With that part of the section removed, the amendment then goes on to replace the existing sub-section (11) by substituting in its stead the following sub-section:

In determining an application in respect to any alteration to a registered building or registered land (being a church or land within the precinct of a church) for purposes which are of a religious or liturgical nature the Council shall not make a determination which will prevent the carrying out of religious rites liturgies or accepted practices of worship in or relating to that church.

That may sound nice but all it says is that the council shall not make a determination which will prevent the carrying out of religious rites, liturgies or accepted practices, and so on. It does not say that it will prevent the alterations or that it will allow alterations to be made that would, in the view of the church body concerned, be necessary for its operations and the carrying out of whatever purposes it believes the building is best suited for. All it says is that the determination shall not prevent the carrying out of religious rites. The rest of it is so wide open that a horse and cart could be driven through it with regard to all the other restrictions that could be imposed on the body by way of instructions with regard to matters
such as repainting and other such matters as were referred to by the honourable member for Polwarth. Honourable members have heard that the Historic Buildings Council makes some ridiculous requirements in that respect.

Further, there are before the House the submissions of Monsignor P. H. Jones on behalf of the Inter Churches Committee for Planning. He stated:

The submission was presented to the Minister for Planning on 3rd June. The Minister was advised that you would receive this copy.

The Churches unanimously support the provision in the existing Act in relation to liturgical matters, and are unanimously opposed to the proposed changes.

Unfortunately, honourable members are not aware of the Minister's reaction to that proposal because he is in another place and, presumably, the Premier did not refer to him for his comments with regard to that meeting on 3 June.

I will quickly quote, for the benefit of honourable members, the list of churches and their representatives who attended that meeting. They are as follows:

- Anglican Church in Australia
  Most Rev. Archbishop Robert Dann
  Mr Ron Crosbie
  Registrar

- Baptist Union of Victoria
  Mr Bill Wolson
  President
  Mr Michael North
  Secretary

- Catholic
  Most Rev. Archbishop T. F. Little
  Rev. Monsignor P. H. Jones
  Secretary

- Churches of Christ
  Mr F. B. Alcorn
  President
  Mr Allan J. Emmett
  Executive Officer and Secretary

- Presbyterian Church of Victoria
  Mr J. C. D. Gleadow
  Office Manager

- The Salvation Army
  Colonel Wesley Harris
  Chief Secretary
  Major Edward H. Schmidtke
  Property Department Officer

- Uniting Church in Australia
  Rev. Ronald W. Allardice
  Inter Churches Representative to Historical Buildings Council
  Mr A. R. Gillespie
  Executive Secretary Resources Commission and Finance Division
  Mr Whiting

Those people, in their considered opinion, were opposed to the changes that are embodied in this clause. They were strongly in support of the provision contained in the existing Act that has not been given a fair trial in Victoria.

I cannot understand the failure of the Premier and the Minister for Planning to take notice of those people, especially when the Reverend Ronald Allardice is the representative of the churches on the Historic Buildings Council. The Government may say that the churches of Victoria have a representative on that council, but if he is to be ignored by the Minister for Planning when the churches send a deputation to the Minister on such an important matter, what is the use of his place on that council? Is he there only, on a consultative basis, to give some expert opinion on church buildings around this city? I am extremely concerned that the Government has not seen fit to take heed of this eminent group of leading citizens in and around Melbourne.

This House is also indebted to Monsignor Jones for supplying the Declaration of Religious Liberty issued by Vatican II on 7 December 1965. I wish to quote to the House the following section of that declaration:

2. The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in associations with others. This right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right. . .

Honourable members have heard much from the Government on many occasions about the civil rights of ordinary individuals in this State. This declaration presents the views of the second Vatican council on the religious freedom of the individual. One does not now hear the Government espousing this declaration so that the rights of one individual representing the churches on the Historic Buildings Council may be considered. At this stage, that has not
occurred and I am disappointed in the attitude of the Premier and the Minister for Planning on this matter.

Mr WILLIAMS (Doncaster)—I propose to speak along the same line as the honourable member for Mildura. I, too, with the Christian churches, am horrified at the Government running riot in this field. One would think that the Labor Party would have more to do than to interfere with the Christian churches and their freedom to construct and improve their own buildings in accordance with their own liturgical requirements. No Government has the right to restrict religious freedom. It annoys me that the anti-religious bigots will interfere every time a church wants to make an alteration or to improve its property. Religious bigots will raise Cain about the alterations.

I have personal experience of this in a premises bordering on the Doncaster electorate. The Greek Orthodox Community purchased a church building in Macedon Avenue, North Balwyn, from the Uniting Church of Australia. Most of the Greek people who attend religious worship at this Greek Orthodox church are from the Doncaster electorate. Unfortunately, the burgheers of the City of Camberwell decided that these people needed a planning permit before making liturgical alterations within their church. In recent times, a number of protests have been raised by residents of Macedon Avenue about members of the Greek community from the Doncaster electorate coming there on a Sunday to participate in the sort of worship that takes place there. Any other church community would be proud to have its church filled to overflowing but, because of this planning permit requirement, there is interference by the Camberwell City Council with the freedom of the Greek community to conduct its religious services.

On most days of the year there is no problem with an overflow of people, because, like every other congregation, the church is only half full, but there are special days in the calendar of the Greek community where the church is full to overflowing and, on those few days of the year, there is some discomfort caused to the surrounding people. Lacking sympathy for the Greek community there is a great hue and cry about restricting this church to something like 100 people. This is a gross interference with the freedom of the Greek community to worship.

The CHAIRMAN (Mr Wilton)—Order! I direct the attention of the honourable member to the fact that the clause under consideration does not have anything to do with the religious beliefs of the Greek community, and I ask him to bring his remarks back to the clause. In the Committee stage, the debate is quite specific on the clause.

Mr WILLIAMS—With respect, Mr Chairman, I was elaborating about people who have a dislike of religious beliefs, now being given power in this clause to make complaint and to unreasonably make objection about people who are going around in their normal way and properly conducting their religion without harm to anyone. They may seek to make structural alterations in the case of the church of which I am speaking. There is a very different religious approach by the Uniting Church, of which I am proud to be a member. The people of the Uniting Church are probably too austere and too conservative. Our church halls are bare, and without the usual adornments one would expect to see in a Catholic Church or a Greek Church. If these good Greek people wanted to alter their church according to their beliefs, under this Bill they would be frustrated and subject to censorship by people in the historic buildings section of whatever department will be administering this Act. These people cannot be expected to understand the full nuances of the Greek religion or the Roman Catholic religion. Why should they have powers of religious censorship given to them under this Bill?

