Tuesday, 28 May 1985

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 2.6 p.m. and read the prayer.

DEATH OF THE HONOURABLE GEORGE COLIN MOSS

Mr CAIN (Premier)—I move:

That this House expresses its sincere sorrow at the death of the Honourable George Colin Moss, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Murray Valley from 1945 to 1973 and Minister of Agriculture and Minister of Mines from 27 June 1950 to 28 October 1952 and from 31 October 1952 to 17 December 1952.

George Moss was born and educated at Numurkah and, prior to entering Parliament just after the second world war, he was a successful farmer in that region. He was, like almost all members of the Country Party at that time, an enthusiastic farmer. The Country Party at that time was comprised almost exclusively of farmers.

George Moss was a successful and well-known breeder of prize-winning Southdown sheep on his property at Katunga. His knowledge and understanding of the agricultural industry was reflected by the fact that he was a regular judge at agricultural shows throughout Victoria. He came to Parliament as a traditional farmer from central Victoria.

Like many people of the era, when he entered Parliament he remained for a long time—from 1945 to 1973. Prior to entering Parliament he served in the 59th battalion and at the end of the second world war he stood for Parliament and was elected. He faithfully served the people in the electorate he represented and the Country Party for some 28 years. He had a long and distinguished Parliamentary career.

He held many important positions in this House. I am sure he would regard the most significant period as being between June 1950 and December 1952 when he was Minister of Agriculture and Minister of Mines in the last Country Party Government led by the late Sir John McDonald. After that period of service, he was Deputy Leader of the Country Party from 1955 to 1964 and then Leader of the Country Party from 1964 to 1970 when he stood down. He served as Leader or Deputy Leader for a considerable time.

I knew George Moss when I was a young person visiting this House. It is fair to say that in those years, when the Bolte Government was riding high, George Moss was known as a tough but fair negotiator for the Country Party which was able to win concessions over the Government in negotiations that took place.

George Moss was a tough negotiator but at the same time he enjoyed the friendship and respect of those with whom he dealt. His background in farming necessarily made him a strong advocate of primary industry and of those associated with primary industry.

George Moss also found time, as a member of Parliament, to be a member of the Standing Orders Committee, the Distribution of Population Committee, the Public Accounts Committee and the Meat Industry Committee; and in 1969 he received the distinction of being appointed an honorary member of the Royal Commonwealth Society in recognition of his service to the people of Victoria.

It is worth noting that some of the issues that were prominent and of consequence in the period of George Moss's service are still with us. Decentralization was the great issue at that time and one can find many references in Hansard to George Moss talking with some feeling and concern about the plight of dairy farmers faced with diminishing overseas markets. In that regard, one could say the dimension changes but not the great issues that face us.

The National Party has lost a tremendously respected former Leader, one who served the Parliament for a long period and with great distinction. To occupy the offices of Leader...
and Deputy Leader of the Country Party for a period of almost fifteen years is a considerable achievement in any assessment of Parliamentary careers. The people of the Murray Valley have lost a hard-working member.

I regret that I will be unable to attend the funeral of George Moss tomorrow, due to commitments at the Premiers Conference the next day. The honourable Frank Wilkes, Minister for Housing, will represent the Government at the funeral. Arrangements have been made to convey the Leaders and members of the other parties to the funeral by air transport. In addition, the Leader of the House, in discussions with the other Leaders, has arranged the business of the House in such a manner that those members who do attend will do so with a minimal amount of interruption to their Parliamentary duties.

Finally, on behalf of the Government, I extend sincere sympathy to the family of the late George Moss and I desire that the Government's expressions of sympathy and appreciation of a very fine Parliamentary career be placed on the record of this House.

Mr KENNETT (Leader of the Opposition)—I join with the Premier in extending the condolences of members of the Opposition to the daughters and grandchildren of George Moss at his passing on 27 May this year.

As the Premier has already stated, George Moss gave long and distinguished service to this Parliament and to the party of which he was a member—the Country Party.

Twenty-eight years of service in Parliament, in this current environment, is difficult to appreciate. One or two present members, perhaps more on the Government side at this stage than on the Opposition side, are approaching that length of service. I am informed, by interjection, that one or two members of the National Party fall into that category. It is certainly a long period.

George Moss was born close to the turn of the century. He left elementary school at the start of the great depression and then, as the Premier stated, was very heavily involved with the agricultural primary production industry in this State. George Moss spent 28 years rendering service to Victoria, and that is, indeed, a great contribution.

The Premier has outlined the responsibilities and obligations of George Moss as a former member of this House. His service as a Minister was brief, but his leadership role in what was a much larger contingent of Country Party members at that time was obviously an indication of the respect in which he was held by his colleagues.

When he stood down George Moss was the Leader of the then Country Party and the second longest serving member of the House. He represented the electorate of Murray Valley, a position in which he was replaced by the Honourable Bill Baxter; the current incumbent of that seat is Mr Jasper. George Moss was returned time and again to the seat of Murray Valley, and that is an indication of the community respect for and recognition of the work that he performed and, importantly, of the contribution that he made within the political system.

I regret that I am unable to attend the funeral tomorrow, but the Deputy Leader of the Liberal Party, Mr Tom Austin, will be in attendance. I thank the Premier for his all too infrequent spark of generosity in making available transport so that members can attend the funeral, pay their respects to a member of this community and extend the sympathies of all Parliamentarians to George Moss's daughters and grandchildren.

Mr ROSS-EDWARDS (Leader of the National Party)—I join with the Premier and the Leader of the Opposition in paying tribute to the late George Moss. I knew George Moss as well as most people outside his family could know him, and I had the privilege of serving in the Parliament with him for six years. George Moss had a long Parliamentary career of 28 years, from 1945 to 1973. He was Minister of Agriculture from 1950 to 1952; he was Deputy Leader of the then Country Party from 1955 to 1964 and Leader of the Country Party from 1964 to 1970. George Moss was a good Minister of Agriculture who knew Victoria as well as any member of Parliament; he knew every corner of the State
well. He was involved with producer organizations before he became a member of Parliament and maintained that close association with those organizations.

George Moss was a farmer at Katunga and a breeder of Southdown sheep, which he exhibited both in Victoria and interstate. He was a well-known judge, not only at the Royal Agricultural Show, but also at interstate shows. He was very much a man of the land and was well known and respected throughout Victoria.

His wife, Kit, predeceased him some years ago, and that was a tragedy because she was a great companion, friend and helper in George's Parliamentary career. In the latter stages of his Parliamentary career when his children were all grown up, she often came to Melbourne with him and regularly dined with him and his family, especially between 1970 and 1973. I enjoyed seeing the family unit together as I very much enjoy being in that situation. Coming to Parliament so often, George and his family became well known to other members of Parliament and to the families of those members.

My mind goes back to the turbulent days of 1967 and the heavy leadership responsibilities at that time. On the Government side was Sir Henry Bolte; Clyde Holding was the Leader of the Opposition; and George Moss was the Leader of the then Country Party. They were all good, tough fighters, and George Moss was not left behind when it came to the all-in battles that occurred amongst those contenders, battles in which others joined from time to time.

A point that may be of interest to back-bench members of all parties is that I had such a high regard for his political judgment—that I say with complete honesty—that in my first three years as a member in the party room if I was in doubt I always came down on the side of the Leader of the party, George Moss. It is difficult for back-bench members to make up their minds on some issues, and without background knowledge and lacking in experience a back-bench can make a fool of himself or herself. Fortunately, I had the common sense from 1967 to 1970 to follow George Moss in the interesting and difficult issues at stake.

In my early days as a back-bencher, it never ceased to surprise me that George Moss could walk into this place when there was a free-for-all in the debate, need only a 45-second briefing from one of the members who had been in the House and as the next speaker one would believe that he had not missed a word of the debate. He had approximately 24 years of background—he had been a Minister and the Leader—and he had the capacity to catch up with the debate, enter into it and make a worth-while contribution.

He had wide-ranging and numerous friends in every field of endeavour. Wherever he went he was well known. People enjoyed his company and he enjoyed the company of other people. He had natural good manners, he was a generous person and a good friend to many. He was one of the great characters of Parliament over a long period. The greatest tribute that I can pay to him was that he was respected by the staff. He understood the problems that they had from time to time and he was considerate.

To his four daughters and to other members of his family, I extend my sympathy and that of the members of my party. George Moss and other members of the Moss family have played a significant role, both from the administrative point of view and in the Parliamentary sphere of the Country Party, now known as the National Party.

I thank George Moss and his family for their tremendous contribution. To his daughters and grandchildren, I express the National Party's deepest sympathy.

Mr WILKES (Minister for Housing)—I add to the remarks of the three Leaders in paying a tribute to the late George Moss. George was the Deputy Leader to Bert Hyland when I first entered Parliament and on occasion during debate he even overshadowed his great Leader. That was no mean feat!
He was a friendly fellow and, as the Leader of the National Party pointed out, he was well respected by the staff. He associated with the staff; he was a good fellow to have a beer with, from whom to hear a story and he was a good debater. In those days, they were attributes of a good member of this establishment. Times have changed, there is no doubt about that. Perhaps one does not need those attributes to be a good politician today but nevertheless George Moss had all of those and I respected his ability and his opinions. Certainly, I suffered from his wrath during debate from time to time, as did many others in this Parliament.

George will be missed as he was missed when he stood down as the Leader of the then Country Party. George retired to his farming activities, and I have no doubt he had a broad range of friends in that district. George Moss will be missed; he was missed in this place and he will be missed there. He will certainly be missed by his family, and I extend my deepest sympathy to them.

Mr JASPER (Murray Valley)—I join with other members who have spoken on this motion of condolence for the late George Moss. He was a great Country Party politician in Victoria and throughout Australia, and I pay particular tribute to the work he did for the people he represented in country Victoria, especially for the constituents in the electorate of Murray Valley. I am grateful for the assistance he always provided to me and to many others throughout his political career.

Previous speakers mentioned the career of George Moss in Parliament, and the Premier mentioned his activities in earlier years. George Moss was educated at the Numurkah High School. He grew up on the family farm at Numurkah and eventually operated the family farm at Katunga.

George was interested in sport and was a dynamic sportsman in the area. He played football with the Numurkah Football Club and later, from 1939 to 1941, with the Katandra Football Club. Interestingly, when George was going to play football he used to ride a horse across to the Katandra area. If the club played away from the Katandra ground, he would travel with the other players.

George Moss was also a successful runner and was deeply involved in that sport. Through judging Clydesdale draughthorses and his association with primary industry, he met a famous trainer called Jack King. Many honourable members will know that Jack King trained a number of Victorian professional runners who went on to win the Stawell Gift. During 1940 Jack King trained George Moss and a number of other leading runners. George attended professional training camps and was a finalist in the Wangaratta Gift in 1940.

The people who knew George tell me that he was a good reader of Hansard even in those days and always had an interest in the political scene. As the Leader of the National Party indicated, George Moss had an enormous interest in agriculture because of his farming background and, through many representative organizations, he became more deeply involved in politics and eventually in 1945 became the member for Murray Valley.

George was a dedicated, dynamic and forthright person. He was one of the strongest advocates I have known for country people. His knowledge of agriculture and his understanding of the needs of country people stood him in good stead and enabled him to speak well for country people. This enabled him to become Deputy Leader and finally Leader of the then Country Party.

George Moss was never a person to be embarrassed about how he felt about issues and people. Six weeks ago he became seriously ill and was admitted to the Numurkah and District War Memorial Hospital. After he had been in hospital for a week, I visited him and thought he looked pretty good considering his general condition. George was sitting up in bed and, as many visitors often do, I remarked that he did not look too bad. His reply was typical when he said that he would not be in hospital if he were all right. That is the sort of man he was.
It might have been an odd comment to have made, but that was his automatic reaction. I spoke to him on a number of occasions on my visits to the hospital and up until the last week he was able to converse well. His manner was alert and he wanted to know what was happening not only in the sporting and agricultural scenes, but also in the political area. His brain was alert to the end.

He could remember what I would describe as "the good old days". He worked hard in the area he represented and he was a dynamic representative of Murray Valley.

I believe the strength of support of the National Party in north-eastern Victoria is due largely to the work of George Moss over 28 years as the member for Murray Valley.

George Moss visited Rutherglen and suggested to me that because of my interest in politics I should join the Rutherglen branch of what was then known as the Country Party. I then became secretary of the district council and eventually a central councillor representing the electorate of Murray Valley. My position is due largely to the efforts and assistance of George Moss. I pay particular tribute to the work that he did for the State and the electorate of Murray Valley.

I am pleased to speak to the motion and to express the sympathy of both myself and the people I represent to his four daughters, who continue the good reputation of the family. I join in the condolence motion for the late George Moss.

Mr B. J. Evans (Gippsland East)—I wish to be associated with the condolence motion with respect to the late George Moss. As his deputy from 1964 until 1970 I had the unique opportunity to get to know the man, his ideas and his views on the development of the State. I often wonder, if the thoughts, ideas and policies which he believed in had been implemented in the way he would have wished in those years, whether Victoria would be facing the many problems that it faces today.

The late George Moss entered Parliament in the difficult immediate post-war years when Victoria faced the problem of getting many people re-established in society after many years of active service during the second world war; the problems of soldier settlement; a shortage of materials and money. In those early post-war years the Government did much to establish the foundations on which the prosperity of the 1960s was built.

Unfortunately, the electorate decided that although the Government of the day had laid the foundations, other Governments would have the advantage of governing the State in subsequent years. Those years were difficult ones from the point of view of the Country Party, as it was known at the time. The fact that the Liberal Party was supported election-in and election-out by a minority party which ensured its return to the Treasury benches made it difficult for a corner party to make much headway. Nevertheless, during much of the time the Country Party held the balance of power in the Legislative Council where it was able to exert considerable influence over the legislation which went through, if not on the actual administration of the Government at the time.

When the history books are written and the years are looked back on in perspective, it will be seen that the downward trend started when the Country Party lost its influence in holding the balance of power and effecting some degree of restraint on the Government of the day. Victorians would be well advised to study the history of those years to examine how trends develop and the effect that a restraining hand can have on any Government.

In my opinion George Moss was a first-class politician. He had a wonderful rapport with all the people with whom he came in contact. I am sure Victoria is a much better place for having had the services of George Moss as a member of Parliament.

The Speaker—Before putting the question, I shall also pay a brief tribute to George Moss. George Moss was the honourable member for Murray Valley during my first six years in this place. He was a kind and helpful person and was quite a unique individual. He had a firm belief in the Parliamentary processes of this institution. The House mourns...
his passing. The sitting of the House will prevent my personal presence at the funeral, but I will be represented by the Clerk of the Parliaments. I extend my sympathy to the family of George Moss.

The motion was agreed to in silence, honourable members signifying their unanimous agreement by standing in their places.

**ADJOURNMENT**

Mr CAIN (Premier)—I move:

That, as a further mark of respect to the memory of the late Honourable George Colin Moss, the House do now adjourn until five o'clock this day.

The motion was agreed to.

The House adjourned at 2.38 p.m.

The SPEAKER took the chair at 5.5 p.m.

**QUESTIONS WITHOUT NOTICE**

**WORKERS COMPENSATION**

Mr STOCKDALE (Brighton)—I refer to the Treasurer's announcement last night that his draft proposed workers compensation legislation would be vetted by six so-called experts studying it. I ask the honourable gentleman: What are the names and positions of these experts? Will their opinions be discussed with interested groups? Has the Government now backed down from the Deputy Premier's promise on 2 May that the draft proposed legislation would be released for public comment when it became available?

Mr JOLLY (Treasurer)—All honourable members are aware that the Government is in the process of developing a package for workers compensation which will be a significant social reform. Previous Governments have not been prepared to tackle this issue because of its complexity and the involvement in it of a wide range of groups.

Over the past few months I have been actively engaged in consultations for the development of this package. It is a process which involves, firstly, obtaining broad-based agreement on its principles of underwriting changes to workers compensation and, secondly, the conversion of those principles into draft legislative form. In approaching this issue it is essential to obtain advice on technical matters. I have selected a group that I believe can provide constructive opinion, unlike the Leader of the Opposition who has been totally destructive on this issue.

The reforms are essential and, ultimately, will result in a significant reduction of the incidence of industrial accidents and disease. This State will have a comprehensive network of rehabilitation services. It will have a better system of benefits for injured workers throughout their lives. The package will reduce delays in the system. As the Government has announced, it will also achieve substantial reductions in the cost of workers compensation.

Before the Government releases any draft proposed legislation to the public, it needs to be satisfied that the advice it has received will ensure that technical problems are overcome. This is a complex legislative measure. It is about time the Leader of the Opposition, who is interjecting, recognized facts—he is a clown.

Honourable members interjecting.

The SPEAKER—Order! I ask the Treasurer to return to the point of the question and I ask the Leader of the Opposition to cease interjecting.

702
Mr JOLLY—There are several stages in the consultative process. One stage involves attracting detailed advice on the draft proposed legislation. Another important stage is for the draft to become public. Ultimately, the proposed legislation will be introduced and passed by both houses of Parliament.

Mr ROSS-EDWARDS (Leader of the National Party)—Will the Treasurer inform the House whether Mr Ian Malcolm John Baker, who is one of the Minister's advisers on the proposed workers compensation legislation, is working for the Government as an employee or consultant or in some joint capacity of those two roles?

Mr JOLLY (Treasurer)—Mr Baker is working for the Government on the issue of workers compensation and he has recently been in this position of advising the Government about insurance matters, including workers compensation.

OVERSEAS LOAN

Miss CALLISTER (Morwell)—Will the Premier give the House details of the recent Eurodollar loan signed last week in Frankfurt?

Mr CAIN (Premier)—During the course of my trip, last week I attended a ceremony in Frankfurt to commemorate the successful flotation of the first bond issue for VicFin on the European market. A loan of $150 million was made, led by the Deutsche Bank of Germany, the largest and most prestigious bank in West Germany. The loan was supported by other banks. The Deutsche Bank is one of the banks that has been granted a licence to operate in Australia, and its headquarters will be situated in Melbourne.

I attended a dinner with the Managing Director of the Deutsche Bank, Dr Cartellieri, who was glowing in his praise of the Government's economic policies and performance. It was as if I had written a speech for him. He described the VicFin borrowing as one of the two most successful issued in 1985 at a rate very close to that offered by United States of America treasuries. That is a great achievement for Victoria. I felt humble and proud that Victoria was accorded that recognition in the financial capitals of Europe. Dr Cartellieri described Victoria as being in a select bracket of top quality international issuers.

It would benefit the people of this State if members of the Opposition and the National Party appreciated the regard with which the Government is held in overseas countries where objective assessments are made based on hard data. Overseas, the Australian economy and Government are seen as doing well, and Victoria is seen as leading the way in Australia. When presenting benefits that Victoria offers as a place for investment it is an easy case to put as Victoria speaks for itself, and that is recognized overseas. It is clear that the leading financial centres of Europe, as well as Japan, which gave Victoria a AAA rating, understand Victoria's pre-eminent economic and financial position even if members of the Opposition do not.

WORKERS COMPENSATION

Mr KENNETT (Leader of the Opposition)—I refer the humble Premier to his statement made earlier today that Governments must make decisions and then act upon them. I ask the Premier whether he will guarantee that the Government will proceed this week with its proposed workers compensation legislation regardless of threats, intimidations or ultimatums from certain unions and, if such threats lead to industrial action by some unions, will the Government then be prepared to invoke another state of emergency as was done with the dairy dispute?

The SPEAKER—Order! The latter part of the question is hypothetical and, therefore, out of order.

Mr CAIN (Premier)—I should put the record straight on workers compensation legislation. It will be of assistance to the honourable member for Balwyn because he obviously does not appreciate the significance of the proposed legislation which has been
aimed, and is aimed, at addressing the failings of the present system. I use measured terms when I say that this is one of the most significant social reforms in this State in the memory of honourable members.

Despite the outburst of the honourable member for Doncaster—I am not sure what it was—this is one of the most significant social reforms in this State in the memory of honourable members. The Government desires to effect far-reaching and fundamental reforms to the system, which should have been implemented years ago. Honourable members recognize that the present system is not satisfactory and that the Government was the first Government prepared to stand up and take the tough decision to tackle workers’ compensation.

The Government, of which the Leader of the Opposition was a member for a short time, ran away from it, as it did on so many other issues. The significant and far-reaching reform will place additional emphasis on occupational health and safety and on rehabilitation. There is widespread support—

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Speaker, the Premier is now clearly debating the question. If question time is to be of any relevance, honourable members must be entitled to some attempt to answer the question. The Premier is now debating the question and I ask that he be brought back to the question.

The SPEAKER—Order! I do not uphold the point of order because I do not believe the Premier has yet debated the subject.

Mr CAIN (Premier)—It has been stated by one who might be regarded as a traditional supporter of the Opposition that this reform could have been introduced only by a Labor Government—and that is correct. The proposed legislation is vast and complex. The Government is determined to ensure that when the Bill is presented it will represent the views of the Government and, at the same time, will have been the subject of examination and adequate scrutiny by interested parties. I refer to two principal categories: Employers and unions.

Currently representatives of interest groups are examining the draft Bill. The Government wants to have the benefit of their views on the Bill before final consideration is given by the Government. The Government has not gone into this matter lightly.

The Leader of the Opposition laughs, which shows the significance with which the Opposition views the proposed legislation. This is the most important piece of legislation of its kind that Victorians will ever see and the Government is going to do it properly. The Government, unlike the Leader of the Opposition, will listen to the views of those who know something about the matter.

Honourable members interjecting.

The SPEAKER—Order! I advise the Leader of the Opposition that I will not tolerate continuous interjections.

Mr CAIN—The Government will listen to the views of those people who know something about workers’ compensation and will ensure that there is ample time for consideration by the public and honourable members before the legislation is finally passed.

LIABILITY OF SCHOOL COUNCILS

Mr HANN (Rodney)—I refer the Minister for Education to a question that I asked on the opening day of the session concerning the legal liability of school council representatives, particularly in relation to the employment of staff. Is the Minister in a position to clarify the legal situation of members of school councils?

Mr CATHIE (Minister for Education)—The issue raised by the Deputy Leader of the National Party concerning the legal liability of school councils is a difficult one. It is clear
that school councils must act responsibly and in a proper fashion concerning their employees.

In other words, if a school council happened to underpay one of its employees, clearly that council would be expected to make up the underpayment from its own resources but in other cases, if it were beyond the capacity of the council to pay, the matter would become a liability for the Education Department. I can assure school councils in particular that, provided the school council has acted legally and within its powers, there is no question of any individual member of a school council being held liable.

**SUBMARINE CONSTRUCTION**

Mr KENNEDY (Bendigo West)—Can the Premier give details of his recent discussions on the subject of the participation of Victorian industry in submarine development as well as details of his discussions with British industry about economic matters?

Mr CAIN (Premier)—I thank the honourable member for Bendigo West for his question because one of the results of the discussions concerns an industry in the electorate that he represents. The discussions that I had with the preferred tenderers on the contract to build the submarines were enlightening. Each was well aware of the strong performance of the Victorian economy and, in particular, of the first-class record of Victoria in industrial relations, which is a paramount consideration in the choice of a site.

Honourable members should know that around 200 Victorian firms have registered an interest in the products to be used in the manufacture of the submarines. They range across some 80 categories of the Victorian manufacturing sector. This enthusiasm from employers and unions has helped in putting forward Victoria’s case. I am well aware of the interest expressed by the honourable member for Bendigo West because particular reference was made by the tenderers to the role to be played in the Bendigo Ordnance Factory, which is seen by each as being capable of making a considerable contribution to the building of the submarines. Wherever the submarines may be built, considerable work will no doubt be carried out by that factory.

It is worth recalling, as the honourable member for Bendigo West will, that this is one of the establishments that the Fraser “razor gang” wanted to close down. Honourable members should not forget that! That was another example of the foolishness of the Liberal Party’s privatization program; it wanted to get rid of that! The Liberal Party does not seem to have learnt from overseas experience. I am pleased to say that whatever may occur and wherever the submarines may be built—there is a good chance that they will be built at Corio Quay—a significant amount of the work will be done in this State. I am delighted that the tenderers hold the work of these Victorian firms in such high regard.

**WORKERS COMPENSATION**

Mr RAMSAY (Balwyn)—Will the Treasurer confirm that at last week’s meeting between Government officials and union representatives about workers compensation it was agreed that a further meeting would be held between Government representatives and unions next Saturday? Will the honourable gentleman indicate whether his intention is that the draft legislation for workers compensation should be made available to the unions at that meeting?

Mr JOLLY (Treasurer)—As I have already indicated today, the Government is holding a range of consultations and unions are included in that consultative process. I have also met with representatives of the Business Council of Australia, the Bar Council, the Law Institute of Victoria, the Victorian Employers Federation, representatives from the Victorian Chambers of Commerce and Industry and a number of other individuals.

Last night I made it clear that I would be releasing draft legislation to a number of individuals who represent trade unions and employers as well as other persons involved in the workers compensation system for advice on technical matters and also to ensure
that principles that had been outlined to them have been accurately converted into proposed legislation. Further consultation will be held with both unions and others after the Government releases either the Bill or draft legislation on this particularly important matter. Everyone here would obviously recognize the importance of reforming the workers compensation system and it is about time the Opposition played a constructive rather than a destructive role.

HANCOCK REPORT

Mr GAVIN (Coburg)—Can the Minister for Employment and Industrial Affairs provide details to the House of the Hancock report and the implications for Victoria's industrial relations?

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, I draw your attention to a provision in May which renders this question inadmissible in that it asks for details and for information which is readily available in a report, namely, the Hancock report, which has been referred to in the question. Therefore, the question is inadmissible.

Mr FORDHAM (Minister for Industry, Technology and Resources)—The honourable member for Forest Hill must have been undertaking some sort of special course but it got lost along the way. The latter and the substantive part of the question asked about the implications for Victoria. That is a matter clearly within the purview of the Minister and within the interests of Parliament except, obviously, the honourable member for Forest Hill.

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

Mr CRABB (Minister for Employment and Industrial Affairs)—I thank the honourable member for Coburg for the question. The Hancock report, which was tabled a couple of weeks ago, runs to some 1000 pages and contains a great number of detailed recommendations. However, the major thrust of the Hancock report is to strengthen and consolidate a successful centralized wage fixing system, which has served this nation well and will continue to do so, contrary to the lunatic policies put forward by the Opposition both here and federally for tearing down that successful centralized wage fixing system and slashing the very basis of wage fixing in this country.

Most of the Hancock submissions to the inquiry were accepted by the committee and have been enshrined in its recommendations. Some of those worth mentioning are that superannuation could in future be regarded as an industrial issue. A quaint decision of the High Court some 30 years ago decided it was not an industrial issue, but clearly it should be. Another issue is that demarcation disputes should be more readily dealt with by the Arbitration Commission. Greater co-ordination should exist between Federal and State tribunals so that the best features of both State and Federal systems can be maintained at the same time as the two being brought together in a co-ordinated Federal system that will continue to produce the sensible processes that have served and are serving this country so well.

STATE INSURANCE OFFICE

Mr DELZOPPO (Narracan)—I address my question to the Treasurer. Has the State Insurance Office lost the sum of some $39 million since Parliament last met and is it now so desperately in need of funds to meet its liabilities that the construction of the new State Insurance Office headquarters has been deferred indefinitely and proposals for the sale of property as assets have been sought from the real estate industry?

Mr JOLLY (Treasurer)—As I have remarked on previous occasions, any insurance office undertakes its own investments and selling policy. In respect of the site of the new headquarters of the State Insurance Office, I have already indicated to the House that the
State Insurance Office has decided to make its final decision on that after the workers compensation system has been finalized and it is known what role the State Insurance Office will play in that system. This is a point that I made earlier in answer to a question from the Opposition and that position remains unchanged.

The State Insurance Office will assess its position on the need for new headquarters after it decides whether to tender for an active role in the new Accident Compensation Commission. Therefore, that is the relevant time at which such an investment decision should be made.

In respect of the selling of properties, the Leader of the Opposition has once again exhibited his irresponsibility in this area as he issued a press statement suggesting that the State Insurance Office had to sell properties because of its liquidity position.

Mr Kennett—It put it out to tender.

Mr JOLLY—It put it out to tender because of the liquidity of the State Insurance Office—that is inaccurate. The Leader of the Opposition should understand the position. The State Insurance Office has been examining the position of selling properties in its assessment of whether that will be a profitable venture. In respect of liquidity, if the Leader of the Opposition had any understanding of financial matters he would realize that the SIO has several millions of dollars in Commonwealth securities which are highly liquid assets.

It is clear that the Leader of the Opposition has gone off half-cocked again on financial matters. That is the role of the State Insurance Office. The only thing I can say on the property issue is that press statements by the Opposition help the SIO in the property market because they give added exposure, which is of assistance to any organization that is contemplating selling in a particular area.

FUEL SUBSIDY ARRANGEMENTS

Mr JASPER (Murray Valley)—I refer to the mini Budget presented by the Federal Government a couple of weeks ago and its outrageous attack on country people by reducing the fuel subsidy arrangements which will cost country people approximately $116 million extra in fuel taxes. Has the Minister for Industry, Technology and Resources or the Prices Commissioner investigated this and have any representations been made to the Federal Government against its actions? If not, why not?

Mr FORDHAM (Minister for Industry, Technology and Resources)—I think the question would be appropriately asked in the Federal Parliament rather than the State Parliament. It was announced as a decision rather than as a proposal by the Federal authorities and has since been confirmed by both the Prime Minister and the Federal Treasurer. The matter has been dealt with by the Federal Parliament and in the context of the Federal Budget there is little point in the Victorian Government trying to resurrect an issue that has already been determined, whether or not we like it.

FORMER OLYMPIC ATHLETES

Mr FOGARTY (Sunshine)—Can the Minister for Sport and Recreation inform the House of the work being done or performed by eleven champion Olympic athletes previously unemployed and now engaged by the State Government in the role of sports promotion officers?

Mr TREZISE (Minister for Sport and Recreation)—The eleven former Olympians who returned from Los Angeles last year after performing so well, and who were unemployed, have been appointed under the sports promotion scheme as sports promotion officers. They have done an excellent job, and the Department of Sport and Recreation has sent a six-monthly report of their operations to the Treasurer indicating the benefits that people of different ages have received, both in the metropolitan area and in all parts of the State.
In addition, in conjunction with Trans Australia Airlines, multi-posters have been organized depicting these eleven individuals and their particular sports, including a sports message which it is hoped to widely distribute to encourage more people in Victoria, particularly young people, to take up sport.

**COMMON LAW RIGHTS**

Mr STOCKDALE (Brighton)—I ask the Treasurer why he and his officers have been telling employers that they have union endorsement to dispense with common law rights in connection with the proposed workers compensation reforms when that claim is grossly inaccurate?

Mr JOLLY (Treasurer)—It is remarkable that the Opposition has been so ill informed about workers compensation insurance. Last week the Leader of the Opposition informed the media that arrangements had been made for self-insurance and that the Government was discussing a number of options with the business sector. Typically, the Leader of the Opposition was two weeks out of date, but that was one of his better performances.

The greatest farce of all occurred last Friday when the Leader of the Opposition issued a press release stating that Dr Sheehan, the Director-General of the Department of Management and Budget, and I had received a rowdy reception at a Trades Hall Council meeting on Thursday evening, 23 May. The Leader of the Opposition is not well informed: I was nowhere near the Trades Hall Council on Thursday night. This was seen by the Opposition as a significant press release, but it did not get a run in the newspapers. That indicates the degree of credibility one can attach to statements issued by members of the Opposition.

I have consulted and will continue to consult, with employers and trade unions on the complex issues associated with workers compensation insurance so that the Government can develop a package related to compensation for accidents sustained in the workplace. When passed, this measure will be of benefit in reducing industrial accidents throughout Victoria.

Honourable members should also recognize that the number of working days lost as a result of industrial accidents is greater than the number of days lost through industrial disputes.

Other major objectives are an improvement of the benefits system, the rehabilitation of injured workers and a reduction in delays and costs associated with the system.

A range of issues has been discussed with various organizations, and I have endeavoured to inform all parties on the progress of those consultations. A new stage in the continuing process will take place when the Government releases its final document relating to the proposed workers compensation insurance legislation.

**TRANSPORT OF DANGEROUS GOODS**

Mr ERNST (Bellarine)—Can the Minister for Employment and Industrial Affairs inform the House what further steps have been taken to protect Victorians against the hazards of dangerous goods?

Mr CRABB (Minister for Employment and Industrial Affairs)—As honourable members will know, there is widespread community concern about the storage and transport of hazardous materials throughout the State and, consequently, the Government has brought forward its plan in the dangerous goods Bill to be introduced this week. The Bill will enable the regulation and control of all aspects of the storage, transport and use of dangerous goods and hazardous materials.

The Government is also proceeding with recommendations which require any firm that stores hazardous materials to erect notices to that effect outside its premises and outside...
each segment of the premises in which dangerous goods are stored. United Nations standards will apply and the signs will be readily recognizable, especially by emergency personnel.

In July I shall also promulgate regulations under the Dangerous Goods (Road Transport) Act 1984. Those regulations will be developed in conjunction with interstate colleagues to meet the standards established by the Australian Transport Advisory Council. By the end of the year I hope to introduce regulations covering the segregation and storage of hazardous goods.

By the end of the year, I anticipate that the State of Victoria will have the foremost measures for the regulation of dangerous goods in Australia, if not the world.

STATE INSURANCE OFFICE

Mr KENNETT (Leader of the Opposition)—With regard to scandalous mismanagement of the State Insurance Office by the Treasurer, what action has the honourable gentleman taken since Parliament last sat to protect the Victorian public from increasing losses of the State Insurance Office?

Mr JOLLY (Treasurer)—As I have said on a number of occasions, it is important to distinguish between those areas of the State Insurance Office in which it competes with the private sector and in which it is making a profit and other areas of its activities. A number of times I have said that the area of compulsory third-party insurance is akin to a social benefit and, as the Leader of the Opposition is aware, no area of the private sector is willing to be involved in that area of insurance.

As I have stated on previous occasions, the Department of Management and Budget has been requested to prepare a report on this issue. In terms of priorities, workers compensation reform has taken top priority. That is a matter to which I am devoting much attention and at the appropriate time an announcement will be made on compulsory third-party insurance. It is imperative to distinguish between those areas in which the SIO competes in the market-place, and in which it operates at a loss in the compulsory third-party insurance areas.

TRAIN TIME-TABLES

Mr W. D. McGRATH (Lowan)—Following the recent public criticism by commuters of the inability of the suburban railway system and also some country railway systems to run to the scheduled time-table, what action has the Minister for Transport taken to ensure a closer adherence to the time-table laid down by the rail network?

Mr ROPER (Minister for Transport)—I have had figures taken out that show the on-time running performance, especially of the metropolitan railway system, over the last decade and the current level of performance, which the Government wishes to continue to improve, is somewhat higher than it was in mid-1980, when it dropped to well below 90 per cent of on-time running.

I have asked officials of the Metropolitan Transit Authority to devote considerable attention to the problems that confront the system, such as the shortage of trains or of key staff, such as drivers and guards, and they are working hard on approaches to those problems. However, on-time running is much better than it was five years ago and, indeed, it must continue to improve.

It is easy for honourable members such as the honourable member for Malvern to ask, “What happened yesterday?” Yesterday, in the morning peak period, a passenger suffered a heart attack at Museum station. The railway officials quite properly took the view that he should be attended to by ambulance personnel before he was moved. The system is not run in such a way that if someone suffers a heart attack he is dropped off on the platform.
and the train continues on. The next two trains were delayed while that important attention was given to that passenger. The later trains were diverted so they did not have a problem.

There will always be that kind of difficulty that will cause delays, which I am aware passengers understand. However, the Government is looking at ways in which to improve further on-time running to move away from the low level of performance that was reached in 1980.

BLACKBURN REPORT

Mrs HIRSH (Wantirna)—Will the Minister for Education inform the House what progress has been made with the implementation of the recommendations of the Blackburn report?

Mr CATHIE (Minister for Education)—The main recommendation of the Blackburn report was to increase the retention rate for Year 12, which is currently running at 50 per cent. This means that 50 per cent of young Australians are not enrolled in formal education at present.

The Government has accepted the recommendation that the retention rate be lifted from 50 per cent to 70 per cent by the year 1995. The Blackburn committee has indicated that if Governments are successful in achieving that much higher retention rate for young Australians in formal education, there will have to be radical changes—that is, changes to the curricula, changes to the organization of schools and school systems, and changes to certification and accreditation as well.

Following the release of the Blackburn report the Government appointed a wide consultative group to advise me on how the recommendations in the report could be implemented. I am pleased that the wide consultative group has reached agreement on a number of important issues. It has reached agreement on the grouping of the recommendation into four major headings: Firstly, curriculum assessment and accreditation; secondly, the structures for schools; thirdly, industrial relations issues and problems; and fourthly, the changing role for our TAFE colleges and schools, particularly for Years 11 and 12.

Additionally, the consultative group has agreed on a process by which the recommendations relating to curriculum, assessment and accreditation can be considered. I hope the new Victorian Curriculum and Assessment Board which will replace the Victorian Institute of Secondary Education can be set up within a reasonable time-table, as has been proposed not only by the Blackburn committee but also by the consultative processes.

CHILD EXPLOITATION UNIT

Mr CROZIER (Portland)—I refer the Minister for Police and Emergency Services to the prominent headline in the Melbourne Sun of Saturday last, “Child Sex Squad Hit by Cuts”. Is it a fact that these funding cuts have been largely responsible for a backlog of some 50 cases for the child exploitation unit and a consequent deterioration in staff morale? If so, in the light of community concern at the disturbing incidence of child abuse, will the Government give consideration to either re-forming the Delta task force or substantially reinforcing the child exploitation unit?

Mr MATHEWS (Minister for Police and Emergency Services)—No such cuts have occurred.

Honourable members interjecting.

Mr MATHEWS—I repeat: No such cuts have occurred. The Chief Commissioner of Police, in the exercise of his duty of superintendence of the force, decided that the Delta task force had completed its work and that its members would be reassigned to other squads. I accept his judgment in the matter.
NEW FORENSIC SCIENCE LABORATORY

Mr KIRKWOOD (Preston)—As the new police Forensic Science Laboratory is vital to the efficient operation of the Police Force and will provide upgraded facilities, will the Minister for Public Works advise on the progress of the provision of these much needed facilities?

Mr WALSH (Minister for Public Works)—The Government is funding the construction of a new Forensic Science Laboratory at Macleod for the Police Department. The project is being funded through the State Development Fund and the new laboratory is the second phase of the project, the total cost of which will be in the vicinity of $13 million, which will include the cost of the equipment.

The main building is being constructed at a cost of approximately $8 million. The project is running to schedule and it is expected that the building will be occupied some time in May 1986. Last week I visited the project and noted that more than 30 per cent of the work had been completed. I am proud of the design of the project and I compliment the Public Works Department on the excellent work it has done on the design and construction of the project.

Phase 1 of the complex was completed in August 1983 at a total cost of $1.2 million. It comprises a modern vehicle inspection facility and a small amount of new laboratory accommodation.

For many years Victoria has needed such a facility but was denied one due to neglect by the previous Government. I am sure that both the Victoria Police Force and Victorians generally will be proud of the project when it is completed.

PETITIONS

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

Templestowe community land

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

We the undersigned, oppose the subdivision of the Melbourne Metropolitan Board of Works land off Reynolds Road in Templestowe. Government land is community land and as such should be set aside for community use.

As a developing area we are in the privileged position, and it is our absolute responsibility, to avoid the urban planning disasters of the past by standing up against such decisions.

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

By Mr Perrin (1003 signatures)

“R” and “X” rated video cassettes

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

Whereas we appreciate the Government’s efforts to legislate for the control of video films in Victoria through the Films (Amendment) Act 1983, we are deeply concerned that the “R” and “X” classification is doing immeasurable harm to our children and teenagers in the home, contrary to the United Nations Declaration of the Rights of the Child which states: “The child shall enjoy special protection, and shall be given opportunities and facilities, by law and other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration”.

Our petitioners therefore humbly pray that the Parliament assembled will legislate to ban “R” and “X” video cassettes from the home, leaving adults who wish to do so to see them in licensed cinemas.

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

By Mr W. D. McGrath (135 signatures)
Carlton Cricket, Football and Social Club

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 that an application has been made by the Carlton Cricket, Football and Social Club for the erection of a public grandstand on the northern side of the Carlton recreation ground which incorporates provision for 1248 public seats, a dining room catering for 400 people, 2 levels of corporate viewing and dining facilities, a media centre and a caretaker's flat.

Your petitioners therefore pray that the Government take such action so that the proposed erection of the said public grandstand by the Carlton Cricket, Football and Social Club does not proceed.

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

By Mr Remington (27 signatures)

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

ADMINISTRATIVE ARRANGEMENTS ORDERS

Mr CAIN (Premier)—By leave, I move:

That there be presented to this House a copy of the Administrative Arrangements Orders Nos 22 and 23 of 1985.

The motion was agreed to.

Mr CAIN (Premier) presented the orders in compliance with the foregoing order.

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

CINEMATOGRAPH OPERATORS BOARD

Mr CRABB (Minister for Employment and Industrial Affairs)—By leave, I move:

That there be presented to this House a copy of the 1983 annual report of the Cinematograph Operators Board.

The motion was agreed to.

Mr CRABB (Minister for Employment and Industrial Affairs) presented the report in compliance with the foregoing order.

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

PAPERS

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


Co-operative Housing Societies—Report of the Registrar for the year 1983–84—Ordered to be printed.


Legal Profession Practice Act 1958—Report of the Lay Observer for the year 1984 to the:

Barristers’ Disciplinary Tribunal; and

Solicitors’ Disciplinary Tribunal.

Law Reform Commissioner—Report for the period 1 July 1983 to 3 December 1984—Ordered to be printed.

Monash University—Report of the council for the year 1983; together with statutes approved by the Governor in Council during the year 1983.

Members of Parliament (Register of Interests) Act 1978—Register of Members’ Interests—Summary of returns—May 1985—Ordered to be printed.

Statutory Rules under the following Acts:

Agricultural Chemicals Act 1958—Nos 140, 141.
Alpine Resorts Commission Act 1983—No. 132.
Boilers and Pressure Vessels Act 1970—Nos 146, 147.
Dairy Industry Act 1984—No. 120 (together with documents required by section 32 of the Interpretation of Legislation Act 1984 to accompany the statutory rule)—

Australian Code of Practice for Dairy Factories (April 1978);
Australian Standard 1382–1974: Glass milk and cream bottles of the metal foil cap type (200–600 ml capacity);
Australian Standard 2139–1978: Single-use containers for liquid dairy products;
Australian Standard 1187–1977: Refrigerated farm milk tank-units;
3–A Sanitary Standards for Farm Milk Cooling and Holding Tanks, No. 13–06, Formulated by International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service, The Dairy Industry Committee;
Australian Standard N62–1968: Non-refrigerated farm milk tanks

Dental Technicians Act 1972—No. 143.
Discharged Servicemen's Preference Act 1943—No. 150.
Drugs Poisons and Controlled Substances Act 1981—No. 165.
Forests Act 1958—No. 137.
Geelong Regional Commission Act 1977—No. 133.
Health Act 1958—Nos 119, 142, 162.
Industrial Relations Act 1979—No. 144.
Lifts and Cranes Act 1967—No. 145.
Lotteries, Gaming and Betting Act 1966—No. 122.
Mining Development Act 1958—No. 118.
Petroleum Act 1958—No. 117.
Police Regulation Act 1958—Nos 112, 158.
Racing Act 1958—Nos 123 to 129.
Reference Areas Act 1978—No. 139.
Supreme Court Act 1958 and Interpretation of Legislation Act 1984—No. 104.
Transfer of Land Act 1958—No. 156.
Youth, Sport and Recreation Act 1972—No. 130.

Town and Country Planning Act 1961:
Beechworth—United Shire of Beechworth (Township of Beechworth) Planning Scheme, Amendment Nos 2 and 3.
Bacchus Marsh—Shire of Bacchus Marsh Planning Scheme, Amendment No. 27.
Benalla—City of Benalla Planning Scheme, Amendment No. 37.
Corryong Planning Scheme 1960, Amendment No. 10.
Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme, Amendment No. 30 (1984).
Flinders—Shire of Flinders Planning Scheme 1962, Amendment No. 181.
Geelong Regional Planning Scheme, Amendment No. 99.
Lillydale—Shire of Lillydale Planning Scheme 1958, Amendment Nos 191, 192.
Melbourne Metropolitan Planning Scheme, Amendment No. 330.
Pakenham—Shire of Pakenham Planning Scheme—Part 1, Amendment Nos 4A, 32.
Portland—Town of Portland Planning Scheme, Amendment No. 54 (1984)—No. 155.
Seymour Planning Scheme, Amendment No. 87.
Sherbrooke—Shire of Sherbrooke Planning Scheme 1979—
(Rural Areas), Amendment Nos 24, 25, 28;
(Urban Areas), Amendment No. 17 (1983).
Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme, Amendment Nos 55, 56.


Proclamation of his Excellency the Governor fixing operative dates in respect of the following Acts:
Liquor Control (Amendment) Act 1958, Section 1 to 7—22 May 1985 (Government Gazette No. 50, 22 May 1985).

STATE DISASTERS (AMENDMENT) BILL

This Bill was received from the Council and, on the motion of Mr MATHEWS (Minister for Police and Emergency Services), was read a first time.
COAL MINES (PENSIONS INCREASE) BILL

The SPEAKER 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 Coal Mines (Pensions Increase) Bill.

Mr JOLLY (Treasurer), pursuant to Standing Order No. 169, moved for leave to bring in a Bill to amend Part III of the Coal Mines Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

APPROPRIATION MESSAGES

The SPEAKER 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:

- Professional Boxing Control Bill
- Racing (Amendment) Bill

FAIR TRADING BILL

Mr SPYKER (Minister for Consumer Affairs)—I move:

That this Bill be now read a second time.

Prior to the election, the Labor Party made a commitment to introduce fair trading legislation in Victoria. Three major steps must be taken in meeting this commitment:

1. A wide range of deceptive or misleading practices are to be outlawed;
2. The current product safety provisions of the Consumer Affairs Act 1972 are to be reviewed; and
3. Legislation to deal with guarantees and warranties and manufacturers' obligations is to be developed.

This Bill is the first step in this process, and it will provide a new code of business conduct governing all business dealings in Victoria by outlawing deceptive or misleading business conduct.

More importantly, the Bill is a reflection of the Government's commitment to the principles of social justice. Its provisions will increase the access of those people most disadvantaged in the market-place to protection and compensation. It will ensure a fair deal, particularly for those in our society who are forced to count every cent in purchasing essential goods and services, and who cannot afford to be misled by deceptive business practices.

It will enhance the reputation of honest business and will contribute towards the achievement of a fair market for all. The need for the legislation is abundantly clear. There is a fundamental deficiency in the existing Consumer Affairs Act. Action under the Consumer Affairs Act is limited to “statements” which are “published” within the meaning of the Act. In other words, the Act is aimed at prohibiting false or misleading advertising and, as a result, oral statements and deceptive conduct generally are excluded. In addition, the current penalties are totally inadequate bearing in mind the harm which may result from unfair conduct, especially for the disadvantaged members of the community.

The current Act also fails to provide adequate redress for those affected by deceptive conduct. For example, a Vietnamese refugee made representations to the Ministry about a car he had purchased. The odometer had been tampered with, reducing the mileage the car had done by more than 30 000 kilometres. As a result, the consumer had paid...
considerably more for the car than it was really worth. Indeed, he was out of pocket by more than $1000—money he could ill afford to lose. Although the trader was successfully prosecuted, as things stand, consumers involved in such situations must incur extra cost and disruption by taking their cases to the courts or the Small Claims Tribunal in order to be compensated for their loss. The Bill will provide an avenue for consumers to gain compensation on the basis of the Ministry's prosecution, saving time and expense for consumers, witnesses and the courts.

While the Commonwealth Trade Practices Act can offer protection, it must be recognized that the Trade Practices Act itself is not of universal ambit because of constitutional considerations. The Act applies only generally to the conduct of corporations. This has meant that a number of unethical or dishonest traders who operate as individuals or in a partnership have avoided the trade practices net. It also means that while corporations have to comply with the Commonwealth Act, these individuals or partnerships do not, thus gaining a totally unwarranted competitive advantage.

The Government decided to adopt the strategy of modelling its Fair Trading Act upon the "prohibitions" or "prosecutions" found in Part V Division 1 of the Trade Practices Act, with the accompanying remedy and enforcement provisions, following an investigation based on a reference to the former Consumer Affairs Council.

During that investigation, public submissions were sought and a wide range of consumer, business and professional bodies, plus academic experts, were consulted. The support for the approach was overwhelming.

There were a number of compelling advantages in modelling the legislation upon the Trade Practices Act. These include:

(i) The law would be comprehensive in its coverage of deceptive business conduct since the context and structure of the prohibitions in the Trade Practices Act are comprehensive. Also, in the absence of constitutional restrictions, the ambit of the State law would extend to cover all business dealings; and

(ii) The Commonwealth Act has proven itself in a decade of use. There is a body of case law and a widespread public understanding and acceptance of the law.

The Government is committed to the development of uniform consumer protection legislation between the Commonwealth, States and Territories. Following from this, all Ministers of consumer affairs have agreed to use the Trade Practices Act as the basis upon which uniform legislation is to be developed.

Victoria will be the first State to adopt the legislation. In doing so, it is recognized that the Commonwealth has proposed certain amendments to the Trade Practices Act. Although it is uncertain when the Commonwealth will proceed with these proposals, it is clear that Victorian consumers and businesses cannot continue to be disadvantaged by inadequate laws. Indeed, the Commonwealth Attorney-General, the Honourable Lionel Bowen, has stated that any State mirror legislation should not be delayed because of these proposed amendments. It is therefore essential that Victoria now take the first step towards the introduction of comprehensive consumer protection legislation. Once the Commonwealth amendments are enacted, Victoria will consider amendment to this Bill to maintain the commitment to uniformity.

I now turn to a consideration of the Bill itself.

Honourable members will note that, in the main, the language used is consistent with the Trade Practices Act. A number of changes were necessary to suit State legislation. For example, for constitutional reasons, the Commonwealth Act can only prohibit a corporation in trade or commerce from engaging in prescribed conduct. The Bill will replace "corporation" with "person".

Part I of the Bill contains the preliminary clauses, including the short title and the interpretations.
Part II contains prohibitions against a variety of unfair practices. Division 1 of this Part contains a general prohibition against false and misleading conduct which is supplemented by prohibitions against specific forms of false representations, for example, false representations in relation to the supply of goods, land and services, bait advertising and false representations in relation to prices.

This Part also prohibits false representations in relation to employment. For the unemployed in our community it is already bad enough to be faced with a bleak future without work or adequate income. However, their situation is made even worse by those who seek to exploit the unemployed, especially the young, by extracting large sums of money with the promise of jobs or training which turn out to be illusory. The Bill will effectively stop this exploitation.

Division 2 prohibits pyramid selling schemes and Division 3, prohibits the sending of unsolicited credit cards and unsolicited goods or services. A major strength of the Trade Practices Act has been the enforcement provisions linked to the range of remedies available, not only to enforcement agencies, but also to private persons who are affected by the deceptive conduct of a trader. Part III of the Bill, which deals with enforcement and remedies, retains that strength.

The Bill provides considerable monetary penalties for breach of the provisions. Clause 32 (1) sets a maximum fine of $10,000 for a person found to be in contravention; the maximum fine in the case of a corporation is $50,000. It is believed that penalties of this level are required to deter persons from engaging in deceptive conduct. The penalties are also consistent with the current penalties under the Trade Practices Act.

Criminal prosecutions are to be treated as summary offences, tried in the Magistrates Court. Claims for civil damages as provided for in clause 37 are to be tried in accordance with standard jurisdictional rules.

Clause 34 of the Bill enables the County Court, on application of the Minister, the director or any other person, to grant an injunction restraining a person from engaging in false or misleading conduct.

Clause 35 enables the Minister or the director to apply to the County Court for an order requiring a person to undertake corrective advertising.

Clause 39 enables the director to represent named consumers providing those consumers give their consent and a court has considerable power under clause 41 to make ancillary orders for compensation.

Division 4 of Part III contains miscellaneous provisions, including the power of inspectors and facilitation of inspection.

This Bill will be a watershed in the development of consumer protection legislation in this State. It will protect and advance the cause of both consumers and honest business people against dishonest commercial elements. This Bill was a major commitment in the Government's consumer affairs policy in the recent election. The compelling need for these measures and the Government's priority to attend to this need is reflected in the early introduction of this Bill. The Bill is deserving of and has widespread support, and I commend it to the House.

On the motion of Mr RICHARDSON (Forest Hill), the debate was adjourned.

It was ordered that the debate be adjourned until Sunday, September 1.

**VICTORIAN ECONOMIC DEVELOPMENT CORPORATION (AMENDMENT) BILL**

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

Discussion was resumed of clause 4.

Mr FORDHAM (Minister for Industry, Technology and Resources)—Clause 4 is an important component of the Bill because it deals with the reference to and definition of
"preferred industry". I shall recap slightly because there has been a gap since the second-reading stage of the debate. When the Victorian Economic Development Corporation Act was proclaimed in 1981, it was established as an important objective of the corporation to provide assistance to the concept of a preferred industry. "Preferred industry" was, and is, defined in the Act as:

... an industry employing advanced technology or which manufactures or processes wholly or partly for export interstate or overseas.

Shortly after the proclamation of the Act in 1982, it was decided that more flexibility was required in determining what was a preferred industry. It was clear that such a step was needed and, therefore, in 1982 an amendment to the Act established that preferred industry basically was an industry approved by the Governor in Council, and that definition was supported by Parliament. Assurances were given by the then Minister that the detailing of that definition would await the release of the Government's economic strategy. That strategy was formalized and announced last year with significant support from all sections of the community. The 1982 amendment was never proclaimed and it was decided to await the further amendment that is now before the Committee.