I am surprised at the Labor Party. I know that it is now in office because it was able to overcome the fears of a very sincere religious group who once believed that the Labor Party was too
representative of Communism, but have now trusted the Cain Labor Government. The Catholic community who voted for the Labor Party at the last election have had their trust betrayed by its Government implementing this clause.

Mrs PATRICK (Brighton)—I thank the honourable member for Mildura for his expansion on the submissions made by the Inter Churches Committee for Planning. About 25 per cent of the buildings on the present register are churches, so that one-quarter of the buildings on the present register are churches and those church communities do not want to be told how to look after their buildings.

It is interesting that the Premier has been at the table during this debate. He considers the Bill important enough to be handling it, and yet there has not been one contribution, especially during the Committee stage, from the back bench.

Mr Ebery—Mr Chairman, I direct your attention to the state of the House. A quorum was formed.

Mrs PATRICK—As I was saying, there has not been a contribution made by any member of the Labor Party on the front bench, the middle bench or the back bench, and one wonders what their attitude is. I am sure that many of them attend church. I wonder what they will say to their church leaders on this clause. It is interesting that they do not regard it seriously because they have not made a contribution. Members of the Labor Party have talked about civil liberties, human rights and so on, but it is a retrograde step to turn back the provisions in the 1981 Bill brought in by the Liberal Government and to place restrictions on churches. The Opposition is definitely opposed to this clause and regards this problem as most serious.

The Committee divided on the clause (Mr Wilton in the chair).

Ayes . . . . . . . . . . . 43
Noes . . . . . . . . . . . 27

Majority for the clause . . 16

AYES
Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Gray
Mr Harrowfield
Mrs Hill
(Mr Coghill)
Mr Hill
(Warrandyte)
Mr Hockley
Mr Illein
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr Mathews

NOES
Mr Austin
Mr Brown
Mr Burgin
Mr Delzoppo
Mr Ebery
Mr Evans
(Gippsland East)
Mr Hann
Mr Jasper
Mr Jona
Mr Kennett
Mr Lieberman
Mr McKellar
Mr McNamara
Mr Maclean

Tellers:
Mr Miller
Mr Newton
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mr Sheehan
(Mr Sheehan)
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr McDonald
Mr Sheehan

Clauses 19 and 20 were agreed to.

Clause 21 (Amendment of No. 9667, s. 40)

Mr LIEBERMAN (Benambra)—It is the belief of the Opposition that the proposed amendment, which, if adopted, will remove the need for the Minister for Planning to be consulted for the purpose of consenting to an interim order being placed on a property, has not had the benefit of a full examination and property owners have not had an opportunity of having an input on the amendment. Therefore, the amendment should be opposed.

The Opposition cannot understand the removal of the need for oversight by the Minister. It is the intention of the Government to vest the responsi-
bility for interim preservation orders in the Chairman of the Historic Buildings Council, which, for a period of fourteen days will, in many cases, put a blight on the property affected. That is a power that will not rest easily on the shoulders of the chairman, no matter how skilful he is. It is a power that should rest with the Minister, who should be answerable to Parliament.

The Committee divided on the clause (Mr Wilton in the chair).

Ayes ... ... ... 42
Noes ... ... ... 27

Majority for the clause ... 15

**AYES**

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham (Ballarat South)
Mr Gavin
Mr Gray
Mr Harrowfield
Mrs Hill (Frankston)
Mr Hill (Warrandyte)
Mr Ingle
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Miller
Mr Newton
Mr Pope
Mr Remington
Mr Roper
Mr Ross-Edwards (Gippsland East)
Mr Sheean
Mr Sheehan (Ballarat South)
Mr Shell
Mr Sidiroopoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Toner
Mr Trezise
Mr Walsh
Mr Whiting

**NOES**

Mr Austin
Mr Burgin
Mr Delzoppo
Mr Dickinson
Mr Ebery
Mr Evans (Gippsland East)
Mr Hann
Mr Jasper
Mr Jona
Mr Kennett
Mr Lieberman
Mr McKellar
Mr McNamara
Mr Maclean
Mr Mathews
Mrs Patrick
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Saltmarsh
Mrs Sibree
Mr Thompson
Mr Wallace
Mr Whiting
Mr Williams
Mr Wood
Mr Brown
Mr Tanner

The remaining clauses were agreed to.

**The schedule**

The Committee divided on the schedule (Mr Hockley in the chair).

Ayes ... ... ... 49
Noes ... ... ... 20

Majority for the schedule 29

**AYES**

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Evans
Mr Fogarty (Gippsland East)
Mr Fordham
Mr Gavin
Mr Gray
Mr Hann
Mr Harrowfield
Mrs Hill (Ballarat South)
Mr Ingle
Mr Jolly
Mr Kennedy
Mr King
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr McNamara (Ivanhoe)
Mr Miller
Mr Newton
Mr Pope
Mr Remington
Mr Roper
Mr Ross-Edwards
Mr Sheean
Mr Sheehan
Mr Shell
Mr Sidiroopoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Toner
Mr Trezise
Mr Walsh
Mr Whiting

**NOES**

Mr Austin
Mr Burgin
Mr Delzoppo
Mr Dickinson
Mr Ebery
Mr Jona
Mr Kennett
Mr Lieberman
Mr McKellar
Mr Maclean
Mr Mathews
Mrs Patrick
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mrs Sibree
Mr Thompson
Mr Williams
Mr Wood
Mr Brown
Mr Tanner

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

MR CAIN (Premier)—I move:

That this Bill be now read a third time.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes ... ... ... 44
Noes ... ... ... 28

Majority for the motion ... 16
CONSTITUTION (EXECUTIVE COUNCIL EXPENSES) BILL

The SPEAKER (the Hon. C. T. Edmunds) announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Constitution (Executive Council Expenses) Bill.

Mr CAIN (Premier), pursuant to Standing Order No. 169, moved for leave to bring in a Bill to increase the amount payable for the Clerk and the expenses of the Executive Council.

The motion was agreed to.

The Bill was brought in and read a first time.

PETROLEUM (SUBMERGED LANDS) BILL

The SPEAKER (the Hon. C. T. Edmunds) announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Petroleum (Submerged Lands) Bill.

Mr MATHEWS (Minister for the Arts), pursuant to Standing Order No. 169, moved for leave to bring in a Bill to make provision with respect to the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coasts of Victoria, to amend the Petroleum Act 1958 and the Acts Interpretation Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ENVIRONMENT PROTECTION (PENALTIES) BILL

This Bill was received from the Council and, on the motion of Mr CATHIE (Minister of Housing), was read a first time.