The ACTING CHAIRMAN (Mr B. J. Evans)—Order! I suggest the Minister should first move the amendment in his name so that the Committee can study the proposed amendment.

Mr FORDHAM—Mr Acting Chairman, I am simply providing a setting for the proposed amendment.

The new approach has been determined by the Victorian Economic Development Corporation and the Government has accepted that advice. The objective should not be an industry but a firm, and certain criteria were set out within that definition. That has been included in the Bill. Since the Bill was introduced it has been suggested that a further amendment is needed. I therefore move:

Clause 4, line 7, after "in" insert "or in connexion with".

This one-line amendment arose from the further advice that export support services can be classified as preferred industry. It has been pointed out that the direct export of products/services in many instances cannot take place without indirect support services, for example, special transport equipment, cool storage and other product storage/treatment facilities and plant adaptation to incorporate special product features.

The amendment enables a person or a firm which is engaged in activities which are likely to increase sales of goods or services produced or provided in Victoria which are not sold in export markets but in connection with export markets to be a preferred industry. That obvious step ought to be taken to put beyond doubt this important issue. I commend this machinery amendment to the Committee.

Mr HAYWARD (Prahran)—This aspect is perhaps the most important of the Bill because it deals with preferred industry. I should like to speak to both clause 4 and the amendment, if that is acceptable, Mr Acting Chairman.

The ACTING CHAIRMAN (Mr B. J. Evans)—Order! The honourable member will talk to the amendment only.

Mr HAYWARD—The Opposition does not oppose the amendment. At the appropriate time I shall speak to the whole clause as amended.

Mr JASPER (Murray Valley)—The National Party does not oppose the amendment. It understands the motive behind wanting to extend the definition of a preferred industry to include not only industries that are involved in export markets but also those operating in connection with export markets.

The amendment was agreed to.
Mr Jasper (Murray Valley)—I suggest that my amendments Nos 1 and 2 should be considered together because they are an integral part of the clause. The amendments are to line 14 of clause 4 (2).

The Acting Chairman—Order! The honourable member for Murray Valley should move only the first amendment but he may refer to the second amendment while developing his argument.

Mr Jasper—I move:

Clause 4, line 14, omit "In".

The second amendment proposes to remove paragraph (b) of clause 4 (2). It will repeal an amendment made in 1982 to section 3 of the Victorian Economic Development Corporation Act which dealt with the definition of country industries. The 1982 amendment removed that definition and replaced it with the interpretation of a development region, and preferred and prescribed regions. That amendment was never proclaimed, as the Minister indicated earlier.

When that section is removed, obviously it will be read in conjunction with section 3 of the 1981 Act and also in conjunction with clause 4 (1), which has been amended and which relates to preferred industry.

Mr Hayward (Prahran)—This amendment takes away the concept of the "development region" and returns to the concept of "country" industry. The Opposition supports the amendment. By courtesy of the Minister, I have discussed the matter with the Victorian Economic Development Corporation and I understand from those discussions that the corporation considers this Bill to be a practical way of approaching its activities.

The concept of a "development region" has been a difficult one and it has raised some practical problems. The Opposition feels that "country" industry should be supported as distinct from industries in development regions. The best method of achieving that support is by a low general level of taxation and charges as distinct from discriminatory grants to particular industries because those grants cause problems in communities. These problems have already been experienced. It has been shown on a worldwide basis that the most effective way to encourage development is to provide a low general level of taxation and a low general level of Government intervention.

The concept of country industry as distinct from development region is much sounder. In due course, it will be necessary to return to the provision of general benefits rather than specific discriminatory benefits. In those terms, the Opposition supports the amendment.

Mr Fordham (Minister for Industry, Technology and Resources)—In the spirit of attempting to obtain Parliamentary consensus on this important measure, the Government accepts amendments Nos 1 and 2 circulated in the name of the honourable member for Murray Valley. I shall make some brief comments on amendment No. 3 when it arises.

The amendment was agreed to.

Mr Jasper (Murray Valley)—I move:

Clause 4, line 14, omit "paragraph (b)".

The amendment was agreed to.

The Acting Chairman (Mr B. J. Evans)—I suggest the honourable member for Murray Valley speaks on amendment No. 3 at 8 o'clock.

The sitting was suspended at 6.28 p.m. until 8.3 p.m.

Mr Jasper (Murray Valley)—I move:

Clause 4, lines 15 to 18, omit all words and expressions on these lines and insert—"(b) sections 4, 6 (a), 6 (b) (iii), 9 (a) (ii) and 12 shall be repealed."
The amendment removes further sections of the 1982 Act which have never been proclaimed and which refer to “country industry”.

Section 4 of the 1982 Act was never proclaimed. Section 6 (a) of the same Act, which also was not proclaimed, provided the objectives of the corporation and amended the 1981 Act. Sections 6 (b) (iii) and 9 (a) (ii) of the 1981 Act and section 12 of the 1982 Act removed the words “country industry” from the Act and replaced them with the words “regional industry”. I propose to amend the 1982 Act by bringing it back to the original definition of “country industry”.

The Victorian Economic Development Corporation has loan funds of approximately $32 million. The Act refers to funds provided to industry throughout Victoria on various bases and relates to funds in excess of the $50 million already provided for decentralized industry. That is a separate issue. The Minister for Industry, Technology and Resources understands that the National Party believes special assistance should be provided to country industry.

The amendments enacted by the Victorian Economic Development Corporation (Amendment) Act 1982 removed from the principal Act any reference to “country industry” and replaced those words with a different interpretation of “development region”. Approximately ten regions were created and described as development regions, but nothing eventuated because those sections of the Act were never proclaimed.

In my second-reading speech I indicated that, although considerable play was made by the Government of its intention to provide assistance to industry in the preferred regions, that has not occurred.

The Government has used section 12 (2) (q) of the principal Act, as amended by section 6 of the 1982 Act, which provides for Ministerial approval for funding to various industries throughout the State, and the National Party has been critical of the fact that assistance has been provided to industry through the use of that Act.

Mr Boschma, General Manager of the Victorian Economic Development Corporation, was keen to have a detailed interpretation of a preferred industry so that the corporation had a clear definition and could provide funds on an established basis. The National Party believes the new interpretation is detailed, but my amendment will remove all references in the Victorian Economic Development Corporation (Amendment) Act 1982 by removing the words “country industry” and replacing them with the words “development regions”, and will retain the special interpretation of “country industry” that was included in the principal Act. The National Party believes the Government should see the merit of providing assistance to country industry on a specific basis as distinct from special assistance provided to industry across the State.

Many areas of country Victoria would not receive assistance under the definition of “development region” as set out in the 1982 Act which was never proclaimed, except by using the 1982 amendment to section 12 of the principal Act.

These amendments are a move in the right direction in maintaining the interpretation of “country industry” and the assistance given to industry throughout Victoria.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I have listened with interest to the honourable member for Murray Valley. The amendments he proposes accord with the comments he made during the second-reading stage some weeks ago.

As I indicated earlier to honourable members and in private discussions with the honourable member for Murray Valley and the Opposition spokesperson, the Government will bend over backwards to ensure that it has widespread support for the Bill and will accept the bulk of the amendments moved by the honourable member for Murray Valley.

I have already foreshadowed and circulated an amendment to the amendment of the honourable member for Murray Valley, which I believe will reach accord with all parties and which on the one hand makes it clear that Government assistance can and will flow
through the Victorian Economic Development Corporation across all parts of country Victoria but on the other hand retains the integrity of the objects of the 1982 amendments.

In other words, it changes the reference to regional industry and development regions to country industry and country areas and that matter will come before the Committee in a few moments. It embodies the spirit of what the honourable member for Murray Valley has said and I appreciate the willingness of the spokespersons of all parties to work together on this matter.

The Government is not recoiling from the notion of growth centres in Victoria. On the contrary, it sees that legitimately there can and will be major growth centres in the State. The same principle was adopted by the Liberal Government prior to 1982 but the Labor Government wishes to emphasize that point. Over recent years in major centres such as Bendigo, Ballarat, Shepparton and Wangaratta, there has been significant growth and it is logical and sensible to concentrate Government resources and support those centres. That is not to say—taking up the point made by the honourable members for Prahran and Murray Valley—that there should not be the same opportunity across country Victoria if it can be demonstrated that there are real possibilities for growth and the amendments that will result to the clause will obtain the best of both worlds.

I look forward to the passage of the proposed legislation through both Houses to allow the Victorian Economic Development Corporation and the Government to undertake the important task in the future.

Mr JASPER (Murray Valley)—The National Party is pleased that the Minister has accepted the general thrust of the amendment I have put forward, recognizing that there needs to be attention to the country industry concept in the proposed legislation.

There has been discussion with the Minister on this subject and he has indicated privately that he would accept the amendments put forward by the National Party but that he wished to make one specific change that related to one amendment which I put forward concerning section 6 (a). This related to the object of the corporation. The Minister in discussions with me indicated that the Government wished to retain the new detailed objectives of the corporation as included in the 1982 Act compared with those in the 1981 Act.

The National Party is prepared to accept that, with the changes in section 6 (a) of the 1982 Act, the Minister is proposing to replace the words "regional industry" with the words "country industry". I believe the spirit of consensus and discussion that has taken place between the Minister, his officers and the National Party has been fruitful on this occasion.

The National Party has been able to bring forward this matter in Parliament in a situation in which there have been shortcomings in the Act. Whilst making amendments to clarify the interpretation of preferred industry, the Government has also been prepared to accept the changes that are proposed by the National Party to the Bill.

The National Party is prepared to accept the amendment proposed by the Minister.

The amendment was negatived.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

Omit words and expressions proposed to be inserted and insert—

'(n) Sections 4, 6 (b) (iii), 9 (a) (ii) and 12 shall be repealed; and

(c) In section 6 (a)—

(i) for the words "regional industry" there shall be substituted the words "country industry"; and

(ii) for the words "development regions" there shall be substituted the words "country areas".'

The amendment concerns the earlier approach referred to by the honourable member for Murray Valley and me and supported by the honourable member for Prahran.
The amendment was agreed to.

Mr Hayward (Prahran)—I should like to address a few remarks to the significance of the term "preferred industry" and in so doing describe the way in which this operates. I am sure the Minister will correct me if I am wrong. One has two categories of industry, namely "preferred industry" and what one might term "other industry". With respect to "other industry", "or non-preferred industry", the only way in which it could be considered by the Victorian Economic Development Corporation is if it falls within a development region. I understand that that is the way the Bill has been amended.

Mr Jasper—It has never been proclaimed.

Mr Hayward—As the honourable member for Murray Valley points out, certain sections of the previous 1981 and 1982 legislation, which referred to development regions, have not been proclaimed. However, that was the concept of the previous legislation. If one wants to be precise about it, one can say that any assistance provided by the corporation to industries in the so-called development regions or country areas would have been provided under the power of the Minister and at his discretion.

If one examines the two concepts as distinct from the specifics in the legislation, one realizes there are two categories, namely, preferred industry and non-preferred industry. There is also the other concept of location. Under the sections of the Act that have not been proclaimed, there are development regions and, in accordance with the proposed amendments, they will become country areas. The other location category is the metropolitan area.

The significance of the concept of preferred industry is that if an industry or firm is declared a preferred industry, it can be considered for all those locations. Under the locational concept, if it is not a preferred industry it would be considered only if in the country area category. It is a complex situation and clearly there is need for clarification.

The assistance available to a preferred industry can be by way of loans, guarantees, leasing finance, bills of exchange or equity.

I shall comment on the subject of equity in preferred industries. The difference between the view of the Opposition and the Government is that the Opposition considers equity arrangements to be an inappropriate use of scarce community resources. The Opposition considers it inappropriate for the Government, through the corporation, to take up equity in preferred industries. In the long term this would be harmful to Victorian industries.

As I understand the situation, through information supplied by courtesy of the Minister, the corporation has taken up an equity position in at least eight Victorian firms with a total investment of about $1 million. This is only the tip of the iceberg and in the next financial year many proposals will come forward for equity participation in preferred industries.

The Victorian Economic Development Corporation can effect equity investment only under certain qualifications and conditions. For example, it can take an equity investment only on the invitation and with the consent of an applicant; it can take only a minority equity position without control of the management of the preferred industry and it can take an equity investment only over a limited period of three to five years and so on.

I am not saying that in this sense the VEDC is operating in any way other than on a proper commercial basis, according to a proper commercial approach to preferred industry. However, there is no question that no matter how one views the situation, clause 4 involves a Government agency favouring a particular firm for Government investment. The definition of preferred industry under clause 4 means a person or a firm engaged in activities that are likely to increase sales of goods or services produced or provided in Victoria. The VEDC will favour a particular person or firm in the category of preferred industry and that person or firm will enjoy the special privileges that I have outlined. Such positive discrimination will give that particular person or firm a competitive advantage.
over other firms. It will imply a Government endorsement of that particular preferred person or firm.

In a rapidly changing technological world, survival and success depend upon capacity to adapt continually to changes in the market-place. This ability to adapt should not involve intervention because the Government is not always a good judge of market changes.

With regard to the concept of preferred industry, the track record worldwide of Governments giving discretionary assistance by way of equity participation in preferred industries is not good. Most Governments worldwide, including the socialist Governments of France and the Commonwealth of Australia, are moving away from this type of approach. Those Governments are seeking to divest themselves of equity participation in firms.

An example I referred to earlier in respect of equity investment is the firm of Moray Firth, which proposed to establish a malt production plant. The VEDC was proposing to involve itself in equity participation in the firm despite the fact that it was abundantly clear that there was an excess capacity for malt production both in Australia and overseas. This was pointed out at an early stage to the VEDC, including the fact that firms involved in the production of malt at both Ballarat and Melbourne were retrenching employees. The project has now been shelved for four years because of the over-supply situation.

Another example involves Dinner Plain Pty Ltd, which is the latest equity investment by the VEDC. I had the privilege of participating in the launching of the project recently at the Regent Hotel. The Minister for Industry, Technology and Resources performed his duties well on that occasion. However, one must question why the Government should become involved in equity participation in a land subdivision development in an alpine village.

Various problems arise when the Government undertakes equity participation with a firm, even if for a limited period such as three or five years. There is an implied commitment that the Government will ensure the firm continues to enjoy Government support, even if the firm’s performance is unsatisfactory. Even though another firm involved in the same business may be performing better and producing a better product and deserves to succeed more than the firm in which the Government has become involved, the Government may change the market balance by putting resources into the firm which has less likelihood of succeeding.

The practice of Government equity participation also raises the possibility of political favours being sought or provided. I am not in any way suggesting that the present Minister or management of the Victorian Economic Development Corporation would become involved in that type of exercise, but the potential exists. It is an unsatisfactory principle. The next Victorian Liberal Government will sell all Government equity holdings in private firms within its first term of office and will not enter into any further equity shareholdings in private firms. The next Victorian Liberal Government will change the definition in the Act to eliminate the concept of a preferred industry meaning a particular person or particular firm because such a definition involves a positive discrimination in favour of particular firms which may be to the detriment of other firms and the industry generally.

Mr WILLIAMS (Doncaster)—I have been prompted to speak on this clause because of the remarks of the Minister for Industry, Technology and Resources. He referred to my old fashioned and—as he described it—antediluvian economics. I make no excuse for being an ardent exponent of free market economics. This clause, which gives Government preference to favoured companies and favoured individuals in the free market, displeases me. I am totally opposed to political interference in the free market because history has shown that it is the road to bribery and corruption. It is the road to huge Government losses, inefficiency and lower living standards.

I shall tell the Committee a story. Some years ago I invested part of my father’s estate in a small company called Sunshine Australia. It was a small company producing biscuits
and so forth. About twelve months ago the company was taken over by a brilliant Chinese entrepreneur, Mr Ming Lee. I am now a shareholder in that company, with the People's Republic of China which is the second largest shareholder. I notice the Minister is nodding his head. In my view this company should show the people of Australia——

The ACTING CHAIRMAN (Mr B. J. Evans)—Order! The honourable member should relate his remarks to a preferred industry. He is widening the ambit of the debate by continuing along that line.

Mr WILLIAMS—I am trying to demonstrate to you, Mr Acting Chairman, that the free market depends on entrepreneurs, not on Governments.

The ACTING CHAIRMAN—Order! The clause relates to preferred industry, and I ask the honourable member to speak to the clause

Mr WILLIAMS—I am trying to point out that there is no preferred industry in the free market. Industry depends on providing services to people, and if a company does not satisfy the preferences of the people, it will make losses and go out of business.

The ACTING CHAIRMAN—Order! It would have been more appropriate for the honourable member to make those sorts of remarks during the second-reading debate when the principles of the proposed legislation were under discussion. The Committee is now discussing the definition of "preferred industry", and the honourable member must relate his remarks to preferred industry.

Mr WILLIAMS—Surely, the crux of the clause is how preference is given to an industry. Is it to be given through the operations of a free market or through unwarranted interference by Governments? Mr Acting Chairman, will you allow me to elaborate on that point?

The ACTING CHAIRMAN (Mr B. J. Evans)—I cannot permit the honourable member to elaborate along those lines. The clause relates specifically to the definition of "preferred industry", and the honourable member must confine his remarks to that definition.

Mr WILLIAMS—The resources of modern government, particularly in this State, are so limited that effective preferential assistance cannot be given to particular industries. Mr Acting Chairman, will you permit me to elaborate along those lines?

The ACTING CHAIRMAN—I believe I am stretching the scope of the debate by allowing the honourable member to do so, and I ask him to keep his remarks brief.

Mr WILLIAMS—In my view, the function of government in this State should be to assist industry through restraint on divided taxes in the energy sector. Victoria is fortunate in that it has a number of industries which, if they were assisted by low energy costs, would certainly develop markets to a point where they could compete with imports, expand exports and so on. I remind you, Mr Acting Chairman, that the definition of a preferred industry relates to whether that industry is able to promote exports or contain imports.

I am concerned that the Government will introduce heavy imposts on Victoria's manufacturing industries, particularly in the field of pay-roll tax, workers compensation and other activities, to the point where those industries will no longer be able to compete on world markets.

The ACTING CHAIRMAN (Mr B. J. Evans)—Order! The honourable member is again straying from the clause, which relates specifically to preferred industry. It has nothing to do with pay-roll tax or workers compensation.

Mr WILLIAMS—I remind you, Mr Acting Chairman, that there are more ways of killing the cat than choking it with cream. At present in this State we are "killing the cat" with heavy imposts on the private sector. The transport system leaves much to be desired.

The ACTING CHAIRMAN—Order! I must again remind the honourable member that clause 4 makes no reference to the matters to which he now refers. I ask him to return to the definition of "preferred industry". The clause is specifically titled “Definition of
preferred industry”, and I ask the honourable member to confine his remarks to that aspect of the Bill.

Mr WILLIAMS—I point out, Mr Acting Chairman, that, if, on the one hand, we are to give preference to industries through Government interference, we can, on the other hand, give preference by lifting the burdens with which those industries are now faced. The free market in this State does not need interference through measures such as those contained in the Bill.

Mr JASPER (Murray Valley)—It is difficult to reconcile some of the comments of the Opposition spokesman with the acceptance of the amendments by the Opposition. The honourable member for Prahran spoke of “preferred industry” and the narrow interpretation that this would give to the corporation in funding specific industries; however, the honourable member was happy to accept the interpretation of a country industry being put back into the Act. It is vital to maintain the specific reference to country industry to ensure that country industries can obtain assistance.

The honourable member also commented strongly on the seemingly narrow and specific interpretation of “preferred industry” applying to a limited range of industries to the exclusion of several other industries.

The National Party accepts the “preferred industry” interpretation contained in clause 4, as amended. Provided the Government proclaims this Act, the amendments will return to the legislation the interpretation of “country industry”, which will ensure that industries in country areas will be assisted.

Under the Victorian Economic Development Corporation (Amendment) Act 1982, the Minister has discretion to provide assistance to whatever industry and for whatever purposes the Minister desires. I assume that the Minister will be responsible in his handling of the funds being provided through the corporation. For the benefit of the Committee, I refer to section 6(b)(v) of the Act, which states, inter alia:

(i) to make loans, grants or other payments, pay subsidies, execute guarantees or provide any other form of financial accommodation to assist in the establishment, continuance and expansion of any industry or class of industry whatsoever; and

(ii) to do such other things as are conducive to promoting or achieving the objects of the Corporation.”;

The Minister has the discretion to provide assistance to industries across Victoria as he determines. The National Party will watch closely to ensure that the Minister does not use this discretion to provide assistance where it is not justified. In trying to obtain a better definition and interpretation for preferred industries, the corporation is trying to clarify the provision of assistance.

The Government has the responsibility to provide loans on the basis mentioned by the honourable member for Prahran. The Government also needs to consider whether to risk equity or venture capital in a case where the business may have a good concept and could be an expansive and expanding industry but does not have the collateral to obtain assistance from either banks or other financial institutions.

The Government should consider whether it should offer such a business a Government guarantee in the hope that the industry will succeed, or whether to take up a small equity in the company—and it should be only a small percentage, which, obviously, would not give the Government control of the industry—thus providing the risk capital. The Government could encourage the development of the company. It would be a sound business judgment to do so. Officers of the corporation, members of Parliament and others who are talking to representatives of the corporation are impressed by the people operating in the corporation.

One needs only to read its 1984 report to understand that the Victorian Economic Development Corporation is operating soundly and, over recent years, has operated at a profit, and that is important.
I refer to some of the comments made by the Minister for Industry, Technology and Resources and indicate that the National Party accepts the fact that growth centres should be established. The Government should give specific assistance to a particular region or growth centre. However, the National Party does not want industries in Victoria to block out assistance that could be granted to an industry wishing to move to a smaller area.

Clause 4, as amended, is acceptable to members of the National Party and we will be watching with great interest to see how the corporation operates in future. I ask the Minister to indicate whether the Bill, as amended, will be proclaimed. I hope the Government will not act as it did in 1982 when it came to power, bundled through legislation, decided there would be development regions and then did not bother to proclaim the legislation.

Government members representing areas in Bendigo and Ballarat made statements about preferred areas and development regions when they did not have legislation to back up those statements. The honourable member for Bendigo West was the only member of the Government to speak on the proposed legislation, and that was a brief contribution. He has been operating under false pretences.

The ACTING CHAIRMAN (Mr B. J. Evans)—Order! I remind the honourable member for Murray Valley that the Committee is discussing clause 4, as amended.

Mr JASPER—It needs to be clarified why the amendments are currently before the Committee. Clause 4, as amended, should be proclaimed as quickly as possible as some Government members claimed that Bendigo and Ballarat are development regions by relying on section 6(b)v of the 1982 Victorian Economic Development Corporation Act.

The National Party supports the Bill. I hope the Minister will indicate to the Committee that the proposed legislation will be proclaimed and acted upon as quickly as possible.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I note with interest the comments made during the debate on clause 4 as amended. As to the comments of the honourable member for Murray Valley, I gave an assurance that the relevant sections will be proclaimed as quickly as possible. The reason for the non-proclamation of the earlier legislation has been explained at length in the Chamber and I am disappointed that the honourable member for Murray Valley keeps talking and does not listen and does not accept the facts that have been outlined on so many occasions.

The honourable member for Murray Valley made some disparaging comments about the honourable member for Bendigo West. Those comments were unfair, unreasonable and inaccurate, as the honourable member for Bendigo West spoke with great sense, authority and concern during the earlier stages of the debate. His record in the Bendigo area is unparallelled and his fight for regional industry is well known both in the Bendigo community and in the Bendigo media. I have no doubt that that will continue in the future.

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The honourable member for Murray Valley sought an assurance and indicated that he was confident that the Minister would act "responsibly" in the future. I give that assurance as that is the way I have acted in any Ministry for which I have had responsibility. I assure the honourable member that I will be exercising the considerable powers that will accrue to me as the Minister for Industry, Technology and Resources.

The honourable member for Prahran, as Opposition spokesman, laid it on the line. He delivered a speech on the philosophy of the Liberal Party, and was supported by the honourable member for Doncaster. It was a somewhat fundamentalist approach on what was the role or non-role of Government for industry. I am pleased that the Liberal Party has been clear and unambiguous on this issue and I look forward to campaigning on the hustings on that basis. It is obvious that the National Party will support the Government on this matter.
Mr Williams—They are rural socialists, and you know it.

Mr FORDHAM—Yes, members of the National Party are rural socialists. References to the Liberal Party not supporting subsidies, grants and other assistance are obviously from the heart and head and it appears that a commitment has been made on what the Liberal Party will or will not do. If by some mischance the Liberal Party is elected to government, I assure honourable members that those issues will be taken to the hustings and will be strongly canvassed. I look forward with significant interest to hearing what firms from Ballarat, Bendigo, Wangaratta and across country Victoria will say about those alternative attitudes and responses when they are debated in local communities.

The Labor Government has an alternative economic strategy to that espoused by the Opposition; it is clear, it is detailed; it was submitted to the Victorian public and was endorsed at the last election. The growth in industry, economics and employment has been mentioned by honourable members at great length and the Government stands by that strategy and its record. The intention of the Government for industry, as embodied in the Bill and in other pieces of legislation, is to put into place that strategy, to be able to embrace the principles on which it stands and to use Government resources and assistance to provide for the development of Victorian industry in accordance with that strategy. The strategy highlights the competitive strength of Victoria in terms of its resource base, skills base and climate, with specific reference to the tourist industry.

The honourable member for Mornington interjects about emphasizing the need for significant export development. I have no hesitation in supporting the need for Victorian industry to be more competitive and to realize that it is working on the international market; but it is the responsibility of Government to assist, not to direct. One of the appropriate means of assisting industry is the equity partnership, which was mentioned by the honourable member for Prahran. None of the firms with which the Government has developed an equity relationship has been forced into that situation. Those firms sought it and wanted to work in conjunction with Government—and that is the way we will continue to work in the future.

I welcome the support for the measure. I am pleased that the Committee has reached significant accord through the amendment within the Bill and I look forward to a speedy passage of the Bill in another place to allow the Victorian Economic Development Corporation to undertake its important tasks for the future development of Victoria.

Mr HAYWARD (Prahran)—I seek clarification on some of the comments made by the honourable member for Murray Valley and the Minister for Industry, Technology and Resources. I support general assistance to country industry, as the Liberal Party has stated publicly on a number of occasions, and I support assistance to industry generally. However, the Liberal Party does not support the isolating of a person or firm and bestowing the special status of “preferred industry” on that person or firm. We believe in supporting industry generally, not the bestowing of special preference or status on a firm or individual.

The clause, as amended, was agreed to, as was clause 5.

Clause 6

Mr HAYWARD (Prahran)—I seek clarification on some of the comments made by the honourable member for Murray Valley and the Minister for Industry, Technology and Resources. I support general assistance to country industry, as the Liberal Party has stated publicly on a number of occasions, and I support assistance to industry generally. However, the Liberal Party does not support the isolating of a person or firm and bestowing the special status of “preferred industry” on that person or firm. We believe in supporting industry generally, not the bestowing of special preference or status on a firm or individual.

The clause, as amended, was agreed to, as was clause 5.

Clause 6

Mr HAYWARD (Prahran)—Can the Minister explain the concept of indemnity in the context of the Bill? For example, is it an extremely strict and limited concept of indemnity pertaining to financial instruments or is it a concept of indemnity that may involve, for example, the corporation indemnifying a particular firm for liabilities under the class action concept which operates in the United States of America? In that case a firm may suddenly be faced with a class action from some hundreds of people and the firm may have a considerable number of commitments and contingent liabilities. The issue is complex. I would appreciate a clear definition from the Minister of what indemnity means and how it will operate for the Victorian Economic Development Corporation.

Mr FORDHAM (Minister for Industry, Technology and Resources)—The clause is the result of a specific request by the Victorian Economic Development Corporation. Its major
reference is in relation to financial matters as was alluded to by the honourable member for Prahran. At present there is no expressed power on indemnity, so the amendment will give the corporation the power, and provide some comfort to financial institutions that have expressed concern about the absence of that power. That is how it will operate.

Mr HAYWARD (Prahran)—I am still not clear. Can the Minister indicate what the difference is between guarantee and indemnity in this context?

Mr FORDHAM (Minister for Industry, Technology and Resources)—Simply, legal advice was received that the words have a slightly different meaning. “Indemnity” is commonly used in the finance industry and in financial institutions. The request to have the amendment included was to put beyond doubt that that power had been given to the Victorian Economic Development Corporation by incorporating it in its Act.

The clause was agreed to.

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

TOWN AND COUNTRY PLANNING (TRANSFER OF FUNCTIONS) BILL

The debate (adjourned from April 24) on the motion of Mr McCutcheon (Minister for Water Resources) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—The major purpose of this Bill is to transfer the planning functions and planning staff from the Melbourne and Metropolitan Board of Works to the Ministry for Planning and Environment. It gives the Minister power to institute a concept plan for the Yarra region and covers parts of the Yarra River and Maribyrnong River. The Bill enlarges the powers and responsibilities of the Melbourne and Metropolitan Board of Works over recreational land in the metropolitan area and gives it broader powers to undertake certain functions in this field on behalf of metropolitan councils.

The Bill amends the Minister’s delegation powers, deals with the disposition of land purchased by the board using the Metropolitan Improvement Fund, increases the borrowing power of the board and allows a transfer of moneys from the Metropolitan Improvement Fund to the Treasurer towards the costs of metropolitan planning.

To some degree, the stated objectives of the Bill to improve the efficiency and planning and to reduce the overlap and duplications—in some cases, triplications—of planning functions and to reduce delays and frustrations experienced by members of the public, deserve support. The Opposition concurs that these objectives are laudable. However, Opposition members believe the current measure, which is part of the continual emasculation of the Board of Works by the present Government, takes this too far and subjects the planning process at the highest level to a number of weaknesses.

Firstly, the planning structure proposed by the Bill means the centralizing of all planning powers in the hands of the Government which, of course, is a major plank of Labor Party policies.

Secondly, although the present structure undoubtedly is not perfect, it keeps planning decisions at arm’s length from political pressures and ensures that planning decisions and strategies are made on an objective basis and, to a great degree, avoids either personal or political corruption. That is not to say that the present Minister is in any way corrupt nor that he is likely to be tempted to be corrupt. I believe him to be an honourable man. However, at some future time, a different person may be the Minister for Planning and Environment in this place and that person may not have the present Minister's capacity or qualities. He may find the enormously increased personal responsibilities of the Minister beyond his capacity and may allow himself to be over-influenced by party political pressures when making planning decisions.
Thirdly, the Bill increases to a great degree the responsibilities of the Minister and places him in an interventionist position at all levels of planning. He is placed in the unenviable position of being a respondent to appeals on planning permit decisions and he will be a respondent to tribunals appointed by himself. The Crown should not allow itself to be placed in such a situation. Under the system of Parliamentary democracy in Victoria the Minister should have the power to appoint tribunals, but should not be a respondent as would happen under the Bill. The Minister should be accountable only to this Parliament and, through this Parliament, ultimately to the people of Victoria. The Government has erred in this matter and will ultimately regret placing a Minister in the position of being a law-maker, judge and jury and the final court of appeal. Justice should be seen to be done, but in this case, ultimately individuals not satisfied by the outcome of the proposed measures will have nobody to blame for its apparent failure but the Minister himself.

A further weakness in the proposed transfer of functions is the dividing of the planning function from the provision of services. In planning considerations, the provision of water, sewerage, drainage and so on are a vital ingredient in any final decision or strategy. The Board of Works has a very proud record of service to the metropolitan community over many years and, undoubtedly, its real strength, which has been the envy of capital city planning authorities around the world, has been that planning and service functions have been integrated.

No doubt, with the transfer of staff from the Melbourne and Metropolitan Board of Works to the Ministry for Planning and Environment, at least in the short term, much of this co-ordinated expertise will remain with the planning officers. However, as time passes, this expertise will inevitably be dissipated and lost.

Where planners are removed from the implementation of their plans, then planning can become too academic and removed from realities, but when planning is integrated with delivery of services planners call on a more pragmatic and practical approach to their responsibilities. This tremendous strength of the board will be lost with the implementation of this legislation.

Clause 5 provides that in future municipal councils will share the responsibilities for metropolitan planning and, in principle, municipal councils no doubt will welcome such an involvement. Under such a system, I assume that the Ministry for Planning and Environment will act as a regional planning authority for the metropolitan area, and will deal with matters of State regional significance while municipal councils will be more concerned with matters of local interest in planning matters.

Nowhere in the Bill or the second-reading speech could I find reference to any assistance, in either personnel or financial assistance areas, to help metropolitan councils with their increased responsibilities. It may be that the Minister intends to second planning staff to municipalities on a needs basis on the municipalities assuming these greater responsibilities. If such assistance is not forthcoming, local councils will not relish this additional impost on their ratepayers who already will be paying, and will continue to pay, the metropolitan improvement rate. In his concluding remarks on the Bill, the Minister might clarify the situation regarding assistance to municipal councils for their additional responsibilities.

Clause 7 gives the Minister authority to prepare a concept plan for the Yarra region or for part of that region. The Minister may recommend to the Governor in Council an extension of the present region to include any area contiguous to the present areas of the Maribyrnong River or Yarra River. The Minister must be satisfied that the area to be added is within the river valley of the Yarra River and Maribyrnong River. That is of interest because I understand that formerly it was within 30 metres of the river banks. This implies the total catchment of the two rivers and also implies yet another tier of planning in these areas.

I am somewhat at a loss to understand why the Government has added this provision which appears to bear little or no relationship to the main purpose of the Bill, namely, the transfer of planning functions from the Melbourne and Metropolitan Board of Works to
the Ministry for Planning and Environment. It would be much more appropriate for the
Minister to introduce this provision when he proceeds to amend the Planning Act, of
which he has spoken so much.

The thrust of the Bill is to simplify and improve the planning process, as indicated by
the Minister’s second-reading speech, but the Government, by this measure, appears to be
introducing yet another tier to the planning process.

The Government has already made a statement on its planning policies in respect of the
Yarra River, and I presume one has been made in respect of the Maribyrnong River. The
Bill appears to be another intrusion into these areas. I would welcome an explanation by
the Minister of the need for this measure, particularly as part of a Bill which aims at
simplifying planning procedures.

Clause 32 allows for payments to be made from the Metropolitan Improvement Fund
to the Treasurer towards the cost of metropolitan planning. The Opposition seeks an
assurance, that moneys paid out of the fund can be spent only on metropolitan planning
and cannot be used to cover planning expenses generally or for any other purpose of the
Ministry for Planning and Environment, and will move an amendment in the Committee
stage to ensure that that result is achieved.

The Opposition is concerned to ensure that the fund set up to purchase, develop and
maintain metropolitan parks is not expended or used for metropolitan planning only. If
the Board of Works is to carry out its expanded role in respect of metropolitan parks as
envisioned in the Bill, this source of finance will be necessary to enable it to properly carry
out its extended functions in this area, and the Opposition will seek a guarantee to the
effect that finance will be available to the board from the Metropolitan Improvement
Fund.

My colleague, the honourable member for Ivanhoe, who has had experience as a
commissioner of the board and who has considerable expertise in the running of the board
and of local government generally, will elaborate on this matter and on a number of other
concerns that the Opposition has with the Bill.

I am concerned that clause 52 seems to be an enticement to early retirement. The
retirement age for public servants is 65 years with an option of retirement at 60 years.
This provision relates to retirement at age 55 and seems to run counter to this general
rule. I seek the Minister’s assurance that this is not the precursor of a general requirement
that public servants retire at 55 years of age.

In relation to the clause dealing with the transfer of certain lands, I am concerned that
no guidelines exist to determine under what circumstances, and if any moneys will be paid
to the Board of Works for land transferred to other public bodies. Lands now held by the
board have been amassed over a number of years with money from the Metropolitan
Improvement Fund and, in effect, have been paid for by the metropolitan ratepayers. The
provisions of the Bill do not go far enough: They do not build into the transfer system any
accountability in respect of either lands transferred or payments made. I suggest that the
Minister give consideration, while the Bill is between here and another place, to the
addition of a requirement under the Melbourne and Metropolitan Board of Works Act
1958 that details of land transferred under clause 54 (b) of the Bill include a description of
the land concerned and the payments for that land, and that such details be laid before
both Houses of Parliament on a regular basis. This would ensure some accountability of
the Ministers concerned to the ratepayers of the metropolitan area, thus ensuring that
ratepayers received proper value for the land amassed by the board and paid for out of the
Metropolitan Improvement Fund.

Finally, the Opposition is concerned about the substantial increase from $2 billion to
$3 billion in the borrowing power of the Melbourne and Metropolitan Board of Works. If
one says it quickly, $1 billion does not sound an awful lot but it seems an incredibly large
amount on a second reading, as it represents a 50 per cent increase on the present ceiling.
In the Minister's second-reading speech, he suggested that this represented an adjustment for inflation since the ceiling was last set, but a 50 per cent increase seems an extraordinarily large increase. During the Committee stage the Opposition will move an amendment to reduce this amount. The Opposition is concerned about this excessive increase, which exceeds an inflation adjustment and contributes to a rapid escalation of public debt pursued by the Government. Unfortunately, such an attitude to public debt is an indication that the Government is asking all Victorians, and in this case the metropolitan ratepayers, to live beyond their means, which ultimately contributes to the parlous state today of the Australian dollar.

The Opposition sees the objectives of improved efficiency as set out in the Bill as laudable but the execution is creating a mammoth planning department with all the inherent faults of "big is beautiful" in terms of service to the public and the inaccessibility of a remote bureaucracy.

The figures provided to me by the Parliamentary Library indicate that of the 399 staff of the Board of Works planning branch, 217 members will be transferred to the Ministry for Planning and Environment, which added to the staff total for June 1984 of 507 in that Ministry, will give a total of 724 officers.

When one adds the ancillary staff to that figure, it is clear that the Minister for Planning and Environment has joined the big league in terms of staff numbers, which added to his other responsibility of the Department of Agriculture and Rural Affairs, will represent by far the largest number of personnel for which he is responsible of any Government Minister.

A number of my colleagues will reinforce the point that we are concerned that the object of improved efficiency under the Bill will not be achieved. The Opposition will move a number of amendments in the Committee stage and it does not intend to support the motion for the second reading.

Mr STEGGALL (Swan Hill)—The Town and Country Planning (Transfer of Functions) Bill is a first-class example of the difference between the Labor Government philosophy and that of those on the conservative side of politics in the State. The Bill creates, as the honourable member for Evelyn has said, an enormous bureaucracy of planning. Quite apart from that, it creates an all-powerful Minister, who is responsible for planning in the Melbourne metropolitan area to his specifications and standards. It is unfortunate that the Minister will gain so much power in the administration of this enormously difficult planning role, especially in the Melbourne area.

When one examines the history of the Board of Works, one realizes that because of the large number of councils within the metropolitan area—I believe there are about 50—it was decided in the late 1940s, in view of the size of the metropolitan area and the planning problems, to create an over-all body to co-ordinate the planning function.

The Board of Works covers the water and sewerage operations throughout the metropolitan area and the planning role was given to that part of government which is considered to be the third arm of government. The Board of Works will retain its hydraulic functions with respect to the metropolitan area.

The board's planning powers have been criticized from time to time. Until a few years ago the Board of Works was accountable to the people of Melbourne through its 50 commissioners, one of whom was appointed from each council. That system was changed and now there are four district chairmen who are the elected representatives for that large operation. It is difficult for the ratepayers of the Melbourne metropolitan area to have any influence on the election of those officers.

Now I suppose it does not matter any more because the Minister for Planning and Environment has taken over the entire planning power. The Bill is a good example of the type of legislation that has been introduced since the March election. We are seeing more and more of what one would call centralized control legislation.
The Bill comprises six Parts. One provision concerns amendments to the Town and Country Planning Act. A further provision concerns amendments to the Melbourne and Metropolitan Board of Works Act. I understand the transfer of staff has been considerable, and some arrangements have been open to criticism. The transfer of large numbers of staff was necessary to cater for the changes and for positions that will be lost and created.

Part V of the Bill deals with the transitional provisions concerning certain lands owned by the Board of Works. Once again, as with many other Bills the Government has introduced, many grey areas remain. One can see what the Government and the Minister are trying to achieve, but one wonders how these matters will work in practice. When examining the transfer of Board of Works land to local councils and public authorities one wonders how the dollars and cents involved will be matched up with the value, and whether money will change hands. It is clear that the Metropolitan Improvement Fund was created to finance many operations. I hope the Board of Works will take that into consideration when land is transferred back to local government, especially when the cost of that land has already been met once by the taxpayers of Melbourne. That should be taken into account when any transfers of land take place.

The Board of Works will retain its hydraulic functions and the Bill will transfer all the board’s planning powers in the metropolitan area to the Minister for Planning and Environment.

The transfer of those planning powers will mean the loss of an appeal mechanism for councils or individuals who have had a planning decision go against them. Once the Bill is enacted the Minister for Planning and Environment will also be the sole judge and jury on planning matters. I should like the Minister for Water Resources to explain that provision further.

Clause 6 will enable the Minister to effect changes to the Melbourne Metropolitan Planning Scheme whereby the Minister will be able to decide whether a proposed amendment is exhibited and he will be able to either endorse or reject proposed amendments to the scheme. However, councils or individuals will not have the opportunity to appeal against an amendment to the planning scheme.

In the explanatory second-reading speech the Minister said that local government will be given a more extensive role to play in the business of planning. Local government will have to service more planning permit applications but will not have any direct input to the planning strategy of the Melbourne and metropolitan area. Various pieces of legislation passed by the Government include provisions requiring consultation between the Government and local authorities, but it has been discovered that when the chips are down the Government has ignored the consultation process, and those consultation provisions are not worth the paper they are written on.

The Bill also covers the Yarra development and the development of an approved concept plan. I should like the Minister to explain the status of the concept plan with regard to whether it is a de facto planning scheme that must be adhered to or one that from time to time can be changed, altered, improved or amended by local government through the Minister for Planning and Environment.

The Bill changes not only the planning functions of the Board of Works, but also the whole concept of the Metropolitan Improvement Fund. The concept of the fund was overridden for the first time when the fund was used to pay the metropolitan contribution towards the underground rail loop. The fund will now be used to fund the Ministry for Planning and Environment. If that is what was proposed, the provision may have been acceptable, but under the Bill the operation of the fund is being transferred to the Treasurer, not the Minister for Planning and Environment. The Treasurer will consult with the Minister involved to determine how much money is required to be transferred from the Metropolitan Improvement Fund.

The Board of Works will become a taxing agent for the Government through the Ministry for Planning and Environment, without any accountability to the people of
Melbourne. It is a cosy situation under which the Treasurer will be able to impose a percentage increase in the contribution from the Metropolitan Improvement Fund. That money will be collected by the Board of Works, but cannot be touched by the community. The moneys will be controlled by the Treasurer and some of them, or all of them—I am not sure how much—will go to the Minister for Planning and Environment to cover the cost of planning activities in Melbourne. The second-reading speech sums up the situation quite well. It states:

The Bill provides in Part III for moneys from the fund to be transferred to the Treasurer after consultation with the Minister responsible for the board. These moneys will contribute to the cost of metropolitan planning.

The National Party supports the concept outlined by the Opposition for the accountability of that fund with respect to the moneys being transferred. I do not think that is too much to ask. If metropolitan planning activities are to be paid for from the fund, it should be spelt out clearly by the Government. I do not understand why that proposition would not be acceptable to the Government.

The Bill also delves into the activities of regional authorities. This received a passing reference in the second-reading speech, which states:

The Geelong Regional Commission and the Loddon-Campaspe Regional Planning Authority currently have the ability to prepare planning schemes or interim development orders for their respective regions using procedures which are similar to those currently used in the metropolitan area. It is not intended in this Bill to alter the way that these agents are to undertake their statutory functions nor to apply a new metropolitan planning system to these.

Clauses 10, 11 and 12 cover the operations of regional planning authorities. The State seeks to amend the operations to enable the Minister to have direct input and to have his way with respect to the decisions of a regional planning authority. If the Minister has not realized yet, he will realize in the future, that I am not a supporter of the concept of regional planning authorities as they are currently structured or set up. I do not like regional planning authorities to be directed by a Minister to take a certain line at all times with no other way out of a situation. Although the Bill covers basically the metropolitan area, it will also spill over to regional planning authorities. The second-reading speech mentions problems and indicates that Melbourne does not have regional groupings of councils. The second-reading speech alludes to the fact that one day that may be the position and in that event they will receive the same directions as other regional planning authorities as proposed under the Bill.

Local councils are probably sitting back at present wondering what has hit them in the past few years, particularly in regard to the changes to local government that have been introduced by the present Government. The time has come for local councils to get together and to go on the attack in protecting themselves.

Instead of regional planning authorities being imposed upon certain areas, it may be that councils will start talking to one another in a move to address the measures being imposed upon them by the Government. In some cases it may be in their interests to join together to approach on their own terms or on their own initiative challenges being put to them by the Government. Sooner or later the regional bodies will grow and grow. It is evident now that the powers of the Minister are such that, under his direction, the regional authorities will control the whole of the planning process throughout the State. That is where Victoria is heading.

I now refer to the extra planning roles for local government, about which the Minister has made a big song and dance in his second-reading speech. I should point out that the speech was written by the Minister for Planning and Environment and not by the Minister for Water Resources. As I said, local councils are being used in many ways to provide more services: Throughout the Bill, they will perform more of the services; they will process more of the permits that are applied for; they will have power to apply for amendments to planning strategies for the area in which they operate, but the Minister will decide exactly what direction those amendments should take.
I suppose the transitional provisions for the transfer of the planning functions as set out in the Bill will work, but they will not be without their problems. An enormous Ministry for Planning and Environment will be created and will be given more and more powers. When the Ministry has the powers and gets used to dealing with them, it will know how to use them.

If one examines other provisions of the Bill relating, for example, to the planning power in respect of the rivers and streams in the metropolitan area, one notes that the Ministry is to take over the planning functions not only in respect of the banks, beds and the streams, but also in respect of the contiguous areas, particularly in regard to the Yarra and Maribyrnong river areas. The Bill does not spell out where the function begins and ends and I suggest that the interpretation in regard to the Yarra and Maribyrnong river areas should be taken by the Ministry as meaning the water catchment areas for those regions, which will greatly extend the areas of influence.

The Bill permits a transfer of functions whereby the Board of Works will lose its planning operations. Approximately 300 people will be affected. The Bill provides for extra loan funds of $1000 to be made available to the board. Parliament and the public of Victoria are entitled to an explanation from the Government. Why is a 50 per cent increase in loan funds being made available to the board? What huge capital works does the Government envisage carrying out through loan funds? The public is entitled to this information when a public body which is now almost a department of the State Government is given the ability to borrow an extra $1000 million.

The National Party believes the amount being sought is excessive, and does not accept the arguments of the Minister and the board that this accounts for the real money value at the time the $2000 million loan was agreed to some years ago. I expect a better, more detailed explanation for this extra debt that is being given to a statutory authority which virtually is not accountable to the people of Melbourne. The public cannot make the board accountable in any way—certainly not through the electoral process of commissioners.

The Board of Works has fared well from the provisions of the Bill. It is not worried about losing any of its planning functions. It should not be worried because it will still have influence and be able to put suggestions, draw plans, purchase land and carry out functions that the board has been doing over the years. With some of those functions, costs can be reclaimed through the Metropolitan Improvement Fund, which embraces any works carried out or plans dealing with assistance to parks and so on, and any investigation into these areas will be planning investigations.

Any plans or permits having any effect on the Board of Works will be referred to the board for decision. While the board will not be writing out permits, it will not lose all its influence in the power for planning of the hydraulic area of Melbourne. I agree with the concept, because any hydraulic function the board carries out or any planning that goes on has a bearing on the board, which has to carry out a planning function and to agree to plans and designs for water, sewerage and drainage.

The Environment Protection Authority will become the regulatory body for the environment protection of rivers and streams. The Board of Works will become the operational arm, and staff will be transferred in that area also. I agree with that function. The Environment Protection Authority as a regulatory body will probably have a strong investigatory arm to solve some of the problems—and they are huge problems—of rivers and streams in the metropolitan area.

The Bill will make the Minister for Planning and Environment extremely happy as it gives him the power he wants; it gives him the authority to dominate planning in the metropolitan area. It also gives him the opportunity of using that power and dominance over regional authorities. They are two areas with which the National Party is unhappy.

The Minister for Water Resources knows full well that the planning powers of the Melbourne and Metropolitan Board of Works will not be completely lost as the board will
have a decided influence on any proposed changes to the Metropolitan Planning Scheme. Local government is the biggest loser as it will get more responsibility for the servicing of the Melbourne Metropolitan Planning Scheme. Admittedly, many interim development orders and planning schemes may, in the next year or two, be incorporated into the Metropolitan Planning Scheme, however, it will be the luck of the draw as to how many of those make it through.

The Bill gives local councils the right to become responsible authorities so that they can apply for amendments to the Melbourne Metropolitan Planning Scheme. That is the extent of their power and influence as the rest of the power lies totally with the Minister for Planning and Environment.

One day the people of Victoria will understand that the Government is about centralizing power and dominating the lives of people through legislative processes and bureaucratic structures that exist and which are being extended. The sooner people realize what is going on and what little say they have in their lives, the sooner they will reject this socialistic Government and return to a far more enlightened and free-thinking conservative Government.

The National Party is not happy with the Bill. However, it is the type of proposed legislation that must be expected on a continuing basis from this socialist Government. In many ways, it shows people exactly what the Government's socialist philosophy is and how it can be implemented in society. The people voted for the Government on 2 March, but I hope they will take notice of the power that the Government is gathering around itself, that citizens of Victoria will no longer have the right to appeal against a planning decision and that they will not have access to the people who make the planning rules for the State. The only access will be through the Minister for Planning and Environment, who is a member of the Legislative Council and has been elected for a term of eight years.

The National Party is not happy with the Bill but appreciates the reasons why it is being implemented. The National Party hopes the people of Victoria will fully understand what this socialist Government is doing to local government, its elected representatives, and to the people in general.

Mr HEFFERNAN (Ivanhoe)—One would imagine that the Minister for Water Resources believes the transfer of power from the Melbourne and Metropolitan Board of Works to the planning authority is a minor implication on the general public of Victoria. However, I believe taxpayers, including the ratepayers of Victoria, who examine the Bill would say that the Government should be heading in another direction because of the ramifications of this Bill.

I ask the Minister to indicate the achievements that he wishes to bring about by this transfer of power. In my short time in Parliament, again I see no indication of the bottom line: What are the cost savings? Perhaps at some stage the public will be told that the Government is concerned about cost savings. I advise the Minister for Planning and Environment that he would be far better served if he presented a general reduction in the overall cost of running the Ministry for Planning and Environment by removing the legal system from that Ministry. The classic example would be the Doug Wade case. Not once has the Minister stated that this sort of affair should stop. I offer the Minister a personal challenge and ask what hope would the people in the western suburbs have of entering an appeal when this magnitude of costs is allowed to occur within the planning system? These are some of the concerns of the Victorian taxpayer and I am embarrassed to be part of the Legislative Assembly when an Act covering the Doug Wade case allowed that situation to occur without any response from the Government.

The Board of Works has carried out planning functions in an efficient manner and with close contact with local government. On 11 November 1954 the then Labor Minister of Public Works, the Honourable Samuel Merrifield, introduced a town planning Bill incorporating a metropolitan improvement rate for the betterment of Victoria. That was
under the then Premier, the late John Cain. Now, 30 years later, a dismantling of that process is occurring. Why is this process being dismantled?

The Minister has not given any reasons to substantiate this transfer of power. At a meeting of area commissioners which I attended, the matter of finance was raised and the Minister was asked to state the cost savings of the dismantling of this process. He said the pay-roll of the planning section of the Melbourne and Metropolitan Board of Works would go into the consolidated revenue and that is a large saving. However, there has now been a change in direction. The Minister stated that the planning process would be much quicker, but it will only be quicker for large developers. If the Government represents large developers, so be it, but it should say so.

It appears that the long-term ambition of the Government, for some unknown reason, has been to dismantle the Board of Works. There appears to be some bitter resentment in the Labor Party about what the Board of Works has done in the past. If that is the reason for the Bill being introduced, it is certainly not a good one.

The thrust of the Bill is to centralize the power of planning and I ask members of the Government who have been involved in local government—and there are many of them—to seriously consider this matter. Those honourable members should know the importance of the process of planning at a local level and the past relationship between local government and the Board of Works. Direct contact through area commissioners has given local government a strong personal involvement in the planning process. Again, one must not forget those people who seem to have been forgotten—the public. Honourable members who have dealt with the Ministry for Planning and Environment would realize that the attitude of the Ministry is so distant that it is an embarrassment.

To get something done at the Ministry for Planning and Environment is like receiving a personal favour. The Minister for Planning and Environment ought to get his own house in order. The Bill reflects the attitude of the Minister in another place who does not realize the importance of local input and that the most important contact in the process is the local people. The measure reflects the fact that the Minister is not representative of those in the metropolitan area.

I shall highlight some of the things the Bill will provide for the Minister. Firstly, it will give him huge powers. Never in the history of this Government or any other Government has such a power been bestowed on a Minister. The Bill will give the Minister the right to veto as he sees fit yet refuse that right to local government and the public, if he so desires. His desire to streamline the process has already been reflected. A perfect example was the way in which the Minister handled the Museum station issue. The legislation was rushed through Parliament faster than anything before it. Why was that done? The reason was that big business exists and it ought to have special consideration; the people do not matter and should be put aside and kept in their place.

The Minister then overruled the local community on the Melbourne Cricket Ground light tower issue. Once again he exercised the power of veto. I warn the Minister now that the people are starting to question what he is up to with this planning power. He is yet to be embarrassed because the new tennis stadium has already been announced by the Premier. It is without permit and has not gone through the proper process. Apparently Victoria shall have a tennis stadium; I cannot wait to witness the reaction of the people to that legislation when it is before the House, especially when it will affect so much open parkland. The holdups in the Ministry for Planning and Environment are with the applications before it.

The records have proved that local government and the Melbourne and Metropolitan Board of Works have acted directly on behalf of the people and applicants in any matter. Major applications that deal with hydraulics still have to be referred to the Melbourne and Metropolitan Board of Works. The measure will not make the Ministry more efficient. The problem has still to be overcome. Why is the transfer of functions necessary? One claim is that it is purely a transfer of power to the planning department and will remove
something that has for a long time been a thorn in the side of the Ministry for Planning and Environment. Another is that there will be no financial cost for the taxpayers.

All staff in the Board of Works will be transferred. Where are they to be accommodated? Perhaps they will be put on the roof! Negotiations will have to be entered into to provide extra accommodation for those staff who have been transferred. Will that be at no cost to the taxpayer? Of course not! The additional staff will need back-up staff and once again we will see the growth of the bureaucracy. The bureaucracy will become a mountain that will be unapproachable in the final say. Some of the planning staff will remain at the Board of Works and they will be responsible for some of the planning requirements that deal with floods, streams and so on in our parks. In five years all those vacancies at the board will be filled, so the growth in the bureaucracy will continue.

Other speakers have also expressed grave concern about the costs of metropolitan planning. It appears to be a simple concept. Moneys from the Metropolitan Improvement Fund will be transferred, after the Melbourne and Metropolitan Board of Works becomes the tax agent, in addition to the 5 per cent that is now being transferred. However, the ratepayers of this city have a long memory. The Government has stated that a contribution will be made from the fund toward metropolitan planning costs. I do not believe that will happen. The total planning costs of the present planning authority will be charged to the improvement fund. Expenditure on Board of Works schemes for the Metropolitan Improvement Fund for the past year was $12.8 million. The Government wants to add to that the cost of the present staff structure of the Ministry for Planning and Environment.

I seek the assurance of the Minister that the property owners of this State will not be levied with further taxes through a back-door method to pay for the further cost the Government is incurring.

Mr COOPER (Mornington)—The previous three speakers have spoken with a lot of common sense on this subject. When one considers the ramifications and the magnitude of the Bill, it is an enormous disappointment to look across from this side of the Chamber to the total lack of regard and input from the Government benches.

The Bill is important to many people in the City of Melbourne and the inevitability will be that flow-on procedures will occur and will ultimately affect many people in this State. This Bill is the first shot in the war of taking away from people the right of decision-making.

It is proposed by clause 6 to take power for planning away from local government and place it in the hands of the Minister. Some interesting things have happened in this Parliament recently, but this is a doozy so far as a move could be classified as undemocratic or autocratic, but certainly it will not be agreed to by people who are involved in the planning process when they suddenly find that the Minister has all-embracing powers.

The Bill clearly states that the Minister can overrule, override and have total power over planning matters. The interesting part about it is that when the Minister makes his decision, he is not the person who has to face the people affected by that decision, be it developers, applicants or objectors. He does not have to say nasty things to them because he can hide behind local government. So far as the Minister is concerned, the local planning authority comes in very handy on occasions.

Under this measure, the Minister may make a decision that is not very pleasant but he will not have to explain that decision; the local council will have to face the music for that decision. In other words, the Minister will have the power but will be able to hide behind the local council. The Minister for Planning and Environment is big on grabbing power, but does not want to face up to his responsibilities and explain the administration of that power. That is most unsatisfactory. This matter should be explored in more detail during the later stages of the debate on the Bill. The action of the Government is not something that is responsible or democratic and is certainly not something that would be supported.
by local government in its role as the local planning authority. I suggest that the Government is grabbing for power in a situation that will not be generally supported.

I now turn to the part of the proposed legislation that I find staggering. It is what I call the billion dollar paragraph in the Minister’s second-reading speech. I find it incredible that the Bill makes provision for an increase in the limit of the borrowing power of the Board of Works by 50 per cent—that is, from $2 billion to $3 billion. As one previous speaker said, if one says it quickly it does not sound too much. It is a 50 per cent increase in the borrowing power of the board and is covered by a single paragraph in the second-reading speech with very little to back it up. Reference is made to the borrowing power of the board being increased by $1 billion.

The honourable member for Ivanhoe made the valid point that not much money will be saved by this measure. Large numbers of staff are to be transferred from the Board of Works to the Ministry for Planning and Environment. Obviously provision will have to be made to house that staff.

Why is the extra $1 billion required? Town planning must be regarded as one of the most significant jobs handled by the Board of Works, but under this measure a large part of that work is to be taken from the board and yet it requires vastly increased sums of money to operate. It does not add up.

Even in this day and age when the value of the Australian dollar is descending for the third time, $1 billion is still a very large sum of money. I would have been easier in my mind if the second-reading speech had provided more information than twelve lines in one paragraph. An explanation should have been given on why this increase in borrowing power is required.

The general thrust of the Bill must be viewed with suspicion. A Bill that removes from the local community the power of decision-making or the power to have an input into the decision-making process should not be supported.

In recent weeks continuous attacks have occurred on the autonomy of local government and on the power of people to have an input into government. An ever-increasing centralization of power has occurred under the present Government, and that ought to be made clear to the ratepayers and the taxpayers. The Government should explain in clear and simple terms what it is trying to do, rather than covering it up with a massive snow job, excessive documentation and an extensive second-reading speech that does not say very much.

I view the proposed legislation with concern because it is not democratic, and it places extensive power in the hands of the Minister for Planning and Environment. That extensive power cannot be supported in the cause of responsible Government.

I urge the Government to give further consideration to the effects of the proposed legislation, which will not be of long-term benefit to the State.

Mr B. J. EVANS (Gippsland East)—I wonder whether people in the metropolitan area appreciate the effects of the proposed legislation. It is a pity the Bill has not been canvassed sufficiently. Metropolitan members of Parliament would gain a better insight into the effects of the proposed legislation if they examined what has taken place in other areas. The previous Liberal Government handed over planning procedures for certain areas of this State to the then Ministry for Planning, thus taking away control from local government.

I gained an appreciation of this last week in dealings that I had which drove home to me the totally undemocratic situation that has developed. The matter involved the Lake Tyers to Cape Howe planning area, which was removed from the jurisdiction of the local municipality some years ago. An individual applied for the rezoning of a particular area for subdivision. He approached the local municipality and found that the proposal had to be advertised. The Minister for Planning and Environment appointed a panel to consider the matter, and one objection was received from a next-door neighbour. A number of
Government departments with an interest in the area made submissions to the panel. Not one of those departments objected to the rezoning, but the Ministry for Planning and Environment was precluded from putting its view to the panel. The person who proposed the subdivision went to considerable expense to prepare the proposal and to put his case. The panel eventually accepted the argument and dismissed the objection.

The matter was then referred to the Ministry for Planning and Environment. Last week it was indicated that the recommendation was going to the Minister in the near future but that it could not be adopted.

Initially, I believed the applicants would be given the right of appeal but I find on inquiry that once the Minister makes his decision that is final, there is no appeal, and there is no opportunity for applicants to put their point of view or their case to any tribunal. This is an undemocratic system.

The local municipality supports the application. Virtually everybody but one person in east Gippsland was given the opportunity of lodging objections and presumably they supported the application. Yet the decision was made by the department and the Minister without anyone in east Gippsland having any influence on the decision. This is the antithesis of democracy because in a democratic community the people who live in the areas should have some say. They should have an important and majority influence on decisions that affect their area.

The Shire of Orbost is in an invidious position in that the Government has declared a large national park along the coast in its area and it has indicated that there will be no subdivision or development within that area. As a result of this recent decision, no subdivision of private land outside the national park will be allowed so that that municipality is inhibited in its plans for development to create a wider revenue base because 88 per cent of the area is unrateable property. That creates a massive financial problem for the Shire of Orbost because whatever way it turns the Government has frustrated it. The Government will not make public land available for subdivision and presumably the Ministry for Planning and Environment will not allow private land to be subdivided. This is a most undemocratic process.

In discussions with officers of the department on this issue last week, it was made plain to me that it was impossible for the Minister to be personally familiar with any more than a very small fraction of the total number of applications that come before the department for consideration. It is not the Minister who makes the decisions but the bureaucrats in the Ministry who decide where development will take place and how our society is to be planned and developed. I do not believe that is a proper function for bureaucrats who surely are there to service and not to dominate the public.

This illustration that came to my notice only last week is a striking example of just how little influence the man in the street—the average person—has, and even how little influence local government will have when the proposed legislation is put into operation in the metropolitan area.

Perhaps it serves the Liberal Party right because it imposed that very same ruling on parts of the electorate I represent and it is perhaps a bit of rough justice because it will get a taste of the same medicine it dished out when it was in government.

Mr PERRIN (Bulleen)—I support the comments of other speakers who have raised a number of reservations they have about the Bill. I completely support the comments of the honourable members for Swan Hill, Evelyn, Ivanhoe, Mornington and Gippsland East. Rather than go through the reservations that have already been expressed by other speakers, I shall address my remarks to a couple of other matters.

It is proposed that the planning powers of the Board of Works be transferred to the Ministry for Planning and Environment. As has already been pointed out, that will make the Minister for Planning and Environment an extremely powerful person. When one examines a Board of Works rate notice one finds that it is dissected into various parts,
including accounts for water, sewerage, planning and so on. The interesting aspect is that the Board of Works levies its rates on council valuations supplied by council valuers and in the past the board collected a rate for its planning functions. I am sure other honourable members would like to know whether this practice is to continue. Will the Board of Works continue to collect a planning rate and pass it on somewhere in the bureaucracy? If that is not to be the case, and there is to be a new rate to cover the planning powers, how will it be set up? Will a new rate notice be issued by the Ministry for Planning and Environment? Will new taxes be introduced? Will we have a situation where one instrumentality or statutory authority—supposedly divorced from the Government—will be collecting rates on behalf of a Government body, namely the Ministry for Planning and Environment?

This is an important point and I am sure every single ratepayer who has property within the area serviced by the Board of Works would be interested to know the answer. The Minister should answer that question because in the future there will be a different collector and a different spender.

A further concern involves the 50 per cent increase in the borrowing powers of the Board of Works. If the Board of Works, as has already been pointed out, is to have its functions reduced, what possible reason could it have for the 50 per cent increase in its borrowing powers? As has been pointed out by Opposition speakers, the increase amounts to the large figure of $1000 million.

I am concerned about the borrowings of statutory authorities and I intend to address myself to that subject in some detail in future. If the Board of Works intends to borrow large sums of money, especially on the overseas market, I hope it will do so more successfully than some other statutory authorities in the past, particularly those authorities that neglected to hedge against the fluctuations in the exchange rates. A number of statutory authorities made losses on overseas borrowings.

Mr McNamara—They were undisclosed.

Mr PERRIN—that is right; it was exposed by the newspapers.

If increased borrowings are to occur, I hope one sees a much better performance than that which has occurred in the past. I was particularly interested in the explanatory second-reading speech of the Minister where he commented that the Board of Works would retain its hydraulic functions in addition to its expanded role as a recreational agency. The Bill should provide more assistance to municipal councils in providing recreational land and facilities, which will reflect a clear recognition of the potential Melbourne has to improve the quality of life.

The Bill contains special provisions relating to the Yarra Valley. The area I represent has the Yarra River as one of its boundaries, along which the Board of Works owns a fine park, which in years past it has extended. However, in the past three years during the life of this Government, it has not extended the park by 1 square centimetre.

The Board of Works owns land in the area I represent, in Reynolds Road, Templestowe. The land is approximately 12 hectares in size and was orginally purchased to provide for a pumping station but the board decided that it no longer needed the land for that use. Under the present planning powers the board rezoned the land for use as residential land and, in so doing, there was no effective discussion with the community on whether the land should be retained for public use or whether it should be sold off. The board drew up subdivision plans for 90 to 100 housing lots. In this instance rather than an expanded recreational role, the board played a diminished recreational role. The land was offered to the City of Doncaster and Templestowe, which rejected the offer because it was felt it could not afford the land.

At present the land is being purchased by the Ministry of Housing. I have been reliably informed that 100 house lots of this land, when developed, will bring a tidy sum to the coffers of the Ministry of Housing, totalling $5 million. If this were a one-off situation, one
could accept it, but that is not the case because at present the Government is selling off for housing land that it owns.

A block of land located in Smiths Road, Templestowe, which was purchased for a school, is being sold off. Another block of land in Porter Street Templestowe, which was again purchased for a school, is being sold off. Land which was purchased to provide a railway line has also been sold off for the magnificent sum of $10 million. Land in Manningham Road, Lower Templestowe, which was purchased for a hospital, is being converted to housing. When the matter was first discussed between the Board of Works and the Ministry of Housing, the Ministry rejected the land because it claimed it was unsuitable for housing as insufficient public transport was available; it was too far away from the shops and the nearest school was 1 kilometre away.

At one stage the Ministry of Housing rejected the land. It is now purchasing the land, subdividing it, and is prepared to sell the land after subdivision. One could accept the Minister’s rhetoric, but last Sunday a meeting of 150 people was held on the land in Reynolds Road. Their recommendation to the Minister and my recommendation to the Government is that if it wants to live up to what it has proposed in the second-reading speech, the land should be left as public open space. As the Minister has said, the Government should expand the role of the Board of Works so that the board can provide recreational facilities. That is exactly what the people of Templestowe want. They do not want the land to be sold for housing construction.

I presented a petition to Parliament today which was signed by 1003 of my constituents, making that point. The Mayor of the City of Doncaster and Templestowe made it clear that he was prepared to take the matter back to the council. I have a clear undertaking from him, as do my constituents. I ask the Minister not to sell the land to the Ministry of Transport, but to offer it again to the City of Doncaster and Templestowe for purchase. Alternatively, the Minister could hold the land on behalf of the Board of Works and provide, as he has already said, extended recreational facilities for my electors.

The second-reading speech referred to expanded recreational facilities. The Westerfolds Park, which is controlled by the Board of Works, comprises land purchased by the previous Liberal Government. However, people who wish to walk their dogs in the Westerfolds Park cannot do so unless their dogs are on leashes. I understand the Minister will be receiving a number of letters on this matter in the future and that deputations have already been made to him. I ask the Minister to consider what he stated in his second-reading speech and to allow the by-laws to be changed so that people, at least in a small part of Westerfolds Park, can allow their dogs to run free without having them on leashes. It is a simple request that is being made by many people and 650 people have signed a petition to the Minister.

I reiterate that the Opposition has difficulty in supporting the proposed legislation. Some of the provisions need careful explanation and certainly more explanation than was provided in the second-reading speech. I seek from the Minister details on how the rates are to be collected by the Board of Works and passed on to the Ministry of Housing. I ask how the rates are to be set and what sort of mechanism will be set up for that to happen. I will also be interested to know exactly why an extra $1000 million in borrowings will be required by the Board of Works. I am interested to know whether those funds will be borrowed overseas and, if so, exactly what type of currency hedging will be undertaken to ensure that no currency losses will be incurred on those borrowings.

As I said at the beginning of my contribution, I do not want to repeat what has been said by other honourable members, but I hope the Minister will consider the points that have been made during the debate by members of the Opposition because honourable members agree that the Bill is unsatisfactory in a number of areas.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.
On the motion of Mr FORDHAM (Minister for Industry, Technology and Resources), the sitting was continued.

Mr WILLIAMS (Doncaster)—In many ways this is a sad Bill because it takes away from people at the grassroots level: It takes away the powers of the Board of Works, which has operated in this State for nigh on a century. I am concerned that the planning of the Yarra Valley Metropolitan Park, which will be a monument to the commissioners of the Board of Works and to the board’s officers, is to be brought under Ministerial direction.

I had the honour of serving on the Middle Yarra Advisory Council from its foundation. I participated with the Board of Works officers and my other colleagues on the council in the development of planning for the park. I hope the Minister will, in his wisdom, permit the advisory council to advise him and his officers.

I am concerned about the clauses relating to the power of the Minister to instruct the board to levy a planning rate. I have long been a critic of the board’s rating system on net annual value rather than the site value of land. It is reprehensible, particularly in the case of planning, to rate on the basis of net annual value, because planning is essentially the business of developing vacant and undeveloped land.

I am extremely angry that developers, especially in the City of Melbourne, who are building high-rise skyscrapers such as the Museum station project and so on, will derive all the benefits from the planning rate. Because the rating system is based on the net annual value of developed properties, Victorian taxpayers are virtually paying for the cost of planning, and that will greatly benefit those who construct the multi-million dollar buildings.

I appeal to the Minister for Water Resources to have his office investigate the appropriateness of levying the planning rate on the net annual value of property as opposed to levying it on the site value of property. The latter would be a fairer and more just method of raising revenue for planning purposes.

I am concerned that this measure could lead to a revolt similar to the revolt that has continued down through the ages against taxation without representation. Under the Bill, the Minister will preside over the preparation of estimates for the planning of metropolitan Melbourne and will require the Board of Works to raise the revenue. The board and its commissioners will have no say as to how the money is expended, and yet they will be instructed to raise the revenue from the property owners of Melbourne, based on the net annual value of the land.

The hour is late and I will not talk at length. I am concerned that more and more the powers of planning are being taken away from the people at the grassroots level and are being centralized with the Executive Government in Spring Street. I trust that the Board of Works will long continue as a body. However, if the board’s powers and responsibilities are continually whittled away, soon local ratepayers will not be able to impose their wishes and have their voices heard effectively.

The SPEAKER—Order! I call the honourable member for Benalla, and I apologize for not calling him prior to the honourable member for Doncaster.

Mr McNAMARA (Benalla)—The Bill concerns many honourable members, as is illustrated by the many members of the opposition parties who are participating in this debate, in strong contrast with members on the Government benches, who are showing a lack of concern. The sycophantic mutes on the back benches of the Government party are not prepared to play any part in the operation of Parliament. They sit up on the back benches like crows on a fence. They should at least take some constructive part in the debate to give the Minister guidance. So far, only opposition party members have shown any concern for the running of the State.

The size and influence of the Ministry for Planning and Environment continues to grow with this legislative measure. Rather than trying to achieve deregulation, which members
of the National Party certainly wish to occur, the Bill further centralizes policy-making powers of both the Minister and the small group of high-level bureaucrats who serve him.

Over recent years the Ministry for Planning and Environment has continued to centralize planning powers and influences solely within the Ministry. The Bill will continue this trend. In many cases the measure will permit only the Minister to vet decisions taken by him. The Bill provides procedures whereby the Minister may appoint a committee to make recommendations, and the only person able to overturn the recommendations of the committee which the Minister appoints is the Minister.

There is no opportunity for outside input. The ability to take a case to a higher impartial authority is totally non-existent. That is of great concern to every Victorian. Certainly, it is of concern to members of the opposition parties. The central body is now making the majority of the planning processes and policy decisions.

Municipal councils have lost much of their ability to determine planning directives. Some years ago metropolitan municipalities had a great input into planning matters, particularly under the old construction of the Melbourne and Metropolitan Board of Works. This ability has been narrowed down so that only a small group is involved, and many of those decisions are monitored by the Government because positions of influence are being filled by Labor Party hacks. Various committees are being appointed by the Minister and the only person to whom an appeal can be made against those decisions is the Minister.

The increase in planning responsibilities of local councils is another area about which I am particularly concerned. The Bill will lead to considerable new routine planning work at local government level, but the added workload is not accompanied by provisions in the Bill for increased resources for such work. It is all very well for the Government to make such decisions but, if it does not provide the necessary staff, it is meaningless.

Funding and staff of the Melbourne and Metropolitan Board of Works will be transferred to the Ministry for Planning and Environment. However, the Bill makes no reference to arrangements such as secondments to councils and other means of sharing the load. The Bill makes a mockery of the Government’s proposal to upgrade the importance of local government and to share with the community at a grassroots level all policy-making decisions. More and more, the Government is centralizing its policy-making decisions.

Eventually, the Government’s decisions will be adversely affected because it will not receive outside opinions. An example of that is the workers compensation issue where the Government accepted only the opinions of certain groups in the community that favoured the Government’s recommendations. Groups such as the Insurance Council of Australia Ltd have not been invited to make submissions on the workers compensation issue as they do not agree with the Government. If one agrees fully with the Government, one is appointed to a committee and can make recommendations. However, if one suggests anything that contravenes the sacred policy of the socialist left, one will not be appointed to a committee. Various hacks of the Labor Party are being appointed to all types of committees, as are defrocked members of Parliament. It is an absolute disgrace!

The Bill provides no structure or system for planning policy development and how such development will be co-ordinated between the Ministry and the councils. The Bill contains no reference to the role of the Ministry vis-a-vis local councils or grouping of councils acting as responsible authorities. That must be considered.

The initiation and appeal procedures of scheme amendments need to be examined. The initiation of scheme amendments by third parties and appeals against refusals to exhibit amendments are two matters that are not addressed in the proposed legislation.

Clause 6 proposes changes to section 56 (6) of the Act to include grounds on which the Minister may refuse to exhibit a scheme. The proposed grounds are vague and, if used in that form, will be a totally insufficient response to what is often a detailed and costly case
put forward to support a request for amendment. The Bill does not give the opportunity for independent third parties to have any input.

Consideration should immediately be given to legislative amendments that will allow interested parties other than councils to initiate amendments and to be able to appeal to an independent body, such as the Planning Appeals Board, against the refusal to place a requested amendment on exhibition. That power does not currently exist as one can only appeal to the Minister regarding a decision made by a committee established by the Minister. It is Caesar appealing to Caesar. It is a disgrace as the general community is not given the opportunity of making an input.

Concept plans is another area that needs to be referred to during the debate. It is disappointing that the concept plan procedure has merely been transferred from the Melbourne and Metropolitan Board of Works Act to the Town and Country Planning Act. The procedure needs more thought and investigation because if it is still relevant it must be so to areas and matters outside the Yarra region. Why should this concept be limited solely to the outer metropolitan area? The whole planning process should be considered and the outside community should have the ability to appeal.

Several other concerns are raised by the concept plan procedures. I ask the Minister for Water Resources why is the concept plan necessary in that form? Is it not a de facto statutory planning scheme of that which was proposed with local government control? Does proposed new section 59p (3) on page 7 of the Bill mean that a concept can be varied by the Minister without such variation being required to be considered by other parties? If the concept plan procedure is a good one, why is it restricted to the Yarra region? I hope the Minister will respond to those questions.

Council appeal rights are another area of concern. The Bill does not provide the opportunity for councils to appeal against a direction from the Minister to issue certain determinations or conditions. This concern is compounded when the practice will allow for a delegated officer from the Ministry for Planning and Environment to direct what determination an elected council must make on a specific matter, with no apparent right of appeal for that council. An officer of the Ministry can give a council a direction on a matter being considered by it but that council has no right of appeal!

Ministers for local government in this place have preached about how they have been interested in the third tier of government and how they have tried to give local government a greater say and more autonomy. The Bill is total hypocrisy to that concept. The Minister is taking away any opportunity for a council to appeal against a direction that it has been given by an officer of the Ministry for Planning and Environment, which is an absolute disgrace.

The Metropolitan Improvement Fund is another area that should be carefully considered. The Bill makes no detailed reference to the distribution of that portion of the Metropolitan Improvement Fund which is to be transferred with Board of Works planning responsibilities. No information is available on the “who” and “how” of setting priorities for the use of these funds.

The Ministry for Planning and Environment, through the Bill and the separate proposals for the Deed of Delegation, has the power to refer to other authorities applications received from councils. Such referrals to other authorities should be made by the council prior to the matter being received by the Minister for consideration. However, that is not provided for in the Bill, it is left solely in the hands of the Minister. So much for autonomy! Second-hand referrals should not exist as proposed in clause 16.

Recreation parks and waterways should not be divorced from concept and statutory planning. The Bill will lead to recreation planning, parks and waterways that are to be retained by the Board of Works being divorced from concept and statutory planning and being transferred to the Ministry for Planning and Environment. Such a divorce is an artificial one and ignores the significant overlap between the two areas of planning in the
metropolitan area. The Bill brings to light some of the memories of the road planning split between the Board of Works and the former Country Roads Board. Honourable members recognized the disaster that Victoria faced when that artificial division was created.

Another area of concern is the compensation-acquisition reimbursement scheme. The National Party strongly supports the present arrangements whereby the Board of Works acts as a “bank” to local councils which may not at a given time be in a position to fund compensation-acquisition claims resulting from decisions to reserve land. The Bill does not make it clear whether the transfer of functions will include a retention of the reimbursement scheme; if so, similar changes or some form of change should be proposed in the measure. The decision that the Government must make is of a political versus a planning nature.

The proposed legislation seems to take planning matters into the political arena. The Government will vest an overwhelming amount of power in the Minister for Planning and Environment to appoint committees to oversee initial planning matters and also will make the Minister the final arbiter in those committees. The Government must make it clear in future whether a decision on planning is based on a political judgment. It should have done so, for example, with the Melbourne Cricket Ground light towers issue and with the Victoria project. They are two political issues, not planning issues. The Government should not hide under the shroud of the planning authority. The National Party is concerned by a number of matters in the proposed legislation which the honourable member for Swan Hill will detail during the Committee stage.

Mr McCUTCHEON (Minister for Water Resources)—I thank various honourable members for their contributions to the debate. Some of the remarks made by honourable members can be distilled down to commenting on a handful of points in the Bill. I shall deal with them recognizing the lateness of the hour. A number of honourable members referred to their concern about the role of local councils in planning. They raised questions about the capacity of councils to undertake additional powers or they defended councils which were to be denuded of power because the powers were being centralized with the Minister. Those differing contributions reflected a certain confusion about the intent of the Bill.

For a long time local councils have had a planning role which has been significant. They have been able to issue permits under delegated powers of the Melbourne and Metropolitan Board of Works; they have had powers for rezoning; powers for local development schemes; and have been able to apply to the department for interim development orders. For a long time many of the proposals contained in the measure have been requested by local councils from the Government. With the transfer of planning staff from the Board of Works to the Ministry for Planning and Environment, the staff will continue to provide support and advice to local councils; local councils will have a greater planning role than they have had in the past.

The legislation intends to clarify that role and remove one of the three traditional levels of planning which perhaps have confused the planning process during the past few years. The claim is consistent in the contributions of honourable members that more and more planning powers have been centralized to the Minister for Planning and Environment or that local councils will be overloaded.

The honourable member for Benalla commented at length on the centralized power being vested in the Minister. He claimed that no opportunity would be available for outside input on planning decisions and no recourse to any outside body or forum of appeal. That reflects a misunderstanding of the proposed legislation. In fact the principal Act will not be altered. All the existing avenues for planning appeals will remain open. That means that if a person applies for a permit which is refused or if a person is granted a permit with conditions with which he or she does not agree, that person can appeal to the Planning Appeals Board. Those provisions will not be altered by the proposed legislation.

745
The second area on which a number of contributions to the debate centered was the concern about the Metropolitan Improvement Fund and its use in funding planning. It is important to make clear to the House that the Metropolitan Improvement Fund was established initially in the 1950s to fund metropolitan planning. The transfer of moneys out of the fund is not new. The Opposition will recognize that it instigated the transfer of Metropolitan Improvement Fund moneys to help support the underground loop. For some years now, the fund has made a contribution to the former Melbourne Underground Rail Loop Authority on an annual basis and the Liberal Party did not appear to raise any objections to that action when it was in government. That was a similar use of the Metropolitan Improvement Fund.

Metropolitan ratepayers understand that the Metropolitan Improvement Fund raises a planning levy and when that is transferred to the Ministry for Planning and Environment it will enable metropolitan planning to be continued as it has for the past 25 years or more. It is also important that the Municipal Association of Victoria carried a resolution on 22 May 1985 which supported the continuing use of the Metropolitan Improvement Fund to pay for metropolitan planning activities, including the payment of salaries of planning staff. The Royal Australian Planning Institute has supported the action contained in the Bill.

Considerable attention in the debate was centered on concept plans. I wish to clarify some of the discussion on concept plans that took place in the House during the second-reading debate. These powers are part of the Melbourne and Metropolitan Board of Works Act 1958. Concept plans apply to the Yarra region as such and enable broad strategic guidelines for the Yarra region to be prepared for its future development. Until now, that region has been defined by a 30-metre boundary on each side of the Yarra. Many instances have occurred of that 30-metre line having proved to be inadequate and inappropriate. The Bill will alter the definition of the Yarra region as such and enable it more logically to follow the Yarra River and its needs from a concept planning point of view. It is well known that flood plains vary in width. Other natural features along the river also need to be taken into account. Concept plans will enable the Minister to vary and determine the boundaries or limits of the Yarra region.

Concept planning powers are being transferred to the Ministry for Planning and Environment but with some specific provisions being made for the continuing role of the Board of Works with regard to drainage and floodplain management and the process of preparation and finalization of those concept plans. In that way, recognition of the importance of the drainage and flood powers of the Board of Works and its continuing responsibility are contained in the Bill.

Honourable members raised the matter of the extent to which the Bill proposes to increase the amount which the board can borrow. In 1979, the Liberal Government raised the borrowing limit to $2 billion. That was only six years ago and, in that time, the board has raised its limit to just under $2 billion. The proposal to increase that amount to $3 billion is not as large as many honourable members suggested in the course of the debate.

If one extends the value of $2 billion in 1979 in real terms, that figure is equivalent to $3.2 billion today, so that the raising of the borrowing power limit from $2 billion to $3 billion is not as significant as suggested by many speakers.

Honourable members should be aware that the total indebtedness of the board has not increased in real terms over the past four years. In the late 1970s and early 1980s, the capital works program of the board was running at $240 million a year. That program has been scaled down and, because fewer major capital works projects are being conducted by the board, the capital works program is now running at $200 million. That level is, therefore, less than it was during the height of the capital works program of the board in the 1970s and into the 1980s.
Reference was made to clause 52 and to the rights of staff being transferred from the Melbourne and Metropolitan Board of Works to the Public Service. I give notice that an amendment will be moved to modify the wording of that clause.

The Government has set out to improve the planning processes of the State in this Bill. There has been considerable and lengthy consideration and consultation on the changes embodied in this measure. The important step of simplifying the planning process, of removing the three level system and creating a State and local government planning system will be achieved under this Bill.

The various matters raised during the debate do not constitute a reason for preventing the passage of this measure which will enable the transfer of staff from the board to the Ministry for Planning and Environment on 1 July 1985.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 5 were agreed to.

Clause 6

Progress was reported.

ADJOURNMENT


Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That the House do now adjourn.

Mr AUSTIN (Ripon)—The matter I raise with the Minister for Police and Emergency Services relates to a victim of the 14 January fires in the Maryborough, Avoca, Talbot and Clunes areas, Mr Murray Waldron, who applied for assistance when his house at Daisy Hill was completely destroyed by fire. His application for a re-establishment grant was refused on the ground that that was not his principal place of residence.

The Minister will be aware that there were many similar cases during that disaster period and in previous disasters. Many of those cases that were brought to my notice once the full circumstances had been made known did not receive my full support because I understood that the requests did not meet the guidelines.

The case I am now raising is a special case, and the circumstances are somewhat different. Mr Waldron was working in Melbourne because he could not obtain a job within the Maryborough district in which his house was located. He was paying rent in Melbourne and returned each week-end to spend Friday, Saturday and Sunday nights in the house that he had built.

This young man had borrowed money to build the house and was attempting to make his own way in the world, but, because of the disaster that occurred, he is severely disadvantaged. As he had borrowed money, it was compulsory to have insurance cover on the house, but the contents were not insured. This is a special case. I ask the Minister to review the case on its merits and not to judge it strictly by the rules and regulations.

On 18 March this year an appeal was made to the Minister, and I ask him to reconsider that request because this refusal of assistance is one of the injustices that has occurred following the disaster in that area.

Mr JASPER (Murray Valley)—I raise a matter for the attention of the Premier in his capacity as representing the Border Laws Anomalies Committee in this Chamber. The
Premier will be aware that there are a great range of anomalies between the various States and the committee set up by a previous Government some years ago has done an excellent job in coming to grips with a large number of anomalies that are prevalent along the border, especially between Victoria and New South Wales. Honourable members representing the areas along the border are aware of this situation.

Last week-end an anomaly was brought to my attention, which related to a person who repairs and fits liquefied petroleum gas heaters. This person lives in Rutherglen and holds a New South Wales gas fitter's licence, which allows him to repair and fit heaters in New South Wales. He has had this licence since 1969. The Department of Minerals and Energy previously had control of the people who repair and fitted gas heaters in Victoria under the direct control of the Gas and Fuel Corporation. This person was allowed to operate in Victoria using the New South Wales licence and on many occasions the inspector from the corporation visited the various jobs and inspected the work that had been undertaken.

Some five years ago, the Health Commission took over the control of the gas fitters operating in Victoria. This person met with the licensing board and his application for a Victorian licence was rejected because it was claimed that he did not have the qualifications necessary to allow him to continue repairing and fitting gas heaters, despite the fact that he had operated in this field since 1969. It was said that the only way he could operate was by being under the control or operating in conjunction with a licensed plumber. Until twelve months ago, he was allowed to follow that procedure and he operated under a licensed plumber. However, now the Health Commission has stated that he can no longer repair or fit gas heaters in private homes or in businesses in the Victorian area.

This person holds a licence under the New South Wales Plumbers, Gasfitters and Drainers Act of 1979 and has operated in Victoria under a scheme of arrangement. He now finds that he is not allowed to operate in Victoria even though he is qualified by years of experience. The Government should consider this matter through the Border Laws Anomalies Committee and allow people who have experience, and especially when they have a New South Wales licence, to operate in a reciprocal fashion in Victoria. Perhaps it should consider that those who wish to enter this field in the future should achieve some further or higher qualifications but allow those who are already operating in the field to continue to do so.

Mr SHELL (Geelong)—I refer to the attention of the Minister for Transport the matter of commuter trains between Geelong and Melbourne. Honourable members will be aware of the Government's policy concerning public transport and its desire to have more people travelling on trains, trams and buses. The commuter rail line between Geelong and Melbourne is an area in which this policy has succeeded.

During the past twelve months there has been a 9.7 per cent increase in commuter traffic. However, one cannot have increased commuter traffic without other problems. On a previous occasion I referred to problems with the 6.40 a.m. train from Geelong to Melbourne. Although the train is usually on time or within 5 minutes of the correct time, it has an overcrowding problem. The train is made up of a four-car set and by the time it reaches Lara the seating capacity is not adequate for passengers wishing to travel to Melbourne.

Following representations I have made to the Ministry of Transport, a bus is being provided from Lara and this provides an alternative means of transport until the seating capacity on the train is increased. The strange aspect is that there are still empty seats on the connecting bus from Lara to Melbourne. It seems that passengers prefer to stand or sit on the floor of the train because it is more comfortable than sitting in the bus. Anyone who has travelled on the train would realize that it is possible to spread out and read the Age or the Geelong Advertiser without bumping into the surrounding passengers.

The 5.38 p.m. train from Melbourne to Geelong has also experienced timekeeping and overcrowding problems. The Ministry has set about resolving the problem. It improved the metropolitan service from Melbourne to Werribee, and Werribee-bound passengers
therefore did not need to use the Geelong service. The train is a four-car set and is drawn by a T-class locomotive, which is not strong enough to pull the train and therefore allow it to meet its time-table. The Ministry has undertaken a locomotive regeneration program and when the locomotives come on stream, timekeeping will improve.

A further problem arises when Geelong-bound passengers fail to connect with the Geelong transit system which provides buses from the railway station to Moorabool Street and other parts of Geelong. I ask the Minister to provide a connecting time-table between the Geelong buses and the Melbourne–Geelong train service.

Mr GUDE (Hawthorn)—The matter I direct to the attention of the Minister for Police and Emergency Services concerns the state of vehicles in service at the Hawthorn police station. The station has a total staff of 27 and a number of trainees and serves approximately 30 000 Hawthorn residents.

It has one patrol van and one car to service the entire area. When one considers that the patrol van is used full time to deal with D24 matters and that the patrol car is used every two shifts out of three shifts five days a week on issuing warrants and summonses, one realizes that the vehicle support service for the Police Force in the area is totally inadequate.

One should compare the circumstances of the police station at Hawthorn with its near neighbour in Kew, which is a fair comparison given that the electorate size is about the same, as is the number of people to be serviced. In 1984 there were 621 burglaries in Hawthorn and 442 burglaries in Kew. When I called at the Hawthorn police station a week ago, the patrol van was being repaired and there was no replacement vehicle. That is a fairly common occurrence not only at the Hawthorn police station but also at the Camberwell police station. Indeed, the Leader of the Opposition has substantiated that fact from his calls on the same police station.

I do not seek to diminish in any way the resources of the Kew police station; rather I call for an additional support vehicle to be provided for the Hawthorn police station.

It is interesting to note that the Kew police station obtained its additional vehicle in October last year following a nationwide television program which exposed a large number of crime difficulties in that area. I know that the Parliament is not nationwide, but none the less I should like to think that the Minister would show the same level of support and assistance to the constituents of Hawthorn as he has obviously shown, quite responsibly, to the people of Kew.

I ask the Minister to review the special needs that I have outlined and to take all steps possible to assist the Police Force and the constituents of Hawthorn.

Mr WALLACE (Gippsland South)—The matter I raise concerns dairy licences. I draw the attention of the Premier to a statement he made that it is the intention of the Government not to allow any new dairy licences to be issued after 6 February.

The SPEAKER—Order! Are the remarks of the honourable member addressed to the Premier?

Mr WALLACE—I believe so because the honourable gentleman represents the Minister for Agriculture and Rural Affairs in another place. I draw the attention of the Premier to an advertisement which was placed in the *Latrobe Valley Express* on Tuesday, 14 May by the State Electricity Commission under the headline, “Dairying and grazing properties in Latrobe Valley for lease”. The Government has an opportunity to ensure that these properties are not made available for dairying. I draw this matter to the attention of the Premier in the hope that he has it investigated.

Mr WEIDEMAN (Frankston South)—I raise for the attention of the Minister for Police and Emergency Services the availability of replica pistols in the community. Four types of pistols are available, namely, the imitation pistol, which is made of plastic and, if one put a bullet in it, it would blow one's hand off; a modern pistol replica; a black powder and
ball type pistol, which is the cowboy type; and the patent replica of the Ruger pistols of the 1850s to 1860s which are also of the black powder and ball type.

Under the legislation that was in force on 1 December last year many thousands of replica pistols came into the country to be sold under the antique provision of the legislation which allows these pistols to be sold, not only by gun dealers but also by disposal stores and others because they are patented model replicas of guns used in the 1860s to 1880s. They are the black powder and ball type. It is a pistol that is loaded from the front of the cylinder. It is an impression of an “old army” percussion revolver and is loaded from the front of the cylinder with black powder and has a percussion cap at the back which is ignited through the mechanism of the pistol. The ball is put on top of this and usually it has been coated with grease or wax to hold it in position to stop the multi-firing of the chambers. It is a deadly weapon that can be sawn off and used as short-end-pistol or it can have a long-barrel effect. It can be bought in 38s or 44s.

I have an instruction pamphlet that comes with the Ruger “old Army” percussion revolver 44 which indicates how to load and fire it. I understand these revolvers are used in licensed pistol clubs. People train in how to use the guns, and there are competitions with these types of pistols. I received a letter from a constituent who purchased two of these pistols for display and use in his collection. He was concerned that anybody could walk into a disposal store or gun shop and purchase these pistols. He wrote to the police. Mr Brian Fennessy, the Registrar of Firearms of the Victoria Police replied to him and stated:

The weapon as described is an antique within the definition of the Firearms Act. Accordingly the handgun does not require licensing unless it is intended to use same.

That is a bit like telling persons that they can buy something that can be used for a purpose, but that they may not attempt to use it for that purpose. I understand that black powder, which is the old gun powder of the Chinese era, can be purchased and that its purchase cannot be restricted because it can be used for other purposes in small quantities and is therefore readily available. I understand the Minister has received recommendations from the Firearms Consultative Committee. The Firearms Traders Association has informed its reputable dealers that they should supply this gun only to people with shooters' licences. I ask the Minister to take up the matter with his department. I hope he will introduce proposed legislation so that this anomaly can be eliminated because I do not believe anybody should be able to purchase these pistols and use them indiscriminately.

The SPEAKER—Order! The honourable member for Frankston South is out of order in raising the issue of proposed legislation.

Mr DICKINSON (South Barwon)—I direct the attention of the Minister for Education to a submission made in September 1983 by the principal of a Torquay school to Mr T O'Donnell, the officer in charge of the transport unit of the Education Department. For some years the children of the school have been picked up by the health community services bus in the area, but the service is no longer available. Approximately 109 concerned families in the Torquay and Jan Juc areas have children attending the school. The parents of the children are most concerned that no Education Department bus is available to transport the children. They have made repeated representations through the principal for the provision of such a service. I ask the Minister to consider this proposal, which has been submitted to his department for urgent consideration, and ensure that action is taken. This week parents of 109 students have petitioned the Education Department on this matter, which petition will also be forwarded to the Minister.

Mr E. R. SMITH (Glen Waverley)—The matter I raise for the attention of the Minister for Transport, as the representative for the Minister for Health, concerns a story that appeared in the Age last week. It refers to the closure of the Crana Hostel at Altona last week. A friend of mine was involved in the closure in that his sister, who is a spastic, has been a resident at the hostel for a considerable period. My friend was telephoned at 6
o'clock on Wednesday night of last week when his sister returned to the hostel after work. She works three days a week, but was a resident at that centre.

My friend's sister returned to find that the hostel had been closed without notice 2 hours earlier. Normally, a person who does not pay his rent or fails to make any other payment is given notice of any action that is to be taken. For non-payment of rent, a person may be given four weeks' notice of action. However, the hostel to which I refer was apparently in financial straits and it was decided during the afternoon to close it down completely.

My friend went to collect his sister, but other people who were at that place were not so lucky. Only five of the ten people involved were able to be placed with families in the next few days.

My concern is that this situation should never arise again. The people to whom I refer require special treatment. They had been receiving complete care, with their meals provided. They had special facilities at the hostel. For them to arrive there and find it shut was a disgrace, and I ask the Minister to provide the House with an assurance that situations such as this will not arise again.

Mr B. J. EVANS (Gippsland East)—I raise for the attention of the Minister for Transport, who represents the Minister for Health in this place, the question of the lack of emergency medical staff at Lakes Entrance between the hours of 6 p.m. and 8 a.m. The local population at Lakes Entrance is approximately 4000, and there are always at least 2000 holiday makers or tourists in the town even during the quietest period of the year. The population increases to some 30 000 during the peak summer tourist season. It seems strange that such a large number of people have no access to emergency medical services during the hours I have mentioned.

Prior to Christmas a request was made to the former Minister of Health for the provision of additional nursing sisters to staff the very fine community health centre which has been established in Lakes Entrance over the past two years. The facilities exist, but the problem is that the manpower is not available in the case of an emergency.

To give some illustration of how the township of Lakes Entrance has developed in recent years, I point out that nine years ago it was serviced by only one medical practitioner, basically on a part-time basis. The township now has four full-time medical practitioners, and they find it impossible to cope without the availability of trained personnel to assist them during the night. When an emergency arises, people often go to the centre only to find that it is unmanned. Obviously, they are worried, and are not usually able to make the necessary phone calls or take additional time to call a doctor to the centre. When the doctor is there, he is without the assistance of a nursing sister, and that assistance is vital in many of the emergency services that need to be provided.

It seems a pity that these very good facilities are not being utilized to their fullest. I make a plea to the Minister for Health, through the Minister for Transport, to take action at the earliest opportunity to provide funds for the appointment of at least two nursing sisters to enable the facilities to be utilized fully. The Minister should take into account not only the number of people involved, but also the fact that Lakes Entrance is a holiday resort so that people are more inclined to let their hair down, as it were; they become boisterous, stay out late at night and enjoy themselves perhaps a little too much at times. I believe the incidence of emergencies in that community is sufficient to justify the appointment of additional medical staff.

At the meeting with the doctors on Sunday the Honourable Barry Murphy from another place and I were informed that in the past month, which is a relatively slack period for the township, there were 50 emergency cases where doctors were called to the centre during the hours when it was not manned. There is ample justification for the service and I ask that steps be taken to provide funds to enable nursing sisters to be employed.

Mr CAIN (Premier)—The honourable member for Murray Valley wants the question of the reciprocal arrangements regarding fitters and repairers of liquefied petroleum gas
heaters to be referred to the Border Laws Anomalies Committee, and I shall consider making that referral to the committee.

The matter raised by the honourable member for Gippsland South concerns the issue of further dairy licences. The Minister for Agriculture and Rural Affairs has made it clear that in pursuit of the rationalization of the industry it is his intention to place a strict limitation on the issue of any new licences. Lest there be any doubt about his power and authority to do that, I point out that notice was given in the House today by the Treasurer representing the Minister for Agriculture and Rural Affairs in this place to amend the Act to ensure that the Minister for Agriculture and Rural Affairs has that power. I will not offer any view on when it will be passed, but it is the desire of the Government that the House pass the Bill as soon as possible so that the power of the Minister to effect that control is without doubt.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for Ripon drew attention to the predicament of Mr Murray Waldron following the destruction by fire of the home he owns at Daisy Hill in circumstances where the absence of job opportunities in the Maryborough area had forced him to rent a principal residence in Melbourne. I will happily arrange for this application for a re-establishment grant to be reviewed, but I point out to the honourable member that the guidelines under which these grants are determined are not purely the prerogative of the State but are arrived at jointly with the Commonwealth pursuant to a Commonwealth–State disaster relief agreement.

The honourable member for Geelong West raised for the Minister for Transport the matter of two commuter services on the Melbourne to Geelong route. I will be happy to draw to the attention of the Minister for Transport the honourable member’s views on the need for more satisfactory connection arrangements between those trains and the Geelong bus services.

The honourable member for Hawthorn raised the question of the number of vehicles available to the Hawthorn police station. I point out to the honourable member that the Police Force now has more motor vehicles available to it than at any previous time in its history.

I take considerable pride in the fact that in the course of the last Parliament the Government was able for the first time in the history of the State to eliminate a situation where there were still some police stations with no motor vehicles assigned to them. The Government also in some circumstances has been able to provide additional vehicles for police stations. However, I am sympathetic to what the honourable member has said and I will take up the matter with the Chief Commissioner of Police, whose prerogative it is to allocate those vehicles.

The honourable member for Frankston South—

The SPEAKER—Order! The honourable member for Frankston South was out of order.

Mr MATHEWS—The honourable member for Waverley expressed his concern about the fact that no notice was given prior to the closure of a private hostel in the Altona area for people suffering from cerebral palsy. He stated, correctly no doubt, that the situation must never arise again. However, I direct to his attention that it was a private facility and if a private facility has a need to close its doors suddenly, the Government can do little about it. However, I shall bring the matter to the attention of the Minister for Health, as I will the request from the honourable member for Gippsland East regarding additional nursing staff at the Lakes Entrance community health centre.

The SPEAKER—Order! Without seeing the record, I may have ruled in error regarding the honourable member for Frankston South. He called for the introduction of legislation, which is out of order during the debate on the motion for the adjournment of the sitting
but, if the Minister wishes to reply to other matters raised by the honourable member, he is free to do so.

Mr MATHEWS—I thank the honourable member for Frankston South for directing attention to the problem that he believes exists in regard to the Ruger revolver replicas. I shall take up the matter with the Firearms Consultative Committee and ascertain whether the concern is shared.

Mr CATHIE (Minister for Education)—The honourable member for South Barwon raised the problem of school children and some 109 families at Torquay who do not have adequate school transport. He indicated that a petition would shortly be forwarded to Parliament. I will be prepared to examine that petition. The Government is involved in a review of school bus services in a number of regions throughout the State, and my understanding is that Geelong has a priority in that review.

The motion was agreed to.

The House adjourned at 11.42 p.m.
Wednesday, 29 May 1985

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 11.3 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

PLANNING SCHEMES FOR BROTHELS

Mr KENNEDY (Leader of the Opposition)—I ask the Premier: Why has the Government reneged on its undertaking to Parliament that local municipalities that oppose brothels can amend their planning schemes to ban them and, in particular, why is the Government attempting to force municipalities in Victoria to make provisions for brothels in their planning schemes?

Mr CAIN (Premier)—I would have thought that the verb “reneged” did not express what has been occurring in regard to this matter. I shall take up the matter with the Minister for Planning and Environment and provide a written response to the Leader of the Opposition in due course.

WORKERS COMPENSATION

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Treasurer to the consultants engaged by the Government with respect to the proposed workers compensation legislation and ask him to advise the House of the estimated cost of the consultancy work up until today.

Mr JOLLY (Treasurer)—I cannot give the exact detail to the question without notice, but I will ensure that the Leader of the National Party is provided with those details covering the consultants who have been engaged to assist the Government in preparing legislation which is so fundamental to the future of Victoria.

Mr SIMPSON (Niddrie)—Can the Treasurer indicate to the House the time-table for the introduction of the proposed workers compensation legislation which is vital to the reforms needed for the future of Victoria?

Mr JOLLY (Treasurer)—I thank the honourable member for Niddrie for his question. The honourable member is a former Minister of Labour and Industry and has a strong interest in the development of workers compensation reforms in Victoria; certainly I have appreciated his assistance in the past.

The Government is in the process of preparing a major overhaul of the workers compensation system in Victoria. This overhaul is of enormous complexity and the Government is considering fundamental changes to a system which has been in operation for many decades. On the basic principles associated with the workers compensation system and the new accident compensation system that will be introduced, the Government has substantial agreement with the Trades Hall Council workers compensation committee and major employer interests in Victoria on the proposals that the Government is putting forward.

I also stated yesterday that once basic agreement is reached on these principles, it will be necessary to translate those principles into legislative form. Obviously that is not an easy process. On Monday, Cabinet considered draft legislation which embodied the principles that have been agreed to by the various organizations with which the Government has been undertaking consultation. That draft legislation was handed to selected individuals for comment on technical matters associated with the proposed legislation and to advise the Government whether the principles that have been agreed to are accurately translated.
into the proposed legislation. Upon the completion of the process, the draft legislation will be made available to the House.

Originally the Government indicated that proposed legislation would be introduced into Parliament at the end of May or during the first week in June. However, requests have been made from employers and trade unions for more time to consider the detailed draft legislation. For that reason and because a number of organizations and individuals have requested that the draft legislation be made available to the public for debate and scrutiny, I have decided that the draft legislation will be released to the public next Tuesday. In releasing that draft legislation to the public, I will ensure that every member of this House and the other place receives a copy.

The intention of the Government, so far as the Parliamentary process is concerned, is that in the first week of July the Bill will be tabled in Parliament and, following a two-week adjournment, the Legislative Assembly will debate the issues involved.

Mr Jasper—Only two weeks!

Mr JOLLY—The honourable member for Murray Valley questions the two-week adjournment. I repeat that on next Tuesday I intend to make the draft legislation available to the public, and that includes every member of Parliament. Every member of Parliament will have the opportunity of examining the draft legislation. Following that the Bill will be formally introduced in the House during the first week of July. The debate will then be adjourned for two weeks and the Bill will then proceed in accordance with the normal Parliamentary process.

The Government has already announced its intention of introducing this fundamental overhaul of the workers compensation system on 1 September. The draft legislation will be the result of a broadly-based, detailed consultative process. I am sure every honourable member who is interested in the matter will take the opportunity of examining the details of the draft Bill before it is tabled in this place.

Mr KENNETT (Leader of the Opposition)—Further to his statement I ask the Treasurer: If there are major changes between the draft legislation that is made available to the public next Tuesday and the Bill that is introduced in this place in the first week of July, will he guarantee the opposition parties and the community more time in which to consider the 189-page Bill than the two weeks he is currently proposing?

Mr Cain—The Bill has 195 pages.

Mr KENNETT—Will the Treasurer further guarantee that he will not use the guillotine to push through proposed legislation that may be entirely different from that which will be publicly circulated?

The SPEAKER—Order! The question has a large hypothetical content.

Mr JOLLY (Treasurer)—Mr Speaker, I shall ignore the hypothetical aspects of the question asked by the Leader of the Opposition; his questions usually are hypothetical! I have indicated that there will be a detailed consultative process. I assure honourable members that they will have adequate time to consider the details of the proposed legislation.

The fundamental issues will be addressed in the draft Bill that will be publicly released on Tuesday of next week. That consultation process will continue with all the relevant organizations and any necessary amendments will be introduced on 2 July. The Government will ensure that adequate time is made available for honourable members to debate any other relevant issues, apart from those included in the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—Can the Premier advise the House why the workers compensation Bill will not be introduced next Tuesday?

Mr CAIN (Premier)—I can only assume from that question that the Leader of the National Party, like some other honourable members, does not comprehend the complexity
and the magnitude of the proposed legislation. As I interjected to the Leader of the 
Opposition, the Bill contains 195 pages.

Mr Kennett—And honourable members will have only two weeks to debate it!

Mr CAIN—Honourable members will have six or seven weeks in which to consider the 
draft legislation. The Opposition, like everyone else, will receive the Bill next Tuesday. If 
Opposition members wish to examine any matters the Bill will be available for 
consideration. The Opposition ought to be offering praise for a process that enables that 
sort of consideration to take place. If the Opposition suggests changes next week or at any 
time during the month of June, those changes will be considered.

Mr Fordham—The Opposition should be happy to be considered part of the process.

Mr CAIN—The Opposition should see this proposed legislation in the same way as it 
is being viewed by employers and by the trade union movement—as a significant piece of 
social legislation that will profoundly alter what has been accepted as a process for delivering 
workers compensation over a long period. All honourable members in this House know 
that that process has been profoundly inefficient, undesirable, costly and time consuming 
and is not delivering what it should to anybody at the moment. It takes too long and it 
costs too much!

I ask the Opposition to view the proposal as an attempt by the Government for the first 
time in 30 years to grapple with the problem. I ask for consideration by the Opposition, if 
for no other reason than that it is an attempt to beat the prodigious labour cost that 
business and investors in this community are bearing. It is also an attempt to remove the 
delays that workers are currently enduring in having their claims dealt with. All parties 
are dissatisfied and unhappy with the current situation and I believe the Opposition and 
the National Party should see the proposal in that light.

Mr Ross-Edwards—Give us a Bill!

Mr CAIN—The Government will give the Leader of the National Party a Bill on 
Tuesday next. If he is as good as he says, he will come back and tell the Government what 
his views are. What is wrong with that?