PAY-ROLL TAX (AMENDMENT) BILL

This Bill was returned from the Council with a message intimating that on consideration of the Bill in Committee they suggested that the Assembly should make certain amendments in the Bill.

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

ADJOURNMENT

Parliamentary committees — Housing Commission flats in Geelong—House in Cranbourne—Adult Deaf Society of Victoria — Charity collectors — Newspaper allegations again honourable member—Inglewood and District Light Harness Club—Calder Highway upgrading — Recession in building industry
Mr FORDHAM (Minister of Education)—I move:

That the House do now adjourn.

Mrs SIBREE (Kew)—I refer to the Premier the question of the appointment of Parliamentary committees. I raised this question on 26 April and sought guidance and answers from the Premier on why the Government had not yet proceeded with the appointment of the Public Bodies Review Committee and other Parliamentary committees consequent upon Parliament being prorogued between sessions. I sought an indication from the Premier that he would proceed as quickly as possible to appoint those committees. Some six or seven weeks have elapsed since the beginning of this session of Parliament and those committees have not yet been appointed. The matter is of grave concern to members of Parliament and to the community, which expects Parliament to be carrying out its work both in the House and in its committees.

The SPEAKER (the Hon. C. T. Edmunds)—Order! There is too much audible conversation in the House.

Mrs SIBREE—Apparently, the Government is not interested in the problem, but the community is. The time of Parliament is being wasted while these committees remain unappointed and while important matters are not being debated and work is not being carried out by them. The work of the committees is being truncated by the loss of six to seven weeks.

I am concerned also at the loss of enthusiasm and commitment of the various water bodies to the inquiries that were part of the work of the Public Bodies Review Committee. A great rapport had been established between the water bodies, the communities affected and the committee, and those bodies looked to the committee for guidance and leadership in changes that will take place in their operations later this year or early next year. I am further concerned that questions on the work of these committees should be raised in the House.

The delay in setting up Parliamentary committees has been more than unreasonable. The Act states that as soon as practicable after the commencement of every session of Parliament these committees should be appointed, and I believe the questions of convenience and practicability have been far stretched in the definition the Government has used in allowing a couple of months to elapse already in those appointments.

I understand some notice of those appointments was given today but I am not aware of it. I anticipate hearing further on the matter. I refer the Premier especially to the very real concern of the community, particularly, for the reappointment of the Public Bodies Review Committee and the Road Safety Committee. A number of members of interstate committees have been in Melbourne looking to meet with members of the Road Safety Committee and were unable to do so. That committee has been a leading committee in Victoria and is noted for its innovative initiatives.

The Government stands condemned that the Parliamentary committees have not yet been appointed. I hope the Government can give a satisfactory explanation of the lengthy delay because I understand the Government is debating the issue of the chairmanship of the committees being filled by Government members and the chair having a casting and deliberative vote. I seek from the Premier also the real intention behind these delays and an assurance that the delays will not be continued.

Mr SHELL (Geelong West)—I direct the attention of the Minister of Housing to the lack of heating in Housing Commission pensioner flats in Yooringa Avenue, Norlane and other parts of Geelong. With the extreme cold of winter, this matter needs urgent attention. The heating appliances installed in these bed-sitter flats are obsolete and can no longer satisfactorily provide adequate heat so that tenants must use
Mr DELZOPPO (Narracan)—I draw to the attention of the Minister of Housing the injustice suffered by Mr and Mrs Gallagher of Drouin South who purchased a house in Cranbourne in 1978 for $35,000. They arranged finance from the Provident Building Society for a loan of $29,000, on two conditions, firstly, that there was verification of income from their accountant and, secondly, that they gave an undertaking to repaint the exterior and repair the floor of the house. A further loan of $6000 was secured by way of a second mortgage. These people spent about $4500 on repairs and satisfied the covenant on the loan.

During 1980 the society acknowledged that the repairs had been done and its valuers inspected the property. On 3 September the society’s solicitors sent a letter of demand calling for completion of the work pursuant to the covenant. A first notice to pay or quit was sent on 7 October 1981. Matters came to a head when, after some time, the Gallaghers received notice that their possessions had been placed out on the street, and a day after this was done they received notice to quit. The reason for their eviction was that they had not complied with the covenant to do the repairs in total, although they had complied with the spirit of the arrangement. On legal advice I am told that in the opinion of one solicitor this is the first time that such a flimsy excuse has been used to force people out of their home.

The worst part is yet to come. The Gallaghers asked to have their house sold at auction but were told that this would not be allowed and that it had to be sold by private treaty with a reserve price of $29,000, although they had already spent $35,000 in 1978 and a further $4500 on repairs. I believe gross injustice has been done, and I ask the Minister to use his good offices to bring about some help to these people.

Mr McGRATH (Lowan)—In July 1979 the Adult Deaf Society of Victoria received a block grant of $7250 from the Health Commission of Victoria as a one-off grant. Its purpose was to supply hearing aids on a means test basis for people in need, as the people were low income earners and unemployed persons, people in receipt of special pensions and those not entitled to a pensioner health benefits card. The price of a hearing aid for those people is about $350 to $600 and any Government assistance they receive for the provision of these hearing aids is gratefully accepted.

Many people were referred for this apparatus. Referrals were received from medical practitioners, para-medical people, welfare workers in community health centres and metropolitan hospitals, including the Royal Victorian Eye and Ear Hospital. Therefore, a need showed up. During the pilot scheme some 50 hearing aids were provided and were of much benefit to the people who were assisted. The Adult Deaf Society of Victoria believes there could be a fitting rate of about 100 of these aids a year.

When the Health Commission withdrew the grant in 1980 a public appeal was launched to raise money to provide the hearing aids for the people in need. To a degree the appeal was successful but I believe the Adult Deaf Society of Victoria was a worth-while organization doing much good work for people who suffer from hearing disability. I ask the Minister of Health to consider allowing the Health Commission to make this grant to the society whether $7000 a year or a similar amount, even if it is on a dollar for dollar basis with the public donations, to provide the needed aids. Many people are in difficult circumstances and, because of the hearing disability, suffer increased disadvantages. Although it was indicated that the
scheme would be only a once-off grant, will the Minister consider making the grant available again to the society?