Honourable members interjecting.

Mr CAIN—If the Leader of the National Party believes a change of this kind is good or 
if he wants to maintain the present system, he should be honest and say so. The Government 
does not want to maintain the present system. It should be changed! All honourable 
members will have every opportunity to offer their views.

**PORTLAND SMELTER PROJECT**

Mr SIDIROPOULOS (Richmond)—Can the Premier provide the House with the 
latest details of progress with the Alcoa of Australia Ltd smelter project at Portland?

Mr CAIN (Premier)—I am pleased to inform the House that progress has been 
significant. At the end of April last, $162 million worth of contracts had been let by Bechtel 
Pacific Corporation Ltd for construction of the smelter, an increase of some $42 million 
since the end of March. In all, the joint venturers have spent some $492 million on the 
two-stage smelter.

Those statistics are significant and interesting but the most significant is that more than 
1000 persons are employed on the site and 2000 persons are employed off the site. Some 
45 contracts have been let and 38 of those are under way on the site now. I hope that those 
figures put this project into perspective and that honourable members realize the importance 
of the Government reaching agreement with the company, which enabled the project to 
be restarted last August. It is important to the State and its economic progress to have this 
vast industrial project at last under way. It is a significant contribution to the Victorian
economy, and the Government and Alcoa of Australia Ltd, despite the knockers, remain confident and determined that the project will succeed.

CAMPAIGN FUNDRAISING

Mr LEIGH (Malvern)—I ask the Minister for Police and Emergency Services why he regards allegations which have been made to him—

Honourable members interjecting.

The SPEAKER—Order! Would honourable members on the Government side cease interjecting? Would the honourable member for Malvern repeat his question as I was unable to hear it?

Mr LEIGH—I ask the Minister for Police and Emergency Services to explain why he regards allegations concerning the use of prostitution in relation to raising campaign funds for the Australian Labor Party as being merely an internal party matter.

Mr MATHEWS (Minister for Police and Emergency Services)—Some weeks ago the honourable member for Malvern referred copies of a number of documents to me. I sought advice on those documents from my department and I have made available to the honourable member copies of the advice I received. I have also informed the honourable member that if he has any reason to suspect that breaches of the law have occurred, it is his bounden duty to direct those matters to the attention of the police.

I assure the honourable member for Malvern and, indeed, all honourable members that if any matters of this kind are raised with the police they will be pursued without fear or favour and charges will be laid where appropriate.

SUPPLIERS OF COMPUTERS

Mr HILL (Warrandyte)—Can the Minister for Education inform the House whether the Government has reached any decision on the list of recommended suppliers of computers for schools for the next twelve months?

Mr CATHIE (Minister for Education)—The Victorian Government has given a high priority to the teaching of computer skills within its schools. In fact, the Government has provided $1.18 million for computer education this year; that is in addition to Federal grants for that purpose of about $1.3 million.

Over the next four years the Government aims to equip all secondary schools and the larger primary schools of this State with computer equipment so that all students will have access to computer technology.

The Government has a second aim because Australians do very well, in fact excel, in high technology. The Government is concerned to support the growth and development of the Australian computer industry in this State and, therefore, the creation of jobs in Victoria.

There are now five preferred suppliers of computer equipment for schools in this State. That list includes two Australian companies. One is Applied Technology Retail Pty Ltd which is due to open a major assembly plant in Melbourne. The second Australian company is Pulsar Electronics Pty Ltd which has already opened a plant at Tullamarine. These recommendations will have the effect of offering schools a much broader range of computer systems from which to choose and will enable the Government to achieve the aims it has set itself in this field.

OAKLEIGH CITY COUNCIL

Mr COOPER (Mornington)—I direct a question to the Minister for Local Government. In view of recent civil proceedings in which an employee of the Oakleigh City Council was convicted of assaulting a councillor, and two other councillors of the City of Oakleigh
were named as inciting the assault; and in view of the large amount of other documented and sworn evidence of serious irregularities in the conduct of some individual councillors and in the operation of the council of the City of Oakleigh, I ask: Is the Minister for Local Government prepared to institute a full public inquiry into the conduct and affairs of the Oakleigh City Council?

Mr SIMMONDS (Minister for Local Government)—If the honourable member for Mornington has any additional information about the activities of the Oakleigh City Council to that which has already been made available to the department, I will review the situation and advise him accordingly.

TAX SUMMIT

Mr McNAMARA (Benalla)—My question to the Premier concerns the July tax summit which the honourable gentleman is no doubt aware was proposed by the Prime Minister as a cure for the economic ills of Australia. I refer to the response given yesterday by the Premier. When asked whether the July tax summit was a mistake, the honourable gentleman stated, “Yes, of course it was”.

The SPEAKER—Order! I ask the honourable member to ask his question.

Mr McNAMARA—I ask the Premier to explain to this House and to Victoria his reasons for feeling that the July tax summit is such a mistake.

Mr CAIN (Premier)—Mr Speaker, I thought you were considering whether the question was in order and had not yet called me.

The SPEAKER—Order! To put the matter in order, I understood that the honourable member for Benalla was asking the Premier to comment on press reports. Although he did not say so, that appeared to be what he was asking. However, as he did not ask for a comment on press reports, I am calling the Premier.

Mr CAIN—The tax summit is an interesting exercise, and the Treasurer and I shall attend that summit as representatives of Victoria. Our position is still being developed.

Whenever one raises this question, a whole range of alternative tax systems or forms of taxation are discussed. It becomes an untidy, unruly and undisciplined way of discussing an issue. As I said yesterday, various self-interest groups press their own views, but they are concerned only about their own interests and not about the larger objectives of an equitable taxation system.

All Australians are concerned about the taxation system, but nothing has been done about it for years. The Federal Government has shown commendable courage in tackling the issues as it has, and it has done itself a disservice because of the way in which the comments and arguments have been presented.

Honourable members interjecting.

The SPEAKER—Order! I shall not warn the honourable member for Geelong again.

Mr CAIN—The framework for the Victorian submission has been prepared and will be presented at the appropriate time, which will be at the tax summit. I shall not debate the issue in the columns of the press, as many people are doing at the moment.

UPWEY HIGH SCHOOL

Mr POPE (Monbulk)—Can the Minister for Education advise the House what action has been taken following the fire damage caused to the Upwey High School last evening?

Mr CATHIE (Minister for Education)—I assure the honourable member for Monbulk that the Government will do everything possible to assist the parents, the teachers and the students at the Upwey High School in their present difficulty.
A fire was reported at the school at 11.12 p.m. yesterday, and the relevant officers of the department were notified, that is, the regional director, the principal and the deputy director-general, as well as the facilities branch of the department. From reports received this morning it appears that the assembly hall and fifteen class-rooms, including an art/craft room and a science room, have been completely destroyed.

Replacement buildings are available for all of those class-rooms, and the damaged building will be bulldozed as soon as possible. The department hopes that will be completed by next Monday and that the relocatable class-rooms will be progressively installed over the next two weeks. During that period students in Years 11 and 12 will continue their studies without interruption. No students are at the school today, but it is hoped students in Years 11 and 12 will be back at school tomorrow and that all students will be accommodated by next Monday. The possibility of transporting students to Ferntree Gully by bus is also being considered.

Other options are being considered for appropriate arrangements to ensure that minimal interruption occurs for all students from Year 7 to Year 10. Arrangements are being made for funds to be made available immediately for the replacement of furniture and equipment.

Two members of the regional office are on site this morning and the regional director will visit the site during the day to ensure that appropriate arrangements are made. The usual services will be provided by the security staff and the facilities branch of the Education Department. Work will begin immediately on design to ensure that the necessary replacement buildings can be put in place as quickly as possible.

AUSTRALIA GAMES

Mr REYNOLDS (Gisborne)—In answer to my question of 3 April, the Minister for Sport and Recreation stated that he expected a report within fourteen days detailing the finances of the Australia Games. As 56 days have passed, can the Minister now confirm that the Australia Games loss was around $500 000 and that Government funds are being used to bail out the Australia Games organizing committee? If this is so, what programs of his department are being curtailed to make up the funds?

Mr TREZISE (Minister for Sport and Recreation)—No programs in my department are being curtailed whatsoever. The Australia Games, as all members will agree— including the honourable member for Gisborne—were a great success. The Government made a contribution of $375 000 and there was a shortfall, which was expected. The Government made a loan of $500 000 to cover the outstanding debts of the Australia Games Foundation. I understand talks were held yesterday or will be held today between the foundation and the department to determine the final position.

There were some complications so far as sponsors were concerned as some sponsors had not finalized their contributions as forecast to the Australia Games Foundation. Again, no programs will be curtailed. The Government made a contribution of $375 000 and it has made a loan to the foundation to pay off its creditors. If more money is required by the foundation, that matter will be discussed by the department and the foundation but I assure the honourable member that no programs in my department will be curtailed for such reasons.

SMALL BUSINESS LOANS INTEREST RATES

Mr REMINGTON (Melbourne)—In view of the recently announced deregulation of interest rates for small business loans, will the Minister for Industry, Technology and Resources advise the House what steps the Government is taking to provide small businesses with access to finance on reasonable terms and conditions?

Mr FORDHAM (Ministry for Industry, Technology and Resources)—It is commonly understood and will be reinforced by Government surveys that one of the greatest needs and demands of small businesses is access to finance with reasonable terms and conditions.
Under the State economic strategy, the Victorian Economic Development Corporation is charged with providing loans for small and medium sized businesses at commercial and viable rates of interest. In so doing, it is endeavouring to meet the gap between the trading banks' requirements for security and the finance companies' interest rates. There is an important role to be played by the corporation.

The corporation has achieved remarkable success over recent years in fulfilling that role. Over the financial years 1981–82 to 1983–84, it increased its rate of loan approvals by approximately 100 per cent per annum. This trend is expected to continue during the 1984–85 financial year.

In the calendar year 1984, the Victorian Economic Development Corporation approved loans of an equity of $35 million to businesses which qualified under the Small Business Development Corporation Act, that is mainly to companies in which management has a proprietorship interest.

The interest rate of the Victorian Economic Development Corporation is 15·5 per cent, which is well below the current prime rates charged by the trading banks, which are currently between 16·75 per cent and 17 per cent per annum. It is widely expected that trading banks will charge interest rates at least equal to prime rates on small business loans and the corporation will maintain a favourable market position in small business lending.

In conclusion, in addition to the low interest rates, the corporation tends to lend money over a longer repayment period and, where necessary, provides flexible repayment terms, thus assisting small businesses to overcome what have been early cash flow problems.

Similarly, the security required by the corporation against the amount of money it will lend on a certain loan is usually less than would be required by a trading bank for a similar sized loan. The corporation plays an important role, fills a gap and meets an important need of small business. It is being increasingly recognized across the State that this Government initiative is well worth while and one that is an important ingredient in the State's economic strategy and the growth of the Victorian economy.

PETITION

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

Brothels

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of the people of the Warrnambool district showeth their opposition to allowing brothels in the State of Victoria.

Your petitioners therefore humbly pray that the State Government take all possible steps to prohibit brothels in any municipality in Victoria and agree to allow any request from a municipality to make brothels a prohibited use under town planning laws.

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

By Mr J. F. McGrath (1560 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 Deputy Clerk:

Parliamentary Committees Act 1968—
Dangerous Goods Bill

Mr CRABB (Minister for Employment and Industrial Affairs) moved for leave to bring in a Bill to promote the safety of persons and property in relation to the manufacture, storage, transfer, transport, sale, purchase and use of dangerous goods and the import of explosives, to consolidate and amend the law relating to explosives and other dangerous goods, to repeal the Liquid Fuel Act 1941, the Liquified Petroleum Gas Act 1958, the Explosives Act 1960, the Inflammable Liquids Act 1966, the Liquefied Gases Act 1968, and the Dangerous Goods (Road Transport) Act 1984, to amend the Health Act 1958, the Mines Act 1958, the Transport Act 1983 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

OCCUPATIONAL HEALTH AND SAFETY BILL

Mr CRABB (Minister for Employment and Industrial Affairs) moved for leave to bring in a Bill to promote and improve standards for occupational health, safety and welfare, to establish the Occupational Health and Safety Commission, to repeal the Industrial Safety, Health and Welfare Act 1981 and certain other Acts, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

WESTERNPORT (OIL REFINERY) (FURTHER AGREEMENT) BILL

Mr FORDHAM (Minister for Industry, Technology and Resources) moved for leave to bring in a Bill to ratify, validate, approve and otherwise give effect to an agreement between the Premier for and on behalf of the State of Victoria and BP Australia Ltd relating to the refinery at Crib Point and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

DAIRY INDUSTRY (AMENDMENT) BILL

Mr JOLLY (Treasurer) moved for leave to bring in a Bill to amend the Dairy Industry Act 1984, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MOTOR CAR (PHOTOGRAPHIC DETECTION DEVICES) BILL

Mr ROPER (Minister for Transport) moved for leave to bring in a Bill to make provision in the Motor Car Act 1958 for the detection of offences by photographic detection devices and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

MENTAL HEALTH BILL

Mr ROPER (Minister for Transport) moved for leave to bring in a Bill to provide for the care, treatment and protection of persons who are mentally ill, to establish a Mental Health Review Tribunal, to define the role of the Health Commission of Victoria with respect to mental health, to repeal the Mental Health Act 1959 and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

INTELLECTUALLY DISABLED PERSONS' SERVICES BILL

Mr ROPER (Minister for Transport) moved for leave to bring in a Bill to provide for the care, treatment and protection of intellectually disabled persons, to define the role of the Minister and the Health Commission of Victoria with respect to intellectually disabled persons and the provision of services, to provide for the appointment of a Director of Intellectual Disability Services, to establish an Intellectual Disability Review Panel and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

GUARDIANSHIP AND ADMINISTRATION BOARD BILL

Mr ROPER (Minister for Transport) moved for leave to bring in a Bill to provide for the establishment of a Guardianship and Administration Board, to provide for the appointment of a public advocate and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

LOCAL GOVERNMENT (RATING APPEALS) BILL

Mr SIMMONDS (Minister for Local Government) moved for leave to bring in a Bill to amend Part IX of the Local Government Act 1958 in relation to rating appeals and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

LOTTERIES GAMING AND BETTING (GAMING MACHINES) BILL

Mr TREZISE (Minister for Sport and Recreation) moved for leave to bring in a Bill to amend Part V of the Lotteries Gaming and Betting Act 1966 and for other purposes.

The motion was agreed to.
The Bill was brought in and read a first time.

RACING (FIXED PERCENTAGE DISTRIBUTION) BILL

Mr TREZISE (Minister for Sport and Recreation) moved for leave to bring in a Bill to amend the Racing Act 1958 with respect to the distribution of the residue of commission by the Totalizator Agency Board, to repeal section 16 of the Racing (Amendment) Act 1983 and the Racing (Amendment) Act 1984 and for other purposes.
The motion was agreed to.

Mr TREZISE (Minister for Sport and Recreation)—I move:
That the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

Mr HANN (Rodney)—Leave is refused.

It was ordered that the Bill be printed and the second reading be made an Order of the Day for next day.

STATE DISASTERS (AMENDMENT) BILL

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That this Bill be now read a second time.

The principal purpose of the Bill is to extend the operation of the State Disasters Act for a further twelve months. Honourable members will recall that the State Disasters Act, which was enacted in 1983 in the aftermath of the Ash Wednesday bush fires, provided the basis for improved co-ordination of the State's emergency services. The Act provides for the appointment of a Co-ordinator in Chief, a position which I have held since the Act's inception. Where a state of disaster is declared under the Act, the Co-ordinator in Chief is responsible for ensuring the implementation and control of all measures and the allocation of all the resources of the Government and its agencies which are necessary or desirable to combat the disaster. Fortunately, it has not been necessary to declare such a state of disaster in the past two years.

On an ongoing basis, the Co-ordinator in Chief is responsible for the development of counter-disaster planning for the whole of Victoria, for the implementation and co-ordination of the preparations undertaken by all Government agencies in respect of fire prevention and counter-disaster measures, and for the formulation of policy in respect of welfare relief in disaster situations.

To assist me in this role, a representative Readiness Review Committee has been established under the auspices of the Disasters Services Council and support is provided by the Office of the Co-ordinator in Chief of Disaster Control.

The committee is actively examining a range of issues relating to effective disaster control and to this end has created four working parties to examine and report on, respectively, alternative methods of funding the fire and emergency services, the future of the Victoria State Emergency Service, administrative and technical support facilities for the fire services and Victorian disaster management arrangements.

This latter working party is specifically required to evaluate existing Victorian disaster management arrangements, to recommend means of enhancing those arrangements, to review current legislation and to recommend the form and scope of desirable legislative changes.

The working party is required to report to the Readiness Review Committee by the end of August and the committee, in turn, will report to the Government shortly thereafter.

Obviously, the Government wishes to have the benefit of the recommendations of the committee before deciding on the nature of further legislation in the area of counter-disaster measures. The various recommendations of the Bushfire Review Committee, including the provision of a legislative base for the State Disaster Plan, will also be considered in conjunction with the committee's recommendations.

It is, therefore, proposed to allow the present legislative arrangements embodied in the State Disasters Act to continue in existence while these investigations proceed. Accordingly, the Bill extends the operation of the State Disasters Act for a further twelve months to 30 June 1986.
The Bill also effects a further amendment to the State Disasters Act following concern expressed over the possible effect of section 8 of the Act. Section 8 provides that “notwithstanding anything to the contrary in any other Act or law” the Co-ordinator in Chief shall be responsible for the ongoing functions to which I have adverted.

It has been suggested to the Government that the effect of this section is to inhibit the performance of certain functions currently allocated by other legislation to the combating agencies, such as the Country Fire Authority and the Forests Commission, now known as the State Forests and Lands Service.

The Government is of the view that the Co-ordinator in Chief has an umbrella responsibility which stands apart from the responsibilities of individual agencies. The co-ordinator has a responsibility to ensure that the agencies discharge their statutory duties in the fire and disaster prevention field and that such activities are properly co-ordinated.

To remove any doubt as to the respective responsibilities of the Co-ordinator in Chief and of the combating agencies, the Bill repeals the phrase “notwithstanding anything to the contrary in any other Act or law” from section 8 of the principal Act. The repeal will not diminish the co-ordinator’s over-all responsibilities, but will ensure that the responsibilities of individual combating agencies are preserved. I commend the Bill to the House.

On the motion of Mr CROZIER (Portland), the debate was adjourned.

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

**COAL MINES (PENSIONS INCREASE) BILL**

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

The Bill introduces amendments to the Coal Mines Act that are designed to increase the level of pensions paid to retired coal mine workers and their families.

Following closure of the mine at Wonthaggi many miners were retired early, and legislation was enacted to provide small pensions to supplement Commonwealth social security pensions. These supplementary pensions are not indexed and have not been increased since 1975. They presently represent less than 5 per cent of the income of most retired miners. There have been a number of representations on behalf of the retired coal miners to increase these supplementary pensions.

The proposed increase in the supplementary pension for married miners is $4 a week or 50 per cent of the current supplement. This percentage is in line with increases in pensions paid by the State Employees Retirement Benefits Board since its inception in 1980. The proposed supplementary pensions payable to widows and other dependants are not precisely 50 per cent higher because the opportunity has been taken of bringing the relationship between married couples' and single persons' pensions into line with corresponding changes that have taken place with social security pensions.

There are now fewer than 200 miners or widows receiving pensions, and most of them are aged 80 years and over. The cost of providing some equity to this small group of senior citizens is relatively small. It is estimated that the cost of the measure will not exceed $40,000 a year.

Whatever the impact of the income or assets tests on social security pensions, the proposed amendment will ensure that retired miners and their wives receive a minimum income of $169.30 a week, or $12 more than the full rate of age pension. Single miners, widows and other dependants will receive corresponding increases. I commend the Bill to the House.

On the motion of Mr BROWN (Gippsland West), the debate was adjourned.
It was ordered that the debate be adjourned until next day.

**MELBOURNE CORPORATION (ELECTION OF COUNCIL) (PROPORTIONAL REPRESENTATION) BILL**

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

Clauses 2 and 3 were agreed to.

Clause 4

Mr COOPER (Mornington)—Paragraph (b) of proposed sub-section (2A) refers to:

a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name).

The questions that arise are: Who determines what is acceptable, and are any appeal rights available to those refused? For example, I recall vividly prior to the previous State election asking the returning officer for my name to be shown on the ballot-paper as "Robin" because I am generally known by that name although I was christened "Robert". The returning officer accepted my request, but three days later changed his mind. I suggest that in that instance the request should have been accepted. There are many examples of similar instances.

Nothing in the Bill stipulates that there is a right of appeal. Nothing in the Bill indicates whether there is some book or authoritative source that can be used as an arbiter when there is a dispute about whether a name will be allowed to appear in a certain fashion on the ballot-paper. I request the Minister to advise the Committee further about these details.

The clause was agreed to.

Clause 5

Mr COOPER (Mornington)—I refer to proposed new sub-section (2A), which states:

The returning officer shall immediately after four o'clock in the afternoon on nomination day arrange for a ballot by lot to be held for the purpose of determining the order in which the name of each candidate is to be printed on the ballot-paper.

Simply, that is a bald statement. It goes into no detail on how the ballot will be conducted.

Members of the Opposition want to know more details about what is proposed regarding the conduct of the ballot.

Mr WILLIAMS (Doncaster)—It is my understanding that in Tasmania it is now possible for ballot-papers to be printed by computers which mathematically provide that no candidate receives an advantage over another by reason of his name on the ballot-paper.

I am interested to hear comments from the Minister about why Victoria persists with drawing names of candidates from a hat. It is extremely old fashioned and, surely, with modern scientific techniques, one can now assure that every candidate receives a fair go and is not subject to the laws of Tattersall's.

Mr DELZOPPO (Narracan)—I have some doubts about the clause. The Minister for Local Government has been silent regarding the points raised by members of the Opposition. I ask him to give an explanation.

The clause was agreed to.

Clause 6

Mr COOPER (Mornington)—I shall deal with a number of areas of this clause and, hopefully, this time I will receive a response from the Minister for Local Government.
Proposed section 49A (4) refers to scrutineers and states, *inter alia*:

The returning officer upon receipt of the several sealed parcels from any presiding officer and with the assistance of such officers as the returning officer deems necessary and in the presence and subject to the inspection of any one scrutineer . . .

I ask the Minister why the sub-section is phrased in that way. Proposed section 49A (18) states:

In respect of the last vacancy for which two continuing candidates remain, the continuing candidate who has the larger number of votes shall be elected notwithstanding that that number is below the quota . . .

Quite clearly, if that situation occurs, it indicates that the voters do not want either candidate, but the Government is prepared to accept that someone will be elected regardless of how many votes they receive. The provision is a total and utter cop-out.

Proposed section 50A (2) states:

The count of votes may from time to time be adjourned as the returning officer deems necessary . . .

That is a pretty good arrangement because, under the proposed system, it will be necessary for the count of votes to be adjourned. Given the history of proportional representation voting, there is no way that the count will be conducted at the same time as the count under the preferential voting system.

The adjournment of the count may cause a situation to arise where only organizations will be able to run candidates. Only a paid organization, probably a political organization, can afford to have scrutineers and candidates who will be available day after day until a decision is reached. The normal independent candidate standing for council elections throughout Victoria—the person who everyone says is the type who should be on local councils—finances his own campaign almost invariably with the assistance of friends and relations.

Those people have to work for a living. They are not able to take days off from their jobs to act as scrutineers during a long and protracted count under this system of voting. If there was ever a reason for the point made by the Opposition in the second-reading stage that this Bill will sound the death knell of independent candidates in local government, this is the clause that sheets it home.

Supporters who assist independent candidates during an election campaign, which is time-consuming on its own, must also put in time on the night of the count, which normally occurs on the day of the election. However, if those people wish to continue to provide support to the candidate of their choice, they are required to give up many hours or perhaps days of their time to ensure that their candidate gets a fair deal during the counting of the ballot.

The Minister for Local Government believes he has an answer for everything contained in the measure, but he is not prepared to tell the Committee what the answers are. However, on this occasion he may recognize that the point being made by the Opposition is valid.

This issue is of significant importance to a number of Victorians and, if the legislation is passed, it will be of concern to candidates in the Melbourne City Council elections this year, particularly those not supported by party machines. If one is to take an honest stance in taking party politics out of local government, one must agree that the point made about the clause is valid.

It is probable that the Minister will strongly support the introduction of party politics and endorsed candidates in local government. If that is so, I ask the Minister to admit it to the Committee and to the Victorian people.

Mr WILLIAMS (Doncaster)—I am not only concerned about this clause because of party politics, but also because of power politics. For many years many wealthy Melbourne businessmen have spent up to $50 000 to get elected to the Melbourne City Council. Their
taxation advisers were so clever that these businessmen were able to have their companies and investment trusts finance their election campaigns because it was a legitimate deduction against their assessable income.

I wholeheartedly support the comments of the honourable member for Mornington. If this measure is passed, a new era will be entered throughout Victoria because this Bill is the thin end of the wedge. If the Melbourne Corporation (Election of Council) (Proportional Representation) Bill is passed, Victoria will then have triennial elections and every municipality will be subject to power politics. This will be of significance, especially in outer metropolitan areas where large fortunes can still be made in development schemes. This will be the new legitimate device, the new taxation dodge, and even if bottom of the harbour schemes are outlawed—

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, the Bill is about the counting process for a municipal election. I cannot relate the honourable member's remarks about taxation in any shape or form to the clauses contained in the Bill.

Mr LEIGH (Malvern)—On the point of order, Mr Chairman, I disagree with the Minister's point of order. Clearly, the honourable member for Doncaster would know far more about local government than the Minister knows. The honourable member was addressing the issue, as will be seen as he develops his argument.

Mr WILLIAMS (Doncaster)—I am becoming weary of having to put the view held by the old-time Labor Party. Members of the old-time Labor Party represented the little guy. The only money received by candidates who stood for council election was raised by holding chook raffles. I protest! I do not believe, in his heart, that the Minister supports the proposition that the rich and powerful in the community should be advantaged by the introduction of proportional representation, as will be the case in the City of Melbourne and in other municipalities where rich pickings are to be gained from having control of the local council. That is what I am on about.

If what is now happening in Commonwealth Government elections is to apply to State elections, the next thing will be that the Government will finance local government elections. A candidate who is not a member of a major political party that is registered to receive all the "goodies" at the taxpayers' expense, has to meet his own electoral expenses and, in that circumstance, the tradition of local government, which has served all of us extremely well, will not continue. Mr Chairman, you were a member of a local government council, as I was. We went through the good and the bad. So far as I can remember, I had to pay every cent of the expenses I incurred when standing for election to the local council; I paid those expenses out of my own pocket, and my wife often complained because she had to go without a new dress or something else that she wanted.

That is the system in which I believe. I am disappointed by the modern Labor Party because it stands for big business and big capital investments; it does not care a damn about the little guy who is the essence of democracy in this country. Clause 6 is a retrograde step.

Mr LEIGH (Malvern)—I was absent from the House during the second-reading debate because of private matters and therefore was not able to debate the second reading of the Bill. Clause 6 is the key to the proposed legislation.

Outside the Chamber the Minister said that, unless the Opposition agreed with the Bill, he would withdraw it and return it only when the Labor Party had control in the Upper House. He acted like a spoilt child. The 210 democratically elected local councils have served the communities efficiently and effectively. Some may say that it is time for a change; obviously that is what the Minister believes.

The Minister said that the Bill and, in particular, clause 6 would change the way in which local government operated next year. Honourable members must ask what clause 6
means. Unfortunately, it means that every local council will be more politicized than the Labor Party is at present. Proportional representation leads to candidates grouping together.

The CHAIRMAN (Mr Fogarty)—Order! Are the honourable member's comments relevant to the Bill?

Mr LEIGH—Mr Chairman, my comments are relevant because the Minister stated that he intended to relate the Bill to the community.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, honourable members have debated the second reading of the Bill. The Committee is dealing with clause 6, which deals with the election of the Melbourne City Council by proportional representation. Mr Chairman, I ask you to rule that the honourable member for Malvern could speak to the clause and allow honourable members to debate the relevant issues.

Mr COOPER (Mornington)—I do not believe the point of order raised by the Minister is valid because the basis of the Bill is the mechanics to change local government. That is the point the honourable member for Malvern is making. The whole thrust of the Bill is contained in clause 6. I submit, Mr Chairman, that the honourable member for Malvern is speaking relevant to the point and is not making a second-reading speech. He is referring to the main thrust of the Bill which is, as he correctly says, to change the whole of local government. That is in effect what will happen if clause 6 is carried.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I support the point of order. Clause 6 refers to an amendment to what is termed the principal Act, the Melbourne Corporation (Election of Council) Act. The amendment before the Committee deals with the Melbourne City Council. The honourable member for Malvern was on his honeymoon and missed the general debate. I wish him well in his marriage and congratulate him on his success but I sympathize with his partner. It is unreasonable to have a wide-ranging debate on councils other than the Melbourne City Council because the Committee stage of the debate is a narrow procedure designed specifically to deal with clauses under consideration.

Mr LEIGH (Malvern)—My marriage has had nothing to do with my performance in the Parliament, but on the point of order, if honourable members had been listening, the last words I spoke before the point of order was taken referred to what proportional representation meant in relation to this clause. I was about to speak on the mechanics of proportional representation in relation to the Melbourne City Council. Therefore, there is no point of order. Government members are merely trying to infuriate the Opposition because they know the Opposition is right.

The CHAIRMAN (Mr Fogarty)—Order! I uphold the point of order. The honourable member for Malvern may accept the fact that prior to the point being raised I did request that he come back to the crux of the Bill which relates to the City of Melbourne. I know the honourable member for Malvern appreciates my views and understands the points contained in the Bill. Clause 6 is the clause in question.

Mr LEIGH (Malvern)—I respect your ruling as, indeed, I respect you, Mr Chairman. What is meant by the mechanics of this Bill? It means, as I have already said, that groupings of candidates have to get together to run in election campaigns. That may be all well and good for a group of individuals who merely wish to support their own aspirations for the Melbourne City Council, but the effects of this Bill will unfortunately leave political parties further down the trail in terms of endorsing candidates for local government.

One of the problems that will arise when political parties have control of councils—and there is no doubt that they will have control if this Bill is introduced, as presently exists with the Melbourne City Council—is that political party matters will become far more relevant than they presently are. As the Minister has said on occasions, the Bill is an example that he intends to use further. He said that in his second-reading speech, so I am not raising any new points.

Session 1985—25 769
In the Melbourne City Council, which has a socialist left mayor and is controlled by one group, the Labor Party, there is no clearer example of why party politics should stay out of local government. The community is entitled to ask the question: What in heaven's name has party politics got to do with garbage services, town planning or whatever? It has absolutely nothing to do with these matters. However, the political party on the other side of this Chamber is bent on introducing this system so that it can politicize local government, not only the Melbourne City Council but also all of the 210 councils in this State. That is what proportional representation will do.

Under this system candidates will be placed in groups. Unfortunately, most individuals have great difficulty in getting the backing of a group of people to support them in running for local government. I have no doubt that the Deputy Premier is aware of this fact. I am also sure that the Minister for Local Government is not aware of it. If I had a candidate like the Minister for Local Government representing me, I would have problems, too.

Those individuals who have been elected to local councils have had an opportunity to express the views of the community. An example is the Malvern City Council where councillors operate as individuals and that is a good thing and is in the interests of the community. I can think of no more retrograde step than when council elections are politicized, and party machines are forced to openly endorse candidates.

Well may the members of the Government bark. Their conduct in this Chamber demonstrates why party politics should not apply in local government.

Proportional representation will politicize local council elections. It is a pity that the Minister has not read the Bill that he has introduced because one of the clauses relates to proportional representation. The system is such that where candidates are locked into a position of having an equal number of votes, the Minister will solve the problem by reverting to preferential voting. By doing this, the honourable gentleman is admitting that under the proposed legislation there is a good chance of a deadlock, so he will revert to the best system.

The Minister should be asked why he intends to introduce proportional representation. Is it because, as suggested in an interjection by the honourable member for Springvale, he has the power?

The CHAIRMAN (Mr Fogarty)—The interjection is disorderly.

Mr LEIGH—It is very disorderly, I agree. If the reason for introducing changes to legislation is because the Minister has the power, that reeks of political corruption.

Any person who understands local government will say that this system will result in deadlocks and the end result will be a return to the old system.

The Minister should be asked why he intends to introduce this provision. That is the question on the lips of every Opposition member, and every member of local government, both Labor Party and independents alike.

Why does the Government want to introduce the Bill? Before the present Minister, we had a fantastic Minister for Local Government—the Honourable Frank Wilkes—but, unfortunately, he no longer holds this portfolio. Why has the present Minister introduced this proposal?

The CHAIRMAN (Mr Fogarty)—I ask the honourable member to return to clause 6.

Mr LEIGH—Members of the Government have given in to pressure groups in relation to local government because they envisage the same thing applies to the Legislative Council—the Democrats buying them off if there is a by-election. It is a bribe to buy off opponents so that some fringe groups can gain control of local government. Unfortunately that has already occurred in some councils.

This system will lead to far more councils being usurped than have presently been usurped by our opposition in this Chamber; the powers of local government and the
interests of the community will be usurped in this process. It is hoped the Minister believes his function in this Chamber is to introduce proposed legislation.

The CHAIRMAN (Mr Fogarty)—My interest is in clause 6. Please return to it.

Mr LEIGH—I am asking a question of the Minister, which I believe I am entitled to ask. Why is the Minister introducing this provision? He cannot answer. I guarantee that when I sit down, after talking about proportional representation and the mechanics of it, the Minister for Local Government will say absolutely nothing because he knows, and the Opposition knows, that he has been bought off or he is attempting to buy off some of his fringe supporters on this measure.

No doubt the Bill will be introduced into the Legislative Council and will be passed by that House. I ask the Minister for Local Government to inform the Committee whether he has discussed the issue of proportional representation with all councils and whether he has written to councils throughout the State about that matter.

Honourable members on the Government side interject that this Bill relates only to the Melbourne City Council and they are right, but the Minister said that the objects of the Bill will ultimately extend to other councils.

The CHAIRMAN (Mr Fogarty)—Order! I ask the honourable member for Malvern to return to clause 6.

Mr LEIGH—I am talking about the Melbourne City Council, and the Bill relates to it.

Mr SIMMONDS (Minister for Local Government)—Mr Chairman, on a point of order, I sympathize with you in your task of endeavouring to bring the debate back to the Bill, but, for the information of the honourable member for Malvern, I point out that the Melbourne Corporation (Election of Council) (Proportional Representation) Bill deals only with the Melbourne City Council. The honourable member is not discussing proportional representation as it relates to the Melbourne City Council. The question of my corresponding with other councils is out of order, as that matter does not relate to the Bill. The only council involved with the Bill, the Melbourne City Council, unanimously supports the proposed legislation.

The CHAIRMAN—Order! I uphold the point of order. A wide-ranging debate occurred during the second-reading stage of the Bill. The Committee is now dealing with clause 6.

Mr LEIGH—Does the Minister for Local Government believe that the politicization of the Melbourne City Council, which is the effect of this Bill, is in the interests of all ratepayers? That is an important question that the Minister should answer.

Mr STEGGALL (Swan Hill)—Clause 6 is virtually the nuts and bolts of proportional representation as outlined in the Bill. This clause will impose confusion on the ratepayers of the Melbourne City Council and it is important. The Minister has indicated that he will extend those principles to other areas of local government.

Clause 6 inserts into the principal Act a proposed section 49A, which indicates that the voting procedure will be the same, but that the counting procedure will be different. The new section also outlines a complicated method for the counting of votes.

In the second-reading speech, arguments were made against a 25 per cent vote plus one as a quota for election to the Melbourne City Council and the clause details how one arrives at the percentage and how the votes are counted.

One point that was not made in the second-reading speech is contained in proposed section 49A (18) and (19). Instead of the necessity to get, through preferential voting, 50 per cent plus one, one need only achieve a count of 25 per cent plus one but under proposed sub-sections (18) and (19) the last person elected need not necessarily achieve that quota. That system of proportional representation acts against the interests of the people voting at the election.
The arguments on the difference between proportional representation and the preferential system have been debated thoroughly. I do not like this method of counting. It will be hard to find people who are able to understand the details in this clause, including the Minister. Those who understand proportional representation will be those in political parties, who, as the Labor Party does now in the metropolitan elections, will organize and there will be only political parties and groups involved in elections. The true independent will go by the board.

The organized political machines that understand the Bill and this method of voting will impose upon local government elections for the Melbourne City Council something that is not desired by the majority of the people as it is not in the best interests of good government, and because of the counting procedure that is represented in clause 6, the chance of any single party or of a grouping of people to hold control of the city council is almost zero. It will be necessary for there to be a coalition of groupings in the Melbourne City Council to govern effectively.

The procedures detailed in the Bill do not in any way have the support of those on the conservative side of politics. The honourable members for Doncaster and Mornington have pointed out areas of concern. I hope the Minister will stand up and justify to the people of Victoria the nuts and bolts operation of the Bill. This method of counting has been rejected in many areas of the world. I acknowledge that in different forms this method is used in different areas of the world. One must consider some of the results that are thrown up by proportional representation.

The Minister should also note what happened in New South Wales when this method of counting was thrown out by the State Labor Government, and instead of it being re-introduced by a successful Act of Parliament it was placed in the Constitution of that State and now the people of New South Wales must agree in a referendum to any changes that are proposed in that area.

This method of counting will not do anything for the people of Victoria. I look forward to hearing the Minister justify what its benefits will be. He will be able to speak about the opportunities for minority groups to govern in a *de facto* situation and gain power far beyond the influence of their representation.

*Honourable members interjecting.*

The **CHAIRMAN** (Mr Fogarty)—Order! Is the honourable member for Coburg, by his interjections, requesting the next call from the Chair?

**Mr STEGGALL**—I look forward to hearing from the honourable member for Coburg on this point and a number of other points. Although the honourable member is a small but persistent interjector on many Bills introduced in this place, so far as putting forward any concrete comments are concerned, he is sadly lacking.

I ask the Minister to justify the counting method in clause 6. Why does the Minister want to impose proportional representation on the people of Victoria, in the first instance, in the Melbourne City Council? From where did the demand for the proposed legislation come?

Clause 6, which makes up most of the Bill, represents a Labor Party power play and members of the Government party know that that is the case. The clause is not in any way in the interests of Victorians or the Melbourne City Council. It is not good government.

*Honourable members interjecting.*

**Mr STEGGALL**—The honourable member for Richmond will have his say.

The **CHAIRMAN**—Order! The honourable member will ignore interjections.

**Mr STEGGALL**—I am sorry, Mr Chairman. The honourable member for Richmond is wearing a red tie and I cannot resist replying to his interjections.
If members of the Labor Party are so keen on proportional representation I should like to hear their arguments to support the case. Apart from the Minister, honourable members have heard only from the honourable member for Melbourne, who treated the Chamber to a Yarra Bank Sunday afternoon address which was most enjoyable and entertaining. The only problem was that he had to call for a couple of quorums during the speech because nobody was interested.

If the Labor Party finds proportional representation to be a good method of counting for the Melbourne City Council and seeks to extend that method throughout local government and to Upper House elections, I dare say it could work out a nice method for this Chamber as well. I suggest that members of the Government party should stand up and give honourable members on this side of the Chamber the benefit of their wisdom.

I look forward to hearing from the Minister on proposed sub-sections 18 and 19. Perhaps at this time, for the first time during the debate, he could give the reason for the introduction of proportional representation into the Victorian electoral system. The Minister has not explained from where the demand for such a Bill came. He has not outlined the advantages this will have over the current system of counting. At every stage of the debate the Minister has spoken only in general terms. The Minister should explain why, apart from gaining party political advantages, he seeks to impose this method of counting on the people of Victoria.

Mr GAVIN (Coburg) — I take the opportunity of speaking to clause 6 to respond to some of the comments made by the honourable member for Swan Hill. He seems to forget that the Bill deals only with the Melbourne City Council. He argued against councillors being elected with 25 per cent of the vote. He forgets that under the system of triennial elections that now operates for the Melbourne City Council, a councillor can be elected without any primary votes. In one ward, a councillor was elected under the preferential system that operates in the Melbourne City Council, without any votes.

In most wards at least one councillor was elected by fewer than 100 votes — much less than 25 per cent of the votes.

Honourable members interjecting.

Mr GAVIN — The honourable member for Swan Hill should examine the voting figures for the last Melbourne City Council election. If the honourable member did so, he would discover that in each ward a councillor was elected on a tiny percentage of the primary votes.

The CHAIRMAN (Mr Fogarty) — Order! The Bill is a serious issue and no laughing matter. Government members are out of order by interjecting and being out of their places. There are also some unruly interjections from the Opposition side. Honourable members should treat the Bill in a serious fashion because they have a responsible task to perform on behalf of local government.

Mr GAVIN — It is clear from the interjections by the honourable member for Swan Hill that he does not understand either proportional representation or democracy. The Bill represents a chance to effect an enormous improvement on the present voting system. Under that system a councillor could be elected without receiving any primary votes, simply by being on a ticket that received more than 50 per cent of the vote, because that ticket would elect all three members to the council.

It was clear from the speech made by the honourable member for Swan Hill that he does not understand democracy. Every councillor on the Melbourne City Council wants proportional representation to apply to council elections. The honourable member for Swan Hill has totally ignored the democratic expression of views by those councillors.

Mr Richardson — How do you know this?

Mr GAVIN — Each councillor on the Melbourne City Council has expressed his and her view in favour of the Bill. It should also be noted that the Municipal Association of
Victoria also supports proportional representation for the Melbourne City Council. Honourable members opposite have been arguing that if proportional representation is introduced, it will lead to "coalition" councils, but that is not necessarily so. However, in adopting such an argument, honourable members opposite have argued against a coalition Government at either a Federal or State level.

Mr SIMMONDS (Minister for Local Government)—It is obvious that both the Opposition and the National Party have no understanding of either proportional representation or the proposed legislation.

Mr Delzoppo—Here is your chance to put us straight!

Mr SIMMONDS—Putting the honourable member for Narracan straight is a task which is beyond my capacity. The alternative to proportional representation is a continuation of the exhaustive preferential balloting for triennial elections. The alternative to proportional representation would create a situation which most honourable members oppose.

Under exhaustive preferential balloting, four teams of candidates would be required to organize into groups of three to ensure their capacity to be elected. Under proportional representation as described in clause 6, the quota is 25 per cent in a three ward constituency. It is as simple as that.

On the question of the distribution of votes under proportional representation the candidate who has attracted the majority of votes wins, irrespective of whether that candidate has a quota. That is the only fair and equitable method of distributing the final vote. The same voting method is used for the Senate elections and in Tasmania, and has been used in various elections since the early 1900s. In New South Wales triennial elections for councils have been in place for decades.

The alternative to what the Government is proposing in the clause is a continuation of the situation in which the winner takes all. On the basis of achieving 51 per cent of the vote or 50 per cent plus one of the vote in preferential voting, the votes are transferred to the second or third candidates who have not polled any primary votes. The allegation that somehow that system will be of advantage to the Labor Party does not stand any test. Proportional representation was introduced in the Australian Senate as a result of a situation in which the Labor Party held 33 of the 36 Senate seats and, to its eternal glory, the Labor Party regarded that situation as unfair and unrepresentative. It introduced proportional representation to provide a fairer, more equitable and democratic form of representation.

The Bill seeks to give the Melbourne City Council what it has unanimously asked for. It is the most democratic system to use in the triennial elections that are due on 3 August 1985 and reflects the wishes of the council. It will also enable the widest possible choice to be made. The alternative would be to conduct the elections on 3 August on the present exhaustive preferential system, should the proposed legislation fail to be passed.

Under the existing legislation I have power to defer the Melbourne City Council elections, but to use that power in circumstances in which proposed legislation has been introduced into Parliament and is obstructed by the National and Liberal parties would, in my view, be letting those parties off the hook. The responsibility for the method of voting in the elections to be held on 3 August 1985 for the Melbourne City Council rests clearly with the National and Liberal parties. They have a responsibility to make up their minds prior to 15 July on which direction they are taking.

Mr STEGGALL (Swan Hill)—The only point I wish to make on this Bill is that three people are elected in the proportional representation system. The Minister for Local Government is arguing that the exhaustive preferential system does not work in that case. I remind the Minister that in many councils throughout the State, in undivided wards, three councillors have been elected each year under the exhaustive preferential system, and it has been working well. That system reveals the difference of the single-member constituency. In local government there are three members in a single-member
constituency. It is not as easy to explain as the situation of voting in the Upper House or Lower House of Parliament.

Each year the members of the community virtually vote for three people to carry out work on their behalf. In that situation one person has three votes, which is a vote for each of the three people to represent their interests. That is what has happened over the years, but it is much easier to explain when one considers the annual elections in local government. It cannot be used now because of triennial elections, but the same principle remains. Each person voting is voting in three ballots. That principle has been completely taken away by proportional representation, which provides a single vote for each person in the community to elect a group of three people. The debate indicates that proportional representation in a Melbourne City Council situation was never designed nor desired in a three-man constituency.

The principle of proportional representation originated with elections for five or so candidates, not three. As was stated during the second-reading debate, in a three-man constituency, the election will actually be held only for the third place. The result in respect of the other two places will be a foregone conclusion.

The Minister for Local Government has not answered any of the points raised on proportional representation. I do not believe the people of Victoria will accept it. The Minister's argument is purely political, and his desire for this measure to be passed is based on political reasons, and it will be seen in that light.

Mr LEIGH (Malvern)—I listened with interest to the Minister when he attempted to answer the points raised by the Opposition. I still ask: When the quota system expires, what happens? My understanding of the clause is that the ultimate effect will be a return to the preferential system. Will there be a casting vote by the returning officer to determine who is to be elected?

It seems that the Minister has not read the Bill. Before he spoke, a number of points were raised by the honourable member for Swan Hill, the honourable member for Mornington and other honourable members. The Minister again blamed the Opposition for everything. He seemed to indicate that it was all the fault of the Opposition, and that the Opposition was holding up the passage of the measure. Opposition members are supposed to agree with the clause and that is it! The Government has the hide to talk about democracy. I point out that this is a democratic institution and that members of the Opposition have the right to express their points of view and to be respected for having a point of view. Even if the Minister has a ridiculous point of view, I respect him for having a ridiculous point of view.

An Honourable Member—That is ridiculous.

Mr LEIGH—Certainly, it is ridiculous, because the Minister is ridiculous. Members of the Opposition would like to know whether, once the quotas are followed through to the end, the process then taken will be, as stated in proposed section 49A (18), that:

\[\text{the returning officer shall have a casting vote but shall not otherwise vote at the election.}\]

That is an excellent provision, but if the quotas have been run through and a casting vote by the returning officer is necessary to determine the result in respect of the last vacancy, that amounts almost to a return to the preferential system.

I do not understand how a Government can introduce a change to the system of local government elections and then state that, if the new system does not work, a return to the old system will be necessary. By the Minister's own admission, he accepts that the old system was better. He talked about the grouping of candidates and so forth and said that three persons could stand for election.

Anyone who has a clear knowledge of local government knows that the end result will be to politicize the Melbourne City Council to a larger extent than it has been politicized. An independent candidate for election will have Buckley's chance of being elected under
the new system. It seems that is the intent of the Government’s proposal. The Government is interested in its own little group winning control of local government and, in this instance, of the Melbourne City Council. The Government is taking this action because it believes the measure will provide it with another way of extending the socialist franchise throughout the State.

All I can say to the honourable member for Coburg, who is interjecting, is that his colleague in another place, one of the Labor Party’s former numbers men, gave a lengthy recitation on how the system will work, but he had not done his figures any more than the Minister for Local Government, because fundamentally it means that anyone who wishes to stand for local government but does not belong to a political group has very little or no chance of being elected. I accept that this was also difficult to achieve under the old system, but at least the old system gave individuals a greater chance of influencing local government.

The Minister has failed to answer any of these claims of the Opposition. He has read notes prepared for him by the Local Government Department. Once again, I ask the Minister why he is prepared to allow the Bill to reach this stage when he must agree that the old system is a better system. The Minister should explain his actions satisfactorily to the Committee.

The sitting was suspended at 12.56 p.m. until 2.4 p.m.

Mr KENNETT (Leader of the Opposition)—I am drawn into the debate only because of the comments made by the Minister for Local Government in trying to blame the potential delay in elections for the Melbourne City Council on the quite correct reservations of the Opposition and the National Party about the Bill.

The Government seems to expect that it has some God-given right that any legislation it sees fit to introduce into Parliament should proceed in an unfettered way. The Minister for Local Government has received a clear indication today from the Opposition and the National Party that the proposed legislation will be opposed. If the Minister wants to wait until July when the Government, again in a most unceremonious way, will reconvene Parliament, because it will have a potential short-term majority to pass legislation that it knows Parliament would not pass in other circumstances, the onus is on his head.

I am talking about five weeks, depending on whether Parliament sits in the first week, the second week or the third week of July—and that suggestion has changed on a weekly basis as the Government has tried to fight its way out of difficulties with other proposed legislation. There will be nothing to stop the Minister introducing provisions in that short sitting to try to put in train the administration required for a council election. However, that is not to say that it will be complete, but I imagine there would be no problem with the Minister having some advance preparation prior to the July sitting.

Clause 6 is one of the fundamental clauses, if not the most fundamental, that the opposition parties oppose in the Bill. It is an absurd situation to suppose that the procedure of counting should in any way change entirely the structure of Victorian local government. No one is opposed to change, if there are justifications and reasons for that change. However, the Minister has not spelt out the justification for change in answering questions raised by members of the Opposition and the National Party.

Before Parliament embarks on more regulations and introduces more idiosyncrasies in Victorian voting and counting procedures, whether it be in State or council elections, there must be a real justification for same and more than just a bent by the Government in terms of supporting its philosophical base.

The Minister should be told clearly that if there are any delays in any elections within Victoria because of the opposition of the Liberal and National parties to this clause or another clause—and, therefore, our opposition to the proposed legislation in this Chamber, which will be consistent in another place—that he does have options at his fingertips. He can disregard the proposed legislation, as one of his colleagues has done today concerning another measure, and proceed to hold the council elections. If there are any delays in
council elections in Victoria, the onus and responsibility falls fairly and squarely upon his shoulders.

Mr SIMMONDS (Minister for Local Government)—The Committee should be grateful for the intervention of the Leader of the Opposition in this debate because for the first time he has addressed the important details of proposed legislation. The timetable for the council elections includes the opening of nominations in the first week of July and the closing of nominations. I indicated earlier that the Government does not intend to interfere with that process. The measure will enable that election to be conducted under the system of proportional representation. The Melbourne City Council unanimously requested that those elections be conducted under that system. The Municipal Association of Victoria similarly endorsed the proposition that the Melbourne City Council triennial elections be conducted under proportional representation and agreed with it being used as the pilot scheme.

The only opposition to that proposal comes from the Liberal and National parties and I understand their philosophical opposition to triennial elections in local government. The Melbourne City Council has triennial elections and, when one has triennial elections, the alternative to proportional representation is the system of using exhaustive preferential voting which ensures that one team of candidates can achieve a clean sweep in a ward by achieving 51 per cent of the vote.

Proportional representation is deemed by the Government to be fairer. It enables a quota of 25 per cent of the vote to ensure the election of a candidate. It is simply a matter of choice as to which method is used for the Melbourne City Council election on 3 May 1985.

To give the Leader of the Opposition a degree of comfort, I give him the unequivocal assurance that there is absolutely no intention to delay elections of the Melbourne City Council or any other council this year. The proposed legislation is vital to the proper conduct of the Melbourne City Council elections, and failure to agree to the proposition will ensure that the council elections are conducted under the present exhaustive preferential system. The Committee should be completely aware of the situation and responsible for the resultant decision.

Mr DELZOPPO (Narracan)—I am astounded at the reply by the Minister to clause 6 because, prior to the suspension of the sitting, the honourable gentleman stated that this form of proportional representation was critical to the conduct of the Melbourne City Council elections. The Minister said that triennial elections could not work without proportional representation. Members of the Committee know that that is nonsense; it is easy to conduct elections under the present system.

If there are any shortcomings in the triennial election system that the Labor Government introduced, why were they not made known when the former Minister introduced the legislation? That legislation was passed without any mandate whatsoever and in spite of the claims by the Labor Party that it had a mandate to introduce triennial elections. That matter was not mentioned in its electoral platform; that was an afterthought.

One reason why the Opposition is wary of clause 6 is that the Government stated that the measure will be a test of proportional representation, and in a press release announced its intention of introducing a measure to be used as an example. The Opposition is wary because, when the original Melbourne Corporation (Election of Council) Bill was introduced during the term of the 49th Parliament, honourable members were told that this form of election was being introduced as an experiment; that the Parliament should agree to its passage; that triennial elections should be introduced for only the Melbourne City Council; and that an appraisal would be made of the result and how the system worked.

The Opposition agreed that that proposition was reasonable: In other words, it was a pilot study, and the Opposition agreed that the results would be evaluated and judged accordingly. Within three months of that Bill being passed, a Bill was brought in by the
Government to introduce triennial elections Statewide; in other words, the Government and the then Minister for Local Government broke the undertaking they had given to the House when the matter was debated. The Government never had any intention of making triennial elections an experiment.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, clause 6 is a mechanism for introducing proportional representation into the Melbourne City Council election. I suggest that the honourable member for Narracan is out of order.

Mr DELZOPPO (Narracan)—On the point of order, Mr Chairman, I suggest that the Minister for Local Government, when defending clause 6, mentioned triennial elections for the Melbourne City Council. If it was good enough for the Minister to use that line of argument when speaking to clause 6, I believe I have the right to refute his argument.

The CHAIRMAN (Mr Fogarty)—Order! On the point of order, I say quite frankly that the clause applies to the City of Melbourne. While I allowed the honourable member to stray a little, I appreciate that he was making an analogy. Would he please return to the point?