Mr GRAY (Syndal)—I raise a matter primarily for the attention of the Minister for Police and Emergency Services although the Minister for Community Welfare Services may also be interested in it. It relates to the increasingly prevalent practice by persons collecting funds for charitable and other purposes of frequenting major road intersections to collect donations from passing motorists. It has come to my attention that some of these collectors are so enthusiastic about their job that they do not even bother clearing the roadway when there is a change of lights. I have noticed some collectors standing on the dividing white lines when the lights are green. They seem to be under the mistaken impression that they are immune from the traffic which whizzes by them within centimetres.

I am concerned, firstly, because so many charitable organizations are forced to go to such extreme lengths to obtain funds to carry out the good works which they perform and secondly about the safety of the individual collectors who have been given this task. I am further concerned that this practice is becoming more prevalent and at many major intersections, for example at the intersection of Dandenong and Warrigal roads, at the entrance to the South Eastern Freeway, at the intersection of Springvale and Dandenong roads, on many occasions I have found collectors collecting funds for charitable and other purposes. Will the Minister inform the House on the law relating to collections of this nature and whether some action can be taken to ensure the safety of people in this position to avoid a tragic injury or possibly death on the road?

Mr WILLIAMS (Doncaster)—I raise with the Minister for Immigration and Ethnic Affairs the undesirable influence of a man named Con Alexopoulos and Mr Jim Gogos, editor of the Greek newspaper Neos Cosmos or New World. My Greek friends, of whom I have many, are most upset at an article in last week's Neos Cosmos attacking me as a racist because I drew attention to the activities of Mr Alexopoulos in relation to starting-price bookmaking operations in this city. The overwhelming majority of Greeks—

The SPEAKER (the Hon. C. T. Edmunds)—Order! Although the honourable member has just begun his remarks I am having difficulty in attempting to determine how the responsibility of the Minister is associated with what is printed in the newspaper. Will the honourable member advise me as soon as possible how the Minister has responsibility in this direction?

Mr WILLIAMS—It is my contention that the Minister of Immigration and Ethnic Affairs is most interested in creating goodwill between all members of the ethnic community in Victoria and facilitating their becoming Australian citizens. One does not want disruption and undesirable division in the country. One desires political debate but not undue opinions by a man who is engaged in undesirable activities and using a business association with the editor of a Greek newspaper. The gentlemen concerned are engaged in an activity at the Peninsula Gardens, Rosebud, where rock concerts are conducted to the detriment of the people in the area. Marijuana is also being sold.

The SPEAKER—Order! I do not want to restrict the honourable member but he has now gone off on another tangent. I ask the honourable member to advise me as quickly as possible how the Minister of Immigration and Ethnic Affairs has some responsibility for what is printed in a newspaper. I am having difficulty at present, and I ask the honourable member to return to the original point and explain to me how the Minister has these responsibilities.

Mr WILLIAMS—It is my contention that the Minister of Immigration and Ethnic Affairs has a wide charter to investigate, publications in Greek which Australians do not understand unless
translations are made available. The English-speaking community is not able to understand Greek publications without the assistance of translators from the Ministers department.

It is a pretty rotten deal that I can be attacked in a Greek newspaper and not know what is written about me. I seek the help of the Minister in checking on the facts supplied to me by Greek friends. If honourable members read the letters to the editor column in the *Southern Peninsula Gazette* they will see that ratepayer after ratepayer is angry that the Shire of Flinders has—

Mr SIMMONDS (Minister for Employment and Training)—On a point of order, I understand that honourable members can raise only one matter at a time on the adjournment.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I uphold the point of order and ask the honourable member to round off his remarks.

Mr WILLIAMS (Doncaster)—I ask the Minister to investigate the undesirable activities of Mr Alexopoulos and Mr Gogos for the goodwill of the people of Australia of all races.

Mr EBERY (Midlands)—I raise a matter for the Minister representing the Minister of Lands concerning the Inglewood and District Light Harness Club which has made application for an area of land which is subject to a Land Conservation Council final recommendation for the north central study area of Victoria.

Under the Land Conservation Council recommendation the land in question is known as "G3" and has been recommended for use for eucalypt oil production. The total area is 6390 hectares and the harness club required only about 7 hectares. The club has 70 members and at present the horses are trained along the road. Naturally, this is detrimental to the training of horses and at the same time is dangerous to motor vehicles if the horses become excited. Eucalypt oil is derived from the blue mallee tree. I have examined the area in question and few blue mallee trees can be found in the area which the harness club wishes to use. Adjacent to the area in question is the Inglewood Gun Club and the activities of the club would not be harmful to the flora and fauna in this small area.

Will the Minister ascertain whether the Land Conservation Council will alter its final recommendation for this small area of land which could be also used for other purposes such as pony club and cycling, as well as for the harness club? The land is adjacent to the township of Inglewood. I request that the land in question be leased to the harness club whose activities have the support of the Shire of Korong.

Mr REYNOLDS (Gisborne)—I am sorry the Minister of Transport is not in the House to hear the remarks I wish to make. Since this is one of the first late night of the session it has probably knocked him out. I raise for the attention of the Minister the current priorities associated with upgrading the Calder Highway. It is graded to a four-lane freeway standard to Bendigo. Most recent work in the area has taken place through the Black Forest area and the highway has been upgraded to four lanes between Gisborne and Woodend through the Macedon area.

The work is urgently needed because the road is twisty with poor visibility, particularly in winter with fog, rain and snow. Several times last year ice on the road caused cars to skid off in all directions. However, the work carried out in the Macedon area is causing a problem farther down the road. This morning a constituent advised me that yesterday evening, which was the Queen’s Birthday holiday, at 4.45 p.m. the traffic had built up from Gisborne for 8 miles along the highway in a northerly direction. The provision of four lanes in the Black Forest has caused traffic to travel so fast through that area that bank-ups are caused in the township of Gisborne. It is wonderful that we have improvements in one area but it accentuates and exacerbates a problem in another area.

I ask the Minister of Transport to reconsider, in his priorities, rather than upgrading the Calder Highway after
completing the Keilor bypass to four lane standard through to Diggers Rest, an investigation of the possibility of bypassing the township of Gisborne which creates the biggest bottleneck on the 100 mile trip from Bendigo to Melbourne. It would be of great advantage to everyone who uses it, particularly those from the Niddrie and Essendon areas who go away for those odd weekends to their country properties at Castlemaine and the like.

I suggest that the priorities could be reviewed and perhaps the Gisborne bypass could take precedence over some of the work that is to take place further south. I ask the Minister to examine this suggestion.

Mr KENNETT (Burwood)—I raise a matter with the Premier relating to the state of the building industry in Victoria that is not, it is regretted, uncommon with other States but is somewhat more depressed in Victoria than in New South Wales and Queensland.

One of the areas of hope, in terms of the building industry being able to see out the next eighteen months, given the figures that have been released by the Housing Industry Association and from Canberra, lies very much in the new Government's commitment to build an additional two thousand homes for welfare purposes within its first year of office.

There are—it is again regretted—two major building companies that will probably declare next week that they will be going out of business. The additional 2000 homes that were promised by the Government prior to 3 April could provide a means whereby those firms and the employment generated by them will be able to trade out of what will be a dire economic situation for the next eighteen months.

The Minister of Housing, to whom the Premier has delegated this query, indicated three weeks ago in the House that he has put forward a submission to Treasury for approval for the Labor Party Government to meet this commitment. It is necessary that if the building industry, firstly, is to have any idea of how it can plan for its future because of the stringent economic conditions under which we live at the moment, that the Government must at this stage indicate openly and publicly whether the submissions made by the Minister of Housing to Treasury have been accepted or rejected and, it is hoped, if they have been accepted, in what form, when will those tenders be let and how is the money to be raised to pay for the additional 2000 homes?

I have asked this question three or four times in the past without receiving an answer. One of the things the Treasurer does not realize is that if this demand is to be met in the total time frame that is left, given the twelve-months period from when the Australian Labor Party assumed office on 3 April, it is not only the building industry but those people who have had their expectations built up, both on the Ministry of Housing waiting list and those in high-rise flats who have been promised removal from those flats to independent accommodation—

Mr Cathie—That was the Hamer promise in 1976.

Mr KENNETT—It is easy for the Minister of Housing to interject.

The SPEAKER (the Hon. C. T. Edmunds)—Order! Interjections are disorderly.

Mr KENNETT—Quite disorderly. It would be interesting to see whether the Minister can answer the question specifically this time so that those who are waiting for accommodation to be provided, and particularly the building industry that is going through a major slump, can get some indication of how they can best plan and prepare for the eighteen months that lie ahead.

The SPEAKER—Order! The honourable member has one minute.

Mr KENNETT—Tonight the building industry representatives I spoke to have indicated that, if in fact the Government could give them a blueprint as to when those additional 2000 houses will be put to tender, many of them would
be able to plan their employment and survival situations over the next twelve to eighteen months.

This is a very serious situation. The Government has a commitment and it is running out of time, in terms of being able to meet that commitment.

I ask the Minister of Housing to indicate to the House specifically whether his submission was successful and if it was successful to please indicate to the House, on behalf of the building industry, how that commitment is going to be met.

The SPEAKER—Order! The time for raising matters has expired.

Mr FORDHAM (Minister of Education)—The honourable member for Kew raised the delay in the establishment of Parliamentary Committees with particular reference to the Public Bodies Review Committee. The honourable member perhaps did not notice earlier today that I specifically gave notice of a Bill to be introduced this week dealing with the establishment of those committees which will include the Public Bodies Review Committee.

There have been ongoing discussions involving representatives of each of the parties in an attempt to reach complete accord on this matter. I regret that at this stage that has not been successful. I hope it will be resolved by the time the matter has progressed through the Legislative Assembly.

The honourable member for Lowan raised with the Minister of Health the matter regarding the Adult Deaf Society of Victoria and the provision of hearing aids and recounted how previous assistance had been withdrawn from the Health Commission. I will certainly bring that matter to the attention of the Minister of Health to see what, if anything, can be done to assist that very worthy society in its activities.

The honourable member for Midlands raised with me, on behalf of the well known community organization, the Inglewood and District Light Harness Club, the desire of that club for some seven hectares of land in a somewhat larger parcel of land currently under determination involving the Land Conservation Council to be made available to it.

I will ensure that matter is brought to the attention of the Minister of Lands to see if this important community group can be assisted in the way suggested by the honourable member for Midlands or some alternative means found of assisting the Inglewood and District Light Harness Club.

The honourable member for Gisborne raised a matter for consideration by the Minister of Transport regarding the upgrading of the Calder Highway and in particular queried the determination of priorities under existing arrangements for that long-awaited upgrading scheme. I will ensure that the honourable members comments are brought to the attention of the Minister of Transport, particularly his suggestion that the Gisborne bypass be given far greater priority than has been indicated so far in the past in order to minimize traffic disruption both to the people of Gisborne and, of course, in the bank-up of traffic to which he referred.

I am sure the Minister of Transport will take due regard of the matter raised this evening.

Mr CATHIE (Minister of Housing)—The honourable member for Geelong West raised the problem of pensioners in bed-sitter flats who face the cold winter with heating that is obsolete. We are only in the beginnings of winter. The Government is concerned that they are facing the winter in these conditions. I will call for a report and investigation into those matters.

The honourable member for Narracan raised the matter of the difficulties faced by Mr and Mrs Gallagher over a loan through a building society in bed-sitter flats who face the cold winter with heating that is obsolete. We are only in the beginnings of winter. The Government is concerned that they are facing the winter in these conditions. I will call for a report and investigation into those matters.

The honourable member for Narracan raised the matter of the difficulties faced by Mr and Mrs Gallagher over a loan through a building society in bed-sitter flats who face the cold winter with heating that is obsolete. We are only in the beginnings of winter. The Government is concerned that they are facing the winter in these conditions. I will call for a report and investigation into those matters.
stances described by the honourable member for Narracan and see what can be done.

The honourable member for Burwood raised the matter of the recession which is currently being faced by the building industry in Victoria. It is a matter of concern to the Government. In fact, I have had a number of discussions with the buildings industry and its representatives in the Housing Industry Association. Concern has been expressed at all levels.

It is a clear undertaking by the Government. I have no doubt that the construction of the 2000 units will be achieved as an important part of alleviating the recession in the building industry. The Government has already announced a $10 million project for house-and-land packages involving 225 houses as a first step in this direction. Funds were brought forward from next year in order to expedite that first step. The Government is now in the process of assembling further house-and-land packages in order to stimulate the building industry in this State. It is a clear commitment by the Government and an undertaking that it will honour.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for Syndal expressed justifiable concern for the safety of the increasing number of representatives of charitable institutions who are being forced to collect money at road intersections, as a result of the failure of the National Government to meet its obligations in health and welfare fields. That concern is well based and a thorough investigation into the measures that can be introduced should be undertaken to ensure that their welfare is protected. I will take the matter in hand and come back to the honourable member about it in person.