Mr DELZOPPO (Narracan)—I shall endeavour to remain within the confines of clause 6. The Opposition is disappointed that the Minister has not responded to some of the points raised by my colleagues on clause 6 and its ramifications for local government. Despite prodding by Opposition members, the Minister has not answered the question of the political ramifications of this system.

The point was made that only those candidates who have the backing of a significant political party and have the financial backing of that party will have any chance of succeeding in elections. The Opposition places great faith in the contribution that independent candidates have made, not only in the City of Melbourne but also throughout local government generally.

The Opposition feels that if this form of election system is introduced, local government will become far more political than it currently is. This would not be in the best interests of ratepayers. In considering Bills relating to local government, we should not be considering the effects of those measures on councillors but on the ratepayers and voters whom the councillors represent.

The Minister should attempt to do a little better than he has done in answering these allegations. I am aware, as is local government, that this Minister was the very last choice so far as local government was concerned. He managed to get his present position because of outside influence.

Honourable members interjecting.

The CHAIRMAN—Could the honourable member for Narracan return to clause 6?

Mr DELZOPPO—I am addressing the question in clause 6 of political influences and the consequences on local government.

Honourable members interjecting.

Mr DELZOPPO—A colleague on my left has asked whether the Cabinet was elected using proportional representation. I think the answer is, "No", but perhaps the Minister could answer that later on. Before clause 6 is settled in the Committee stage, because it is the most fundamental clause in this proposed legislation, the Minister must answer some questions. The first question relating to clause 6 is the intention to insert a proposed section 49A into the principal Act. Proposed sub-section (7) (b) of that proposed section states:

The total number of ballot-papers of the elected candidate that express the first preference vote for the elected candidate and the next available preference for a particular continuing candidate shall be multiplied by the transfer value;
Before the Minister has the agreement of the Committee on clause 6, he should explain the significance of that proposed sub-section, and I for one will be listening with eager anticipation to the reply of the Minister.

Mr HANN (Rodney)—The record should be set straight. In defence of the introduction of this Bill a few minutes ago, the Minister stated that the measure had the unanimous support of City of Melbourne councillors.

It is interesting to note that in discussions instigated by my colleague, the honourable member for Swan Hill, which were held by members of the National Party with representatives of the two main factions in the Melbourne City Council, including the Deputy Lord Mayor, the Labor group and the independent group, it was admitted that prior to the introduction of this Bill into Parliament by the Minister and the Government, no discussions had taken place and no formal consideration had been given to this Bill by the Melbourne City Council. I put it to you, Sir, that that statement is untrue.

It may be correct that the council subsequently made a decision on the proposed legislation, but the Minister led this Committee to believe that the Bill had unanimous support when the Government introduced it into this Chamber. In fact, it had not even occurred to the city councillors, when they tried to put the point of view that the measure had the support of individual council members, that they should have discussed it formally in the council before putting that point of view.

It is interesting to note the point of view was put by those councillors who represented particular factions and they were putting forward the viewpoints of those factions. The truth of the matter is that the proposed legislation was promoted by the Labor Government—presumably by its own Labor Party caucus committee—and introduced into Parliament without prior formal consultation with either the Melbourne City Council or with the individual councillors.

Earlier this afternoon the honourable member for Coburg commented that city councillors elected at the last election did not receive any first preference formal votes. The simple truth of the matter is that under this proposal the same thing would occur because people in the majority party, whichever party it may be, could presumably be elected without any first preference formal votes.

The difference is that under the previous arrangements—or the current arrangements, if you like—each of the three candidates elected for each of the three wards had to have the support of more than 50 per cent of the people within that ward. The 50 per cent was not necessarily on a first preference vote, but certainly it would take into account the second, third or whatever preferences. That no longer applies under this measure. In fact, something like 25 per cent of the ratepayers, or even marginally fewer than that, can nominate a candidate to the council. The basic difference, as explained by the honourable member for Swan Hill, is that under the current system the ratepayers in that ward actually have a say in the election of each of those three individual councillors.

The honourable member for Swan Hill spelt out the situation by pointing out that prior to the introduction of triennial elections electors voted for one candidate each year over the three-year period. Under the existing exhaustive preferential system, electors still have a say in the election of each of those councillors; but, under proportional representation, as proposed in clause 6, that will not be the case. It will be restricted to a single preference vote which will then apply to a quota, but the maximum votes will provide the ability to determine the composition of those councils, or have a say in relation to two members. That is one of the basic reasons why the National Party opposes the measure.

The other most important issue is the politicization of local councils. The National Party strongly opposes this move. If I had my way, it would be illegal for a party to put political candidates forward for local government elections.

The record of local government shows that the councils which have failed are those councils which have been dominated by political parties, particularly by the Australian...
Mr COOPER (Mornington)—The Minister stated that clause 6 was a matter of philosophy. It is the nub of the Bill because it sets out the nuts and bolts.

As the Deputy Leader of the National Party stated previously, a candidate with 25 per cent of the votes can be elected to a council. That immediately sets one to think about how democratic it would be for any candidate, at any level of government, to be elected with only 25 per cent of the vote. That is where the Opposition and the Government divide on this issue.

A challenge was issued to the Minister by the honourable members for Swan Hill and Narracan to explain to the Committee why he and his Government are determined to push this Bill through.

Why is the Government so insistent in demanding that proportional representation be inflicted on the Melbourne City Council? The Minister has stated on more than one occasion, both inside and outside this place, that it is his intention to extend this measure to all councils in Victoria. In the face of the Minister’s refusal to come clean to the Committee and the people of Victoria, honourable members have to seek elsewhere to ascertain why clause 6 is being introduced.

The internal documents of the Labor Party itself provide honourable members with some of the reasons. Some of the documents are public and some are semi-public, but they include interesting items of information.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, honourable members may find this of interest in some future debate, but the clause deals specifically with the Melbourne City Council and in no way relates to any documentation of the Australian Labor Party.

Mr COOPER (Mornington)—I can understand why the Minister squeals when these matters are raised. I am dealing with clause 6, which relates to proportional representation for the Melbourne City Council.

As I have indicated, honourable members when considering the mechanics of the Bill must look elsewhere to understand why the Government is so insistent on this measure. Statements have been made in Labor Party journals that the introduction of the proportional representation system combined with triennial elections will mean that each three years three councillors of each ward will face a simultaneous election and that any candidate who polls 25 per cent of the vote will be assured of election. That will mean an increased Labor Party representation across the State. If proportional representation were introduced, no council would have fewer than one-third of its members from the Australian Labor Party. The source of those statements is an edition of the Labor Star issued in 1981.

The truth will out. That document discloses the reason for this measure and the reason why the Government is so insistent on clause 6 being inserted into the Act. As the Minister has said on many occasions, the Bill is a forerunner to similar legislation in respect of other municipalities.

The Melbourne City Council will be used as the test case for local government. I understand the Minister’s reluctance to explain to the Committee why the proposed legislation is necessary and to justify what he is doing to the Melbourne City Council and the determined attack the Minister is so obviously making on local government throughout Victoria. The honourable members for Swan Hill and Narracan, the Leader of the Opposition and the Deputy Leader of the National Party have all challenged the Minister to come clean and explain this proposed legislation.

The Minister has refused to answer the simple questions that have been put to him on earlier clauses and now, with a more complicated clause being dealt with, it is obviously
beyond the Minister to understand it or, alternatively, he is clearly endeavouring to put "one over", as he refuses to tell the truth to the people of this State.

The clause is the nub of the Bill and will allow local government in Victoria to be put to the sword. It is this clause by which the Government will bring local government, beginning with the Melbourne City Council, to its knees. It is a clause by which the unique system of local autonomy and representation in local government—Victoria's system is unique as it is different from any system of local government within the country—will be destroyed by the Minister and the Government.

The Minister is determined, by the implementation of the clause to turn local government into a party political forum, a clone of the Government. This is disgraceful and it is a matter that nobody in the State should support. The Opposition firmly opposes the clause and will be putting the Government to the ultimate test on whether it can keep its numbers together.

Mr SIMMONDS (Minister for Local Government)—The Committee has been given an indication of an Opposition that is being dragged, admittedly screaming, into the twentieth century. The Opposition cannot come to terms with the proposition that local government in Victoria has come of age and that it is entitled to an equal status with the State and Federal Parliaments, in its prescribed term of office and a system of voting which guarantees continuity of performance in respect of policies announced at elections held on a triennial basis in Victoria. The philosophy of triennial elections will enable local government to represent constituents.

Honourable members interjecting.

The CHAIRMAN (Mr Fogarty)—Order! Honourable members should not behave in an unruly fashion but should allow debate on this important issue.

Mr SIMMONDS—If the honourable member for Mornington had to face his electors once every three years as a local government representative and give an account of his performance and if the people saw his performance in the Chamber today, I have no doubt about the outcome of the election. I would like to know what the honourable member for Swan Hill would tell the Chamber about the elections that have been held during the past twenty years in local government, which were minimal.

The proposed legislation will alert the community to the fact that local government has an expanding role to play. Proportional representation will ensure that more elements of the community are represented, that local government will have a broader base and it will play a more effective role in servicing the community.

The CHAIRMAN (Mr Fogarty)—Order! The Committee is still on clause 6.

Mr SIMMONDS—On clause 6, it is vital that the introduction of this system of voting coupled with triennial elections lifts the status of local government. The Melbourne City Council already enjoys that status; it has achieved triennial elections. Parliament is denying, because of the numbers of the Opposition in this place and in the other place, the right to have the matter implemented in the proposed legislation for the election on 3 August this year.

In the second-reading debate, I indicated correspondence from the representatives of the Melbourne City Council.

Honourable members interjecting.

The CHAIRMAN (Mr Fogarty)—Order! This is an important debate on an important subject which has taken many hours to finalize. Honourable members should behave accordingly.

Mr SIMMONDS—I was conveying the information that the council unanimously supported the proposed legislation. I do not hear any arguments from honourable members
opposite about that proposition. The Melbourne City Council has endorsed the proposed legislation and the Municipal Association of Victoria, which could be called the trade union of local government in this State, regarded the Melbourne City Council triennial elections as a pilot project and is prepared to support the holding of triennial elections under proportional representation.

What is the Committee being asked to adopt? The system is good enough for the Australian Senate, for New South Wales local government and for the Tasmanian State Government. Honourable members should examine the second-reading speech. It appears that the honourable member for Narracan has not read it. If the honourable member has read it, it appears that he did not understand it. The honourable member for Narracan alleges that I have not responded to the serious questions that have been asked. The community can examine the quality of the questions asked and make its own judgment about the contributions of honourable members opposite.

With respect to the transfer value, for each candidate elected with a surplus of first preferences above the quota, a transfer value is calculated by dividing the successful candidate's number of surplus first preference votes by his or her number of first preferences. Is that too complex for the honourable member for Narracan? Throughout the length and breadth of Australia there is no problem with counting the votes in proportional representation ballots. The method of voting is exactly the same and the only difference is in the method of counting and the distribution of votes.

The reason the method was selected is that it is the fairest and most readily applicable method of counting votes in the proportional representation system. It is a replica of the Senate proportional representation system. The choice is still the same. It is a choice between a system of proportional representation for triennial elections conducted in local government and the exhaustive preferential system, which, in effect, gives an absolute majority to a team, where the leader of the team can transfer the second or third preferences from a base of 51 per cent of the primary vote to ensure that election takes place. I have already gone through the explanation of the option.

I understand that there is a philosophical difference between the nineteenth century element on the other side of the Chamber and the rest of the community. There will come an occasion when honourable members opposite see the logic of the Government's position. Local government is entitled to expect the best system of voting associated with triennial elections. The Melbourne City Council has requested it, and I commend the clause.

The Committee divided on the clause (Mr Fogarty in the chair).

<table>
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<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>42</td>
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**AYES**

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fordham
Mr Gavin
Mrs Gleeson

Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald

Mr Micallef
Mr Norris
Mr Pope
Mr Remington
Mr Roper
Mr Rowe
Mr Seitz
Mrs Sitches
Mr Shell

Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh

Tellers:

Mr Andrianopoulos
Mrs Wilson
Mr STEGGALL (Swan Hill)—This clause reveals the total effects of proportional representation. A large number of candidates will be attracted to this type of electoral system. The Minister must consider it better to have a smaller percentage of candidates achieving the first vote so that people who achieve less than 10 per cent of the vote will be able to be refunded their deposit moneys. I shall comment on the voting procedures and the repayment of deposits, to which the Minister alluded in his contribution a few minutes ago when he asked how many elections the Swan Hill City Council had conducted in the past twenty years.

I advise him that the Swan Hill City Council has had eighteen elections in the past twenty years and that it was happy to hold those elections. Most of the people standing for those elections were repaid their deposit moneys because of the method of voting. They could attain approximately 10 per cent of the vote, whereas it is obvious that with proportional representation the figure will need to be about 4 per cent, otherwise local government will be making a profit from running council elections.

The clause was agreed to.

Clause 8

Mr SIMMONDS (Minister for Local Government)—I move:

Clause 8, lines 40 and 41, omit sub-clause (4).

Mr COOPER (Mornington)—The Opposition will oppose the amendment and the consequential amendments that will be moved later. I shall comment on the matters raised by the Minister for Local Government on the opposition to the proposed legislation and this clause.

The CHAIRMAN (Mr Fogarty)—Order! I remind the honourable member that the Committee is dealing with the amendment, not the clause.

Mr COOPER—Mr Chairman, will you put the question regarding the amendment and then allow honourable members to speak to the clause?

The CHAIRMAN—Yes.

The amendment was agreed to.

Mr COOPER (Mornington)—The Opposition opposes clause 8, which deals with consequential amendments to other parts of the Bill. The Minister said earlier that the only opposition to the Bill came from the Liberal and National parties. That is totally incorrect, as the Minister well knows: Opposition to the measure and its impact on local government comes from the whole of the local government community. Very few people
in the local government community throughout the State support the Bill because they know that it will destroy local input, local autonomy and local democracy.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, the clause and the Bill deal exclusively with the City of Melbourne, I therefore suggest that you rule out of order the contribution of the honourable member for Mornington.

The CHAIRMAN—Order! I ask the honourable member to relate his remarks to the clause, as amended.

Mr COOPER (Mornington)—The Minister is obviously finding it difficult to absorb the points being raised. In fact, he is finding it so hard that he does not even wish to respond to some of them and—

Mr SIMMONDS (Minister for Local Government)—I again raise my point of order, Mr Chairman. I can deal with the comments of the honourable member if he continues along that track. The clause and the proposed legislation deal quite specifically and exclusively with the City of Melbourne, and I suggest that you, Sir, rule the honourable member out of order.

Mr RICHARDSON (Forest Hill)—On the point of order, Mr Chairman, the honourable member for Mornington had completed only a few words in a sentence before the Minister interrupted and raised a point of order. I put it to you, Sir, that the Minister had no idea of what was to be said because he did not allow the honourable member to complete his remark. Therefore, there can be no question on whether there is a point of order; the fact is that there is no point of order.

The CHAIRMAN—Order! I accept that the honourable member for Mornington appreciates that clause 8 deals specifically with the City of Melbourne. Although I have allowed a little flexibility at times, I now ask him to speak to clause 8, as amended.

Mr COOPER (Mornington)—Mr Chairman, I appreciate your view that people are entitled to a fair say, and the Opposition appreciates that. It is a pity that the Minister wishes to cut our remarks short and deny us freedom of speech. However, I appreciate that you, Sir, are giving the Opposition a go.

Of course, the Bill is totally directed towards the Melbourne City Council, but, as the Minister has said and as local government and everybody else recognizes, this measure is the forerunner to measures to be introduced for the rest of Victoria. It would be strange, indeed, if everybody outside of the ratepayers and residents of the City of Melbourne were precluded from commenting on the proposed legislation.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Chairman, I suggest that you cannot allow a continuation of the line of argument being put in the Committee stage of a Bill that deals specifically with regulations which refer exclusively to the City of Melbourne. I suggest that you should rule the honourable member out of order.

The CHAIRMAN (Mr Fogarty)—Order! Once again I request the honourable member for Mornington to confine his remarks to clause 8, as amended.

Mr COOPER (Mornington)—I submit that people ought to be able to make a point in regard to the electing and running of the Melbourne City Council.

The CHAIRMAN—The honourable member cannot do so in regard to the clause now being considered, which relates specifically to the Melbourne City Council. I ask the honourable member to continue, and to confine his remarks to dealing with the City of Melbourne.

Mr COOPER—Yes, Sir, I am confining my remarks to dealing with the City of Melbourne and to the ability of people to make representations in regard to the Melbourne City Council.
Although I am at a loss to understand why, and I shall investigate it further, obviously I am rubbing a raw nerve with the Minister. He is not prepared to accept from me more than half a dozen words before leaping to his feet to call a point of order. At the beginning, before the Minister started dragging this matter out to an extraordinary length, although that is his wont, I simply wished to make the point that the whole of the Victorian community and the whole of local government in Victoria are opposed to this Bill because it will destroy the very essence of local government.

The Minister should settle down and cease interjecting, as should the honourable member for Richmond. It is strange that the Minister should wish to stop free speech and people from talking about these issues. The whole of local government opposes the measure. I made it my business to contact councils throughout the State, and that is their collective response. Their view should be put before the Committee, and that is what I am doing. These consequential amendments will be opposed vigorously because the Bill and these amendments are not in the best interests of local government.

The Committee divided on the clause, as amended (Mr Fogarty in the chair).

Ayes 42
Noes 34

Majority for the clause, as amended 8

**AYES**

Mr Cain Mr Harrowfield Mr Micallef Mr Simpson
Miss Callister Mrs Hill Mr Norris Mr Spyker
Mr Cathie Mr Hill Mr Pope Mr Stirling
Dr Coghill Mrs Hirsh Mr Remington Mrs Toner
Mr Crabb Mr Hockley Mr Roper Mr Trezise
Mr Culpin Mr Jelly Mr Rowe Dr Vaughan
Mr Cunningham Mr Kennedy Mr Seitz Mr Walsh
Mr Ernst Mr Kirkwood Mrs Sitches
Mr Fordham Mr McCutcheon Mr Shell
Mr Gavin Mr McDonald Mr Sidiropoulos Mr Andrianopoulos
Mrs Gleeson Mr Mathews Mr Simmonds Mrs Wilson

**NOES**

Mr Coleman Mr John Mr Plowman Mr Tanner
Mr Cooper Mr Kennett Mr Ramsay Mr Wallace
Mr Crozier Mr Leigh Mr Reynolds Mr Weideman
Mr Delzoppo Mr Lieberman Mr Richardson Mr Williams
Mr Dickinson Mr McGrath Mrs Sibree
Mr Evans (Lowan) (Glen Waverley)

Mr Gude (Warrnambool) Mr Smith Tellers:
Mr Hann Mr McNamara (Polwanth)
Mr Hayward Mr Perrin Mr Steggall Mr Lea
Mr Heffernan Mr Pescott Mr Stockdale Dr Wells

**PAIRS**

Mrs Ray Mr Austin Mr Sheehan Mr Evans
Mr Wilkes Mr Ross-Edwards (Gippsland East)

The Bill was reported to the House with amendments.

Mr SIMMONDS (Minister for Local Government)—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).
The Bill was read a third time.

TOWN AND COUNTRY PLANNING (TRANSFER OF FUNCTIONS) BILL

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

Discussion was resumed of clause 6.

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 6, line 26, after "6." insert "(1).

This is a small technical amendment.

The amendment was agreed to.

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 6, page 4, after line 2, insert—

‘(2) After section 56 of the Principal Act there shall be inserted the following section:

56A. (1) Before—

(a) exhibiting a planning scheme to amend the Melbourne Metropolitan Planning Scheme pursuant to section 28; or

(b) making an interim development order in relation to the metropolitan area—

the responsible authority shall advise the Board of Works of that proposed scheme or order.

(2) The responsible authority shall include the drainage and flood mitigation requirements (if any) of the Board of Works in the proposed scheme or order.
(3) The Board of Works may require under sub-section (2) that a specified class or classes of applications for permits under the Melbourne Metropolitan Planning Scheme are to be referred by the responsible authority to the Minister in accordance with section 59."

This provides for a proposed new section 56A to be inserted into the principal Act. Previously, the Melbourne and Metropolitan Board of Works attended to planning, flood mitigation and drainage functions. As the responsible authority for the preparation of planning schemes to amend the Melbourne Metropolitan Planning Scheme, the board could ensure that its flood mitigation and drainage requirements were incorporated in proposed amendments.

With the transfer of the board’s planning functions to the Minister for Planning and Environment and the introduction of provisions to enable councils in the metropolitan area to be responsible authorities for the amendment of the Melbourne Metropolitan Planning Scheme, this proposed section enables the board to have its requirements, if any, in respect of flood mitigation or drainage included in any proposed amendment. This wording allows that to happen.

**Mr Perrin**—Mr Acting Chairman, I draw attention to the state of the Committee.

* A quorum was formed.  

**Mr STEGGALL** (Swan Hill)—Could the Minister give an indication of the class or classes of applications for permits under the Melbourne Metropolitan Planning Scheme referred to in the amendment? That will give honourable members some idea of the direction in which we are heading. I presume it will not be spelt out until the schedule stage is reached.

**Mr McCUTCHEON** (Minister for Water Resources)—The amendment will ensure that councils, when they have delegated powers from the Minister, can undertake the same responsibilities as the Minister himself. I cannot answer the question as to what powers will be delegated. That will happen in the course of time. However, councils will be able to operate under delegated powers. That is a necessary amendment to the Bill.

**Mr STEGGALL** (Swan Hill)—I appreciate the effectiveness of the amendment to the Bill, but I wonder whether the Minister has in his possession the class referred to.

The amendment was agreed to.

**Mr PLOWMAN** (Evelyn)—On clause 6, proposed new section 56 (1) gives power to the Minister to virtually veto any proposal put forward, and obviously some situations exist where that power of veto is both necessary and sensible. However, the Opposition would like this power to be hedged in with some reasonable limitations regarding time.

Proposed new section 56 (2) refers to a period of 30 days, or within such longer period as the Minister may in writing notify to the municipal council before the end of the 30-day period. That extension of time would seem to be completely open-ended, and would give the Minister the opportunity of inordinately delaying the consideration that it is desirable he should give within the first 30 days. I ask the Minister to at least examine the situation of the open-ended nature of that proposed new section.

The Opposition is concerned that the provisions in clause 6 which refer to the parameters for refusal by the Minister are extremely vague. In proposed new section 56 (5), the Minister must give notice to the municipality concerned of reasons for refusal; and when one examines the wording of new sub-section (6) (d), "that the scheme is otherwise unsuitable as an amendment to the Melbourne Metropolitan Planning Scheme", it is virtually a pat answer that the Minister or his department can put to a municipality and it says nothing.

It is well understood that from time to time bureaucrats like to keep members of Parliament as well as members of the community in the dark. In fact, they follow the
mushroom management suggestion of keeping them in the dark. These parameters are extremely vague.

I would ask the Minister to consider, while the Bill is between here and another place, those two comments about the open-ended nature of the extension of 30 days and the vagueness of those parameters of refusal. Perhaps the Minister should provide a more specific refusal. I seek some comment from the Minister for Water Resources on those questions.

Mr STEGGALL (Swan Hill)—During the second-reading debate, many honourable members spoke of the inability for appeals to be made against a decision of the Minister. The Minister interpreted that as relating to the permit issued under the Town and Country Planning Act. Most speakers were referring to the ability of councils to appeal. The Minister is being put in a judge and jury situation where councils lodge an objection to a decision made by the Minister.

The clause, as amended, was agreed to.

Clause 7

Mr McCUTCHEON (Minister for Water Resources)—I move:
Clause 7, page 5, line 10, omit "under".
This amendment corrects a technical error.

The amendment was agreed to.

Mr McCUTCHEON (Minister for Water Resources)—I move:
Clause 7, page 5, line 19, after "Minister" insert "shall include the drainage and flood mitigation requirements (if any) of the Board of Works and".
This amendment expands the wording to make it clear that it is the intention to protect the Board of Works planning and flood mitigation requirements.

The amendment was agreed to.

Mr McCUTCHEON (Minister for Water Resources)—I move:
Clause 7, page 5, lines 37 and 38, omit all words and expressions on these lines.
This amendment is necessary because the words and expressions concerned have been added at the top of the sub-section.

The amendment was agreed to.

Mr PLOWMAN (Evelyn)—The Opposition is concerned about concept planning and believes the clause should be omitted. The Yarra region, which takes in the areas of the Yarra and Maribyrnong rivers as prescribed in the Bill, introduces a further tier of planning in the region. This concept is similar to an interim development order and cannot be seen as simplifying the planning processes in these areas, but must be seen as yet another planning concept over and above the planning by responsible authorities in the area.

Clause 7 gives the Minister the opportunity of extending the area concerned to any contiguous land on the present boundary. Rather than the 3D-metre area from the river banks that previously applied to this concept, the clause extends to cover the total river catchment area, and proposed section 59N (3) provides that:

The Minister shall not make a recommendation under sub-section (2) unless the Minister is satisfied that the area to be added to the Yarra region is within the river valley of the Yarra River or the Maribyrnong River.

In summing up the debate last night, the Minister spoke of the flood plain but in fact the river valley surely extends far beyond the flood plain. In fact, the whole valley should be a watershed within the valley, which is the total catchment from the tops of the hills down to the river itself. This envisages a total catchment concept, which I may not necessarily be opposed to but it appears to bring into the Bill another planning layer when one
considers proposed section 59M (3), which provides the controls that would be necessary to regulate uses and development in the region. That appears to be an all-encompassing sub-section which will give planners of the concept plan the opportunity to consider everything within wide parameters within that total catchment concept.

People living within the upper reaches of the Maribyrnong River and those living beyond Watsons Creek on the Yarra River would be concerned that, firstly, the district can be extended. Secondly, the river bank concept from 30 metres can be expanded to the whole river valley and, consequently, it can become a de facto planning scheme for the total area of the Maribyrnong and Yarra valleys.

If this concept is right for these areas, it may suggest that these concepts would be right for other river valleys in Victoria and in a Bill that is transferring planning functions from the Board of Works to the Ministry for Planning and Environment this section is inappropriate.

The Minister stated in his reply last night that the concept is already in the Act. The Bill broadens that concept to an extreme degree with such wide scope that the Opposition believes the clause would be better withdrawn and re-introduced when the Minister is amending the planning Act. I believe the Act was to be amended last year but probably this will not happen until the spring sessional period. This would give time in the upper reaches of the Maribyrnong and Yarra rivers for those people who are concerned to consider the ramifications of the clause.

Proposed section 59N (5) refers to a notice published in a newspaper circulating generally throughout the State and in a newspaper circulating in the regions. This is similar wording to other legislation but it appears to me that it should read, "in a newspaper circulating generally throughout the State and in a local newspaper circulating in the region". It may well be argued that the Sun, the Age or the Australian may circulate generally in the Maribyrnong or Upper Yarra districts. The same newspapers could be seen to be circulating in the region. It does not specify that it should be a local newspaper circulating in the region. Local newspapers are better vehicles to get this sort of message across to local people.

I should be interested in the Minister's comments on that proposition.

Mr McCUTCHEON (Minister for Water Resources)—The honourable member for Evelyn suggested processes to achieve what he considers would be the best place for the concept plan in the proposed legislation. The Government has decided to go the other way.

The powers are currently with the Board of Works. They are being transferred with the planning staff to the Ministry for Planning and Environment. One plan has been approved already. I refer to the Lower Yarra concept plan which covers an area from Spencer Street to Punt Road. Two other plans are currently in the course of preparation; one is for the Lower Maribyrnong River and one is for the Yarra River from Punt Road to Dights Falls.

The proposals suggested by the honourable member for Evelyn leave the matter in limbo until the Town and Country Planning Act can be amended—that is, allowing that process to continue without disturbance or interruption.

The 30-metre line on each side of the river has been criticized by all parties and sources in its practical application, and the attempt to allow the Minister to define a region is intended to bring about a more intelligent approach to the problems of where the concept plan will apply. The issue is whether the rights of people are being infringed by what appears to be a fairly open power of the Minister to define the region. People are duly protected because the concept plan has no power until it is incorporated into the planning scheme. It is a concept plan which starts to deal with the issues for which concept plans are included in the legislation, but it will not be a statutory planning scheme until it has gone through the next stage, which is also included in proposed section 59, of being
incorporated into the planning scheme with all the necessary exhibitions, rights of appeal and so on.

I do not consider that the introduction of the plan is inflicting an additional planning process on people. It is one way of marshalling the necessary planning thought in relation to the Yarra region, which includes the Maribyrnong and Yarra rivers. The previous Liberal Government was involved in legislation that introduced the concept plan at a time when public interest was focused on the Yarra and Maribyrnong rivers. At the same time, the Age was running the “Give the Yarra a Go” campaign.

There was a lot of public interest at that time and this process was introduced to enable planning provisions to be made for the rivers and their environs. It was introduced to sort out some of the problems that were occurring, and the corrections to the 30-metre line are intended to make that more effective than previously in securing those ends.

Mr STEGGALL (Swan Hill)—I draw the attention of the Minister to clause 7, which inserts new Part IIIF, at page 7 of the Bill where, under the heading “Approval of concept plan”, it states:

59p. (1) Where the Minister decides to proceed with a concept plan the Minister shall submit it to the Governor in Council and the Governor in Council may by Order published in the Government Gazette declare the concept plan to be an approved concept plan subject to such conditions as the Governor in Council thinks fit.

My reading of the wording is that the concept plan would be able to operate as a de facto scheme. This was referred to during the second-reading debate.

Could the Minister explain that definition and the position of the concept plan after it had been agreed to with the conditions the Governor in Council thought fit to impose upon it?

Concept plans are used by the council in the area I represent and those plans are eventually effected in the planning schemes. Concept plans are an effective way of giving both a council and a community some idea of the direction in which the planning process is heading. However, the concept plan referred to in this provision appears to involve more power.

Mr McCUTCHEON (Minister for Water Resources)—I draw the attention of the honourable member for Swan Hill to proposed new section 59w where the concept plan is put into the process of being accepted into the Melbourne Metropolitan Planning Scheme. That is the point where it becomes a strategy planning proposal and amends the metropolitan planning scheme. Until that time it is the responsibility of the Board of Works to effect drainage, flood management and guidelines for the development of the river environs to develop a concept plan for the river as such and the works that might take place on that river. In that sense the plan does achieve considerable official status but it is not enforceable in law until it is incorporated in the metropolitan planning scheme.

Mr PLOWMAN (Evelyn)—Further to the Minister’s answer to the matter raised by the honourable member for Swan Hill, the honourable gentleman stated that proposed new section 59w, would effect incorporation of the area in the Melbourne Metropolitan Planning Scheme. Do I understand from that reply that under this proposition in the Bill the Minister may extend the area covered by the Yarra River and Maribyrnong River catchments beyond the present boundaries and that a concept plan could be drawn up by the extension of the area to take in the banks of the Yarra River to its headwaters? Could that be incorporated as part of the Melbourne Metropolitan Planning Scheme, having regard to the fact that the shires concerned, that is, the shires of Lilydale, Healesville and Upper Yarra, do not come within the metropolitan area defined in the schedule to the Bill? Could the Melbourne Metropolitan Planning Scheme be extended to these shires which are not presently included in the metropolitan area according to the schedule to the Bill?
Mr McCUTCHEON (Minister for Water Resources)—On my reading of the definition; “Yarra region” means the Yarra River and the Maribyrnong River; any area of land which has been proclaimed by the Governor in Council under the Drainage of Land Act to be liable to flooding by the Yarra River or by the Maribyrnong River and any area which the Governor in Council, pursuant to this section, declares to be added to the Yarra region.

I am not sure that I can completely answer the question of whether the Minister could expand the definition beyond the metropolitan area. The current way in which concept plans have been determined has been to take the sections of the Yarra at present under pressure and, where it was desirable in the public interest, to develop concept plans where there was conflict of planning interest due to development pressures and so on. It may be appropriate later for the upper reaches to be part of concept plans. I cannot see why that may not become logically necessary.

In reply to the interjection of the honourable member for Evelyn, that would be part of the State planning scheme because the powers are now under the control of the Ministry for Planning and Environment.

Mr STEGGALL (Swan Hill)—The answer the Minister has given has helped clarify the matter a little, but it relates back to the original amendment moved by the honourable member for Evelyn. If the concept plan has no power in law until it is assumed into the Melbourne Metropolitan Planning Scheme, why is this provision in the Bill? The concept plan could be carried out without being part of the statutes and, when that was corrected, it could go into the Melbourne Metropolitan Planning Scheme as a scheme.

Mr McCUTCHEON (Minister for Water Resources)—I am not sure what the honourable member for Swan Hill means. The Committee is dealing with the transfer of existing planning powers from the Board of Works to the Ministry for Planning and Environment. The concept planning powers were placed in the Board of Works Act by the former Liberal Government in 1981. They were established for the specific task of enabling the improvement of the environment of the Yarra and Maribyrnong rivers. They so far do not appear to have caused any problems outside concerns that are backed by public interest.

The provision seeks to transfer those powers so that the concept plan processes can continue. I have already informed the Committee that one has been approved and two are in the course of preparation. The only other controversial aspect of the proposed legislation is the change of the 30-metre limit to the concept of the Yarra region. The honourable member for Evelyn has commented on some of the possibilities that change could create, but I believe the fact that the concept plans have no power at law until they are incorporated in the planning scheme protects the public interest from misuse of those powers.

The other matter of which the honourable member for Evelyn reminded me is the fact that the plans and information should be circulated in both Statewide and regional newspapers. I would have thought the fact that circulation in the region is mentioned in the clause would indicate that it is different from Statewide circulation. The proposed section refers to local newspapers circulating in the region. I take note of his point.

The clause was consequentially amended, and, as amended, was adopted, as were clauses 8 to 11.

Clause 12

Mr PLOWMAN (Evelyn)—I move:

Clause 12, line 27, omit “may” and insert “shall”.

This clause relates to land owned by a responsible authority. Proposed new section 25 (3) relates to a third party or outside person who may be seeking a permit for some purpose on land owned by a responsible authority. It provides that when an application is launched
with the Minister he may ask the responsible authority for its comments on whether the permits should be granted and conditions, if any, to which the permit should be subject if granted.

If a responsible authority or municipality owns land and a third party makes application to carry out some development on that land, surely some notice of that action should be given to the responsible authority. One might expect that, in most cases, the responsible authority would be aware of what a third party was considering. It is a matter not only of courtesy to the responsible authority but also of proper procedure for a Minister to refer that application to the responsible authority no matter how minimal the proposed development may be.

If any honourable member owned a piece of land and a third party sought a permit to carry out some building or development on that land, that honourable member would, firstly, want to know what that party had in mind, and, secondly, he would want the opportunity of commenting on whether he believed the development was appropriate.

Notice is even more appropriate in the case of a responsible authority—in this case, a municipality—which not only should know of the proposal but also may be able to give the Minister valuable information which the applicant for the permit may have conveniently omitted to provide. Not only is it in the Minister's interest that that should occur, but it is also a matter of courtesy to the responsible authority. I should have thought that it would be the proper procedure for the Minister to ensure that he had referred the matter to the authority concerned. It is in that light that I move the amendment. The provision will then read, "The Minister shall refer to the responsible authority", rather than stating that "The Minister may refer to the responsible authority".

Mr McCUTCHEON (Minister for Water Resources)—I suppose the word "may" was inserted so that the provision would allow for some judgment in these matters. Basically, the honourable member for Evelyn is correct and what he says makes common sense. However, if the word "shall" were inserted, the Minister would be obliged to refer to the responsible authority on every occasion and wait for an answer from that authority, regardless of how minor the matter may be. For example, the application may relate to the construction of a toilet block, and in that case almost everyone would know that the construction was taking place.

It is a question of whether, on every occasion, the Minister would be obliged to notify the council and await its comments, or whether a matter of judgment should be involved. The Bill, as drafted, allows judgment to be exercised. I do not believe the Government will call for a division on this amendment if the Opposition believes the word "shall" is important and should be used in this case.

Mr PLOWMAN (Evelyn)—I thank the Minister for his comments. The Opposition believes the amendment is important in that, although it may be a development such as a toilet block about which the municipality knows something, the applicant for the permit may have conveniently omitted to include in his application certain information. In fact, the permit application may be for something different from the toilet block that the council believed was to be built.

If a municipality were aware of such an application and of the fact that such a matter was to come before the Minister, the delay involved in advice coming from the council to the Minister should be minimal, since councils meet on such a regular basis. If the council is not diligent in its responsibility in the matter, the fault lies with the council. However, in my experience, councils are generally very prompt about such matters.

I believe the delay would be minimal, and in almost every instance councils would be pleased to be consulted as a matter of course and not just as a matter of occasion.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 13.
Clause 14 was verbally amended, and, as amended, was adopted.

Clause 15

Mr Plowman (Evelyn)—The clause refers to delegation of metropolitan planning powers. It is the opinion of the Opposition that, rather than delegating responsibilities to councils and then by instrument of delegation insisting that they refer back to the Minister on a host of matters, that delegation should be such that if the Minister is opposed to something that a council proposes, the Minister will retain the right of appeal against any proposal a municipality might have, particularly on matters of State or regional significance. If the matter is of substantial significance beyond the boundary of the municipality, of course, the Minister should always retain the right of appeal.

The clause was agreed to.

Clause 16

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 16, pages 16 and 17, omit proposed new section 59 and insert:

"59. (1) In this section "prescribed application" means an application for a permit of a class specified in the Melbourne Metropolitan Planning Scheme pursuant to section 56A.

(2) The responsible authority shall refer to the Minister all prescribed applications lodged with the responsible authority.

(3) The Minister shall refer to the Board of Works all prescribed applications lodged with the Minister as responsible authority or referred to the Minister under this section.

(4) Where a prescribed application is referred to the Board of Works all prescribed applications lodged with the Minister as responsible authority or referred to the Minister under this section.

(a) that the permit be granted;
(b) that the permit be granted subject to the conditions specified by the Board; or
(c) that the permit not be granted.

(5) If the Board of Works fails to make a recommendation within the prescribed period or if the Minister does not accept a recommendation of the Board of Works, the Minister shall consult with the Minister administering the Melbourne and Metropolitan Board of Works Act 1958 in relation to the matter.

(6) If the Minister is the responsible authority, the Minister after considering the recommendations (if any) of the Board of Works, and after consulting, where required, with the Minister administering the Melbourne and Metropolitan Board of Works Act 1958, may determine the prescribed application.

(7) If the Minister is not the responsible authority, the Minister, after considering the recommendations (if any) of the Board of Works, and after consulting, where required, with the Minister administering the Melbourne and Metropolitan Board of Works Act 1958, shall in writing direct the responsible authority—

(a) that it may grant the permit;
(b) that it may grant the permit but only if the permit is granted subject to the conditions specified by the Minister; or
(c) that it shall not grant the permit.

(8) The provisions of sub-sections (5) (6) (7) (8) and (9) of section 58 shall with all necessary modifications apply to any application or permit affected by this section and in particular as if—

(a) any reference to "the terms of any delegation" were a reference to this section; and

(b) any reference to the "council" or the "municipality" were a reference to the responsible authority.

(9) Where any person appeals against the refusal of a permit by the Minister or any condition specified or to be specified in a permit by the Minister and the Minister refused to grant the permit or imposed or intends to impose the condition on the recommendation of the Board of Works, the Minister and the Board shall be the respondents to the appeal.

(10) Where any person appeals against the refusal of a permit by a responsible authority (not being the Minister) or any condition specified or to be specified in a permit by such a responsible authority and the responsible authority refused to grant the permit or imposed or intends to impose the condition at the direction of the Minister under this section, the Minister and the responsible authority shall be the respondents to the appeal.
(11) Where a direction referred to in sub-section (10) was given on the recommendation of the Board of Works, the Minister may join the Board as a respondent to the appeal.”."

The substitution is necessary because the clause as printed omitted reference under delegated powers to councils also being able to determine prescribed applications. The amendment includes this provision for councils as well as the Minister.

Mr PLOWMAN (Evelyn)—As to the question of secondary referrals from responsible councils to the Minister for Planning and Environment and where, under the provisions of the clause, the Minister refers matters to the Melbourne and Metropolitan Board of Works for consideration, the Opposition believes, prior to permit applications being made, councils should consult with all interested parties as a matter of course rather than the applications being lodged and the Minister then seeking opinions from the Board of Works. Municipalities should seek the views of the Board of Works before applications are lodged with the Minister.

The thrust of the Bill is to endeavour to improve the planning process and to speed up planning applications. It appears that clause 16 may slow down the process whereas if councils consulted with the Board of Works and other instrumentalities before applications were made to the Minister and if the board and other instrumentalities reserved the right of appeal against any proposition in permit applications, the planning process would be streamlined. The Opposition believes the clause, as it stands, will slow down the planning process.

I ask the Minister for Water Resources to confer with his colleague, the Minister for Planning and Environment, consider the ramifications of the amendment and discuss the alternative that would provide the opportunity of speeding up the planning process.

Mr McCUTCHEON (Minister for Water Resources)—The drainage and flood management responsibilities of the Melbourne and Metropolitan Board of Works are specific. The process outlined by the honourable member for Evelyn was included in an early draft of the Bill. However, it was not considered a satisfactory way of ensuring that the Board of Works drainage and flood management requirements were adequately carried out.

Considerable discussion took place about the way the provision was framed to ensure that the responsibilities that can have effect on life and limb were built into the process. It appears as though the provision is complicating the process and perhaps slowing it down, but the provision is to safeguard the responsibilities of the Board of Works in its dual role of drainage and flood manager as well as planning authority. With the excision of planning powers, the loop in the system is to safeguard the rescission of those responsibilities.

Mr PLOWMAN (Evelyn)—I accept the argument of the Minister for Water Resources as being fair and reasonable. If the outcome of the clause brings about referrals of that nature only, the Opposition will have no argument with it. The Opposition is concerned that referrals could expand to a large degree and slow down the planning process. I thank the Minister for his explanation of the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 17.

Clause 18 was verbally amended, and, as amended, was adopted, as were clauses 19 to 27.

Clause 28

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 28, line 27, omit “in force in the metropolitan area”.

The amendment was agreed to, as was a verbal amendment, and the clause, as amended, was adopted, as were clauses 29 to 31.
Clause 32

The ACTING CHAIRMAN (Mr Kirkwood)—I advise the honourable member for Evelyn that when he moves amendment No. 3 circulated in his name, he can also speak to proposed amendment No. 5.

Mr PLOWMAN (Evelyn)—Mr Acting Chairman, when the Committee considers the Minister's proposed amendment to this clause, I shall explain why I will withdraw the amendments to which you have referred.

The ACTING CHAIRMAN—For the information of the Committee, amendments Nos 3, 4 and 5 circulated in the name of the honourable member for Evelyn have been withdrawn.

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 32, line 10, after “planning” insert “and the Treasurer shall include in the Annual Budget Papers for Victoria a statement setting out the amount of money paid to the Treasurer under this sub-section and the allocation of that money in the preceding financial year”.

This is an agreed amendment on the basis of discussions between the Opposition and the Government which builds into the proposed transfer of moneys from the Metropolitan Improvement Fund to the Treasurer for use in the Ministry for Planning and Environment the need for those moneys to be accountable by the means set out in the amending addition to the clause.

Mr PLOWMAN (Evelyn)—I have already explained the reason for not proceeding with my three amendments to clause 32. As the Minister for Water Resources said, in a spirit of co-operation between the Government and the Opposition, clause 32 was initially an extremely contentious clause with many honourable members from the Liberal and National parties speaking to it. These differences have been accommodated. The speakers from the Opposition were concerned to ensure that moneys from the Metropolitan Improvement Fund that were being paid to the Treasurer on account of metropolitan planning were properly accounted for.

Before the Minister proposed to amend the Bill, the clause gave no detail of accountability for the expenditure of those funds. The Opposition is now satisfied that the amendments introduced by the Minister adequately cover accountability.

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

Clause 33

Mr PLOWMAN (Evelyn)—I move:

Clause 33, line 17, omit “$3 000 000 000” and insert “$2 500 000 000”.

Clause 33 was also among the most contentious matters discussed by members of the Opposition during the second-reading debate. An increase of $1 billion in the borrowing power of the Board of Works, particularly in the light of concern expressed both in this place and around the nation about public debt, would seem to be excessive at this stage.

Last night, in summing up the second-reading debate, the Minister said that this figure reflected no more than the former Government’s increase in the borrowing power of the board six years ago. If I had then been in a similar position to that which I occupy today, I might have questioned that increase. It is important to consider borrowing powers and borrowing ceilings for public authorities in the light of the constant cry that Governments should be tightening up, borrowing less and running less on borrowed money.

The Minister argues that this figure will give the board the necessary funds for possibly only a further three years. The Opposition has not had an explanation from the Minister of what additional work may be undertaken that will require such an increase for the next three years. After a period of three or four years, if the board needs to return to Parliament for an increase in its borrowing power for a further three-year period, so be it.

795
The board has not been given an open cheque; rather its borrowing power is being increased under the Bill by $1 billion, with no indication of how long that increased borrowing will be sufficient without the need for the board to come back to Parliament for yet another increase.

The Opposition strongly opposes this clause and I move my amendment that the ceiling on borrowing power in this clause be $2500 million.

Mr McCUTCHEON (Minister for Water Resources)—I reiterate some of the comments I made last night. Firstly, the 1984–85 borrowing program of the Melbourne and Metropolitan Board of Works is running at around $200 million, in comparison with the period in the late 1970s, when this borrowing program was last adjusted, when it was in equivalent dollars running at some $240 million per year. In other words, the board has cut down its works programs and its borrowing program by quite a significant amount and that is the plan which will run into the coming years.

Honourable members would realize that the board has long-range capital works programs. Because of the pipeline for the types of work that the board undertakes, the works take some time to go through the planning and development process and cannot be suddenly geared up or geared down. A change has occurred in the forward program of the board, which has left the major expansionary period as the board is completing several important works such as the western trunk sewer project and extensions to the south-east purification plant. However, not so many major projects are lined up ready to be fired out of the barrel as happened in the 1970s with work on a number of expansions of water storages to serve the metropolitan area.

With the cut-down borrowing program, the $1 billion suggested by the Government in the Bill would cover a five-year period of borrowing at $200 million a year. The previous Government in 1979 advanced the borrowing limit and actually satisfied the board's program at a higher rate for a period of six years and the Government did not consider it unreasonable to set a $3 billion limit on the borrowing powers.

However, having the power to borrow does not mean that the board can go ahead and do so. Other factors obviously control the borrowing by State authorities and the Government is always in control of the borrowing requirements of an instrumentality such as the board. This is not the way the borrowing program of the board is controlled. Nevertheless, the Government is prepared to accept the amendment put forward by the Opposition, as moved by the honourable member for Evelyn, that the ceiling on borrowing power be $2500 million.

Mr KENNETT (Leader of the Opposition)—I thank the Government and congratulate it on being prepared to consider and, in this case, accept the amendment moved by the honourable member for Evelyn. In this day and age, greater discussion takes place among communities about the borrowings of Governments and instrumentalities.

If the board changes its program of advance planning work over its needs in any one year, it can come before the Parliament for specific projects and the money for those projects can be more easily identified and assessed. However, in this time of growing concern in the community about the way the Government seems to be borrowing more and more—and the Government has extended its borrowing quite significantly over the past three years—the Minister must be congratulated on being prepared to be flexible and accepting what the Opposition considers to be a reasonable amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 34 to 40.

Clause 41 was verbally amended, and, as amended, was adopted, as were clauses 42 to 51.

Clause 52

Mr McCUTCHEON (Minister for Water Resources)—I move:
Clause 52, lines 21 to 24, omit all words and expressions on these lines and insert—

"transferred officer who is a contributor to the Board Superannuation Scheme may retire from employment as an officer under the Public Service Act 1974 at the same age at which that officer could have retired if that officer had remained an officer or employee of the Board."

This provision makes it clear that transferred officers can continue to enjoy the same conditions of employment that pertained in their original situation.

Mr PLOWMAN (Evelyn)—The Opposition supports the amendment as it comes to terms with the concern raised by the Opposition and by the honourable member for Swan Hill regarding the apparent precedent in the former clause for early retirement from the Public Service. It retains the rights and entitlements of officers of the Melbourne and Metropolitan Board of Works under the present superannuation scheme which, with the transfer of officers, is only right and proper. The Opposition would not wish to see those officers lose their entitlements, particularly when they have contributed to the scheme for some years. The Opposition is happy to support the amendment moved by the Minister.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 53 to 57.

Clause 58

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 58, line 6, after "land" insert "purporting to be made".

This corrects the English and clarifies the intent of the clause.

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

New Clause

Mr McCUTCHEON (Minister for Water Resources)—I move:

16. Insert the following new clause to follow clause 63:

"AA. In section 28 (I) of the Local Government (General Amendment) Act 1982, in section 861A (1) (h) (ii) proposed to be inserted into the Local Government Act 1958, for the words "Board of Works" there shall be substituted the expression "Minister administering the Town and Country Planning Act 1961.""

The new clause will give effect to consequential amendments in Part II of the Bill.

The new clause was agreed to.

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

Mr McCUTCHEON (Minister for Water Resources)—I move:

That this Bill be now read a third time.

Mr PLOWMAN (Evelyn)—I thank the Minister for the way in which he has handled the Bill. He has accepted the thrust of the arguments of the Opposition in almost every case, particularly in respect of the most contentious clauses, and he has exhibited a spirit of co-operation and responsibility that it is good to see from a Minister of the Crown.

The only matter that disturbs me is that, during the debate on this important Bill, which has significant ramifications for the whole of the metropolitan area, the Minister played a lone hand and all contributions came from the Opposition. Not a single metropolitan member on the Government side of the House supported the Minister or spoke on the Bill.

The motion was agreed to, and the Bill was read a third time.
PROFESSIONAL BOXING CONTROL BILL

The debate (adjourned from May 2) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

Mr REYNOLDS (Gisborne)—At last, the House has before it a Bill to establish a Professional Boxing Control Board, which has been promised for a long time. In a statement reported in the Age of 4 September 1982, the Minister said that he had deferred a decision on the creation of a State boxing commission to cover professional boxing but still planned to put a Bill before Parliament in the following year’s autumn sessional period. What was promised for early 1983 has been introduced in 1985. The Minister made a statement on 17 December 1982 which was reported in the Herald in which he said that he hoped any changes in legislation regarding boxing would be passed by the State Parliament in the following sessional period, beginning in February. At last, two years after the promise was made, the Bill is now before the House.

Further, and it concerns me greatly at the opening of the 50th Parliament, the Premier listed twenty Bills the House would debate during the autumn sessional period. He promised a Bill to control professional boxing and the martial arts. However, we have not seen anything to do with the martial arts. There is little doubt that martial arts need control. Martial arts is an innovation of recent years and more people in the community have become involved as the sport has become well known. Tournaments are held between the various disciplines—I have attended a couple of these tournaments—and if regulation and control is not implemented someone will be killed. I do not say that lightly.

Another sport that is talked about in certain circles is that of professional women’s boxing. The mind boggles. If there are to be martial arts and women’s boxing in the State, then they need strict controls. The Premier promised them at the opening of Parliament. Something should be done about that, and there should not be a wait of two years as there has been for this Bill.

The appointment of a Professional Boxing Control Board is welcomed by the Opposition and by everyone within the boxing fraternity with whom I have discussed the matter. There are currently 85 registered boxers in Victoria and twenty registered promoters. However, only three of them are active at present.

I understand that the Bill is the first measure to come before Parliament that has been written in plain English. To a plain person such as myself it is extremely welcome. At last the public will have a better opportunity of understanding what the legislators are about and the legislators will have a better understanding as well. I welcome that move as I strongly welcome the Bill.

Over the years Victorian professional boxing has had its ups and downs revolving around the times when the State boasted many world-class boxers. I received a letter from the former featherweight champion of the world, Johnny Famechon, written on 10 May 1985. He pointed out nostalgically that that date was the fifteenth anniversary of the day on which he lost the world title. Does not time fly? He was one of the classiest boxers this State ever produced and his letter offered his full support for the Bill.

In previous years many different groups, individuals and organizations ran professional boxing and there was no co-ordination or consistency. People within and outside the industry did not know to whom to turn for leadership and advice. I congratulate the Minister for Sport and Recreation who, in recent times, appointed an interim boxing control board under the chairmanship of Mr Kevin Hayes. He is a most highly respected administrator in the boxing world. This view is held almost without exception, and that is a huge compliment to the man.

During the past six or eight months a tremendous upsurge in interest has taken place in the boxing world. Lester Ellis and Jeff Fenech gained international boxing titles. World class boxers such as Barry Michael, Graeme Brooke and Paul Ferrari are still on the boxing scene.
The Bill is the result of the work of the Victorian Professional Boxing Co-ordination and Advisory Council, which was established by the former Minister for Youth, Sport and Recreation, Mr Brian Dixon, to investigate the professional boxing industry to ascertain what was needed and whether self-regulation could be introduced.

In August 1982 the council handed to the current Minister a report which recommended the establishment of a professional boxing control board, to which the Minister agreed. In March 1983 the Minister appointed an interim board with Mr Kevin Hayes as chairman. One or two members of the board have resigned and at present it comprises Mr Jack Dunn, Mr John Famechon, Mr John Hare and Dr Clancy. It is sad that only two days ago the vice-chairman of the board, Mr Ken Brady, passed away. He was a former champion boxer, referee and administrator who, like many others in the industry, was extremely highly respected. I am sure I echo the sentiments of all honourable members on this side of the Chamber in extending my sympathy to his wife and family. It is sad that the Bill to which he devoted so much hard work is being debated in the Chamber only two days after his death.

Controls over professional boxing were introduced in 1975 under the Professional Boxing Control Act, which was introduced to improve the safety of boxers by requiring medical supervision of boxers and contests and by regulating and licensing promoters. The Bill will control several more aspects of the boxing world and, with the addition of some amendments I hope to move, will then control every facet of the boxing world. No doubt some of the measures will have to be monitored so that, in the light of experience, we can be sure of the way in which they operate. When so much new ground is being broken, it is essential to monitor the practical application of the amendments to see what happens.

As I pointed out, many facets of boxing require control, and where big money and gambling are involved, the sport is open to skulduggery, corruption and graft. As a young man I received the advice that one should never place a bet on anything that can talk. Such advice is still relevant. However, illegal betting often occurs on boxing matches and, as such, controls are needed.

Other State Governments are waiting to see how the Bill works and it is to be hoped that those Governments follow suit with the introduction of a similar Bill. I hope that a Federal boxing control authority is established in the not-too-distant future, but only time and experience will dictate what type of body is most appropriate.

I thank the Minister for Sport and Recreation for his ready acquiescence in granting my request for a briefing on the Bill, and his resident expert, Mr John Appleby, who made himself willingly available to discuss the Bill. I also extend my thanks to all the people who were so willing to provide useful comments and advice on the proposed legislation. I shall not name them individually but whether it be by letter, interview or telephone conversation, they have all been most willing and able to lend their assistance on the Bill.

However, there are some concerns on the Bill that I wish to bring to the attention of the House and the first concerns a comment made in the explanatory second-reading speech where the Minister suggested that training and accreditation programs will be developed for referees, trainers, matchmakers and other persons involved in professional boxing, such as seconds, and will include an appropriate emphasis on first-aid and safety matters. I should like the Minister to indicate where these training and accreditation programs will be established; who will establish them; what the curriculum will be and who will give the instruction. They are excellent sentiments and represent a marvellous promise but I should like the Minister to enlighten the House on the steps that will be taken to institute the training and accreditation programs.

The paying public must be protected at all times against persons who flout the rules and regulations. Those persons should be brought to account for their actions. I believe the Bill will achieve that aim. It is to be hoped that judicious oversight by the Professional Boxing Control Board will overcome any problems that might arise.
Another area of concern relates to clause 5 of the Bill which deals with interpretation. I foreshadow that during the Committee stage I shall move amendments to add the words, "Adult, agent, ring announcer, second and timekeeper". Various people have written to me on the present definition contained in the Bill in which "boxing" means fist fighting. If those persons read the Professional Boxing Control Act they would realize that their concerns are of a minor nature because that Act defines boxing as meaning any persons engaging in fist fighting and any derivatives thereof of a corresponding interpretation. The current interpretation completely covers the field under which boxing has been operating for a long time.

A dual licence for trainers and managers should be available. I shall deal with that matter later. Another concern expressed by people who contacted me was that sparring exhibitions should be omitted from the definition of a professional boxing contest. Often a spar can become somewhat aggressive. Evidence a few years ago suggested that sparring was becoming too serious. Currently sparring undertaken for no payment or reward, but for charity, is covered, whereas sparring exhibitions, conducted for profit or monetary reward are included in the definition of professional boxing contest.

I understand that already the interim board the Minister appointed has done excellent work in controlling some of the promoters, particularly in promotions for the public. Although they have obviously been accepting this control because the Act has been amended quite a deal, the occupation of boxing promoter does attract casualties. It is a risky business. I was glad to hear from an excellent judge of boxing that those people are toeing the line. The Government raised concern in clause 8, which allows unlicensed persons from outside the Commonwealth to officiate. A boxer may fight with an unlicensed person or totally inexperienced person officiating in his corner. I ask the Minister for Sport and Recreation to watch this area closely. The clause lists the persons who are affected. It allows the Minister to oversee this area. He will be busy and must be alert and well informed. Obviously, that duty may be delegated to his board. I hope this minor problem I foresee may be overcome.

Another change in the interpretations that I wanted to mention is the change in the application for registration as a professional boxer, as set out in clause 10. One may ask what is an adult. No definition is provided in the interpretations. I hope the Minister will accept my amendments along this line. The board has already acted judiciously. I understand four boxers have been retired in the past eighteen months following medical evidence that led the board to believe that further participation in the sport would endanger their health. I am pleased that it has been done purely in the interests of the boxers. I hope this practice will continue. The medical requirements set out in the Bill are of paramount importance. Often the boxer is not the best judge of his health. I may stand corrected, but I believe the Victorian Amateur Boxing Association sets a good example in overseeing and monitoring the health of boxers. They must pass stringent tests and use appropriate safeguards.

I am delighted that the Minister accentuated this aspect in his second-reading speech. It is a dangerous sport and, although the damage may not be obvious immediately, it can have a permanent effect on the boxer in later life.

I mentioned earlier the duties of a promoter. Promotion is an essential element, because that is the shop window of boxing that the public sees before the boxers compete in an event. In the past there have been problems with mismatching to make up a program, with misleading advertising and with some payments and contracts that have not been honoured. I have written evidence of one such example, and the matter is currently subject to litigation.

The provisions of the Bill place a heavy responsibility on the promoters to ensure that boxers are physically fit, that they have met all the requirements and that they are registered. I hope promoters will be in a position to ensure that boxers are "trained fit" as well as medically fit. I believe those two categories of fitness need to be considered.
Two areas of concern arise with regard to the duties of promoters and I hope they can be covered by the regulations, which will be broad. No mention is made in the Bill of public liability insurance; I hope that area will be covered, or that it can be pointed out as being covered elsewhere.

Another concern relates to workers compensation for officials, and even more important and more difficult to solve is a workers compensation scheme for boxers themselves. That matter should be actively pursued by the Government. Such a scheme has been instituted in New South Wales, and if the Government insists on workers compensation for every worker, as have previous Governments, arrangements should be made to include boxers in workers compensation schemes. I put that suggestion to the Minister as strongly and forcibly as I can.

The appointment of the Professional Boxing Control Board and the delegation of powers at a later stage will undoubtedly allow the Minister to delegate most of his authority under the Bill. I agree with that delegation of authority, but I sound a word of warning. The board must be absolutely independent, and yet it must be representative of the sport. I hope the training fraternity, the boxers and the promotion side of the sport will be represented, and I hope all facets and sectors will have a voice in the control of their sport which is, in many cases, their industry.

I am pleased that the Minister intends to involve the industry and other interested persons. It is imperative that that should occur. The current board has already made progress in tidying up the areas of promotion, ring safety and personal conduct, and I am sure that, when the Bill is finally passed through Parliament, it will be welcomed by all concerned.

Clause 16 suggests that there will be reviews of decisions of the Minister. That means that if the Minister or the board to which the Minister has delegated responsibility makes a decision, the affected person has a right of appeal to the Administrative Appeals Tribunal unless he is a promoter. It concerns me that everyone else can go to an open court such as the Administrative Appeals Tribunal but that a promoter has the right of appeal only to the Minister, especially when the appeal is against a decision of the board that the Minister has set up in the first place. What is fair for one should be fair for all. Everyone concerned should have the right of appeal to the Administrative Appeals Tribunal, and it is my intention to move amendments to that effect during the Committee stage of the Bill.

I note that the penalty for breaches or offences is 40 penalty units, imprisonment for twelve months, or both—that is, $4000 or twelve months’ gaol, as a penalty unit is worth $100. That is a savage penalty, and I hope it will deter people from committing such offences.

Clause 22 very broadly lists the regulations that either the Minister or his board will make. Not much information is given, and I wish Parliament knew more about what regulations will be made. A knowledge of those regulations may allay some of the concerns that I, the community and the boxing fraternity have given the deficiencies in the Bill because it is so wide-ranging and since these regulations will deal with minor points of administration.

I am sure the Minister will agree that the ultimate power in the land is Parliament. The Opposition is critical when powers are being taken away from Parliament. Members of the Government party when in Opposition also were critical of these powers being removed from Parliament yet, in this Bill, the powers of Parliament are being further eroded and the decision-making process is being placed with the Public Service.

I am not happy about that decision because it means that a weak Minister might be manipulated. I am sure that this will not be the case with the present Minister and the board he proposes, which I hope will be validated as soon as the Bill is proclaimed an Act, and I hope manipulation does not occur in any event. However, the regulations listed in the Bill are so broad that the matter could get out of hand.
The Minister or the board will be able to regulate the use, standards, facilities and inspection of gymnasiums. How will the Minister and the board control every gymnasium where professional boxers train? Lester Ellis, prior to his world title fight, trained in a backyard in Bacchus Marsh in the electorate that I represent. I do not see how the Minister, the board, or an inspector can control that activity. They have the ability to fix fees for licences, permits and registrations. I hope this measure will not be another example of the many instances of Government revenue earning that have occurred in the past three or more years. I hope the fees for permits and registrations will be fair and not too high. I ask the Minister especially to ensure that fees for dual licences be kept low because, as he well knows, some people act in two or three areas. I hope the Government, after the number of taxes and charges that it has escalated beyond all comprehension to rip money from the unsuspecting public, will not turn this measure into another revenue-earner.

Mr W. D. McGrath (Lowan)—The Bill gives greater stability and accreditation to the boxing industry. Over past years, for many reasons which I shall not enumerate, boxing has had its critics.

Boxing is a sport that one either loves or for which one has little regard. If the boxing industry is run in an orderly manner a great deal of good can come from it. Men who perform in boxing rings must have a high degree of physical fitness. If there is some criticism that can be levelled at boxing over the years it is whether the mental condition of boxers has been equal to their physical condition. Hopefully, with this industry the control of the Professional Boxing Control Board people will be required to undertake medical examinations and meet certain medical standards before they are allowed to participate in boxing contests.

At the peak of their careers great Australian boxers, such as the late Dave Sands, Johnny Famechon and Lionel Rose, brought credit to Australia as sportsmen. Since that time a lull has occurred in the industry, although we are now seeing the emergence of world standard boxing champions such as Lester Ellis and Jeff Fenech, who recently won world boxing titles. Some years ago, Channel HSV 7 televised TV Ringside, which was a popular show with viewers. They were able to watch good standard boxing from the comfort of their own homes. At that time a great deal of sponsorship and promotion allowed the televising of boxing matches. However, when the program finished, the sponsorship fell away and the boxing industry became less prominent in the minds of sporting Australians. All sport is dependent on sponsorship for its staging and promotion. Unless sound and positive regulations exist, reputable sponsors will not support a sport and put their advertising dollars at risk.

The Bill establishes a Professional Boxing Control Board. In his second-reading speech, the Minister for Sport and Recreation stated that the board will act on the Minister’s behalf to regulate the industry. Division 1 of the Bill states that the Minister may license persons involved in professional boxing contests. Clause 6 (1) states that any adult may apply to the Minister for a licence.

Division 2 of the Bill refers to registration, and clause 10 (1) states that an adult may apply to the Minister to be registered or to have a registration renewed as a professional boxer.

Division 4 of the Bill refers to the duties of promoters and Division 5 refers to the Professional Boxing Control Board.

Clause 14 (2) states:

The Board shall consist of—

(a) no more than five members appointed by the Minister who shall be persons with a good knowledge of boxing; and

(b) a Chairperson appointed by the Minister.
Part III refers to delegations by the Minister. If one examines the proposed legislation, one would describe the industry as being controlled by the Minister for Sport and Recreation. However, that would not appear to be the interpretation if one examines the second-reading speech of the Minister where he said that the Professional Boxing Control Board can act on the Minister's behalf to regulate the industry. The Bill indicates that the Minister has total control over the industry.

Mr Reynolds—He delegates.

Mr W. D. McGrath—Indeed, the Minister delegates, but not all the way through the Bill. He delegates only in Part III, clause 15, which covers delegation by the Minister. I am critical of the proposed legislation up until that point.

The second purpose of the Bill is to control professional boxing. The Minister stated in his second-reading speech that training and accreditation programs would be developed for people such as seconds, trainers, promoters and boxers involved in professional boxing. I agree totally with other members of the National Party that some training and accreditation programs for the people involved in the industry should exist and I give credit to the Government for introducing those programs.

The Bill provides for the registration and delicensing of various people who breach the legislation. Again, that is a positive step. The measure repeals the Professional Boxing Control Act 1975 and the further amendments that took place in 1980 and 1984.

I am confident that a better boxing industry will exist in Victoria and I thank the Chairman of the interim Professional Boxing Control Board that has been established over the past few years for providing me with information. I thank the chairman, Mr Kevin Hayes, and also Mr John Hare from Geelong, with whom I have had a number of conversations and am much wiser about the boxing industry because of his assistance.

I refer to correspondence sent to me by Mr Kevin Hayes because there are some relevant points that are worth mentioning. One of the letters in the correspondence from various people involved with the interim Professional Boxing Control Board was signed by Mr Cos Brizzi on behalf of the Victorian Professional Boxing Trainers League. It states:

Dear Sir,

With the pending boxing legislation in mind I write to you with the express purpose of indicating the loyalty and support of this league to the Professional Boxing Control Board of Victoria.

Since the Board was formed two years ago we have not always been 'on side' with them particularly in their early days, but over the past several years we have come to appreciate their position and their importance and now support them 100%.

The Victorian Professional Boxing Trainers League has given the Professional Boxing Control Board of Victoria 100 per cent support. Undoubtedly that is what the board is seeking. The letter continues:

It has been made very clear by people from the International Boxing Federation, who visited us from U.S.A. and other parts of the world for the recent world title fights, that our previous situation of having officials connected directly with boxers would not be looked upon favourably. We also believe this to be the case and viewpoint of the other world boxing bodies, W.B.C. & W.B.A. and this was behind the reasoning of the Board when they restricted the activities of A.B.F. officials, e.g. Secretary not to promote, President not to select ring officials.

I hope I have not taken that paragraph out of context.

John Hare pointed out that it is important that people involved in the boxing industry should not, "wear as it were, two hats". For example, a promoter should wear that "hat". A trainer should remain involved in that side of the industry, and a referee should be involved in only that side of the sport. If one is seen to be "wearing two hats", there can be conflict of interest.

In a letter from Mr Russ Menadue, the New South Wales President of the Australian Boxing Federation, to Mr Kevin Hayes, dated 1 May 1985, the opening paragraph states:
It is gratifying to know that there are those with the foresight to recognize the need for co-operation of all States collectively for the proper administration of professional boxing, especially at national level.

The letter further states:

I would respectfully highlight the urgent need for the Victorian, NSW and WA Government Departments along with other selected boxing persons to organize an urgent meeting with a view to standardizing all ring rules.

Without arguing the merits either way, there are at least four areas which are conflictive in the eastern States, the most prominent of which are the "standing 8 count" and the "cut eye" rule.

The rules of boxing should be standardized in all States; after all, Australia is one country, and if it is to attract world-class boxers from overseas the rules must be standardized.

Much criticism was received from the Zimbabwe officials about the “standing 8 count” in the recent fight between the Zimbabwean boxer and Lester Ellis. If Australia continues to come under that sort of criticism from overseas boxing officials, trainers, promoters and so on, the top line overseas boxers will not be encouraged to participate in bouts against Australian boxers.

The interim Professional Boxing Control Board, under the chairmanship of Mr Kevin Hayes and with the help of the former sports writer on both football and running, Jack Dunn, together with John Hare and others, has a sound and sensible basis. In that context the National Party will support the proposed legislation. It hopes the measure will result in a boxing industry in Australia that can hold its head high. That will encourage young Australian boys to participate in the sport and to continue to represent and bring honour to our country.

Mr NORRIS (Dandenong)—I congratulate the Minister on the introduction of this Bill. It will go a long way to affording added protection to the professional participants. Boxing is the noble art of self-defence, the Marquis of Queensberry rules, ring craft, to name just a few titles for the sport. Some of the world’s greatest writers have eulogized on the subject, including Ernest Hemingway and Norman Mailer. Whatever fancy name is attached to the sport, it is the most brutal of contests, with man versus man for the sole purpose of rendering an opponent helpless and incapable of continuing.

Cock fights, bear baiting and dog fights have all been outlawed as cruel to animals but man continues to be cruel to man. Terry Vine, one of the great Herald sporting columnists, said about boxing:

It’s the only thing I know where two superbly trained men set about one aim—the cold, methodical and deliberate scrambling of each other’s brain, all in the name of sport.

I congratulate the Minister for undertaking this difficult process of consultation and inquiry into this sport. To me, boxing is a degrading spectacle, degrading not only to the participants but also possibly more so to spectators. If one has attended a professional boxing bout—also amateur, but mainly professional—and seen the reaction of the crowd when blood flows and the contestants become groggy, one will have noticed how the crowd rises and calls for more. It is a sad and degrading spectacle.

The main emphasis of the Bill is on the health and safety aspects of the participants. The sport has as its end result the intent of rendering one opponent or the other helpless by the delivery of blows to the head and body, especially to the head. The health and physical well-being of the contestants is of primary concern, but it is an aspect which is hard to achieve with the sport of boxing.

Dr Edith Summerskill, one of the former great British Ministers of Health, recalls seeing the sight that was depicted on American television of a doctor coming into view of thousands, possibly millions of people, peering into the eyes of a boxer and deciding it was all right for him to continue. That boxer was killed in the next round.

I mention the great boxing trainer, Jack Rennie, who said:

One of the real shockers in Australia is the medical check of fighters on the day of the fight. This is a scandal. The fighters have been billed and the seats sold. What happens if one of the fighters is found to have a slight
defect? On most occasions the fight goes on and the slight defect becomes aggravated and the boxer's future is in jeopardy.

Punch-drunkenness is the visible after-effects of many boxers' careers and is a sad symbol of the boxing game. We have all seen the effects of punch-drunkenness in the shuffled gait, slurred speech and glazed eyes of its victim. They are the outward scars of the trade but the hidden scars are the lesions to the brain.

I quote from a report by the Royal College of Surgeons:

Boxers have been warned that it is a dangerous illusion to suppose that medical supervision will prevent them suffering brain damage.

An article in the British journal of the medical profession, the 'Lancet', reported doctors who carried out tests on 14 boxing champions as saying the only way to prevent brain damage was to disqualify blows to the head.

Possibly one of the saddest sights is that of Muhammad Ali, one of the greatest athletes in living history. In his career over the past twenty years he has put boxing back on the map. Before Muhammad Ali did that, boxing had reached a low ebb as a sport. He had the glamour, he "was the greatest". After twenty years of boxing and taking punches, he has suffered massive brain damage.

Michael Parkinson wrote an interesting article on his interview with Muhammad Ali. In that article, he said:

Perhaps the greatest fighter and money winner of them all, Muhammad Ali, who earned more than $60 million in his 20 year career, may regret that he didn't quit a lot sooner.

Anyone who saw his embarrassing attempt to wrest the world heavyweight title from Larry Holmes a few years ago would have seen the unmistakable signs. Psychiatrists and neurosurgeons, who have studied film and recordings of his speech say the once glorious athlete has suffered significant brain damage.

As rigid as precautions may be, they cannot in every way prevent brain lesions that cause punch-drunkenness and severe and irreversible brain damage.

The British Medical Association recently carried out a test on one of Britain's up and coming young boxers, a coloured fellow named Frank Bruno. His knock-out blow was measured at the university in London as being equivalent to his opponent being hit with a 5 kilogram padded hammer at 30 kilometres an hour, causing his opponent, no doubt, massive brain damage.

I would dearly love to see the sport of boxing banned, but I realize that is pie in the sky. However, I congratulate the Minister for Sport and Recreation on the introduction of this measure. It is a giant step by Victoria to attempt to tighten up a very difficult and at times degrading sport. The proposed legislation is a model for the rest of Australia.

There appears to be a flickering resurgence of the fight game in this country. I have been hopeful that the game may die a natural death, but suddenly Australia has a couple of world champions in Jeff Fenech and Lester Ellis, and naturally, many young people may be again tempted to enter the sport of boxing. It is a great pity because I believe the old adage, "train a boy to use his fists" means unfortunately, that having trained him to use his fists he cannot wait to use them outside the boxing ring as well. This is my opinion and surely I am entitled to have an opinion on this matter irrespective of what the Opposition may say.

As I said previously, I congratulate the Minister for Sport and Recreation on the proposed legislation. It is a giant step forward and I sincerely hope it is a model for the rest of Australia.

Mr TANNER (Caulfield)—It is with great pleasure that I congratulate the Minister for Sport and Recreation on the proposed legislation. The Minister is held in high esteem by all persons associated with both amateur and professional boxing in Victoria. This measure will further enhance that reputation.
The Professional Boxing Control Bill is actually a follow-on to a similar Bill that was passed into law in 1975. This measure proposes an extension of powers under the Act so that, unlike the previous Act which applied only to promoters of professional boxing and professional boxers in Victoria, it will now also apply to managers, trainers, matchmakers, referees and judges.

The Professional Boxing Control Bill, as pointed out by the honourable member for Dandenong, enhances the health and safety features of the control and regulation of professional boxing in Victoria and also provides for the establishment of a Professional Boxing Control Board.

A former Liberal Minister, Mr Brian Dixon, introduced into the House the Professional Boxing Control Act 1975. The then Minister recognized the difference between amateur boxing and professional boxing and the fact that, as has been pointed out by the honourable members for Gisborne and Lowan, professional boxing is an industry rather than a sport.

As the honourable member for Dandenong indicated earlier, boxing is a hard sport, but professional boxing is more properly considered an industry because it is not concerned so much with sport as with money. The original Act of 1975 was passed so that the industry could be controlled and regulated.

The Bill further enhances the good features of the Professional Boxing Control Act 1975, and honourable members will see the benefits in coming years.

On behalf of the Opposition the honourable member for Gisborne raised several matters relating to the Bill. As indicated earlier, Victorian legislation lacks a definition of "adult" and that point needs to be clarified immediately if the Bill is to achieve its aim.

The Professional Boxing Control Act 1975 indicated in section 65 (2) that no person under the age of eighteen years could be registered in the register of boxers. Unfortunately, the Bill proposes to replace that provision with clause 10 (1) which states:

An adult may apply to the Minister to be registered or to have a registration renewed as a professional boxer.

Unless a definition of "adult" exists in Victorian law, the measure will lead to ambiguity.

Clause 22 follows to some extent section 13 of the Professional Boxing Control Act 1975 but extends it. The honourable member for Gisborne pointed out that clause 22 (1) (i) empowers the Governor in Council to make regulations for or with respect to the use, standards, facilities and inspection of gymnasiums. Clause 22 (1) (j) confers power to make regulations regarding the contractual relationships between trainers, managers, promoters and boxers. This is an extension of the power under the original 1975 Act, and unfortunately it is a regulatory power conferred on the Governor in Council.

It is a pity Parliament relinquishes powers that should be its prerogative. I ask the Minister to ensure that the regulation making power conferred on the Governor in Council by clause 22 is subject to Parliamentary oversight.

As the Minister will no doubt point out, clause 22 follows largely the previous regulatory powers that were given under clause 13 of the Professional Boxing Control Act 1975, but nevertheless some extensions have been made. Parliament should bear in mind that, through Bills such as this, it is continuing to hand over its prerogative in legislative matters.

I congratulate the Minister on the Bill. It is a step forward from the important Bill that was introduced in 1975 to control and regulate professional boxing. This further development will be to the benefit of the industry and its participants in Victoria.

Mr McNAMARA (Benalla)—I commend the Minister for introducing this proposed legislation; it is well overdue. With reference to a couple of comments made by the honourable member for Dandenong, who referred to the dangers of educating people in the manly skills of boxing and the danger they present to the general public when they leave the ring. I have found that some of perhaps the gentlest souls outside the ring are
those who have been trained to defend themselves within it. That is my personal experience. They realize the dangers and they do not have to prove themselves as do some of the louts around the streets who are untrained in the skill of boxing. Those trained in boxing will go out of their way to avoid a pugilistic dispute.

For approximately two years, I had the opportunity of training at Ambrose Palmer's gym at Festival Hall where I met some interesting characters. There were quite a few rough diamonds among those in that gym but many of the people I met were great gentlemen. No person could be a greater credit to the sporting fraternity in this State than Ambrose Palmer. I take the opportunity of paying tribute to him; he has not been in the best of health. I had a chat with him about six months ago and he had a few problems. Of course, he is getting up in age. He has had an outstanding record in boxing. During the depression he held the middle weight, light-heavy weight and heavy weight championships of Australia. That is an indication of the skills that he had. He believed that boxing was a skill and that one should learn to defend oneself.

Mr Norris—That is a fallacy.

Mr McNAMARA—It is not a fallacy because we saw the skills that he taught Johnny Famechon, who went on to win a world championship.

The SPEAKER—Order! I ask the honourable member for Dandenong to cease interjecting and I ask the honourable member for Benalla to endeavour to come back to the Bill before the House.

Mr McNAMARA—I was speaking about the skills involved and how some trainers and boxers have the right attitudes and are capable of passing those attitudes on to the general public. The Bill will seek to regulate the industry to ensure that people of the highest calibre train boxers in future. I used the example of Mr Ambrose Palmer as a trainer whom I know personally. His example is reflected in the skills he passed on to Johnny Famechon, who went on to win an Australian championship and then a world championship. He showed tremendous ability and was especially noted for his skill in self-defence.

The honourable member for Dandenong spoke about boxers who had been scarred for life. A boxer who learnt the trade well, mastered the skills of self-defence and was able to make good money out of the industry and emerge as a professional sportsman to carry on today is Mr Johnny Famechon. He is a credit to every Australian. Over the years he has contributed enormously to today's society.

The honourable member for Dandenong spoke about the accident rate and the scarring that occurs to all boxers who enter the ring. That is a fallacy. I have figures which show that the sports of football and rugby league have a much higher percentage of fatalities than boxing. The honourable member for Dandenong may find that hard to believe, but I have the figures in my hand.

The Bill introduces a number of innovative measures, although many of them are beyond the comprehension of the honourable member for Dandenong. I do not know what is causing his mental deterioration; obviously he has some problem. The Bill provides supervision for the renewal and granting of licences for all participants and also provides for licensing of promoters and trainers. As I said earlier, these measures are long overdue. The boxing fraternity should praise the Minister for the innovative Bill. If it is properly policed it will ensure that the right people, who have some affinity with the boxing industry and understand the regulatory requirements, will be responsible for the supervision of the industry.

Mr LEA (Sandringham)—The Bill promises to extend controls over boxing and repeals the Professional Boxing Control Act 1975. I commend the Bill and applaud the Minister for the effort he has made in regulating the industry. I share the sentiments of the honourable member for Dandenong in that it is an industry that requires regulation.
I shall outline some of the history of the Bill. Prior to 1975, boxing was part of a murky world. In recent years there have been many promises of change and regulation by various Ministers and the only regret I have is that it has taken so long for the proposed legislation to be introduced.

The newspapers are littered with promises, including those of the former Minister for Youth, Sport and Recreation, Mr Brian Dixon. It has taken a long time for the Bill to reach this stage. I commend the detail, the definition, the interpretation and the steps that have been taken to protect the industry and to safeguard the boxers.

It is necessary that the Bill safeguard the public interest, that is, the participants, the spectators and those who possibly punt on the outcome of boxing events.

Although the Bill contains an appeal provision through the Administrative Appeals Tribunal, the House should note that boxing promoters are the only persons who are exempt from the right of appeal. I urge the Minister to re-examine the matter, which at present discriminates against boxing promoters.

Another area of concern I have is that boxing promoters and fighters from overseas do not have to be licensed to enter the country. I urge the Minister to examine and review this issue because safeguards should be built in so that the credibility of those persons is safeguarded.

The proposed legislation covers an area which is in need of reform. However, I wonder how the regulations contained in the Bill compare with regulations covering professional boxing in other States. Surely the time is right for representatives from the various States to get together to work out uniform regulations covering professional boxing so that as a nation Australia can offer excellent standards for the control of professional boxing. I congratulate the Minister on the Bill and commend it to the House.

Mr J. F. McGrath (Warnambool)—Although I support the Bill, I raise a number of areas that need clarification. The Bill defines an “accredited medical officer” as being a person who is a legally qualified medical practitioner. That provision should rectify a situation that has existed for far too long in professional boxing.

For some time the boxing industry has been subjected to public criticism on the way in which fights have been promoted, judged and refereed. The Bill will go a long way towards silencing much of that criticism.

It is important that the issues of health and safety be addressed. The definition of “accredited medical officer” should address that particular problem.

I agree with the amendment foreshadowed by the Opposition on the definition of “adult”. It is important that such a definition should exist.

It is not much good introducing a Bill of this sort if there is no way of enforcing its provisions. The Bill contains a substantial penalty for non-compliance with its provisions. A penalty of either $4000 or twelve months’ imprisonment represents a substantial discouragement for those who seek to flout the law.

I share the views of the honourable member for Benalla in regard to comments by the honourable member for Dandenong. From my experience, people from the boxing profession are people of good character and high principle outside the ring. As the honourable member for Benalla says, they have nothing to prove outside the ring. Proof of their ability is required within the guidelines of their professional rules. They are happy, firstly, to let their credits rest in that area and, secondly, they realize the potential danger they hold within their hands.

I direct the attention of the Minister for Sport and Recreation to a part of this control which requires that boxers submit to medical examination before contests. The clause states that a registered professional boxer must submit for examination by an accredited medical officer within 24 hours before a professional boxing contest. I ask the Minister to
consider how much damage may be detected in examining a boxer 24 hours after a contest. I ask him to consider the possibility of holding examinations not only 24 hours before the contest, but also 24 hours after.

He also mentions that the five members of the board should have a good knowledge of boxing. As the Minister did not hear me previously, I repeat that it is important that those people are involved in the boxing industry so that they understand the industry. I believe the boxer should be subject to an examination 24 hours after a fight as it may be a month or six months before his next fight and delayed reaction may occur.

I have pleasure in supporting the Bill. The industry has been supported by some great people in the past. I refer to people such as Max Carlos and George Bracken who have made something for themselves in the business world and in their family lives after leaving boxing. As the honourable member for Benalla says by way of interjection, those people were from Shepparton. I support the Bill on behalf of the National Party. It will go a long way towards lifting the morale and image of boxing in Victoria.

Mr PERRIN (Bulleen)—I have listened intently to the contributions of honourable members on the Opposition side of the House and the honourable member for Dandenong. I hope I am not swimming against the tide, as he seemed to have done. The Opposition and the National Party support the Bill. The second-reading speech of the Minister made it clear that the purpose of the Bill is to introduce extended professional boxing controls. It extends the controls on an activity that is considered to be a sport. In talking about the professional boxing industry, I wonder whether we are talking about regulating an industry. When one considers the people who are involved in the sport, particularly in professional boxing, one realizes that it is certainly a money-making enterprise.

My main reason for speaking on this measure is to raise a question. Whenever I see a Bill in this House that purports to increase the amount of regulation of any industry, I shall examine it in some detail, and I now question whether it is the proper role of Government to increase the degree of regulation. I wonder whether other new members of the Opposition share that view. If a trend exists within the Opposition, I believe it is that Opposition members represent a view that there should be less regulation, not more.

I ask whether it is not possible for the professional boxing industry to regulate itself, particularly when one considers those who are to be licensed under the Bill. One can understand the need for a considerable degree of control over boxers, who are the people most likely to be injured, but the Bill also relates to the licensing of referees, trainers and matchmakers. I should like to think that the industry is capable of regulating itself.

I know of many industries that have, like the professional boxing industry, come to the Government requesting regulation. My own profession, the accounting profession, requested Government legislation for regulation. Insurance agents have gone to the Government and demanded to be regulated. When that occurs anyway, I question whether it is the proper role of government to impose such regulation.

I am not taking away anything from the Bill. As I said, the Bill should regulate many aspects of the sport, but I wonder whether it goes too far. I wonder why it should involve the licensing of referees, trainers, matchmakers and so on. It also refers to seconds, and to the issuing of licences and permits which will invariably involve the payment of fees. That area now becomes a Government responsibility, and honourable members know from experience that these fees will inevitably increase.

Another concern I place on record relates to the situation of a State Government introducing controls over the industry in one State. The professional boxing industry could never be considered as being exclusive to Victoria; it is obviously an international industry, yet one State Government is moving to regulate that industry.

I place on record my query as to whether boxers, trainers, seconds, matchmakers and referees will have to be registered in every State of Australia. If that occurred they would need six registrations, not just one—one for each State. I hope the Minister can join with
other State Ministers to find some way in which this situation can be avoided so that regulations, fees and licences will not be required from six different State Governments. In fact, when one takes into account the Northern Territory and the Australian Capital Territory, the people concerned may be faced with the possibility of being regulated by eight different Acts of Parliament.

The Minister made it very clear in his second-reading speech that he had been requested by the professional boxing industry to introduce this regulation; however, I place my views on record in the hope that they will be considered in the future. As one who has been on the receiving end of analysing eight different Acts, eight different sets of regulations, licences, fees and so on, I am aware that regulation is a very onerous task for an industry.

Mr TREZISE (Minister for Sport and Recreation)—I thank all honourable members for their contributions. I am pleasantly surprised that so much interest in this sport has been expressed by honourable members. The honourable members for Dandenong, Benalla, Sandringham, Warrnambool and others showed an interest in and knowledge of the sport and, no doubt, their contributions will be studied both by the Government and by the board to ensure that all opinions are available as the sport goes, I trust, from strength to strength.

Boxing is a controversial sport. People have different views on it and they are entitled to their views. I have been a very keen boxing fan all my life. It is a sport which produces discipline and sportsmanship; it gets young people off the streets and into gymnasiums to keep themselves fit and it encourages young people into good habits, which is to the benefit of society.

The delay in appointing the Professional Boxing Control Board has occurred for various reasons and has spanned two and a half years from when its intended formation was announced to the presentation of the measure in Parliament. That delay is small compared with the original delay in exercising controls over professional boxing. After I became a member of Parliament I spoke for ten years on the urgent need for control of professional boxing in the State and under respective Ministers—John Rossiter, Ian Smith and Brian Dixon—my pleas fell on deaf ears. I pointed out that there were no controls on professional boxers in Victoria. Anyone could get up at any place, on a platform at a gymkhana, for instance, and challenge someone to fight, whether or not that person from the audience had a physical or mental disability. It was a grave risk to the individual and to the State.

As I warned repeatedly, it took a fatality to get action from the Government of the day. That fatality occurred in my home city of Geelong. A person from the street went to a tent fight, was knocked semiconscious and was carried away by his mates, slung over a shoulder, up the main street of Geelong. He died in hospital that night. If some control had been exercised over professional boxing then as it is now, that fatality would not have occurred. Even though the resulting legislation that was initiated by Brian Dixon was rather like shutting the stable door after the horse had bolted, at least it was a step forward for professional boxing.

I omit amateur boxing from those remarks because throughout Australia amateur boxing is well controlled and disciplined. Controls over professional boxing since instituted in Victoria have been a major step forward. A person must be eighteen years of age before he can box professionally. Of course, now, that is the adult age. Controls ensure that professional boxers are physically fit. There are controls over those associated with boxing, including promoters, referees, trainers and so on.

I thank the board which has acted in an advisory capacity for the past two to three years, often acting on bluff because some sections of the professional boxing world were not prepared to accept the authority of the advisory board.

Despite the fact that it had some opposition in the first instance, it is generally agreed that the interim Professional Boxing Control Board under the chairman, Kevin Hayes, and secretary, John Hare, has acted in the interests of boxing.

810
I fully support the remarks made by the honourable member for Gisborne about the sudden and tragic death two days ago of the deputy chairman of the board, Mr Ken Brady. His real name was Ken Bradbury but he fought under the name of Ken Brady. On behalf of the Government and everyone in the sporting world, especially the boxing fraternity, I express my sincere sympathy to his family.

We must ensure that all members of the Professional Boxing Control Board are independent and impartial. The current members of the board are impartial and have a deep respect from professional boxing ranks. When vacancies occur on the board, I will be happy to receive nominations or approaches from any honourable member who may know of a suitable person who is prepared to serve on the board.

The honourable member for Gisborne raised the matter of a promoter's responsibility so far as public liability is concerned. His comment related to the promoter's hire of a hall. As to the important matter of workers compensation, I point out that the board and the Department of Sport and Recreation are currently investigating that issue to achieve a satisfactory result in the event of an injury.

The honourable member for Warrnambool raised the matter of a medical examination 24 hours after an event as well as an examination 24 hours before an event. That is a good point and I will discuss it with the board. I assure the honourable member that the Government will consider that matter. The medical aspects of the Bill have been discussed with people involved in sports medicine, and their views are valued. I am certain they will continue to examine the matter in the future.

Some honourable members indicated that it was not good for Victoria to have regulations if other States did not have similar regulations. I indicate that other States are beginning to follow Victoria's lead. New South Wales has industry licences, Western Australia is working on it and South Australia and Queensland are waiting for the proposed legislation to be passed in Victoria before following our lead. In the not too distant future, all State and Federal bodies may have general regulations that will apply to all boxers.

The matter of licences for agents, ring announcers and timekeepers was mentioned by the honourable member for Gisborne. It is a good point and I agree with what he said. Another question raised was why boxers and trainers can appeal to the Administrative Appeals Tribunal but promoters can appeal only to the Minister for Sport and Recreation. This matter was closely examined. Promoters have a high responsibility in this sport because they hire the boxers and many other people; therefore, they are the employers.

If the matter was heard before the Administrative Appeals Tribunal, a boxer may be loath to speak against his employer—the promoter. If the promoter makes a decision that does not suit a boxer, the boxer may be loath to give such evidence against his employer before a tribunal when the employer is sitting at the same table.

The employer, who is the promoter, could take steps against the future prospects of the employee, the boxer, after the boxer gave evidence to the Administrative Appeals Tribunal. However, if the boxer gives evidence to the Minister of the day in confidence, when the promoter as employer is not in attendance, the Minister has more scope to make a decision. If both boxer and promoter went before the Minister together, the boxer may not present the evidence that he should present against the employer, just as the boxer may not be prepared to give that evidence in an open appeal tribunal with his employer in attendance, which may rule to negate any decision of the Minister.

The Government is not prepared to consider the proposed amendment of the Opposition at this stage, but it will give consideration to enabling the boxer to take the dispute before the tribunal, if necessary. Honourable members have one common view of helping the professional boxing game and the more we can pool our ideas with those involved in the industry, such as trainers, promoters, boxers and board members, to benefit the game, the better.
Only one thing needs to go wrong—unlike Rugby League, which has many injuries—before people, including members of Parliament, will call for professional boxing to be banned. I am sure, judging from the contributions of honourable members, that professional boxing as a sport in Victoria will continue in future years.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5

Mr REYNOLDS (Gisborne)—I move:

Clause 5, after line 12 insert:

"Adult" means a person of or over the age of 18 years.

"Agent" means a person who secures engagements for boxers in professional boxing contests.'

Following discussions I had with a variety of people, I decided to move the amendment to tidy up the Bill and make it as watertight as possible. The Minister agrees that that should be done. The definition of an adult seems rather strange but Parliamentary Counsel informs me that an adult is not defined in the Interpretation of Legislation Act or in the Age of Majority Act. In some wage awards a person is not considered an adult until he or she is 21 years of age. In other words, the word "junior" applies until a person turns the age of 21 years.

To remove all doubt and in order to bring the Bill into line with previous legislation, I have moved that the word "adult" be defined as a person of or over the age of eighteen years. The amendment also defines an agent as a person who secures engagements for boxers in professional boxing contests. Many agents skip across borders and travel overseas on behalf of the boxers and promoters to obtain contracts for boxing bouts with overseas boxers. No doubt the agent receives a percentage in payment.

Because agents travel overseas, it would be better if they were accredited. That would be an advantage to the agent because he would have an accreditation, a licence and the reputation that he has been approved to fulfil that role by the Professional Boxing Control Board.

Consequently I note that the honourable member for Dandenong, who must have created his own faction, wanted to put an end to the sport of boxing yet he said he supports the Bill. That statement is rather incongruous and hypocritical.

Mr Norris—I did not say that.

The CHAIRMAN (Mr Fogarty)—Order! The honourable member for Dandenong is not at the stadium now.

Mr REYNOLDS—Thank you, Mr Chairman. I take this opportunity of thanking a wide range of people who have been of great assistance to me. They are the present Chairman of the interim Professional Boxing Control Board, Mr Kevin Hayes, who is an acknowledged expert and who has the tremendous respect of a wide range of people in the industry; Mr Jack Dunn; Mr John Famechon; regrettfully, the late Ken Brady; Jack Rennie, the Brizzi Brothers, Ben and Cos; George Kelly, John Hare; Gus Mercurio; Len Swettenham; Frank Quill; Sol Spitalnic; Maurie Kirby; and Cos Sita. I would like to make sure that all those people are aware of my gratitude for their efforts and assistance in acquainting me with the many facets of the Bill.

Mr W. D. McGRA TH (Lowan)—The National Party supports the amendment moved by the honourable member for Gisborne. It agrees with the proper definition of an adult as a person over the age of eighteen years. The definition is sensible, as is the definition of an agent as a person who secures engagements for boxers in professional boxing contests.
If it is laid down in the statutes, there can be no argument as to who an agent may be at some time in the future.

It is not desirable to have mis-aged boxing contests, and the inclusion of the word "adult" should help to eliminate the problem of a junior of sixteen or seventeen years of age being matched against an older contestant. Perhaps that is the reasoning behind the definition proposed by the honourable member for Gisborne. The National Party supports the amendment.

Mr TREZISE (Minister for Sport and Recreation)—The amendment is a good amendment and the Government is happy to support and accept it.

The amendment was agreed to.

Mr REYNOLDS (Gisborne)—I move:

Clause 5, page 3, after line 2, insert:

"Ring announcer" means a person who introduces boxers and makes other public announcements during a professional boxing contest.

"Second" means a person who assists a trainer in a contestant's corner of a boxing ring during a professional boxing contest.

"Time-keeper" means a person who regulates the number and length of rounds and the interval between rounds of a professional boxing contest.

The amendment adds a further three definitions to clause 5, ring announcer, second and timekeeper.

The definition of "ring announcer" tidies up this interpretation and allows all officials in a professional boxing contest or promotion to be registered. The task of ring announcing is important and the person holding that position must know what he is doing. It requires extreme accuracy. I was recently at a boxing contest where the ring announcer did not do a good job—without mentioning any names. The inclusion of this definition will help to ensure that boxing contests are presented in a professional manner. It is essential that the ring announcer is licensed because he is an integral part of a boxing promotion.

The second is the person who assists a trainer in a contestant's corner of a boxing ring during a professional boxing contest. The person fulfilling that role should also be licensed and have the same rights of registration, appeal and control as all other persons associated with the sport. A second has just as much influence in a contestant's corner, with words of advice, tending cut eyebrows and wounds that may occur, as the trainer. Because of his ability to advise and attend to health and medical matters, he should be registered and come under the control of the Bill.

The timekeeper is the person who regulates the number and length of rounds and the time between the rounds of a boxing contest. The timekeeper must keep pace with the referee and ensure that the count is of the correct duration and at the correct speed. In the past, dishonesty has occurred and a slow count has resulted. I heard of one instance a few days ago when the timekeeper was not as honest as he could have been and the round went for 3 minutes and 35 seconds—35 seconds longer than it should have been. Officials must be above reproach. The way to ensure they are above reproach is to control them by having them licensed. I hope the Minister will accept the inclusion of these definitions because I am sure they will further enhance the Bill.

Mr W. D. McGrath (Lowan)—Once again, the National Party sees merit in the amendments prepared and introduced by the honourable member for Gisborne. He has been very thorough in his research of the Bill and deserves a high degree of credit.

Three interpretations are included in the amendment: Firstly, there is the ring announcer; he may not have a great impact on what happens in the over-all contest. Secondly, the "second" who has a degree of responsibility in ensuring that the fighter in his charge is in good order; he is a man with some skill in first aid, in repairing cuts and so on, and he has...
the important task of safeguarding the boxer in his charge. Thirdly, there is the timekeeper; he is important in regulating the length of the rounds and the intervals between the rounds. So often one hears the saying, “Saved by the bell”. In that respect, the timekeeper plays an important role in the over-all contest.

Mr TREZISE (Minister for Sport and Recreation)—The Government accepts the amendment in relation to the ring announcer, the second and the timekeeper. They all play an essential and important part in a professional boxing contest.

The honourable member for Lowan referred to the saying, “Saved by the bell”. That reminds me of one major football grand final where one team was one point in front and the bell was rung by the timekeeper 4 minutes before the due time. By the time the mistake had been discovered the team had been carried off the ground and was in the dressing room; it was too late to bring them back and recommence play. That team won the Premiership that year because the timekeeper rang the bell too early.

In this case, timekeepers will be registered and if mistakes are made timekeepers could be deregistered. The Government accepts the amendment.

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

Clause 6

Mr REYNOLDS (Gisborne)—I move:
Clause 6, line 11, after “referee” insert “, agent, ring announcer, second, time-keeper”.

This amendment is consequential on amendments that have already been passed. I am absolutely delighted that the Minister has so readily accepted the amendments moved by the Opposition so far. He has shown that sport can overcome political barriers. I hope the consequential amendments to those first two amendments will now fall into place and tidy up the Act.

The amendment was agreed to.

Mr REYNOLDS (Gisborne)—I move:
Clause 6, lines 20–22, omit sub-clause (4).

This amendment is consequential on a more major amendment yet to be debated. Perhaps I shall reverse the process and refer to the principle of the amendment. The clause I wish to amend deals with the rights of a promoter to appeal against a decision to fine him, gaol him or take away his registration. As the Minister pointed out in his second-reading speech, currently the promoter and all other people licensed and registered under this Bill have a right of appeal, all but the promoter, to the Administrative Appeals Tribunal. This is a court of law that is equivalent to a County Court: A judge is in attendance and he can select expertise or professional people from within the sport to assist him in the hearing of the appeal.

The Bill provides that everyone, other than the promoter, has a right of appeal to the Administrative Appeals Tribunal. Providing the Minister delegates that responsibility, the promoter may appeal to the Minister against a decision of the Professional Boxing Control Board. If the Minister does not delegate that responsibility, the promoter’s only right of appeal is direct to the Minister who has already made the decision, and that is unfair. The promoter should have the same right of appeal to the Minister against a decision of the board and then to the Administrative Appeals Tribunal which, in effect, gives him one more avenue of appeal, and would bring him into line with all other people who are registered under the Bill.

The Bill is discriminatory in not allowing the promoter the right of appeal to the tribunal. The Minister said earlier today that there was the possibility of a promoter victimizing the boxer, who is, in effect, his employee. The situation may occur where a Minister for Sport and Recreation in years to come, certainly not the present Minister or
someone from my side of the House, may victimize the promoter. Everyone else registered under the Act has a right of appeal to a court of law, and the promoter is entitled to the same privilege.

Mr TREZISE (Minister for Sport and Recreation)—I understand the provisions in the Bill are not unique and that other Ministers of the Crown have similar powers. I will not accept the amendment for the reasons that I stated previously. I am prepared to listen to any further evidence submitted from the industry, from the board or from anyone else concerned with it. It is not in the best interests of the industry to allow the promoter, after he has appealed to the Minister, to go before the tribunal and perhaps give to the tribunal evidence that was not before the Minister.

Mr REYNOLDS (Gisborne)—I ask the Minister to give an undertaking that between here and another place he will examine closely the matters that I have raised and the reasons that I have given for the amendment. He may then see the wisdom of my proposal and hopefully accept the amendment.

The sitting was suspended at 6.29 p.m. until 8.4 p.m.

Mr W. D. McGrath (Lowan)—Just before the suspension of the sitting, the honourable member for Gisborne moved that clause 6 (4) be deleted. Of course, the Minister indicated that he was not prepared to accept the amendment at this stage but that he may be prepared to consider it between here and another place.

I support the honourable member for Gisborne because in the case of a promoter it does mean that, as the Minister has not delegated any powers to other persons, a promoter does not have the right of appeal to the Administrative Appeals Tribunal. Indeed, he has only the Minister to whom he may appeal and therefore does not have the same privileges as other people within the boxing industry.

It is for that reason that the National Party sees merit in the deletion of sub-clause (4) and believes that promoters should be given the same privileges as are given to other people such as managers, trainers, matchmakers and so on.

Mr TREZISE (Minister for Sport and Recreation)—The Government has already made clear its view about the difference between the promoter, who is the employer, and the normal trainers and boxers, who are the employees. The promoter can go before the tribunal if the Minister makes a decision against him at the hearing with the Minister. The employees of the promoter may make comments to the Minister in confidence without confronting the employer. The employees may provide evidence on which the Minister may make a decision. If the promoter appeals to the tribunal, the boxers or employees must confront the promoter or employer before the tribunal. The employees may not be prepared to give the same evidence against the promoter or employer as they originally gave in a hearing with the Minister. In that situation the Minister may have made a different decision if earlier evidence by the employee was not produced.

I had reservations about this aspect, but I thought the Minister should have the right to hear such evidence in special circumstances. I am prepared to reconsider the matter and have further discussions with the industry, the honourable member for Gisborne and other honourable members while the Bill is between here and another place.

The amendment was negatived.

Mr REYNOLDS (Gisborne)—I move:

Clause 6, line 24, after “referee” insert “agent, ring announcer, second, time-keeper”.

I shall not reiterate the arguments I put forward earlier because the same principle applies here.

The amendment was agreed to.

The clause, as amended, was agreed to, as was clause 7.
Clause 8

Mr REYNOLDS (Gisborne)—I move:

Clause 8, line 11, omit "or trainer" and insert ", trainer, agent or second".
Clause 8, line 16, after "referee" insert ", agent, ring announcer, second, time-keeper".
Clause 8, line 21, after "referee" insert ", agent, ring announcer, second, time-keeper".

The same argument as I put forward earlier applies in this case.

The amendments were agreed to.

The clause, as amended, was agreed to, as were clauses 9 to 11.

Clause 12

Mr W. D. McGRATH (Lowan)—I move:

Clause 12, line 26, after "before" insert "and within 24 hours after".

At present, a boxer must be examined by an accredited medical officer within 24 hours before a professional boxing contest or at any other time before a contest as the Minister may see fit.

Earlier in the debate the honourable member for Warrnambool raised a good point when he said that there should be a medical examination within 24 hours after a professional boxing contest. The honourable member for Dandenong made an impassioned speech on the dangers of a boxer suffering injury from fights in the ring. The honourable member should support the proposed amendment.

If a boxer suffered an injury, an accredited medical officer would detect such an injury within 24 hours after a fight more readily than after the natural healing process had occurred seven or ten days later. That is the reason why I moved the amendment, and I give credit to the honourable member for Warrnambool for suggesting that such an amendment be moved.

Mr REYNOLDS (Gisborne)—The Opposition supports the amendment moved by the honourable member for Lowan. I congratulate the honourable member for Warrnambool, who, having been a member of this place for only a short time, has had the foresight to think out such an amendment in advance and suggest something that will be adopted by the Committee. That is an achievement of which the honourable member can be justly proud.

Given the second-reading speech and the tenor of the Bill, there is no doubt that the health of the boxer is paramount in the establishment of a Professional Boxing Control Board. Stringent tests and safeguards must be effected. The honourable member for Springvale is interjecting, but he is known as the clown of the Moscow State Circus. It is a pity the honourable member is not interjecting from his proper place.

The amendment, if agreed to, will ensure that the provisions of the Bill satisfy the concerns expressed by the boxing industry. As I said during the second-reading speech, a boxer often sustains injury that is noticeable immediately after a fight.

Mr TREZISE (Minister for Sport and Recreation)—The Government accepts the amendment. It is a common-sense move to examine a fighter after a fight. The honourable member for Warrnambool said that the competitors should be examined within 24 hours. The appropriate word is "within". With international and interstate fighters, there is no reason why they should have to wait 24 hours in Victoria to be examined, particularly if the fight is not strenuous. The examination occurs in most cases, but the amendment will ensure that it is carried out.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 13.
Clause 14

Mr W. D. McGRATH (Lowan)—The important part of clause 14 is the setting up of the Professional Boxing Control Board. The clause that the board shall consist of not more than five members appointed by the Minister and who shall be persons with good knowledge of boxing, with a chairperson appointed by the Minister. Much praise has been showered tonight on members of the interim board. I would like to know whether the Minister, in appointing those five persons, called for a panel and whether he is prepared at this stage to indicate to the Committee how he will seek to appoint five persons to the new board and who those persons may be.

Mr TREZISE (Minister for Sport and Recreation)—The chairman of the advisory board in the past, Kevin Hayes; Jack Dunn who has been involved in boxing over the past 25 years on the Sun and Herald; Johnny Famechon, world champion lightweight boxer; are some of the persons whom I envisage may be appointed. As I said before, I shall welcome any suggestions of the honourable member for Lowan or any person from within Parliament or outside on nominations for the board. The selections are being made on the basis that the persons are independent, professional, selected by people involved in boxing and with appropriate experience.

The clause was agreed to, as was clause 15.

Clause 16

Mr REYNOLDS (Gisborne)—I explained my position on this clause earlier. I accept the Minister’s undertaking that he will consider the argument put forward by the honourable member for Lowan and myself on the need for promoters to have the same appeal provisions as boxers, seconds and other officials in the boxing industry. I hope the Minister will read Hansard, accept the arguments put forward by the honourable member for Lowan and myself and remove the discriminatory clause which does not allow promoters to appeal to the Administrative Appeals Tribunal, as does everyone else; currently the Bill provides that promoters can appeal only to the Minister.

I accept the Minister’s argument, but if we are fair dinkum, we have to allow those people the same provisions with respect to appeals as applies to everyone else. The Minister may delegate his authority by appointing the board. I understand he will do so, but there is no proof that will happen in the future. Therefore, the only appeal a promoter can make against the decision of the Minister is to the Minister. Any argument rests there.

The clause was agreed to, as were clauses 17 to 21.

Clause 22

Mr REYNOLDS (Gisborne)—I move:

Clause 22, line 8, after “(1)” insert “Subject to disallowance by Parliament”.

My reason for moving the amendment is that the Bill is virtually a wide-ranging measure which relies upon specifics by way of regulation. Regulations can be initiated by public servants through the Minister and the Governor in Council without the public really being aware of their existence until they have come into operation. Except in special circumstances, Parliament has very little chance of overturning them or bringing them under scrutiny.

The amendment will change the provision to read, “Subject to disallowance by Parliament the Governor in Council may make allowance for and with respect to”, and various aspects are then listed. This means that Parliament—which is, after all, the supreme body, the legislature in this State—will have an overview. That is desirable in modern Parliamentary practice, and most people accept it.