Mr SPYKER (Minister of Immigration and Ethnic Affairs)—The honourable member for Doncaster raised a matter concerning the role of my department. I can assure him that the department and I do everything possible to ensure that the relationship between different ethnic communities in Australia improves continually. The sorts of comments he made in the House this morning do not exactly help that task. I have not seen the article to which the honourable member referred, but I will ask my department to obtain a copy and advise me accordingly.

The motion was agreed to.

The House adjourned at 1.22 a.m. (Wednesday).

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

GRANTS FOR REGIONAL EMPLOYMENT AND TRAINING SCHEME
(Question No. 13)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:
What projects have been funded from the Grants for Regional Employment and Training Scheme and what is the cost of each project?

Mr SIMMONDS (Minister for Employment and Training)—The answer is:
Grants totalling $224,710 have been approved for projects in seven regions.

Central Highlands—$27,960 to support the regional employment committee and develop employment projects.
Wimmera—$70,000 to help establish the regional employment committee, conduct labour market surveys and develop employment projects.
Loddon-Campaspe—$44,850 to help establish the regional employment committee and conduct a labour market survey.
Goulburn—$16,000 to assist the regional employment committee with the implementation of the recommendations of the Shepparton-Moorooroopna Industry Survey.
Western Suburbs—$35,900 to enable the Western Region Employment Committee to develop an information system.
Westernport—$16,000 to help establish an employment committee for the region and undertake work on a labour market survey.
South-West—$15 000 to assist with the establishment of a regional employment committee and the development of a labour market data base.

(Question No. 14)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:

What projects have been funded from the Grants for Innovation and New Technology Scheme and what is the cost of each project?

Mr SIMMONDS (Minister for Employment and Training)—The answer is:

Eight grants have been made so far during the financial year 1981-82 and another three applications are being considered. The programme is currently under review and a strategy document concerning its future development and resourcing is in preparation. The commitment to the end of the 1981-82 financial year is $206 316.

1. Australian Institute of Training and Development (AITD). To conduct a survey to determine the feasibility of training industry trainers—$2500.

2. Victorian Dairy Processing ITC. To develop and implement a quality control training programme for the Victorian Dairy Industry. $68 204—to be paid in three stages.

3. Victorian Fishing Industry Training Committee. To establish a mobile training unit. $74 000—to be paid in three stages.

4. Clay and Ceramics ITC. To undertake a human resources study—$6000.

5. Australian Computer Society Inc. For a labour market study software package—$1500.

6. Victorian Timber Industry Training Committee. To study the training needs of the industry—$1750.

7. Victorian Tourism and Hospitality Industry Training Committee. Survey into manpower needs of the industry and new technology: $53 000—four payments, two of which have been made.

8. Victorian Wool Producing ITC. To assist in the development of a wool-classing course—$6000.

CO-OPERATIVE DEVELOPMENT PROGRAMME

(Question No. 17)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:

What projects are being assisted under the Co-operative Development Programme?

Mr SIMMONDS (Minister for Employment and Training)—The answer is:

Nineteen projects have been funded by the Ministry of Employment and Training of which six were feasibility studies.

Ballarat Employment Co-operative—
Business activities: Tree planting, landscaping, agricultural services. Feasibility study only.

Hodja Educational Resources Co-operative—
Business activities: Multicultural and multilingual publishing.

Loch Ard Trading Co-operative—

Mandurah Health Food Shop—
Business activities: Health food shop.

Bootstrap Trading Co-operative—
Business activities: Chamois and split-suede clothing and accessories. Contracted sheepskin products.

Open Channel—
Business activities: Public television operator.

Public Images—
Business activities: The painting of murals.

Italo-Australian Employment Co-operative—
Business activities: Osteria, eating house.

Brunswick Work Co-operative—
Business activities: Silk screen and offset printing.

Correct Line Graphics—
Business activities: Typesetting and graphics service.

Goldfields Community Radio Co-operative—
Business activities: Public radio station.

Frankston Motor Cycle Park Co-operative—
Business activities: Motor cycle park, cycle repairs and kiosk.

Sybylla Co-operative Press Ltd—
Business activities: Printing and publishing.

Wanderfood Co-operative—
Business activities: Handypersons and theatre troupe. Feasibility study only.

Shepparton Disabled Workers' Group—
Feasibility study only.

Essendon Job Generation Group—
Business activities: Metal press related activities. Feasibility study only.

Multi-purpose Community Employment Co-operative—
Business activities: Building, engineering and domestic services. Feasibility study only.

Turkish Women's Association Co-operative—
Business activities: Handicrafts and Turkish carpets. Feasibility study only.

APPRENTICES

(Question No. 30)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:

How many indentured apprentices are unemployed, indicating in what trades and how many are female?
Mr SIMMONDS (Minister for Employment and Training)—The answer is—

In view of the considerable cost of extracting the detailed information required I have arranged for the President of the Industrial Training Commission to contact the honourable member to see what help can be given.

(Question No. 34)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:

How many applicants for apprenticeship in each trade were unable to undertake training in 1981?

Mr SIMMONDS (Minister for Employment and Training)—The answer is—

In view of the considerable cost of extracting the detailed information required, I have arranged for the President of the Industrial Training Commission to contact the honourable member to see what help can be given.

(Question No. 35)

Mr GAVIN (Coburg) asked the Minister for Employment and Training:

1. How many indentured apprentices are females, indicating the trades in which they are employed?
2. How many indentured apprentices are males?

Mr SIMMONDS (Minister for Employment and Training)—The answer is—

In view of the considerable cost of extracting the detailed information required, I have arranged for the President of the Industrial Training Commission to contact the honourable member to see what help can be given.
Legislative Council

Wednesday, 16 June 1982

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

HISTORIC BUILDINGS (AMENDMENT) BILL

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

QUESTIONS WITHOUT NOTICE

CONSTITUTIONAL CONVENTION

The Hon. A. J. HUNT (South Eastern Province)—Has the Leader of the Government received general approval from his Cabinet to proceed with the motion of a Constitutional Convention and, if so, is he now prepared to consult with the Leader of the National Party and me on the drafting of the appropriate motion?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—The answer is in part, "Yes". Cabinet has approved, as has the Parliamentary party, the proposition of a convention. I believe the responsibility for the drafting of the terms of the convention should be broadened beyond the Leaders of this House. However, as the initiative came from this House, it may be appropriate that the draftsmen be the appropriate Leaders. I am happy to proceed along those lines and put a proposition to the Premier on that basis.