I know the Government has accepted similar amendments to other Bills relating to the regulation-making power in other areas, such as the health field. The amendment is a
safeguard for both sides and allows regulations to be changed by Parliament. Therefore, it is with pleasure that I commend the amendment to the Committee.

Mr TREZISE (Minister for Sport and Recreation)—At this stage, I am not prepared to accept the amendment proposing the insertion of the words “Subject to disallowance by Parliament”, because I believe the regulations should be subject to review under Subordinate Legislation Act, and no special provision should apply in this case. However, I should be happy to spend an hour or so with the honourable members for Gisborne and Lowan tomorrow morning to speak with them about the provision, and the position may be altered while the Bill is between here and another place.

Mr REYNOLDS (Gisborne)—Given that the amendment was presented very late in the proceedings, and given that it is difficult to understand the matter, especially as my amendments to the Bill are complex, I accept the Minister’s undertaking to meet with the honourable member for Lowan and me, and I look forward to discussing this point with him.

The amendment was negatived.

Mr REYNOLDS (Gisborne)—I move:
Clause 22, line 29, after “managers,” insert “agents.”.
I put my argument earlier on the reason for this amendment. The Minister has accepted previous amendments and I trust that he will do so in this case.

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

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

Mr TREZISE (Minister for Sport and Recreation)—I move:
That this Bill be now read a third time.

Mr REYNOLDS (Gisborne)—Debate on the Bill has been long and intricate. I thank the Minister for Sport and Recreation for his co-operation in accepting Opposition amendments to the Bill. This may sound like a mutual admiration society, but it demonstrates that with co-operation sport crosses all barriers.

I thank also, as I did earlier, those people who have given me advice and assistance, particularly some of my back-bench colleagues and those in the boxing industry who have been of enormous assistance in educating a person not particularly well versed in the boxing game, simply because I won my last fight by 180 yards. I thank those from the professional boxing world—trainers, officials, former boxers, judges, promoters and others—and even people from the amateur boxing world.

I close my remarks with the very succinct point made in a letter from Johnny Famechon which highlights the crux of the debate. His supreme wish in this is that all trainers—and, therefore, it goes right across the board—should emphasize to boxers the need for a defence because it is much easier to throw a punch than it is to block an opponent’s blow, and not to be hit is the secret of the game in the first instance. I wish the Bill a speedy passage.

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

HEALTH (RADIATION SAFETY) BILL

The debate (adjourned from May 2) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—I am sure honourable members are familiar with the extensive efforts taken recently in the control of X-ray and other hospital
equipment. The former Minister of Health, who is now the Minister for Transport, was very much involved in initiating legislation to effect the controls. While controls on hospital equipment are essential for hospital and health planning, the Opposition points out that there is a danger of overregulation in the health sector, although it is recognized that there is a need both for the consumer—the patient—to be protected and the health policies to be effected wisely and thriftily.

The former Minister of Health, when Opposition spokesman on health matters and when Minister, pursued with great vigour the practices of pathologists and radiologists.

The influence of the work of the previous Minister of Health can be seen in the Bill, as can his approach to professionals. As the Minister for Transport points out by interjection, it was the Cabinet's mission. I remember the attacks the Minister levelled at some professional people. One that comes to mind was an attack on a gentleman living in Bacchus Marsh, and the Minister probably goes via some other place if he has to go past Bacchus Marsh.

The Opposition was not in favour of the certificate of need legislation introduced last year because it was against the free-enterprise approach to health services. That view was vindicated by a report of the Social Development Committee. The Opposition realizes the need for some regulation in health developments, but a fineline exists between the public interest being served by regulation and legislation and the public interest being severely undermined by an excess of statutory provisions.

The certificate of need legislation is a classical example of legislation gone mad. It did not work in the United States of America, and the Social Development Committee discovered that. Honourable members may remember the X-ray units that were in dental surgeries, chiropractors' offices and shoe shops.

Investigations conducted over a long period resulted in the establishment, in January 1980, of the Consultative Council on Radiation Safety. The principal Act controls the medical use of radiation that causes health problems in a modern industrialized community, the safety of radioactive materials, both ionizing and non-ionizing, radiation apparatus and the use of radioactive substances in other than specified quantities. The Act also requires that an irradiating apparatus must be registered and operators, manufacturers and persons selling or servicing ionizing radiation apparatus and certain non-ionizing apparatus must be licensed.

The debate on this matter has taken place over two years and more than 40 amendments were made to the original Bill. One of the amendments was a sunset clause to allow the report of the Social Development Committee to be examined. Honourable members from this Chamber who served on the committee were Mr Ernst, Mr Jona, Mr Newton, Mr Saltmarsh, Mr Shell, Mr Wallace, Mr Williams and Mr Steggall. Honourable members from the Legislative Council also served on the committee which considered the certificate of need legislation.

In the report of the committee, four objectives were outlined including the discussion of alternatives and the use of certificate of need legislation in health planning. I hope honourable members who served on the committee will comment on it because the work of all-party Parliamentary committees is the democratic process at its best. If the House is having difficulty with a major problem in the community, it instructs an all-party committee to examine it.

Honourable members who have worked on such committees have discovered the truth about the matter and have put forward many good suggestions. I read the report of the Social Development Committee with interest and I found that it was based on common sense and consensus in the interests of obtaining the best value for the health dollar.

The Social Development Committee recommended:
1. That the Certificate of Need legislation format adopted in the United States of America be not introduced into Victoria.
2. That a system of health planning be introduced in Victoria which meets the principles of Certificate of Need and recognizes the requirements of the Australian health system and the objectives which the State seeks to achieve through measures which can be implemented at the State level.

I was not a member of the committee, but my understanding is that under the Hospitals and Charities Act 1958, the Health Commission has the final responsibility for current capital budgets of public hospitals. Honourable members who have served on hospital boards would realize that only projects of up to $50,000 can be approved by the board. Private hospitals in general come under the Health Act.

There is a table within the Social Development Committee report upon its inquiry into certificate of need legislation which shows clearly how these two Acts control the public and private hospital sector certificate of need. In the report, certificate of need legislation has been defined as:

Legislation to the effect that those individuals or health facilities proposing to introduce new or additional inputs, for example, new buildings, major equipment or services, must first obtain approval from a statutory body or government agency for their introduction, the basis for such approval being that there is sufficient need for these facilities in an area. That is, new facilities may not be approved if they are considered to be surplus requirements and if they appear to duplicate existing under-used facilities nearby.

I refer honourable members to the debate that occurred in another place on 30 April when the shadow Minister for Health, the Honourable Mark Birrell, outlined the history of certificate of need legislation in the United States of America. I ask honourable members to examine that debate to obtain a better understanding of the situation. The conclusion of the committee on certificate of need laws was that they increased the cost of administration, led to massive problems relating to inspections and policing, boosted the bureaucracy to an unnecessary high level, protracted debates about the purchase of important equipment and, therefore, reduced medical advances in key areas.

The submission made by the Royal Australian College of Radiographers suggested that certificate of need does not reduce hospital costs and that it may have unwanted effects on other areas that are not related, such as labour costs.

In the report of the Social Development Committee, other sections such as planning were considered and a recommendation was made that a State health planning section be established within the Health Commission to have a State responsibility for the over-all registration of intent and to consider health economics, finance and accounting, biostatistics, demographic considerations, manpower planning, the law and medicine.

I add two other thoughts for the consideration of the House, the Minister and the commission. I know that the Minister for Health in another place has mentioned corporate structure planning and involvement in corporate planning.

A new phrase that has probably not yet hit this House is that of "comprehensive auditing". That is a new method of auditing that has been developed considerably in Canada. World conferences have been held on this subject over the past five years and I understand that a conference in Adelaide later this year will be attended by the President of the Canadian Conference of Comprehensive Auditors. The method is based on effectiveness and efficiency and is directed towards getting value for money. Auditors have introduced this evaluation into the Canadian system.

Simply, the auditing system is used not only to verify the expenditure of money but also to verify the value of various departments within the bureaucracy. It is a total audit. Fascinating information has been provided from the Canadian bureaucracy. At first the system was resistant because it challenged both the good and the bad work carried out by bureaucrats. There is much to praise as well as to criticize in the system.

The SPEAKER—Order! I hesitate to interrupt the honourable member for Frankston South who is leading the debate for the Opposition, but I am having difficulty in relating his remarks to the Bill.

Clause 1 reads:
This Act may be cited as the Health (Radiation Safety) Act 1985.

If the honourable member can indicate the relevance of his remarks to the Bill I shall continue to hear him.

Mr WEIDEMAN—I accept your direction, Mr Speaker, but the Bill is fairly wide reaching in its amendments to the Health Act in the area of radiation safety. As you, Mr Speaker, would know, the Social Development Committee inquired into the certificate of need legislation and produced a report in October last year. I do not believe that report has been debated. The report recommends amendments to the Act and I cursorily mention those because they are important.

Clause 4 deals with section 108AE of the principal Act which, in principle, raises the prescribed threshold for exempt equipment from $80 000 to $200 000. I felt that that point was important, I am sure members of the Social Development Committee had an input into the structuring of this amendment.

Mr SPEAKER—Order! I should advise the honourable member for Frankston South that I do not see any opportunity for a wide-ranging debate on the report of the Social Development Committee. I advise the honourable member and any other honourable member who wishes to speak on the Bill that I shall continue to draw them back to the Bill and its various clauses.

Mr WEIDEMAN—I mentioned that the preparation of proposed legislation dealing with health matters involves the community. District health councils should investigate the needs of the community. In the second-reading speech, registration of intent was referred to by the Minister. He pointed out that the Government had already entered into this area by using the term in the original Act of approval.

The report stated that approval in principle would be treated as a registration of intent. There should be no alteration to the Health Commission Act to amend planning powers of the Commission on registration of intent in respect of public and private hospitals. The Committee also recommended that an investment of $300 000 in equipment or additional services should be the threshold value.

Clause 4 seeks to amend section 108AE of the principal Act as follows:

(a) For paragraph (c) of sub-section (5) there shall be substituted the following paragraph:

"(c) in the case of any radiation apparatus which the Commission is satisfied has a value at the time of the application for registration exceeding $200 000 or such other amount prescribed by regulation, would result in more than adequate diagnostic or therapeutic facilities of the type proposed to be registered becoming available having regard to the place where it is proposed to be used."

The report also recommends that the threshold be increased from $80 000 to $200 000 and this has been defined in the amendment. Value has been defined as the market value and the cost of replacement is to be the cost at the date of purchase. The terms of adequate facilities has been specified.

A large list of apparatus is covered by this Bill. Radiologists inform me that the cost of equipment from $80 000 to over $100 000 includes the tools of their trade and is their bread and butter type equipment. This equipment has been used in private hospitals and in private practice and in some public hospitals. Care is needed in both the private and the public sector not to build up a need which will work against some of the better and more modern equipment in the private sector.

Costing is an important factor. One item mentioned in the report, the Barnes diagnostic ultrasound apparatus, costs between $75 000 and $100 000. This machine is used in examinations for gall bladders and examinations of babies within wombs. Many members have no doubt seen videos taken by this apparatus. It is not radiation apparatus; it operates by sound waves, as the name suggests.

The report also mentions the mobile C-arm X-ray apparatus costs from $60 000 to $150 000. This is mainly used in casualty departments, operating theatres and orthopaedic
surgeries where broken limbs and hips are mended and pinned. We are all aware of the procedure of a metal rod being inserted into broken femur and aligned under the control of a television camera for the successful matching of bones. This apparatus is very much a part of the weaponry of the radiologist.

Therapeutic lasers for ophthalmology and dermatology range from $80,000 to $110,000. We are aware of the technology of the laser that is used in the examination of skin and eye diseases.

More expensive equipment includes the remote control fluoroscopy table used in conjunction with other equipment such as controlled and ordinary X-ray equipment. This examines the patient from many different positions and X-ray film is taken of stomach, bowel and limbs. This equipment is in the front line of radiologists' equipment. He can add this to computer and television controls and improve his operation.

The next apparatus mentioned is digital subtraction radiography apparatus. This is used for angiography and cardiology, which, as honourable members are aware, involves veins and heart technology.

I understand that today's computer and television technology allows films to be taken from a television screen, giving a high quality of image, better clarity, frozen dye procedure and quick response which is safe for the patient because it removes the need for the use of catheters and allows a low concentration of dye to be used to obtain images.

Scintillation cameras, which cost in the order of $200,000, are used in nuclear medicine where isotopes are used and radiation occurs in the patient, and the film images are recorded from the radiation within the body.

The cost of a conventional X-ray generator nowadays is of the order of $80,000. These are used by chiropractors, general practitioners, ambulance men and radiographers. When this equipment is used in conjunction with other equipment the costs involved are very high. The cost of equipment has increased by 30 per cent this year, at a time when there has been a decrease in the value of the Australian dollar. Therefore, within three years a limit of $200,000 for equipment could be passed. I strongly recommend that the Government index this $200,000 limit. The Minister can adjust the limit, but I think it should be adjusted on a regular basis by indexation.

When I became a member of Parliament in 1976, the salary of a member was $25,000; it is now over $40,000. There has been an increase of nearly 100 per cent in almost a decade. I am sure that the cost of this type of equipment will increase by 100 per cent in ten years.

The fourth class of apparatus to which I refer will cause the most debate and problems within the health industry because this apparatus is newer than some I have mentioned. Honourable members are aware of the computerized axial tomographic scanners, known as CAT scanners and also simply as a CT. The cost of this equipment can range from $650,000 to $700,000. The deluxe model costs between $1·2 million and $1·5 million.

With the advance of technology, this equipment is upgraded not year by year but month by month. I understand that in 1985 one would expect to find a CT to be available in all teaching hospitals and other hospitals where a need exists.

I understand that there are now 25 CT scanners in Victoria, mostly fully utilized but there were fewer than half a dozen four or five years ago. A report of that time indicated that 2·5 CT scanners would provide all the equipment time required within Victoria. Medical technology has improved and procedures and equipment have expanded and developed to the benefit of the patients.

The present guidelines are that only a category 1 hospital can be equipped with a CAT scanner. This is a short-sighted guideline. The area from Frankston through to Box Hill and the Yarra Valley has a young population with a high accident level. Up to eight or ten patients may require the use of a CAT scanner in any one week, but that area is served
only by a category 2 hospital. The South Eastern District Hospital is a category 1 hospital, but the need for this machine may occur there only once a week. The needs of radiologists change according to the requirements of the service provided.

Private radiologists should have the right to use the equipment to cater for the needs of their patients. The certificate of need legislation in the United States resulted in the private hospital system having excellent accommodation standards which were supported by the installation of CAT scanners and the best equipment available. Hospital administrations broke even on the accommodation section of their hospitals, but earned profits from the services that they provided, such as X-ray, pathology and pharmacy. Obviously, private radiologists were involved in the treatment and fee splitting arose, to the detriment of the profession. The CAT scanner is an important tool in the armoury of the medical profession.

Nuclear magnetic resonance imaging apparatus has been developed; it is known as Mag-Res. This apparatus uses magnetic fields and a magnetic force lines up with protons in the nuclear body. Impulses deflect the protons in the body by approximately 10 per cent. Impulses are returned to the equipment and an image is recorded. The image from the impulse takes 1·5 seconds to achieve. The Mag-Res apparatus costs $1·5 million. I understand that developments have occurred whereby wavelengths are sent from both sides of the equipment through the body, and this reduces the imaging time to 0·01 seconds. The cost of using this new apparatus is now close to that of using the CAT scanner, which is approximately $US200.

This equipment is most desirable for use when one is examining the bowel and stomach and similar to ultrasound it does not use radiation and obviously it is much safer. Debate on the nuclear magnetic resonance imaging apparatus should be rational and based on cost effectiveness and not on emotive grounds. I am sure that the community in Melbourne could use one or two of these machines. I understand the cost would be from $2 million to $2·5 million.

The cost to the patient at present is $800 and with the advances that are being made in technology, efficiency rises by 100 per cent every three months. The need and use in the community is of paramount importance and one should examine this matter in the light of the information that comes forward.

Because the machine uses protons and not electrons as does the X-ray machine, the image is six times more detailed and therefore is of great benefit in conditions such as multiple sclerosis. It can show even slight changes in the brain as regards the absorption of oxygen and this would be an excellent tool in fighting diseases, especially those that we do not completely understand at this stage.

The other equipment that honourable members are aware of are the linear accelerator units and the cobalt teletherapy unit. They are used to bombard the tumours of cancers with cobalt and they are used by specialists at places such as the Peter MacCallum Hospital. Specialists who use them to treat cancers find that when their patients must travel to Melbourne from country Victoria they have great difficulty. These people are extremely sick and these types of treatments are not pleasant. They tend to leave a person weak and feeling quite sick. Consideration should be given to setting up apparatus of this type in the metropolitan area and in country Victoria, possibly as annexes to the Peter MacCallum Hospital.

The report also considered the Health Commission in relation to the Commonwealth and State and the change of funding mechanisms within this structure. I did a comprehensive budgeting course, and in commenting on those recommendations, I find it refreshing that the committee suggests that public hospitals set budgets on program-related objectives and operations of the hospital on a respective basis. The budgeting process has been designed to search out cost cutting techniques and increase efficiency mechanisms, while not reducing the quality of service and not being penalized in the following year for saving money. Most administrations in hospitals are paid on what they spend, as are shire council executives. This is a refreshing idea where regard will be given
to saving rather than spending. I am sure this can be done. The report also recommends that expenditure and accrual accounting take place and that there be an asset register on plant, equipment and stock control so that decent accounts can be kept showing stock valuation and variation.

This would truly give a comparison between one operation and the next. I conclude by referring to a subject that was not mentioned in the Bill, namely, the sale or purchase of second-hand apparatus.

I am sure the honourable member for Coburg who is interjecting could tell the House all about second-hand purchases; his next speech will be his first! I ask that the Government consider the sale and purchase of second-hand apparatus.

Radiologists are concerned that the cost of having rooms retested is $2000 a room. If a room does not come up to standard, the process must be repeated. I hope this provision will not be used by the Health Commission to apply pressure to radiologists and hospitals.

Mr Roper—It is about standards.

Mr WEIDEMAN—It is also about the reality of costs, and I hope that will be taken into consideration.

The Bill also refers to the tidying up of procedures by the Radiographers and Radiation Technologists Registration Board. As the Minister pointed out, Parliamentary Counsel expressed doubt about whether the board could exercise the powers vested in it under the current Act. I have served on a similar board of registration and I would find this frustrating.

The Bill should provide the board with the necessary power to carry out its function. Those people who serve on professional boards always take pride in the fact that they are acting on behalf of the public and not on behalf of the profession. Professional boards operate in the public interest. One is always mindful that there, but for the grace of God, go I. Those in the profession are in the best position to know and understand the good and bad practices within the profession. Members of registration boards are there to judge their peers, and there is nothing better than judgment by twelve of one's peers.

The Opposition does not intend to move any amendments to the Bill. The Liberal Party believes in the principle of free enterprise, and the health industry should also benefit from that principle. One remembers the situation that existed under the former Minister of Health and hopes that the new Minister will accept these principles and put them into practice.

Mr WHITING (Mildura)—The Bill is innocently and deceptively small, but has many implications. It represents another step in the direction of nationalization or socialization of the Victorian health industry. The Minister for Transport, who is handling the Bill in this place, was the Minister of Health for three years and during that time introduced many amendments to the Health Act. It is high time that the present Minister or his officers reviewed the Act because any honourable member wishing to follow up the 1984 amendments to radiation safety must read through several sheets of finely typed amendments which are difficult to follow. This is the case not only for members of Parliament but also for the general public which may need to have recourse to the Act from time to time.

It is to be hoped that the Minister for Transport will take up with the Minister for Health in another place the vital need to review and reprint the Health Act in the near future.

The Bill makes alterations to a large number of amendments made last year in relation to radiation safety. The shortcomings have since been picked up quickly. In the not too distant future further amendments will be made to this section of the Health Act because it is a difficult field in which to legislate to protect against the over use of radiation apparatus.
Clause 4 of the Bill increases the value of the radiation apparatus which was previously valued up to $80 000 and which was exempt from these provisions. That figure has been increased within twelve months to $200 000. As the honourable member for Frankston South pointed out, much more elaborate machinery is available that does almost the same work and at almost the same cost per patient. Therefore, similar equipment with a value of almost $1 million will be in use in the near future. Although the present CAT scanners are valued at more than $200 000, they will soon be superseded and the figure contained in the Bill will soon have to be increased.

The method of valuation is spelt out in more detail and the reference to sealed radioactive sources is being repealed. Grave doubts were expressed last year when this provision was debated about what constituted a sealed radioactive source. Fortunately, the Minister has seen fit to have that segment of the radiography field removed to allow a more accurate description of the apparatus that is used.

Clause 5 contains a definition of who shall bear expenses incurred for medical examination or any other matter required to be done. It imposes a liability on the person required to pay those expenses which relate to the examination for registration purposes.

The Chief Executive Officer of the Bendigo and Northern District Base Hospital has informed me that this proposal raises some interesting questions because it places a question mark on whether the person who is seeking registration will have to pay for the examination. The person could face a cost of $2000 but still be disallowed registration. In that case the board should be responsible for the costs involved, given that the person is trying to provide a service to the community. Because the wording of the provision is open at present, I seek from the Minister a guarantee that it will not reflect on people who apply for registration, and do not receive their registration certificates and are still required to pay the costs of the medical examination. I hope the Minister will answer that query.

Clause 6 relates to the ramifications of the word "registration" in the title of the Radiographers Registration and Radiation Technologists Board. It is difficult to understand how that word was included in that place in the title in the first place. I am pleased that it is being changed so that the title will be the Radiographers and Radiation Technologists Registration Board. The further provisions of the clause relate to the fact that regulations can be made for providing appeals to a judge of the County Court against refusal, cancellation or suspension of registration. Mr Phillips of the Bendigo and Northern District Base Hospital refers to the fact that a query has been raised on a case in which a chiropractor sought registration. He was not initially registered, and appealed to a court and won the case. In the belief of Mr Phillips, the costs were awarded against the individual board members who obviously had to pay those costs awarded against them for failure to register the chiropractor involved. The question raised is whether the same situation would apply at this stage and whether the members of the Radiographers and Radiation Technologists Registration Board would be held individually responsible for an appeal of that nature. If the appeal were successful, would costs be awarded against them? Much thought and attention needs to be given to the Bill by the Minister before it will be satisfactory to all persons concerned. The honourable gentleman may not be aware of some of its ramifications.

Clause 7 contains a proposal to qualify a number of codes that have been established under the Health Act, both national and international, to which reference is made in the Act. This is because of a proposal of the Legal and Constitutional Committee that the provision was required following the passage of the Interpretation of Legislation Act in 1984 which prohibited subordinate instruments from incorporating matter contained in a subordinate instrument, not being a statutory rule. The purpose was to overcome the problem of statutory rules referring to various codes, but not fully defining them so that anybody who wished to follow through the reference would be placed at a considerable disadvantage. As the Minister pointed out in the second-reading speech, he intends to incorporate codes in the Act because of the large number of regulations under the Health
Act. This proposal will obviate the need for the Health Act to spell out all the codes that are contained within it.

At least that will clarify the position in part of the Health Act. I have in the past criticized not only the present Minister but also former health Ministers for introducing to Parliament legislation containing a dragnet at the end of the regulation-making provision. In this case, the dragnet is introduced by clause 6, which amends section 108AL (3) of the principal Act. Proposed paragraph (j) of that section confers a regulation-making power in respect of:

Generally any matter or thing necessary or convenient to be prescribed for carrying this section into effect.

It is absolutely ridiculous that Parliament in 1985 is giving the Executive such complete control of the regulation-making power in this area. It is becoming increasingly difficult for honourable members and the general public to find out exactly what regulations and statutory rules apply under the various Acts of Parliament. In fact, we have been buried in a sea of paper with all the regulations and so on.

I believe provisions such as proposed paragraph (j) are unnecessary at this stage. It is not too difficult for a Minister to bring before Parliament a Bill to confer regulation making powers in which the heads of powers are spelt out in various clauses. There is no need for the dragnet at the end of the measure; the provision is completely unnecessary and gives too much power to the Executive.

The National Party does not oppose the Bill, but it believes the Minister should explain the two or three points I have raised. If he does not do so, I shall seek to obtain his interpretation of them during the Committee stage.

Mr WILLIAMS (Doncaster)—As a former member of the Subordinate Legislation Committee, I support the remarks of the honourable member for Mildura. Parliament owes it to itself not to delegate any of its precious legislation-making power to public servants and not to allow weak Ministers to be ruled by public servants who are not answerable to the people of Victoria via the ballot-box.

I also served on the sub-committee of the Social Development Committee that inquired into health and radiation safety and the certificate of need legislation, which were interlocked matters. Because of that background, I strongly support the Bill, and I commend the Government on its desire to co-operate with the Opposition and the National Party in formulating a Bill that is acceptable to all Victorians of varying political views.

It is interesting that there is much public debate about the delayed dangers of nuclear fall-out, and yet in this field with the proliferation of nuclear radiological devices, radiation doses that could well be a danger are being inflicted on the population by persons who are able to persuade others to come to them for varying degrees of health improvements—persons from doctors to chiropractors, and even highly educated medical practitioners who are, in my view, quite properly entitled to use the title of doctor. However, there are others whom one could describe as money hungry. Of course certain cautious medical practitioners will also order an X-ray at the drop of a hat. Frequent X-rays can lead to an overdose of radiation.

Another aspect of concern is the use of X-rays in workers compensation and personal injury claims. Firstly, an employee’s doctor orders X-rays; subsequently, the employer orders X-rays, the loss adjusters order X-rays, and so on. It is no wonder that massive amendments need to be made to workers compensation laws when there is quite unjustified duplication of X-rays and other material. Doctors and lawyers should be able to get together. It should be easy for one X-ray facility to be used and for doctors and lawyers and everyone involved to agree among themselves on a certified copy of the required X-ray evidence. That is what should be introduced into a court room, not a constant succession of similar X-rays.

The use of radiation equipment and apparatus needs to be curbed both in the interests of health and in the interests of the spiralling health costs that are burdening the community. Even with reimbursements to patients through medical insurance of their medical costs,
someone has to pay, and it is the taxpayer. Without doubt, health costs are getting way out of hand as a result of overutilization of services such as radiation facilities.

Radiation dosages received by patients during radiological procedures are an important contribution to the over-all average radiation levels of the population through man-made sources. One hears nonsense about the effects of radiation on the population from nuclear power stations, and so on, but the people kicking up a fuss about those dangers do not show one iota of interest in the dosages of radiation received through radiation equipment. Even relatively low dosages received from that equipment may carry risks of carcinogenic and mutagenic effects.

It is about time that some do-gooders investigated this danger of overexposure to the community instead of carrying on an exaggerated concern, motivated for political reasons, about other possible sources. Radiation from radiological equipment is damaging to patients, to equipment operators and to the community. Controls must be imposed on radioactive substances and on radiation apparatus.

I regret to say that control of dosages and safety of patients and operators cannot be left entirely to the professions. I would have thought that the men and women who have taken the Hippocratic oath would regard it as part of their oath not to engage in the overuse of very expensive and possibly even dangerous medical equipment.

Increased controls have to be imposed on the use of diagnostic, therapeutic and radiological equipment. They are needed to protect patients. My colleague, the honourable member for Frankston South, spoke about the belief of the Liberal Party in free enterprise. I believe in free enterprise but I also believe in sharp and tough controls on the charlatans who are a disgrace to the free enterprise system.

I was proud to serve on the Social Development Committee which investigated these matters. The committee was unanimous in its recommendations that the whole situation had to be cleaned up. The committee found that inappropriate radiological tests and processes were being carried out. There was insufficient communication between various practitioners in the health and medical fields and between professional people such as lawyers and doctors. Because of this lack of communication, patients were overexposed to X-rays.

I reaffirm my belief that the accumulation of radiation doses is a real threat to the community and must be controlled. It is deplorable that no records are kept of persons who have been exposed to X-rays and radiation. In this day and age it should be possible to monitor radiation doses applied to patients. It should be compulsory for all licensed operators of radiation equipment to issue a card to each patient so that dosages can be recorded. That applies to fringe medicine where some pseudo-health practitioners are only too ready to make people believe that, because they are having radiation tests and X-rays, they are obtaining an effective diagnosis of their alleged ailments.

It is vital that the public is educated about the dangers of the overuse of X-rays. In the field of industrial injury, it is deplorable that, for legal and other reasons, patients can be overexposed to radiation. Lawyers and doctors must get together to stop duplication and overuse of imaging techniques, both in the diagnosis of a patient and when required to put evidence before the courts. Where practicable, copying techniques must be utilized by all parties to legal actions to avoid overexposure to radiation. It is about time that the legal and medical professions got together to draft a code of ethics relating to this matter.

Reference has been made to the overservicing of patients through radioactive devices by junior personnel in hospitals who may wish to play it safe and not run the risk of being incorrect. Unfortunately, the American practice of patients suing hospitals at the drop of a hat is coming to Australia.

Mr Sidiropoulos—Money, money, money!
Mr WILLIAMS—Unfortunately, there are a number of people who want to enjoy a life of retirement at an early age and attempt to win workers compensation suits. The interjection from the honourable member for Richmond does not apply only to the medical profession. The medical profession has a responsibility to institute peer reviews and to reprimand doctors who overuse radiation equipment.

I am intrigued that a gentleman who has received a great deal of publicity in relation to luxurious medical clinics in Sydney and has the wish to have control of a football club, now wants to establish a luxurious clinic in the electorate I represent. For years I have been crying out about getting a top class hospital in the electorate, but it now appears that members of my community will be forced to use the services provided by this gentleman. I am informed that, due to bulk billing, he will keep down the costs, but it is another example of where the medical profession should accept its responsibilities by refusing to make medicine an entertainment or recreational activity for people who probably do not need medical treatment, face lifts, stomach stapling operations and many other procedures that are such a burden on health insurance funds.

It is unsatisfactory to perform radiological tests solely to guard against the possibility of future litigation by patients or to recommend to people that X-rays should be conducted for minor purposes. There is no doubt that the threshold of $80,000 in the existing legislation is far too restrictive. The Bill increases the limit to $200,000, which is long overdue.

The honourable member for Frankston South directed attention to very expensive equipment; most of it is worth more than $200,000 and some worth $2 million. With the dreadful collapse in the value of the Australian dollar, there is no doubt that unless we change Governments, we will be reviewing these figures every two or three years because of the enormous cost of importing equipment from overseas.

However, limits should not only be placed on some of these people in the private sector who furnish hospitals with expensive equipment. Some of the cleverest tax avoidance lawyers in Australia are engaged in activities with private hospitals which are ripping off hundreds of millions of dollars from the community. Legislation such as this Bill is, unfortunately, necessary to cut down on these activities.

The Victorian community is spread across a wide area and honourable members owe it to the people in the country, urban areas and underprivileged areas to ensure that they have adequate numbers of these expensive radiological devices in their hospitals so that even the poorest of patients can speedily have access to this type of equipment.

It is necessary to have certificates of need legislation but not along the lines of the United States of America. I totally oppose that concept, as did the Social Development Committee. However, there is no doubt that we need registration of the intent of people to import this expensive equipment and to place it in their hospitals. I implore the Federal Government to use its import licences and taxation powers, and any other power it can use, to stop some of these people from importing expensive equipment and operating it for their own profit.

I strongly support the Bill and I firmly believe it brings out the best in both major political parties.

Mr ROPER (Minister for Transport)—I thank the honourable members for Frankston South, Mildura and Doncaster for their contributions to the debate. Although the Bill is small, it is the culmination of a number of Bills that have come before Parliament to tighten controls on radiological devices in the community. When the Bill was first introduced, it was a major change to existing arrangements in Victoria and was at the forefront, as it still is, not only in Australia but also in the world, in protecting the community against the evils mentioned by the honourable member for Doncaster.

With a team of officers in the Health Commission there is now the capacity to put the proposed legislation into effect. It would be easy to introduce this type of legislation and
to then leave it uncontrolled. This has not occurred and, as a result, a system of radiological radiation control is being implemented in Victoria which will in future act as a major protection to the public.

This provision relates in particular to the control of larger radiation devices. Honourable members have already debated this matter three times before this evening, and I am pleased that a closer relationship has developed between the different parties than that which existed on previous occasions. An all-party committee examined this matter, which was originally introduced into this House two years ago, and supported the view put forward by the Government at the time, with a couple of useful suggestions.

It is always difficult to introduce additional controls but, as honourable members have suggested, these controls have been introduced to protect the public from over-exposure to radiation, which so easily occurs. As the honourable member for Doncaster stated, on many occasions there is little cost to be borne by the individual patient. Therefore, questions that may not otherwise be asked are now being raised.

The proposed legislation will strengthen the power of the Health Commission in respect of the acceptance or rejection of registration of expensive apparatus. There are some extremely expensive devices such as the nuclear magnetic resonance imaging equipment which has gone through the experimental stage and is now used as a diagnostic tool. The Government hopes and expects that the Commonwealth Government will provide assistance for at least one machine to be installed in one of Victoria's major teaching hospitals. The Royal Melbourne Hospital was regarded by the committee as the most appropriate place at which to install that machine. I share the concern of the honourable member for Doncaster that the Commonwealth Government has not been prepared to use its import powers to effect this objective. That machine may well become in the mid-1980s what the CAT scanner became in the late 1970s. Substantial profits can be reaped from its use, but that may not be in the best interests of public health.

I am especially grateful to the late Professor Hal Luke for explaining what the nuclear magnetic resonance imaging machine is and what it can provide for Victoria. Only one week before his death from cancer the professor showed me some of the most recent pictures taken by the imaging device, and they demonstrated its advantage over other facilities.

There has been general support for the Bill but a couple of questions were raised by the honourable member for Mildura. The honourable member questioned some aspects of clauses 5 and 6.

Clause 5 (1) amends section 108AJ (1) of the principal Act to authorize the Health Commission to determine the type and frequency of medical examinations to be undertaken in examining persons who have been exposed or who are likely to be exposed to a radiation hazard or a radiation substance. That provision will ensure that the commission can insist that a person undertakes necessary medical tests or has necessary medical tests provided.

The honourable member questioned who should bear that cost. The Bill provides for that to be dealt with by regulations. Those regulations will be prepared and presented to Parliament under proposed section 108AJ (1) of the principal Act.

The honourable member also raised the amendment to the appeal provisions of the Radiographers and Radiation Technologists Registration Board. The honourable member was well aware of the Chiropractors and Osteopaths Registration Board's recent case before the court where the court held in favour of an appellant and awarded costs against the board. Some people believe the costs were awarded against individual members of the board. However, that was not the case. Indeed, action was taken by the Government to ensure that those costs were able to be met by the board. It was an interesting appeal in that it stemmed from a power that was originally suggested by myself in a private member's Bill before the Parliament. It was taken on board by my predecessor, the Honourable Bill Borthwick, and adopted unanimously by Parliament. The judge held that the Parliament
had intended something. Neither the Honourable Bill Borthwick nor myself intended anything like the views that the judge suggested Parliament had intended. That is an example of the problems of interpretation.

This measure improves the capacity of the appeal provisions in relation to decisions made by the board and it has the support of those involved in the field. I certainly hope that the proposed legislation will further assist in protecting Victorian practitioners and the Victorian public from some of the hazards of radiation and the use—mostly legitimate—of radiation devices. That is the Government's intention.

In conclusion, I thank all members of Parliament who served on the Parliamentary committee, spent a great deal of time working their way through complex issues and coming to Parliament with the unanimous view that has found its way into this proposed legislation.

The motion was agreed to.

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

SOUTH MELBOURNE LAND BILL

The debate (adjourned from May 2) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr COOPER (Mornington)—This is a short Bill and, in the words of the Minister for Education's second-reading speech, it simply authorizes the permanent closure of Bright Street, South Melbourne, so that land may be included with adjoining land in a proposed mixed development by Jennings Industries Ltd.

The purpose of the Bill is to authorize a road closure so that a major development can proceed unencumbered. In its entirety, that is what the Bill is about. However, unfortunately, some infrastructure problems have occurred with this proposed legislation that are only now coming to light. I shall highlight those matters tonight because they are of some importance.

I refer briefly again to the second-reading speech which states that the closure has the support of the South Melbourne City Council. The Minister for Education interjects and says, "That is right", and he is right. I might add that the support of the South Melbourne City Council is not unequivocal. As I understand it—and I believe I understand it correctly—the support certainly has some question marks against it.

Those question marks have been raised only in recent days and may not have come to the attention of the Government as yet, although I believe they probably have.

An examination of the second-reading speech reveals that the Minister states:

The IDO was placed over the South bank area to ensure that development in this critical location was planned with special regard to the existing and future attributes of the area.

Later in the second-reading speech some of the objectives of redevelopment under the IDO are listed, and paragraph (b) states:

to ensure that the river bank environs are attractively developed and designed primarily for people use;

Paragraph (g) states:

to ensure that the transport network and new land uses are complementary.

On the last page of the second-reading speech, the Minister states:

The project has been planned to fit in with the Government’s strategies and objectives for the Southbank area.

My remarks are directed towards those matters that are specifically referred to in the Minister’s second-reading speech. As I stated earlier, the South Melbourne City Council supports the general thrust of the Bill, as does the Opposition. There is no reason not to
support the general thrust of the Bill and that is not a matter for debate. However, as I and the Opposition understand the situation, and as is apparent publicly, the South Melbourne City Council has some grave reservations about traffic control, particularly in regard to the south bank of the Yarra River.

A meeting of the South Melbourne City Council was conducted recently and it was reported in *The Emerald Hill & Sandridge Times* of 23 May under a big black headline, "Southbank kept in dark". The article relates to a council meeting held the previous Monday night, and it states:

At a Council meeting on Monday night, councillors expressed their anger at the short period they have been given to evaluate and comment upon the agreement . . .

That is the agreement with regard to the development that is going to ensue from the closure of this particular road. The article further states:

Council only received plans for the Jennings proposal for the City of South Melbourne three weeks before it was released.

Council still disagrees with sections of the proposal. Councillor Fahey, the present Mayor of South Melbourne, is reported as stating:

. . . and it's going to be an absolute nightmare as far as traffic goes for South Melbourne”.

She said the creation of Kings Commercial Carpark with parking space for 3800 cars (a combined Jennings/Costain development) would create banking up on City Road, South Melbourne.

She said this would not be alleviated by plans to widen the road's four lanes as they will still run two lanes under the South Eastern Freeway.

Councillor Fahey said the agreement pre-empted the council-supported Road Traffic Authority Traffic Study for the Southbank area which is scheduled for release on June 1.

"South Melbourne has had no say,” she said. “The Minister (Mr Evan Walker) has been a dictator. He has dictated the whole terms.”

The Minister for Education says, by interjection, “That is nonsense”, and the Deputy Premier suggests that Councillor Fahey is not a recognized authority. Perhaps he is correct.

Councillor Fahey, as Mayor of South Melbourne, is speaking on behalf of her municipality and may not be a recognized authority but the next person I quote could be regarded as a recognized authority. I refer to the director of the Government’s media unit who happens to be a councillor of the City of South Melbourne. His name is Councillor Ken Hickey. Perhaps he is regarded as some kind of a guru by this Government.

Councillor Hickey is in charge of the propaganda unit and is Victoria's answer to Goebbels. Perhaps the Deputy Premier will accept Councillor Ken Hickey, the Director of the Government Media Unit, as an informed person on this matter.

In the *Emerald Hill and Sandridge Times* of 23 May 1985 Councillor Hickey is reported as having said:

If we don’t fight this issue—take on the State Government—the whole consultation process has become an absolute charade. Every one of our proposals has been ignored or overturned.

That is an amazing statement from the Director of the Government Media Unit. Councillor Hickey is employed by the Government and is the Premier's right-hand man. He will probably be the right-hand man of the Deputy Premier when the Deputy Premier eventually takes over as Premier. Councillor Hickey said that the Government's consultation process has become an absolute charade.

The general thrust of the Bill should be supported by all honourable members, but inadequate consultation has taken place with the South Melbourne City Council. According to the mayor and Councillor Hickey, the council has endeavoured to consult with the Government on this matter so that it can represent its ratepayers in the best possible way. Councillor Ken Hickey is a Labor Party councillor, as is the mayor, Mrs Fahey, but she has recently lost Labor Party endorsement. Obviously, if an endorsed Labor Party councillor
speaks out against the present Government to defend the ratepayers of the municipality, that councillor loses Labor Party endorsement.

**Mr CATHIE** (Minister for Education)—On a point of order, Mr Deputy Speaker, the Bill authorizes the permanent closure of a certain portion of Bright Street, South Melbourne, and has nothing to do with the preselection process within the Labor Party.

**Mr KENNETT** (Leader of the Opposition)—On the point of order, Mr Deputy Speaker, the Bill sets out some of the planning procedures adopted by the Government in order to bring about changes within the municipality of South Melbourne. An elected representative of the City of South Melbourne has expressed genuine concern about the procedures adopted by the Government. The comments of the honourable member for Mornington are within the scope of the debate. From time to time when a Bill is before the House honourable members refer to procedures adopted by employer groups or trade unions.

**The DEPUTY SPEAKER** (Mr Fogarty)—The honourable member for Mornington knows the restraints imposed on a second-reading debate. Reasonable latitude is allowed, but there are limitations.

**Mr COOPER** (Mornington)—As I said earlier, Mr Deputy Speaker, I acknowledge your defence of the freedom of speech that is often under attack by some Ministers of the Crown. The Minister has tried to simplify the situation by saying that the Bill simply authorizes the permanent closure of a portion of Bright Street, South Melbourne.

**Mr Cathie**—That is all that the Bill is about.

**Mr COOPER**—When the Minister at the table takes on the role of Speaker of the Assembly, I will be prepared to listen to his interjection. Despite the fact that the Minister does not wish to hear the truth, the fact is that the Government has quite clearly failed to consult properly with the South Melbourne City Council in regard to the closure that is covered by the proposed legislation.

It is clear that this is so because the Mayor of South Melbourne has accused the Government, as has Councillor Ken Hickey, who has strong ties with the Government, of failing to consult properly. These are matters that I wish to bring to the attention of the Government because obviously it has ignored them. I wish to ensure that the South Melbourne City Council, its ratepayers and residents receive some justice and some regard from the Government.

The thrust of the remarks by the Mayor and Councillor Hickey is that the closure will be a nightmare for South Melbourne so far as traffic is concerned.

I suggest that the general thrust of the Bill should be supported but surely there should be some regard for the severe traffic problems that have been referred to by the council. Obviously, that is of little account to the Government because it has ignored the council. Something should be done about the situation. I find it staggering that matters should reach such a level that the council has had to defend itself by taking the matter to the front page of the local newspaper accusing the Government—a Government of the same political persuasion—of letting it down so badly. These remarks are made not only by the mayor but also by Councillor Ken Hickey, who is the director of the Government Media Unit, and other councillors. Councillor Hickey is a media expert; he has embarrassed the Government severely.

Another matter of importance to the City of South Melbourne is the Minister's statement in his second-reading speech that the project has been planned to fit in with the Government's strategies and objectives for the Southbank area. The City of South Melbourne has also raised the question—it is one that needs to be answered by the Minister, and I am sure honourable members will hear the brilliant response from the Minister for Education as he is gearing himself into a lather—of who will control the south bank of the Yarra River.
INDEX

VOLS. 377, 378

LEGISLATIVE ASSEMBLY

(Bills are listed alphabetically under "Bills" and questions on notice for the Legislative Assembly are listed in numerical sequence at end of the Index)

A

Aboriginal Affairs—Fire at Lake Condah, 845, 851. Housing problems at Sale, q 1066.

Abortion—Prosecution of Preston doctor, q 263.

Accident Compensation Bill—Personal explanation by Mr Stockdale, 1485.

Address-in-Reply—Debated, 25, 93, 179.

Administrative Arrangements Orders, 417, 712, 1002.

Adoption—Pressure on agencies for information, 254, 259. Delay in obtaining birth certificates, 690, 695.

Advisory Council for Inter-Government Relations—Report. 269.

Agriculture and Rural Affairs, Department of—Appointment of Mr G. Ihlein as Ministerial adviser, q 113. (See also "Primary Industries").

Alcoa of Australia Ltd—Portland Smelter: finance, q 14, q 110; progress, q 263, q 334, q 993; joint venture, q 335, q 757, q 1062, q 1159, q 1269.

Alcohol (See "Liquor Control Commission" and "Primary Industries—Wine").

Alcohol and Drug Services—New programs, q 857.

Ambulance Services—In Berwick area, 849, 852. Footscray ambulance station, 1486.

America's Cup—Government grant to High-Tech Defender, 1594, 1596.

Amusement Parlours and Pinball Machines—Report, q 1276, 1357, 1362.

Andrianopoulos, Mr Alex (St Albans)

Address-in-Reply, 212.


Apprentices—In Victoria, q 1366.

Arndale Shopping Centre—Traders, 47, 48.

Arts, The—Film and television industry, q 483, q 1276. Multicultural, q 531. National aircraft museum, q 1165. Performing arts centre for Bendigo, 1472, 1477.

Auction Sales Act—Deficiency in section 38, 1358, 1363.


Austin, Mr T. L. (Ripon)

Austin, Mr T. L.—continued

Essington Ltd—Inquiries by Attorney-General, q 338.
Grievances. 879.
Hospital—Queen Victoria Medical Centre dispute, q 1062.
Ministry, The—Motion of condemnation of Premier's role in dairy crisis, 65.
Occupational Health and Safety Bill, 1106, 1200, 1203.
Point of Order—Extension of time for debate, 81.
Primary Industries—
Dairy—National plan, q 13, 65, q 414, q 625. State of emergency re supply of milk, q 527.
General—Problems of farmers, 881.
Grain—Canac report, 686.
Road Construction Authority—Road funding, 686.
Sessional Orders, 64.
Taxation—State taxes and charges, q 995.
Victoria Project—Inquiries by Attorney-General, q 338.

—

Australia Games, q 14, q 54, q 760.
Australian Bank Employees Union—Banking hours, q 53. (See also “Banks”.)
Australian Bicentennial Authority—Resignation of Mr Ranald Macdonald, q 1269.
Australian Customs Service—Duty on converted passenger vans, 520, 521.
Australian Grants Commission—Report, q 55.
Australian Railways Union—Dispute re freight trains, 286.
Australian Transport Advisory Council—Funding for oil pollution program, q 1163.
Aviation—Museum at Wangaratta, q 1165.

B

Bai Lin Tea, 100, 106.
Banks—Working hours, q 53. (See also “State Bank”.)
Bayswater Aluminium Pty Ltd—Industrial disputes, 466, 470.

Beauty Therapists—Registration, q 1000, q 1065.

Bendigo Chinese Dragon Museum, 1001.

Bendigo Ordnance Factory—Submarine construction, q 705.

Bicycles—Cyclists’ safety helmets, 177, 1279. Storage facilities at railway stations, 467, 470.

Bills—

Accident Compensation Bill—Introduction and first reading, 899; second reading, 1005, 1281, 1284, 1372; appropriations, 1067, 1280; declared an urgent Bill, 1281; Committee, 1462, 1506, 1611; third reading, 1648.
Bank Holidays (Amendment) Bill—Introduction and first reading, 418; second reading, 457.
BLF (De-recognition) Bill—Introduction and first reading, 1487; second reading, 1606, 1651, 1659; declared an urgent Bill, 1658; Committee, 1677; remaining stages, 1693.
Coal Mines (Pensions Increase) Bill—Appropriation, introduction and first reading, 715; second reading, 765, 915; remaining stages, 916.
Dairy Industry (Amendment) Bill—Introduction and first reading, 762; second reading, 900.
Dangerous Goods Bill—Introduction and first reading, 762; second reading, 908, 1017; appropriation, 1005; Committee, 1029; remaining stages, 1052.
Fair Trading Bill—Introduction and first reading, 536; second reading, 715.
Fire Authorities (Amendment) Bill—Introduction and first reading, 17; second reading, 84, 117; remaining stages, 118.
Guardianship and Administration Board Bill—Introduction and first reading, 763; second reading, 939; appropriation, 1005.
Health (Blood Donations) Bill—Received from Council and first reading, 1471.
Health (Radiation Safety) Bill—Received from Council and first reading, 533; second reading, 681, 818; remaining stages, 830.
Intellectually Disabled Persons’ Services Bill—Introduction and first reading, 763; second reading, 938; appropriation, 1005.
Interpretation of Legislation (Amendment) Bill—Received from Council and first reading, 159; second reading, 179.
Labour and Industry (Anzac Day) Bill—Introduction and first reading, 178; second reading, 252, 310; remaining stages, 317.
Liquor Control (Amendment) Bill—Introduction and first reading, 62; second reading, 84, 567; Committee, 584; remaining stages, 589.
Local Government (Rating Appeals) Bill—Introduction and first reading, 763; second reading, 902.
Bills—continued

Lotteries Gaming and Betting (Gaming Machines) Bill—Introduction and first reading, 763; second reading, 904.

Melbourne Corporation (Election of Council) (Proportional Representation) Bill—Introduction and first reading, 62; second reading, 90, 537; Committee, 567, 766; third reading, 785.

Mental Health Bill—Introduction and first reading, 763; second reading, 925; appropriation, 1005.

Metropolitan Fire Brigades Superannuation (Amendment) Bill—Introduction and first reading, 1067; second reading, 1280.

Motor Car (Amendment) Bill—Introduction and first reading, 178; second reading, 319, 594; Committee, 604; remaining stages, 608.

Motor Car (Photographic Detection Devices) Bill—Introduction and first reading, 762; second reading, 900.

National Parks (Alpine National Park) Bill—Introduction and first reading, 1067; second reading, 1183.

National Tennis Centre Bill—Introduction and first reading, 1372.

Occupational Health and Safety Bill—Introduction and first reading, 762; second reading, 910, 1069, 1187; appropriation, 1003; declared an urgent Bill, 1187; Committee, 1199; remaining stages, 1227.

Professional Boxing Control Bill—Introduction and first reading, 537; second reading, 677, 798; appropriation, 715; Committee, 812; third reading, 818.

Prompt Payment of State Accounts Bill—Introduction and first reading, 1166.

Psychologists Bill—Referred to Social Development Committee, 488.

Racing (Amendment) Bill—Introduction and first reading, 537; second reading, 678, 834, 941; appropriation, 715; Committee, 949, 966; remaining stages, 968.

Racing (Fixed Percentage Distribution) Bill—Introduction and first reading, 763; second reading, 905.

South Melbourne Land Bill—Received from Council and first reading, 534; second reading, 683, 830; remaining stages, 834.

State Disasters (Amendment) Bill—Received from Council and first reading, 714; second reading, 764, 916; third reading, 924.

Supply (1985–86, No. 1) Bill—Introduction and first reading, 31; appropriation, 31; second reading, 82, 343, 419, 488, 491; declared an urgent Bill, 488; Committee, and remaining stages, 516.

Therapeutic Goods and Cosmetics Bill—Referred to Social Development Committee, 488.

Town and Country Planning (Brothels) Bill—Introduction and first reading, 1166.

Town and Country Planning (Transfer of Functions) Bill—Introduction and first reading, 419; second reading, 458, 728; appropriation, 488; Committee, 747, 786; third reading, 797. Council amendments dealt with, 1015.

Transport (Victorian Ports Authority) Bill—Introduction and first reading, 1372.

Trustee (Secondary Mortgage Market Amendment) Bill—Received from Council and first reading, 1005; second reading, 1068.

Urban Land Authority (Amendment) Bill—Introduction and first reading, 1372.

Victorian Economic Development Corporation (Amendment) Bill—Introduction and first reading, 178; second reading, 321, 646; appropriation, 418; Committee, 676, 717; remaining stages, 728.

Water (Advances) Bill—Introduction and first reading, 178; second reading, 317, 589; remaining stages, 593.

Water and Sewerage Authorities (Financial) Bill—Introduction and first reading, 62; second reading, 89, 142; appropriation, 117; Committee, 154; remaining stages, 158.

Water (Mornington Peninsula and District Water Board) Bill—Introduction and first reading, 62; second reading, 87, 118; Committee, 136; remaining stages, 142. Council amendments dealt with, 684.

Westernport (Oil Refinery) (Further Agreement) Bill—Introduction and first reading, 762; second reading, 899.

Bingo (See “Gambling”.)

Births, Deaths and Marriages, Registrar of—Delay in obtaining birth certificates of adopted persons, 690, 695.


Brambles Liquid Waste Disposals, 890.

Bridges (See “Road Construction Authority—Bridges”.)

Brothels—In Caulfield electorate, 308. Municipal planning schemes, q 755. In Victoria, 761.

Brown, Mr A. J. (Gippsland West)

Accident Compensation Bill, 1521.

Alcoa of Australia Ltd—Portland smelter joint venture, q 335.

Bankruptcies—Undischarged bankrupts, 862.

Caravan Parks—Eviction of tenants at Kilcunda Foreshore Caravan Park, 177.

Coal Mines (Pensions Increase) Bill, 915.

Consumer Affairs—Peninsula Vehicle Sales Pty Ltd, 846.
INDEX

Brown, Mr A. J.—continued

Corporate Affairs Office—Undischarged bankrupts, 862.

Gallagher, Mr Norman—Release from prison, q 1479.

Grievances, 862.

Housing—Rental increases at Wonthaggi, 324. Administration of granny flat scheme, 407.

Hyundai Corporation—Joint aluminium smelter venture, q 335.

Jenkins, Mr and Mrs Alan—Acquisition of North Garfield property, 611.

Kilcunda Foreshore Caravan Park—Eviction of tenants, 177.

Ministry, The—Threatened resignation of Minister for Health, q 1274.

Motor Car Traders Committee—Licensing of Richard Renzella, 846.

Municipalities—Permits for super farms, 864.

Peninsula Vehicle Sales Pty Ltd, 846.

Petition—Kilcunda Foreshore Caravan Park, 177.

Property and Services, Department of—Acquisition of Jenkins’ property, North Garfield, 611.

Retirement Village—At 26–46 Rutherford Road, Viewbank, 1595.

Road Construction Authority—Acquisition of Jenkins’ property, North Garfield, 611.