LIBRARY COMMITTEE

The Hon. B. P. DUNN (North Western Province)—Is the Leader of the House aware that Joint Standing Order No. 9 states, *inter alia*:

At the commencement of each Session there shall be appointed by each House a Committee of five Members respectively to constitute a Joint Committee to manage the Library;

In view of that Standing Order, which seems to be quite explicit that a committee to manage the Library must be appointed at the commencement of the session, when will the honourable gentleman proceed with the election of this important committee to manage that vital aspect of Parliament's responsibility?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I may be under a misapprehension, but I understood that, as Leader of the Government, I had introduced a motion to this House with respect to the House Committee and the House itself is holding up consideration—

The Hon. B. P. Dunn—What about the Library Committee?

The Hon. W. A. LANDERYOU—I put it to the House at the time that I took the view, as Leader of the Government, that, until such time as the House declared its attitude in respect to the Government's proposals so far as the House Committee was concerned, I was not interested in proposing any committee to this House. If people want to play politics on the basis of numbers and be rejected by the people, as the former Government was at the recent election, let them do that. I do not propose to submit any proposition from the Government until agreement has been reached with the National Party and the Liberal Party. So far as I am concerned, the ball is in their court.

LOWER YARRA PLAN CONCEPT

The Hon. R. J. EDDY (Thomastown Province)—Will the Minister for Conservation inform the House whether he has reviewed the former Government's Lower Yarra concept plan? If so, is the Government prepared to continue with the implementation of that plan for the beautification of the Lower Yarra region?

The Hon. E. H. WALKER (Minister for Conservation)—The Government has reviewed the former Government's Lower Yarra concept plan, which was under the direction of a Ministerial subcommittee. Two meetings of my Government's Ministers—the same Ministers who met previously—met twice
prior to making a submission to Cabinet. Cabinet has discussed the whole matter of the Lower Yarra and has concluded that the work that is currently in hand ought to be persevered with and has also determined to reconstitute the sub-committee with a view to upgrading the work that the former Government began. I am pleased to answer the honourable member in this fashion: The Government intends not only to keep that work going but also to review and upgrade it.

STANDARDS FOR MOTOR VEHICLES

The Hon. B. A. CHAMBERLAIN (Western Province)—Does the Minister for Conservation intend extending the charter of the Environment Protection Authority to include the compulsory testing of new vehicles for emission standards under Australian design rule No. 27a to ensure compliance of those vehicles with the standard, and will he make appropriate funding available to the authority for that purpose?

The Hon. E. H. WALKER (Minister for Conservation)—It is fortunate that the question the honourable member asks is to be answered in terms of a question he has already put on notice. I shall read the answer to the present question and the answer to the question on notice in a few moments.

BRANDON PARK TECHNICAL SCHOOL

The Hon. C. J. KENNEDY (Waverley Province)—I ask the Minister for Conservation, representing the Minister of Education, whether he is aware that the Brandon Park Technical School in Mulgrave, which has almost 800 students, has no shower facilities for those students who engage in sport, technical or other scholastic activities. The school was established four years ago by the former Government and it consists of little more than a collection of portable class-rooms that are strung together like a string of sausages. What action will the Government take to alleviate some of the problems that exist at the Brandon Park Technical School?

The Hon. E. H. WALKER (Minister for Conservation)—I was not aware of the situation Mr Kennedy has brought to my attention. However, I shall be happy to raise that matter with my colleague, the Minister of Education, in another place.

DANDENONG CO-OPERATIVE HOUSING SOCIETY

The Hon. N. B. REID (Bendigo Province)—I ask the Minister for Conservation, representing the Minister of Housing, why the Dandenong Co-operative Housing Society was allocated $370,000 and why $170,000 of that money was withdrawn and frozen at the direction of the Minister? Will the Government allocate that money to country housing societies?

The Hon. E. H. WALKER (Minister for Conservation)—I shall raise that question with my colleague, the Minister of Housing, in another place.

MORWELL RIVER DIVERSION PROJECT

The Hon. W. R. BAXTER (North Eastern Province)—Bearing in mind the advice the Minister for Minerals and Energy gave to the House last week that the Driffield power station inquiry has now receded in urgency, will the Minister take steps to initiate a separate inquiry on the Morwell River diversion project, bearing in mind that, regardless of what power stations might be built in the western coalfields in the future, the Morwell River will have to be diverted? A decision will be necessary to ensure that the residents of the area are not left in limbo awaiting a decision by the Government.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—When the proposed Parliamentary Committees Bill is passed by both Houses, one of the Parliamentary committees, a successor to the former Public Works Committee, will inherit the responsibility of proceeding with the consideration of the next power station in Victoria after completion of the Loy Yang “B” power station. Although the need for the Driffield proposal is not as urgent as it
- once was, that project and the Morwell River diversion will be given urgent consideration by the new committee.

INDUSTRIAL RELATIONS POLICY

The Hon. G. A. S. Butler (Thomas-town Province)—Has the Minister for Economic Development considered making a statement to the House on the industrial relations policy of the Government?

The Hon. W. A. Landeryou (Minister for Economic Development)—A Ministerial statement on the industrial relations policy of the Government is being prepared. I shall deliver that statement to the House one day next week.

SAFETY NET RESTRAINTS FOR CHILDREN

The Hon. H. G. Baylor (Boronia Province)—I refer the Minister for Economic Development to a pilot scheme that was introduced by the former Government in the City of Knox prior to the last State election. The pilot scheme was a commitment by the former Government to provide safety net restraints for young babies. Will the Government honour that commitment and ensure that the money will be forthcoming to implement the pilot scheme?

The Hon. W. A. Landeryou (Minister for Economic Development)—I congratulate Mrs. Baylor on her interest and knowledge of the subject. Mrs. Baylor has been more active in this matter, in terms of finding a solution to the problem, than have most other honourable members. With rare exceptions, the Premier has directed that commitments of the former Government should be honoured, and I should imagine that this commitment will be one of those. However, that is not a matter for me to decide in isolation. I appreciate that the Treasurer, Mr. Jolly, has inherited a mess, but I will take the matter up with him now that it has been raised formally in the House. I have raised it informally with him, but I will now have the pleasure of raising it formally with the Treasurer.

PAY-ROLL TAX

The Hon. K. I. M. Wright (North Western Province)—I direct to the Minister for Economic Development a question concerning rebate of pay-roll tax, which has been a most valuable incentive to country industry. The National Party believes this has been one of the main factors in increasing industry and population in country areas. Regretably, I have heard a report—and this was reinforced by a comment by the Leader of the Government last night—that the Government may be considering dropping or reducing this incentive. I ask the honourable gentleman whether this is correct.

The President (the Hon. F. S. Grimwade)—Order! Before the Minister answers the question, I point out that it is not in order to ask whether a rumour is correct. Mr. Wright may perhaps ask the Leader of the Government to comment on the matter.

The Hon. W. A. Landeryou (Minister for Economic Development)—I shall endeavour to comment on Mr. Wright's question, Mr. President.

Regrettably, in my absence last night the House did a foolish thing in the sense of interfering with the fiscal payments of the State.

Honourable members interjecting.

The Hon. Glyn Jenkins—You want to read what Gareth Evans said in Canberra about sales tax.

The Hon. W. A. Landeryou—Fortunately, he makes far more sense than does Mr. Jenkins.

Last night the House denied the Government an opportunity of being in long-term planning of fiscal matters. The question of State taxes is under review at the moment, and that is well known; that is public knowledge.
The specific question of incentives to industry—including rural industries and other industries Statewide—is under review by the Ministry for Economic Development. I inherited part of that review on taking over as Minister.

That review continues, and the Government will, I hope, in the near future be making some announcement about real incentives that will be offered to industry to assist the development of this State.

**OFF-SHORE TERRITORY**

The Hon. G. A. SGRO (Melbourne North Province)—I direct a question to the Minister for Minerals and Energy. What action is the Government taking to return control of the territory off shore from the low-water mark to the 3-mile limit?

The Hon. D. R. WHITE (Minister for Minerals and Energy)—As the House will appreciate, the constitutional power over the territory off shore of the Victorian coast was the responsibility of the Victorian Government for a long time until about 1967, when after significant debate on this issue, part of the control of the territory to the low-water mark subsequently passed to the Commonwealth Government.

That resulted in a number of significant problems in the administration of the territory immediately adjacent to the off-shore water mark, and as a result of that at a number of Premier's Conferences it was agreed that legislation should be introduced in all the State Parliaments and the Federal Parliament to revert control of that territory from the low-water mark to the 3-mile limit back to the State of Victoria.

The Victorian Government proposes to assist in that process by, in addition to the other measures that have already been taken on this matter, reintroducing the Petroleum (Submerged Lands) Bill in another place during this session with a view to having that measure passed. This will ensure that Victoria catches up with the rest of Australia, with the exception of Tasmania, which has passed similar legislation.

**AUSTRALIAN LABOR PARTY POLICY**

The Hon. D. G. CROZIER (Western Province)—I ask the Leader of the Government in this House whether it is a fact that the Australian Labor Party Administrative Committee determines policy between State conferences and whether on 20 February this year that committee passed a resolution calling on the entire Labor Party throughout Australia to "rally in defence of Mr Norm Gallagher and the Builders' Labourers Federation"?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I am not aware of the precise resolutions carried by the administrative committee on that night or whether the committee met on that night. If Mr Crozier is referring to the attitude of my party to the deregistration proceedings, that is a matter of public record. It was an absurd proposal which cost the State a fortune and achieved nothing.

**REGIONAL GROWTH CENTRES**

The Hon. D. M. EVANS (North Eastern Province)—I ask a question of the Leader of the Government in his capacity as Minister for Economic Development. I refer to the Labor Party policy on economic development and particularly the proposal to set up a number of regional growth centres in Ballarat, Bendigo, Geelong, the Latrobe Valley, Portland, Shepparton and the national growth centre of Wodonga. Can the Minister advise whether specific criteria were used to specify which areas would be designated as regional growth centres, will the Minister make these criteria available to honourable members and will assistance to decentralized industry be confined to such regional growth centres?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—In answer to the first part of the question about whether criteria were used to determine the regions, the answer is, "Yes". The second part of the question related to a detailed analysis of each of the areas. It will be a matter for the Cabinet to determine whether the details will be released. I know of no
reason why the matters, once they become a matter of Government policy, cannot be released. The answer to the third part of the question is, “No”.

YEAR OF THE TREE

The Hon. J. M. WALTON (Melbourne North Province)—The Minister of Forests is aware that the United Nations Association of Australia has declared 1982 as the Australian Year of the Tree. Can the Minister advise what involvement the Forests Commission will have in activities associated with this year?

The Hon. R. A. MACKENZIE (Minister of Forests)—I am aware of the United Nations Association of Australia programme of the Year of the Tree which begins on 5 June this year and continues to 5 June 1983. I have asked the commission to participate and I have asked the Community Education and Information Branch to co-operate, to promote the Year of the Tree and all the activities that the commission will be undertaking, for instance, the display at the Royal Agricultural Show. The commission will be undertaking much activity to promote the year.

It is important that the Forests Commission be involved in this activity. However, every year is the year of the tree so far as the commission is concerned. There is need for the public to appreciate the broad line of the commission. Unfortunately, because the previous Government foisted many irresponsible decisions on the commission, there has been community anti-reaction against the commission, and I intend to ensure that the negative attitude that has been developed towards the commission is changed into a positive action. I believe the Year of the Tree will be a popular vehicle to promote the role of the commission. The Institute of Foresters has indicated that this will be a way of promoting the positive aspects of forestry. The Government will be contacting the organizers and the commission in the near future.

CONFLICT OF INTEREST

The Hon. GLYN JENKINS (Geelong Province)—I direct a question to the Leader of the House in his role as Minister in charge of the Industrial Relations Task Force. Is the honourable gentleman still Federal President of the Federated Storemen and Packers Union of Australia and, if so, would he give urgent consideration to resigning from that position in case some conflict of interest should arise in negotiations with the union movement?

The Hon. W. A. LANDERYOU (Minister for Economic Development)—I resigned as President of the Federated Storemen and Packers Union of Australia the day I was sworn into Cabinet.

APPOINTMENT OF PARLIAMENTARY COMMITTEES

The Hon. A. J. HUNT (South Eastern Province) (By leave)—I desire to make a statement on behalf of the Opposition with respect to the matter of Parliamentary Committees which was raised during question time.

The position of the Opposition is that all Parliamentary committees ought to be appointed immediately and that the Opposition and National Party ought to be entitled, under the new Government, to the same numbers on those committees to which the Opposition and National Party were respectively entitled in the previous Parliament. In accordance with the tradition of Parliamentary committees, the Opposition believes there is no call for a Government to re-stack committees in a way that has not previously occurred to ensure that it will have an effective majority on all committees.

The Government has sought, with respect to the House Committee, to take one member from the National Party and to take from the present Opposition one more than existed in the previous Parliament and that it enjoyed as the former Opposition. With respect to all other committees, the position is that the Government has sought to have half the members of the committee, plus the chairmanship and deputy chairmanship and a casting vote. That means that the committees would cease to perform the role of independent, all-party,
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