Senior Citizens—Rental increases at Wonthaggi, 324.

State Electricity Commission—Public authority dividend, q 16.


State Transport Authority—Rental increases for land at Wonthaggi, 324.


Taxation—National tax summit, q 997. Trusts, q 1160.

Valuer-General—Delays in submitting valuations, 611.

Builders Labourers Federation—Portland smelter dispute, q 1159. Proposed legislation, q 1272, q 1365, q 1367, q 1368, q 1480. Deregistration proceedings, q 1371.

Building and Construction Industry—Building trades fund long service leave scheme, q 413. House builders’ liability, q 997, 1153, 1156. (See also “Unions”.)

Bus Services (See “Metropolitan Transit Authority”.)


Cain, Mr John (Bundoora)

Accident Compensation Bill, 1012, 1406.

Address-in-Reply, 192.

Administrative Arrangements Orders, 417, 712, 1002.

Alcoa of Australia Ltd—Portland smelter: progress, q 263, q 334, q 993; joint venture, q 335, q 757, q 1062, q 1269.

America’s Cup—Government grant to High-Tech Defender, 1596.

Amusement Parlours and Pinball Machines—Report, q 1276.

Australian Bank Employees Union—Banking hours, q 53.

Australian Bicentennial Authority—Resignation of Mr Ronald Macdonald, q 1269.

Australian Labor Party—Collection of membership fees, q 1275.

Banks—Working hours, q 53.

Bendigo Ordnance Factory—Submarine construction, q 705.

BLF (De-recognition) Bill, 1655, 1671.

Border Laws Anomalies Committee—Qualifications of gas fitters, 751.

Brothels—Municipal planning schemes, q 755.

Builders Labourers Federation—Proposed legislation, q 1272, q 1365, q 1367, q 1368, q 1371, q 1480.

Constitutional Convention, Australian—Proposed legislation on passing of Supply, q 1479.

Costigan Royal Commission—Essington Ltd, q 411, q 412, q 413, 468.

Dairy Industry—National plan, q 11, q 12, q 13, 69. School milk scheme, q 57. Interstate milk sales, q 414, q 486. State of emergency re supply of milk, q 478, q 479. Farmers’ blockade, q 484, q 485. Licences, q 752, q 1065.


Drugs—Summit in Canberra, q 53.

Economy, The—Revitalization, q 12. Effects of Premier’s overseas visit, q 110.

Edmunds, The Late F. L., Esq., 989.

Emergency, State of—Re supply of milk, q 478, q 479, q 484, q 485.

Employment and Industrial Affairs—Effect of economy on unemployment, q 12. Employment statistics, q 479, q 1270.

Environment Protection Authority—Proposed radioactive and nuisance wastes dump at Dutson Downs, q 483.
Cain, Mr John—continued

Essential Services Act—Application to dairy farmers, q 479.
Essington Ltd—inquiries into probity, q 171, q 268, q 333, q 338, q 412, q 413, 468. Allegations of Costigan Royal Commission, q 411, q 412, q 413, 468.
Field, The Late Hon. F., 985.
Fire Authorities (Amendment) Bill, 17.
Gambling—Amusement parlours and pinball machines, q 1276.
Gas and Fuel Corporation—Qualifications for gas fitters, 751.
Haworth, The Late Hon. Sir William, 5.
Health—Drug summit in Canberra, q 53.
Hill, The Late J., Esq., 521.
Holtt, The Late Hon. R. W., 473.
Hospital—Queen Victoria Medical Centre dispute, q 1062.
Housing—Problems with residents in Stawell Street and Woodford Place, Sale, 1596.
Hyundai Corporation—Aluminium smelter joint venture, q 335.
Industry, Technology and Resources—Submarine construction, q 705.
Melbourne—Proposed central development, q 266. Grand Slam tennis tournament, q 1062, q 1064.
Ministry, The—New Ministry announced, 9. Motion of condemnation of Premier’s role in dairy crisis, 69. Payments for staff, q 1066. Minister for Health: threatened resignation, q 1274; promises, q 1484.
Moss, The Late Hon. G. C., 697.
Municipalities—Brothels, q 755.
National Crime Authority—Essington Ltd, q 413.
Petroleum Products—Petrol pricing, q 341, q 417, 469, q 481.
Planning and Environment—Proposed Melbourne central development, q 266. Municipal opposition to brothels, q 755. Proposed National Tennis Centre, q 1062, q 1064.
Points of Order—Extension of time for debate, 82. Question to be directed to appropriate Minister, 412. Unparliamentary expression, 1063. Reading of speeches, 1296.
Police Department—Dairy farmers’ blockade, q 484, q 485. Problems with residents in Stawell Street and Woodford Place, Sale, 1596.
Press Gallery—Tribute to Mr John Hill, 521.

Cain, Mr John—continued

Sport and Recreation—Proposed National Tennis Centre, q 1062, 1064. Amusement parlours and pinball machines, q 1276.
State Finance—Overseas borrowings, q 703.
State Insurance Office—Third-party insurance, q 108. Expansion of services, q 172.
Taxation—National tax summit, q 759, q 992, q 1061. State taxes and charges, q 994, q 995.
Unions—Builders Labourers Federation: proposed legislation, q 1272, q 1365, q 1367, q 1368, q 1371, q 1480.
Victoria Project—inquiries into probity of Essington Ltd, q 171, q 268, q 333, q 338, q 413, 468.
Workers Compensation—Proposed legislation, q 703, q 756.

Callister, Miss V. J. (Morwell)
Accident Compensation Bill, 1448.
Address-in-Reply, 235.
Bicycles—Cyclists’ safety helmets, 177.
Education—Emergency teachers, 48. Tobruk Street Primary School, Morwell, 177. Secondary school staff shortages, 640.
Family Planning Association—Services in Latrobe Valley, 464.
Gas and Fuel Corporation—Safety in use of gas appliances, q 1164.
Health—Latrobe Valley family planning centre, 464.
Industry, Technology and Resources—Loy Yang brown coal projects, q 1604.
Petition—Cyclists’ safety legislation, 177.
Points of Order—Relevancy of remarks, 496, 1551.
State Finance—Overseas borrowings, q 703.

Cambridge Credit Corporation Ltd—Damages awarded against auditors, q 412.
Caravan Parks—Kilcunda, 177.
Carlton Cricket, Football and Social Club, 712.

Cathie, Mr I. R. (Carrum)
Apprentices—In Victoria, q 1366.
Bank Holidays (Amendment) Bill, 457.
Community Employment Program—Funding for clerical assistants in primary schools, 330.
Conservation, Forests and Lands—Duplication of course for applied science, conservation and resources, 522.
Death—Hon. F. Field, 988.
Cathie, Mr I. R.—continued

Defence of Government Schools, Council for the, 616.

Education—


Finance—Funding: Participation and Equity Program q 857; Technical and further education q 857; Community Employment Program q 1161. Capital works allocation, q 1274.


Post-Secondary—Access to institutions, q 484. Duplication of course for applied science, conservation and resources, 522. Youth Guarantee Scheme, q 532, q 1366. Western Melbourne Institute of Post-Secondary Education, q 1602.


Schools, Special—Transport of children, 1476. Box Hill Special Developmental School, q 1603.


Employment and Industrial Affairs—Youth Guarantee Scheme, q 532, q 1366. Community Employment Program, q 1161.

Field, The Late Hon. F., 988.

Fisheries and Wildlife Service—Protection of flora and fauna, 974.

Government Employees Housing Authority—Residences for school principals in country areas, 974.

Handicapped Persons—Transport to special schools, 1476.

Health—AIDS scare in schools, 1596.

National Parks (Alpine National Park) Bill, 1067, 1183.

Personal Explanation, 1001.

Planning and Environment—Proposed Bruns­wick–Richmond electricity transmission line, 1476.

Points of Order—Offensive remark, 641. Expression of personal view, 642. Relevancy of remarks, 832. Motion for adjournment of sitting: only one matter to be raised, 1473.

Public Works Department—Fire damage to Upwey High School, q 759. School capital works allocation, q 1274. Fitzroy Primary School, 1476.

Road Traffic Authority—Extension of bus services for Kyneton and Gisborne students, 1060.

Royal Australasian College of Surgeons—Leasing of premises from Education Department, q 1161.

South Melbourne Land Bill, 534, 683, 833.

State Electricity Commission—Proposed Bruns­wick–Richmond transmission line, 1476.

State Transport Authority—Bus services for mature age students in country areas, 50.

Universities—Admission requirements, 105. Victorian Post-Secondary Education Committee—Admission requirements for universities, 105.

Youth—Guarantee Scheme, q 532, q 1366. Proposed Parliament of Youth, q 1165.

Chairman of Committees, The (Mr W. F. Fogarty)

Rulings and Statements of—


Rulings and Statements as Deputy Speaker—

Clerks, The—Assistance, 59.

Coghill, Dr K. A. (Werribee)
BLF (De-recognition) Bill, 1681.
Consumer Affairs—Advertising claims on “Neo-Tech” information package, 516.
Employment and Industrial Affairs—Youth employment, q 861.
Grievances, 869.
Liberal Party—Policy of privatization, 869, q 1370.
Members—Offences committed against Leaders of political parties, q 338.
Metropolitan Transit Authority—Werribee train services, 257, 466.
Point of Order—Relevancy of remarks, 494.
Police Department—Offences committed against Leaders of political parties, q 338.
Wallace, Dr Frank R.—“Neo-Tech” information package, 516.
Youth—Employment, q 861.

Coleman, Mr C. G. (Syndal)
Address-in-Reply, 214.
Australian Customs Service—Duty on converted passenger vans, 520.
Education—Glen Waverley Special School, 690.
Brentwood High School, 1153. Participation and Equity Program, 1153.
Government—Policy on non-unionists, q 1161.
Occupational Health and Safety Bill, 1203.
Point of Order—Rule of sub judice, 1273.
Public Works Department—Glen Waverley Special School, 690.
Road Traffic Authority—Regulations for converted passenger vans, 520.
Unions—Government policy on non-unionists, q 1161.

Committees of Management—Responsibilities, 885.
Community Services—
Children—Sexual exploitation, q 710, 896. Foster care payments, 1476, 1477.
Department—Pressure on adoption agencies for information, 254, 259.
Family—Welfare in Dromana electorate, 291.
Concerned Dairy Farmers of Victoria—Dairy dispute, q 527, q 621.

Confectioners Association of Australia, Federated—
Industrial dispute at Dollar Sweets Co. Pty Ltd, 1694, 1699.

Conservation, Forests and Lands—
Conservation—Needs in Dromana electorate, 291.
Lifting of fire restrictions in Wimmera–Mallee, 464, 470. Duplication of course for applied science, conservation and resources, 519, 522.
General—Protection of flora and fauna, 973, 974.
Lands—Kilcunda foreshore caravan park, 177.

Consumer Affairs—Advertising: claims of Bai Lin tea, 100, 106; “Neo-Tech” information package, 516, 522; Clean-N-Shine material in letter boxes, 1230, 1234. Peninsula Vehicle Sales Pty Ltd, 846, 850. Refunds on sale items, 1232, 1235.

Cooper, Mr R. F. (Mornington)
Accident Compensation Bill, 1534, 1576, 1621.
Address-in-Reply, 36.
BLF (De-recognition) Bill, 1677, 1684, 1693.
EKG Developments Ltd—Victoria Project, q 533.
Ferry Services—In Westernport Bay, 688.
Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 93, 537, 766, 780, 783.
Metropolitan Transit Authority—Frankston Neighbourhood Transport Study, 1230.
Motor Car (Amendment) Bill, 600, 607, 608.
Municipalities—Broadmeadows—Council’s superannuation fund, 1696.
Finance—Federal funding, q 56.
General—Restructuring, q 1483, 1592.
Melbourne—Council decision on Victoria Project, q 533.
Mornington—Repair of pier, 327.
Oakleigh—City council, q 758.
Occupational Health and Safety Bill, 1194.
Planning and Environment—Zoning of land on Mornington Peninsula and in Westernport, 1359.
Point of Order—Relevancy of remarks, 769.
Public Works Department—Repair of Mornington pier, 327.
South Melbourne Land Bill, 830.
Town and Country Planning (Transfer of Functions) Bill, 737.
Victoria Project—EKG Developments Ltd, q 533.
Cooper, Mr R. F.—continued

Water (Mornington Peninsula and District Water Board) Bill. 124, 137, 140.

Westernport—Zoning of land, 1359.

Corporate Affairs Office—Responsibilities of auditors, q 412. Undischarged bankrupts, 862. Scarff family companies, 876.

Corrections, Office of—


Parole and Probation—Early release scheme, q 858.

Costigan Royal Commission—Essington Ltd, q 411, q 412, q 413, 463, 468, q 529.


Crabb, Mr S. M. (Knox)

Bank Holidays (Amendment) Bill, 418.

Beauty Therapists—Registration, q 1000, q 1065.

BLF (De-recognition) Bill, 1487, 1606, 1679, 1688, 1693.

Building and Construction Industry—Building trades fund long service leave scheme, q 413.


Dairy Industry—National plan, 76.

Dairy Industry (Amendment) Bill, 900.

Dangerous Goods—Storage, transport and handling, q 337, q 624, q 708, q 1160.

Dangerous Goods Bill, 762, 908, 1027, 1031, 1034, 1039, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051.

Education—Youth Guarantee Scheme, q 532.

Employment and Industrial Affairs—


General—Hancock report, q 706. Registration of beauty therapists, q 1000, q 1065.

Industrial Affairs—Disputes, q 111. Essential Services Act, q 860.

Youth—Guarantee Scheme, q 13, 410, q 532, q 861, q 1164.

Essential Services Act, q 860.

Hospital—Queen Victoria Medical Centre, q 1163.

Industry, Technology and Resources—Industrial disputes, q 111.

May's, V. C., Transport Pty Ltd, q 176.

Ministry, The—Motion of condemnation of Premier's role in dairy crisis, q 76.

Crabb, Mr S. M.—continued

Occupational Health and Safety Bill, 762, 910, 1190, 1199, 1200, 1204, 1206, 1208, 1209, 1219, 1221, 1223, 1224, 1225, 1226.

Planning and Environment—Storage, transport and handling of dangerous materials, q 337.

Points of Order—Extension of time for debate, 81.


Road Traffic Authority—Suggested curfew on road transports using Hume Highway, q 1604.

Road Transport—May's, V. C., Transport Pty Ltd, q 176. Gas tanker accident at Chiltern, q 624, q 1160.

Unions—Transport Workers Union: membership of livestock carriers, 105. Hospital Employees Federation (No. 1 Branch), q 1163.

Workers Compensation—Means and assets testing of benefits, q 855. WorkCare advertising costs, q 1600.

Youth—Guarantee Scheme, q 13, 410, q 532, q 861, q 1164. Employment, q 267, q 861.

Crana Hostel, Altona, 750, 752.

Crime (See “Police Department—Crime”.)

Crozier, Mr D. G. (Portland)

Aboriginal Affairs—Fire at Lake Condah, 845.

Auction Sales Act—Deficiency in section 38, 1358.

Bush Fires—Research, 687.

Children—Child exploitation unit, q 710.

Corrections, Office of—Escape of Daryl John Cooke, q 998. Penalties for violent crimes, 1486.

Country Fire Authority—Proposed integration of fire authorities, q 58, 1486.

Dairy Industry—Farmers' blockade, q 483, q 484. Dangerous Goods Bill, 1034.

Dairy farmers' blockade, q 483, q 484. Fire at Lake
Crozier, Mr D. G.—continued

Condah Aboriginal project, 845. Escape of Daryl John Cooke, q 998.
Staff—Compensation for injuries, q 1277.
Stations—Closure, 325.
Pornography—“R” and “X” rated video cassettes, 1002.
Rural Fire Research Centre—Closure, 687.
Trading Hours—For alcoholic liquor, 1485.
Video Cassettes—Ban on “R” and “X” rated, 1002.

Culpin, Mr J. A. (Broadmeadows)
Education—Broadmeadows TAFE College Board, 299.
Grievances, 298.
Health—Alleged birth defects from Cleanaway liquid waste operation, 300.
Metropolitan Transit Authority—Modernizing of bus fleet, q 998.
Planning and Environment—Cleanaway liquid waste disposal operation, 300.
State Insurance Office—Expansion of services, q 172.

Cunningham, Mr D. J. (Derrimut)
Address-in-Reply, 162.
Education—Proposed industrial action by Technical Teachers Union of Victoria, q 412. Blackburn report, q 625. Western Melbourne Institute of Post-Secondary Education, q 1602.
Petition—Kororoit Creek Bridge, 487.
Points of Order—Relevancy of remarks, 390, 393.
Roads and Bridges—Kororoit Creek Bridge, 487.

D

Dangerous Goods—Storage, transport and handling, q 337, q 624, q 708, q 1159.


Decentralization—Status of industries, q 269. Assistance to industries, 294, 404, 409.

Defence of Government Schools, Council for the, 613, 616.

Delzoppo, J. E. (Narracan)
Accident Compensation Bill, 1525.
Divisions—continued

Racing (Amendment) Bill, 964, 965.
Water and Sewerage Authorities (Financial) Bill, 154, 158.

Dollar Sweets Co. Pty Ltd—Industrial dispute, 1694, 1699.

Drugs (See “Health—Drugs” and “Police Department—Crime”.)

E

Economic and Budget Review Committee—Appointment, 41. Report presented: on wine industry, 60.

Economy, The—Revitalization, q 12. Treasurer’s visit to European financial markets, q 14. Premier’s overseas visit, q 110, q 620. Strategy for oil and gas industry, q 175. Management, 291. Private sector investment, q 341, q 1000. Consumer price index figures, q 413. (See also “Bankruptcies” and “State Finance”.)

Edmunds, Mr C. T. (Ascot Vale) Speaker, The—Election, 3.

Edmunds, The Late F. L., Esq., 985.

Education—continued


Finance—For Community Employment Program, 300, q 1161. For Participation and Equity Program, q 857. For technical and further education, q 857. Capital works allocation, q 1274. For independent schools, 1486.


Schools, Other—John Paul College, Frankston, 177.


Schools, Special—Glen Waverley, 690, 691, 1697, 1700. Box Hill Special Developmental, q 1603.


Students—Transport for mature age students in country areas, 48, 50. School milk scheme, q 57. Free public transport for school excursions, 258, 259. Transport of children to special schools, 1473, 1476, 1697, 1700.


EKG Developments Ltd—Victoria Project, q 533.


Emergency, State of—Re supply of milk, q 478, q 479, q 484, q 485, q 527, 609, 611, 614, q 619, q 620, q 621, 686, 691.

Employment and Industrial Affairs—

Employment—Youth Guarantee Scheme, q 13, 408, 410, q 532, q 1164, q 1366. Statistics, q 174, q 479, q 1270, q 1482. Conditions, q 267. Community Employment Program funding, 300, 326, 330, q 1161. Youth, q 861.

General—Hancock report, q 706. Registration of beauty therapists, q 1000, q 1065.

Industrial Affairs—Disputes, q 111. Association of Drafting Supervisory and Technical Employees, 298. Queensland electricity dispute, 304. Essential
Employment and Industrial Affairs—continued
Services Act, q 860. Cancellation of 150th anniversary concert, 973, 974. (See also “Emergency, State of” and “Unions”.)

Training—Youth Guarantee Scheme, q 13, 408, 410, q 532, q 1164, q 1366.

Youth—Guarantee Scheme, q 13, 408, 410, q 532, q 1164, q 1366. Employment, q 267, q 861.

Unemployment in Dromana electorate, 290.

Energy Resources—Oil and gas: economic strategy for development of industry, q 175. Loy Yang brown coal projects, q 1604. (See also “Gas and Fuel Corporation” and “State Electricity Commission”.)

Environment Protection Authority—Proposed radioactive and nuisance wastes dump at Dutson Downs, 177, q 483. Pollution by Wilke and Co. Ltd, 253, 258. Storage, transport and handling of hazardous materials, q 337, q 624, q 708, q 1159. Brambles liquid waste disposals dump, Tullamarine, 890. Oil pollution, q 1163.

Ernst, Mr G. K. (Bellarine)

Dangerous Goods—Storage, transport and handling, 1605.
Education—Geelong East Technical School teacher appointments, 1605.
Industry, Technology and Resources—Submarine construction, q 1162.
Petition—Geelong East Technical School teacher appointments, 1605.
Road Traffic Authority—Safety of motorists during Easter holiday, q 56.

Essential Services Act—Application to dairy farmers, q 479. Industrial affairs, q 860.
Essington Ltd—Inquiries into probity, q 171, q 263, q 264, q 268, q 333, q 338, q 412, q 413, 463, 468, q 529. Allegations of Costigan Royal Commission, q 411, q 412, q 413, 468.


Evans, Mr W. F. (Sunshine)
Alcoa of Australia Ltd—Progress of Portland smelter, q 263.
Ambulance Services—Footscray ambulance station, 1486.
Chairman of Committees, The—Election, 30.
Petition—Footscray ambulance station, 1486.
Sport and Recreation—Employment of former Olympic athletes, q 707. Violence at football matches, q 1278.
Football (See “Sport and Recreation” and “Victorian Football League”.)

Fordham, Mr R. C. (Footscray)
Accident Compensation Bill, 1281, 1282, 1453.
Alcoa of Australia Ltd—Portland smelter: joint venture, q 1159.
Arndale Shopping Centre—Traders, 48.
Bankruptcies—In Victoria, q 265.
Bayswater Aluminium Pty Ltd—Industrial disputes, 470.
BLF (De-recognition) Bill, 1653, 1656, 1658.
Coal Mines (Pensions Increase) Bill, 765.
Concerned Dairy Farmers of Victoria—Dairy dispute, q 527, q 621.
Constitutional Convention, Australian, 534, 536, 1606.
Dairy Industry—State of emergency re supply of milk, q 527, 614, 615, q 619, q 620, q 621, 691.
National dairy plan, q 625.
Death—Hon. R. W. Holt, 477.
Decentralization—Status of industries, q 269.
Assistance to industry, 409.
Economic and Budget Review Committee—Appointment, 41. Report on wine industry, 60.
Economy, The—Strategy on oil and gas industry, 175. Premier's overseas visit, q 620.
Education—Glen Waverley Special School, 691.
Suppliers of computers for schools, q 859.
Emergency, State of—Re supply of milk, q 527, 614, 615, q 619, q 620, q 621, 691.
Energy Resources—Economic strategy for oil and gas industry, 175.
Government—Role, q 855.
Government Departments and Instrumentalities—Tenders for contracts, 1476.
Holt, The Late Hon. R. W., 477.
House Committee—Appointment, 40.
Industry—Decentralized, q 269, 409, q 529. Submarine construction, q 1162. Loy Yang brown coal projects, q 1604.
Labour and Industry (Anzac Day) Bill, 178, 252.
La Trobe University—Council, 463.
Fordham, Mr R. C.—continued
Legal and Constitutional Committee—Appointment, 41.
Legislation—Operative dates, 31.
Library Committee—Appointment, 40.
Liquor Control (Amendment) Bill, 62, 84, 581, 586, 587, 588.
Local Government—Role, q 855.
Members—Notification of electorate visits by Ministers, q 1163. Certificate of service, 1232.
Ministry, The—Notification to members of electorate visits, q 1163.
Mortuary Industry and Cemeteries Administration Committee—Appointment, 39, 41.
Natural Resources and Environment Committee—Appointment, 41.
Occupational Health and Safety Bill, 1187.
Plumbers—Installation of gas appliances, 691.
Points of Order—Relevancy of remarks, 267, 570, 769. Question within purview of Minister, 706.
Police Department—Demonstration against Queensland Government, q 619.
Printing Committee—Appointment, 40.
Privileges Committee—Appointment, 40.
Psychologists Bill—Referred to Social Development Committee, 488.
Public Bodies Review Committee—Appointment, 41.
Public Works Department—Glen Waverley Special School, 691.
Racing (Amendment) Bill, 681, 964.
Racing (Fixed Percentage Distribution) Bill, 907.
Retail Tenancies Advisory Committee, 48.
Road Construction Authority—Arterial roads in Thomastown electorate, 615.
Sessional Orders, 62.
Small Business—Access to finance, q 760.
Social Development Committee—Appointment, 41.
Speaker, The Deputy—Temporary relief in chair, 30.
Standing Orders Committee—Appointment, 40.
State Electricity Commission—Electricity Supply—Use of public sector labour force for connections, q 57. Private connections, 615.
General—Public authority dividend, q 16. Latrobe Valley electricity workers, q 855.
State Insurance Office—Motion of censure of Treasurer, 116.
Taxation—Trusts, q 1160.
Therapeutic Goods and Cosmetics Bill—Referred to Social Development Committee, 488.
Fordham, Mr R. C.—continued

Town and Country Planning (Brothels) Bill, 1167.
Unions—Electrical Trades Union, q 855. Builders
Labourers Federation, q 1159. Government
policy on non-unionists, q 1162.
United Dairyfarmers of Victoria—Dairy dispute,
q 621.
Victoria—150th anniversary celebrations, 1232.
Victorian Economic Development Corporation—
Loans for small business, q 760.
Victorian Economic Development Corporation
(Amendment) Bill, 178, 321, 675, 717, 719, 720,
721, 726, 727, 728.
Victorian Institute of Marine Sciences—Council, 463.
Victorian Institute of Secondary Education—Council,
463.
Westernport (Oil Refinery) (Further Agreement) Bill,
762, 899.
Wine Industry—Government assistance, q 416.
Workers Compensation—Proposed legislation, 691.


Fuel and Power (See “Energy Resources”, “Gas and Fuel Corporation”, “Petroleum Products” and “State Electricity Commission”.)

G

Gallagher, Mr Norman—Release from prison, q 1479.

Gamblers Anonymous—Promotion, 274.
Gambling—Information for addicts, 274. Sale of bingo
tickets, 323, 328. Bingo industry, q 415, 1360, 1362.
Amusement parlours and pinball machines, q 1276, 1357, 1362. (See also “Totalizator Agency Board”.)

Gas and Fuel Corporation—Use of public sector labour
force for connections, q 57. Gas appliances: installa-
tion, 689, 691; safety in use, q 1164. Qualifications
of gas fitters, 747, 751, 888. Insulation
products, 887. Contract for natural gas line to
Warrnambool, 1474, 1476.

Gavin, Mr P. M. (Coburg)

Employment and Industrial Affairs—Employment
statistics, q 479. Hancock report, q 706.
Melbourne Corporation (Election of Council)
(Proportional Representation) Bill, 773.
Point of Order—Identifying quoted document, 97.

Geriatric Services, 1055, 1058.

Gleeson, Mrs E. S.—continued

Education—Capital works allocation, q 1274.
Public Works Department—Capital works allocation
for schools, q 1274.
Road Construction Authority—Arterial roads in
Thomastown electorate, 610.
Sport and Recreation—Holiday programs for
disadvantaged families, q 533.

“Golden Gate Sun”—Grounding at Queenscliff, q 1484.

Government—Role, q 855.

Government Departments and Instrumentalities—
Streamlining of administration, q 16. Advertising
in ethnic newspapers, 101, 106. Jobs for former
Labor members of Parliament, q 264. Simplifying
English language on forms, 295. Tenders for con-
tracts, 1474, 1476. Non-payment of accounts, 1695,
1700.

Government Employee Housing Authority—Resi-
dences for school principals in country areas, 970,
974.

Governor, His Excellency Rear-Admiral Sir Brian
Stewart Murray, KCMG, AO—Motion for adop-
tion of Address-in-Reply to Speech on opening of
Parliament, 25; seconded, 27; debated, 31, 159,
179.

Grain Elevators Board—Grower representative, q 1276.

Grievances, 269, 862.

Gude, Mr P. A. (Hawthorn)

Accident Compensation Bill, 1336, 1468, 1506.
Address-in-Reply, 94.
Beauty Therapists—Registration, q 1000, q 1065.
Builders Labourers Federation—Proposed legisla-
tion, q 1365.
BLF (De-recognition) Bill, 1686, 1689.
Corrections, Office of—New remand centre, 298.
Death—F. L. Edmunds, Esq., 990.
Employment and Industrial Affairs—Association of
Drafting Supervisory and Technical Employees,
298. Essential Services Act, q 860. Registration of
beauty therapists, q 1000, q 1065.

Essential Services Act, q 860.


Gas and Fuel Corporation—Installation of gas
appliances, 689, 888.

Government Departments and Instrumentalities—
Non-payment of accounts, 1695.

Grievances, 296, 887.

Housing—Rooming-house program in Mason Street,
Hawthorn, 468.

Jackson, Daryl, Architects Pty Ltd, 298.

Kilmore Sewerage Authority—Non-payment of
account, 1695.
Gude, Mr P. A.—continued


Plumbers—Installation of gas appliances, 689, 888.

Police Department—Additional vehicles for Hawthorn station, 749. Camberwell police station, 889.

Prompt Payment of State Accounts Bill, 1166.


Retirement Village—At 26-46 Rutherford Road, Viewbank, 1595.

Road Traffic Authority—Bassinett restraint program, 888.

Taxation—Land tax assessment, 1359.


Victorian Economic Development Corporation (Amendment) Bill, 668.

H

Handicapped Persons—Pedestrian crossing for corner of Mount Dandenong Road and Maroondah Highway, 283. Disabled Olympics, q 532. Crana Hostel, Altona, 750, 752. Transport to special schools, 1473, 1476, 1697, 1700. (See also “Mental Health”.)

Hann, Mr E. J. (Rodney)

Abortion—Prosecution of Preston doctor, q 263.

Accident Compensation Bill, 1012, 1283, 1381.

 Builders Labourers Federation—Proposed legislation, q 1272.

BLF (De-recognition) Bill, 1675.

Cambridge Credit Corporation Ltd—Damages awarded against auditors, q 412.

Concerned Dairy Farmers of Victoria—Dairy dispute, q 621.

Corporate Affairs Office—Responsibilities of auditors, q 412.


Education—School canteen casual staff, q 13. Secondary school staff shortages, 626. Liability of school councils, q 704. Funding for Participation and Equity Program, q 857. Technical school teacher shortages, q 1064. Community Employment Program funding, q 1161. School closures, q 1600.

Emergency, State of—Re supply of milk, q 621.

Hann, Mr E. J.—continued

Employment and Industrial Affairs—Community Employment Program funding, q 1161.

Grievances, 279.

Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 779.

Members—Motion of condemnation of Premier’s role in dairy crisis, 73.

Mortuary Industry and Cemeteries Administration Committee—Appointment, 39, 42.

Occupational Health and Safety Bill, 1190.

Petroleum Products—Supplies of standard grade petrol, q 173.

Point of Order—Inaccurate statement, 963.

Police Department—Prosecution of Preston doctor for illegal abortion, q 263.

Racing (Fixed Percentage Distribution) Bill, 764.

Sessional Orders, 65.


Unions—Builders Labourers Federation: proposed legislation, q 1272.

United Dairyfarmers of Victoria—Dairy dispute, q 621.

Harrowfield, Mr J. D. (Mitcham)

Address-in-Reply, 225.


Government—Role, q 855.

Grievances, 304.

Local Government—Role, q 855.

Melbourne—Proposed central development, q 266.

Members—Appreciation of services of former members: Mr Wilton, Mr Burgin, Mr Ebery, Mr Gray, Mr Hassett, Mr Ihlein, Mr Jona, Mr Kempton, Mr McKellar, Mr Miller, Mr Newton, Mrs Patrick, Mr Saltmarsh, Mr Sheehan and Mr Templeton, 1P, 1170.

Planning and Environment—Proposed Melbourne central development, q 266.

Point of Order—Unparliamentary expression, 339.


Racing—Horse doping, q 57.

Unions—Right to strike in Queensland, 304.

Haworth, The Late Hon. Sir William, 5.

Hayward, Mr D. K. (Prahran)

Accident Compensation Bill, 1353, 1564.

Community Services—Increased foster care payments, 1476.

Decentralization—Status of industries, q 269.

Essington Ltd—Inquiries into probity, q 264.
Hayward, Mr D. K.—continued

Industry, Technology and Resources—Status of decentralized industries, q 269.
Labour and Industry (Anzac Day) Bill, 310.
Liquor Control (Amendment) Bill, 567, 587.
Metropolitan Transit Authority—Purchase of land by City of Prahran, 47, 969.
Occupational Health and Safety Bill, 1119.
Prahran—Railway land, 47, 969.
Victoria Project—Probit of Essington Ltd, q 264.

Hazardous Materials—Storage, transport and handling, q 337, q 624, q 708, q 1159.

Health—
Diseases—AIDS scare in schools, 1595, 1596.
Drugs—Summit in Canberra, q 53. Funding for Warmanbbool drug and alcoholic centre, 294. New drug and alcohol programs, q 857. Legalization of marijuana, q 993. Identification poster, 1057, 1058.

Heffernan, Mr V. P. (Ivanhoe)
Address-in-Reply, 179.
Employment and Industrial Affairs—Youth Guarantee Scheme, q 1164.
Fitzroy—Council deficit, 405.
Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 554.
Planning and Environment—Proposed National Tennis Centre, 1054.
Racing (Amendment) Bill, 959.
Sport and Recreation—Proposed National Tennis Centre, 1054.
State Electricity Commission—Proposed Brunswick—Richmond transmission line, 1471.
Town and Country Planning (Transfer of Functions) Bill, 735.
Youth—Guarantee scheme, q 1164.

Hill, Mrs J. M. (Frankston North)
Bicycles—Cyclists' safety helmets, 177. Education—John Paul College, Frankston, 177.

Hill, Mrs J. M.—continued

Petitions—Cyclists' safety legislation, 177. Traffic problems at Skye Road, Frankston, 1371.
Road Traffic Authority—Helmets for cyclists, 177. Pedestrian crossing for Skye Road, Frankston, 1371.
Taxation—Relation to consumer price index, q 481.
Titles Office—Backlog of unregistered dealings, q 997.
Water (Mornington Peninsula and District Water Board) Bill, 126.

Hill, Mr L. J. (Warrandyte)
Arts, The—Film and television industry, q 483. Constitutional Convention, Australian—Proposed legislation on passing of Supply, q 1479.
Education—Suppliers of computers for schools, q 758. Manchester Primary School, 1154.
Film Industry—Government funding, q 483.
Metropolitan Transit Authority—Bus service for St John's Park, Mooroolbark retirement village, 1593.
Police Department—Mooroolbark station, 1357.
State Electricity Commission—Private connections, 612.
Television Industry—Government funding, q 483.

Hill, The Late J., Esq., 521.

Hirsh, Mrs C. D. (Wantirna)
Address-in-Reply, 25.
Consumer Affairs—Distribution of Clean-N-Shine in letter boxes, 1230.
Education—Knox TAFE College, q 176. Blackburn report, q 710.
Police Department—Facilities at Glen Waverley, q 486.
Public Works Department—Knox TAFE College, q 176. Police facilities at Glen Waverley, q 486.
Road Traffic Authority—Traffic signals for Wantirna intersections, 518.

Hockley, Mr G. S. (Bentleigh)
Address-in-Reply, 93.
Bicycles—Cyclists' safety helmets, 1279.
Economy, The—Consumer price index figures, q 413.
Education—Computers for schools, q 859.
Inflation—Consumer price index figures, q 413.
Petition—Cyclists' safety helmets, 1279.
Police Department—Shopsteal warning program, 1064.
Road Traffic Authority—Helmets for cyclists, 1279.
INDEX

Holt, The Late Hon. R. W., 473.

Hospitals—Frankston Community, 103, 105, 290, 1475, 1477. Waiting lists, 271, q 1484. Southern Peninsula, 290. Geelong Hospital north wing, 326, 331. Queen Victoria Medical Centre, q 1062, q 1162. Mildura Base, 1150, 1154.


House Committee—Appointment, 40.

Housing—

General—Waiting lists, 104, 105. Shortage, 255, 261, q 1277. Rights of purchasers of granny flats, 517, 523. Aboriginal Housing Board of Victoria, q 1066. Public and private rental, q 1479. Problems with residents in Stawell Street and Woodford Place, Sale, 1593, 1596.

Houses and Units—Rental increases at Wonthaggi, 324, 331. Roaming-house program in Mason Street, Hawthorn, 468, 470.

Ministry—Administration of granny flats scheme, 407, 410. (See also "House Builders' Liability".)

Hyundai Corporation—Aluminium smelter joint venture, q 335.

I

Ihlein, Mr Graham—Appointment as Ministerial adviser to Minister for Agriculture and Rural Affairs, q 113.

Industry, Technology and Resources—


Industry—Decentralized: status, q 269, q 529; assistance, 294, 404, 409. Submarine construction, q 705, q 1162. Loy Yang brown coal projects, q 1604. (See also "Primary Industries").

Inflation—Consumer price index figures, q 413.

Institute of Drug Technology Ltd—Post-race testing, 1696, 1699.

International Youth Year—Publicizing of youth issues, 296.

J

Jackson, Daryl, Architects Pty Ltd, 298.

Jasper, Mr K. S.—continued

Aviation—Museum at Wangaratta, q 1165.


Community Employment Program—Funding for clerical assistance in primary schools, 326.

Death—Hon. G. C. Moss, 700.

Decentralization—Assistance to industry, 404.

Education—Transport for mature age students in country areas, 48. Shared clerical assistance, 326. Music teachers for Yarrawonga High School, 613. Residences for principals in country areas, 970.

Employment and Industrial Affairs—Community Employment Program funding, 326.

Environment Protection Authority—Storage, transport and handling of hazardous materials, q 624.


Government Employees Housing Authority—Residences for school principals in country areas, 970. Grievances, 271, 866.

House Builders' Liability—Report, q 997, 1153.

Housing—Waiting lists, 104.

Industry, Technology and Resources—Decentralized industries, 404, q 529. Advertising campaign in Queensland, q 1274.

Labour and Industry (Anzac Day) Bill, 310.

Liquor Control (Amendment) Bill, 571, 584, 586, 587, 588.

Metropolitan Transit Authority—Cost of advertising, q 858.

Moss, The Late Hon. G. C., 700.

Occupational Health and Safety Bill, 1140, 1222.

Petroleum Products—Petrol pricing, q 16, 271, q 481. Fuel subsidy arrangements, q 707.

Point of Order—Relevancy of remarks, 1482.

Road Traffic Authority—Photo-point agencies for drivers' licences, 517. Suggested curfew on road transports using Hume Highway, q 1603.

Road Transport—Gas tanker accident at Chiltern, q 624.

Sport and Recreation—Border anomalies affecting sporting clubs, 1358.

State Finance—Assistance for country areas, 866.

State Transport Authority—Transport for mature age students in country areas, 48. Country freight services, 1055.


Wangaratta—National aircraft museum, q 1165.

Water and Sewerage Authorities (Financial) Bill, 151.
Jenkins, Mr and Mrs Alan—Acquisition of North Garfield property, 611, 616.

John, Mr Michael (Bendigo East)  
Accident Compensation Bill, 1435.  
Address-in-Reply, 190.  
Corrections, Office of—Early release scheme, q 858.  
Labour and Industry (Anzac Day) Bill, 316.  
Racing (Amendment) Bill, 842, 958.  
Rural Water Commission—Excess charges in Coliban district, 689.  
Victorian Economic Development Corporation (Amendment) Bill, 664.  
Water—Excess charges in Coliban district, 689.


Jolly, Mr R. A. (Doveton)  
Accident Compensation Bill, 899, 1005, 1013, 1417, 1507, 1527, 1529, 1530, 1533, 1539, 1540, 1542, 1558, 1617, 1619, 1623, 1625, 1626, 1627, 1628, 1630, 1647, 1648, 1650.  
Agriculture and Rural Affairs, Department of—Appointment of Mr Graham Ihlein as adviser to Minister, q 113.  
Auditor-General—Accounting methods of State Insurance Office, q 623.  
Australian Grants Commission—Report, q 55.  
Coal Mines (Pensions Increase) Bill, 715.  
Dairy Industry (Amendment) Bill, 762.  
Death—Hon. F. Field, 988.  
Economy, The—Treasurer’s visit to European financial markets, q 14. Private sector investment, q 341, q 1000. Consumer price index figures, q 413. Employment and Industrial Affairs—Unemployment statistics, q 174, q 622.  
Field, The Late Hon. F., 988.  
Ihlein, Mr G.—Appointment as adviser to Minister for Agriculture and Rural Affairs, q 113.  
Inflation—Consumer price index figures, q 413.  
Management and Budget, Department of—Report of State Insurance Office, q 709. Members—Motion of censure of Treasurer, 259, 1498.  

Jolly, Mr R. A.—continued  
Metropolitan Fire Brigades Superannuation (Amendment) Bill, 1067, 1280.  
Ministry, The—Appointment of Mr G. Ihlein as adviser to Minister for Agriculture and Rural Affairs, q 113. Motion of censure of Treasurer, 259, 1498.  
Motor Accidents Board—Delay in settling claims, 1477.  
Identifying quoted document, 1439. Relevancy of remarks, 1588, 1682.  
State Bank—International activities, q 623.  
State Finance—Overseas borrowings, q 115. Budget strategy, q 995.  
State Insurance Office—Report, 48, q 107, q 109, q 114, q 174. Third-party insurance, q 107, q 111, q 176, q 482. Losses, q 109, q 114, q 173, q 709. Compliance with Commonwealth legislation, q 112. New headquarters, q 176, q 531, q 706. Motion of censure of Treasurer, 259, 1498. Monthly reporting, q 411. Accounting methods, q 623.  
State Superannuation Board—Medical classification of teacher, 328.  
Supply (1985—86, No. 1) Bill, 31, 82.  
Taxation—  
Pay-roll Tax—Exemptions for amalgamated water trusts and sewerage authorities, 615.  
Water—Pay-roll tax exemptions for amalgamated water trusts and sewerage authorities, 615.  
Workers Compensation—Proposed legislation, q 702, q 705, q 755, q 756. Role of Mr Ian Baker, q 703. Common law rights, q 708.

K  
Kennedy, Mr A. D. (Bendigo West)  
Kennedy, Mr A. D.—continued

Public Works Department—Bendigo Chinese Dragon Museum, 848.
Road Construction Authority—Commonwealth road funding, q 115.
Tourism—Bendigo Chinese Dragon Museum, 848.
Victorian Economic Development Corporation (Amendment) Bill, 656.

Kennett, Mr J. G.—continued

Municipalities—Brothels, q 755.
National Crime Authority—Essington Ltd, q 413, q 529.
Occupational Health and Safety Bill, 1083, 1188.
Planning and Environment—Victoria project, 275.
Municipalities’ opposition to brothels, q 755.
Victorian Economic Development Corporation (Amendment) Bill, 656.

Kennett, Mr J. G. (Burwood)

Accident Compensation Bill, 1283, 1372, 1453, 1511, 1533, 1535, 1536, 1539, 1541, 1561.
Address-in-Reply, 196.
Administrative Arrangements Orders, 418.
Alcoa of Australia Ltd—Portland smelter joint venture, q 1159, q 1269.
BLF (De-recognition) Bill, 1608, 1651, 1659, 1678.
Brothels—Municipal planning schemes, q 755.
Builders Labourers Federation—Proposed legislation, q 1367, q 1480.
Constitutional Convention, Australian, 535.
Costigan Royal Commission—Essington Ltd, q 411, q 413, 463, q 529.
Dawny-Mould, The Late Hon. W. R., 8.
Economic and Budget Review Committee—Report on wine industry, 60.
Edmunds, The Late F. L., Esq., 989.
Emergency. State of—Re supply of milk, q 478, 609, q 619, q 620.
Essington Ltd—Inquiries into probity, q 171, q 263, q 268, q 333, q 413, 463, q 529. Allegations of Costigan Royal Commission, q 411, q 413.
Field, The Late Hon. F., 986.
Fire Authorities (Amendment) Bill, 84.
Grievances, 275.
Haworth, The Late Hon. Sir William, 6.
Hill, The Late J., Esq., 521.
Holt, The Late Hon. R. W., 474.
Labour and Industry (Anzac Day) Bill, 311.
Liberal Party—Leadership, 10.
Melbourne Corporation (Electio of Council) (Proportional Representation) Bill, 776.
Ministry, The—Payments for staff, q 1066.
Mortuary Industry and Cemeteries Administration Committee—Appointment, 39, 42.
Moss, The Late Hon. G. C., 698.

Kilcunda Foreshore Caravan Park—Eviction of tenants, 177.

Kilmore Sewerage Authority—Non-payment of account to James A. McMahon Earthmoving Pty Ltd, 1695, 1700.

Kirkwood, Mr C. W. D. (Preston)

Chairman of Committees—Election of Mr W. F. Fogarty, 30.
Dangerous Goods—Storage, transport and handling, q 337.
Kirkwood, Mr C. W. D.—continued

Death—Hon. R. W. Holt, 475.
Environment Protection Authority—Storage, transport and handling of hazardous materials, q 337.
Holt, The Late Hon. R. W., 475.
Metropolitan Transit Authority—Tender for Hong Kong rail system, q 1272.
Planning and Environment—Storage, transport and handling of hazardous materials, q 337.
Police Department—New forensic science laboratory, q 711.
Sport and Recreation—Assistance to athletes, q 999.

Rulings and Statements as Acting Chairman—
Debate—Relevancy of remarks, 1037, 1044, 1550, 1569. Use of correct titles, 1582, 1583.

Rulings and Statements as Acting Speaker—

L

Lands—(See "Conservation, Forests and Lands—Lands").

Lea, Mr D. J. (Sandringham)
Accident Compensation Bill, 1427, 1574.
Address-in-Reply, 164.
Education—Emergency teachers, 1698.
Labour and Industry (Anzac Day) Bill, 315.
Metropolitan Transit Authority—Rail services to Cheltenham, 327.
Racing (Amendment) Bill, 945.
Supply (1985—86, No. 1) Bill, 430.
Water (Advances) Bill, 592.

Legislation—Operative dates, 31.
Legislative Council—Proportional representation, q 1270.

Leigh, Mr G. G. (Malvern)
Accident Compensation Bill, 1445, 1587.
Lieberman, Mr L. S. (Benambra)
Accident Compensation Bill, 1458, 1535, 1552.
Constitutional Convention, Australian, 536.
Dangerous Goods Bill, 1038, 1040, 1042.
Education—
General—University admission requirements, 103.
Post-Secondary—Funding for more students, 270.
Youth Guarantee Scheme, q 532.
Teachers—Shortages in secondary schools, 636.
Employment and Industrial Affairs—Youth Guarantee Scheme, q 532.
Grievances, 269.
Hospitals—Waiting lists, 271.
Labour and Industry (Anzac Day) Bill, 313.
Liquor Control Act, 59.
Liquor Control (Amendment) Bill, 581.
Occupational Health and Safety Bill, 1124, 1208.
Petition—Liquor Control Act, 59.
Points of Order—Extension of time for debate, 82.
Universities—Admission requirements, 103.
Victorian Economic Development Corporation (Amendment) Bill, 669.
Victorian Post-Secondary Education Committee—University admission requirements, 103.
Youth—Guarantee scheme, q 532.

Liquor Control Act, 59, 1485.
Livestock—Deficiency in Auction Sales Act, 1358, 1363.
Local Government (See "Municipalities".)


McCutcheon, Andrew

McCutcheon, Andrew—continued

Town and Country Planning (Transfer of Functions) Bill, 419, 458, 745, 786, 788, 789, 791, 792, 793, 796, 1016.
Valuer-General—Delays in submitting valuations, 616.
Water—Appointments to Moe Water Board, 523.
Excess charges in Coliban district, 694. Interest subsidies for authorities, q 1599.
Water (Advances) Bill, 178, 317, 593.
Water (Mornington Peninsula and District Water Board) Bill, 62, 87, 134, 139, 141, 142, 685.

McDonald, Mr M. J. (Whittlesea)

McGrath, Mr J. F. (Warrnambool)

McGrath, Mr J. F. (Warra

M

McCutcheon, Andrew (St Kilda)

Mccutcheon, Andrew—continued

Town and Country Planning (Transfer of Functions) Bill, 419, 458, 745, 786, 788, 789, 791, 792, 793, 796, 1016.
Valuer-General—Delays in submitting valuations, 616.
Water—Appointments to Moe Water Board, 523.
Excess charges in Coliban district, 694. Interest subsidies for authorities, q 1599.
Water (Advances) Bill, 178, 317, 593.
Water (Mornington Peninsula and District Water Board) Bill, 62, 87, 134, 139, 141, 142, 685.

McDonald, Mr M. J. (Whittlesea)

McGrath, Mr J. F. (Warrnambool)

McGrath, Mr J. F. (Warra

M

McCutcheon, Andrew (St Kilda)

McCutcheon, Andrew—continued

Town and Country Planning (Transfer of Functions) Bill, 419, 458, 745, 786, 788, 789, 791, 792, 793, 796, 1016.
Valuer-General—Delays in submitting valuations, 616.
Water—Appointments to Moe Water Board, 523.
Excess charges in Coliban district, 694. Interest subsidies for authorities, q 1599.
Water (Advances) Bill, 178, 317, 593.
Water (Mornington Peninsula and District Water Board) Bill, 62, 87, 134, 139, 141, 142, 685.

McDonald, Mr M. J. (Whittlesea)

McGrath, Mr J. F. (Warrnambool)

McGrath, Mr J. F. (Warra

M

McCutcheon, Andrew (St Kilda)

Jenkins, Mr and Mrs Alan—Acquisition of North Garfield property, 616.
Melbourne and Metropolitan Board of Works—Rate increases, q 53, 975, q 996, q 1599. Advertising campaign, q 1602.
Road Construction Authority—Acquisition of Jenkins’ property, North Garfield, 616.
Rural Water Commission—Excess charges in Coliban district, 694.
Sewerage Authorities—Interest subsidies, q 1599.
Titles Office—Backlog of unregistered dealings, q 997.

M

McCutcheon, Andrew

Jenkins, Mr and Mrs Alan—Acquisition of North Garfield property, 616.
Melbourne and Metropolitan Board of Works—Rate increases, q 53, 975, q 996, q 1599. Advertising campaign, q 1602.
Road Construction Authority—Acquisition of Jenkins’ property, North Garfield, 616.
Rural Water Commission—Excess charges in Coliban district, 694.
Sewerage Authorities—Interest subsidies, q 1599.
Titles Office—Backlog of unregistered dealings, q 997.
McGrath, Mr J. F.—continued

State Transport Authority—Level crossing near Cudgee Primary School, 294. Bus service for Koroi, 885.
Supply (1985-86, No. 1) Bill, 444.

McGrath, Mr. W. D. (Lowan)
Accident Compensation Bill, 1450.
Address-in-Reply, 209.
Country Fire Authority—Lifting of fire restrictions in the Wimmera-Mallee, 464.
Dangerous Goods Bill, 1044.
Education—Shortage of secondary teachers in country schools, 46.
Grain Elevators Board—Grower representative, q 1276.
Grain Industry—Inquiry by grain handling review group, q 1369.
May’s, V. C., Transport Pty Ltd, q 176.
Metropolitan Transit Authority—Train time-tables, q 709.
Motor Car (Amendment) Bill, 594.
Petition—“R” and “X” rated video cassettes, 711.
Police Department—Blitz on drink-drivers, 1054.
Pornography—“R” and “X”-rated video cassettes, 711.
Ports—Facilities at Portland, q 484.
Professional Boxing Control Bill, 802, 812, 813, 815, 816, 817.
Racing (Amendment) Bill, 840.
Road Transport—May’s, V. C., Transport Pty Ltd, q 176. Of grain to Portland, q 484.
Sport and Recreation—Proposed National Tennis Centre, q 999.
State Insurance Office—Penalty for a drink-driving offence, 847.
State Transport Authority—Removal of blue Harris carriages, q 267. Grain freight rates, q 484. Railway staff at Donald, 1228. Representation on V/Line board, q 1276. Transport of grain, q 1369.
Taxi Industry—Shortage of taxis in peak periods, 1054.
Totalizator Agency Board—Agencies in hotels, 257.
Transport Workers Union—Membership of livestock carriers, 102.
Victorian Farmers and Graziers Association—Representation on V/Line board, q 1276.
Video Cassettes—Ban on “R” and “X” rated, 711.

McMahon, James A., Earthmoving Pty Ltd—Non-payment of account by Government, 1695, 1700.
Maclellan, Mr R. R. C.—continued

Supply (1985-86, No. 1) Bill, 516.
Water (Mornington Peninsula and District Water Board) Bill, 127, 138, 141.

Management and Budget, Department of—Report on State Insurance Office, q 709.

Mathews, Mr C. R. T. (Oakleigh)
Aboriginal Affairs—Fire at Lake Condah, 851.
Arts, The—Film and television industry, q 483. Multicultural, q 531. National aircraft museum, q 1165. Film and television package of Crawford Productions Pty Ltd, q 1276. Performing arts centre for Bendigo, 1477.
Auction Sales Act—Deficiency in section 38, 1363.
Aviation—Museum at Wangaratta, q 1165.
Bendigo—Performing arts centre, 1477.
Bingo Industry, 1362.
Border Laws Anomalies Committee—Anomalies affecting sporting clubs, 1363.
Bush Fires—Research, 694. Assistance for Mr Murray Waldron, 752.
Cambridge Credit Corporation Ltd—Damages awarded against auditors, q 413.
Children—Child exploitation unit, q 710.
Conservation—Lifting of fire restrictions in the Wimmera-Mallee, 470.
Corporate Affairs Office—Responsibilities of auditors, q 413.
Corrections, Office of—
General—Escape of Daryl John Cooke, q 999.
Parole and Probation—Early release scheme, q 858.
Country Fire Authority—Proposed integration of fire authorities, q 58. Appointment of chief officer, q 341. Lifting of fire restrictions in the Wimmera-Mallee, 470.
Crana Hostel, Altona, 752.
Dairy Industry—Farmers’ blockade, q 483.
Death—Hon. R. W. Holt, 476.
Film Industry—Government funding, q 483. Crawford Productions Pty Ltd package, q 1276.
Firearms—Sale of Ruger revolver replica, 753.
Fire Authorities—Amendment Bill, 84.
Gambling—Bingo industry inquiry, 1362.
Handicapped Persons—Crana Hostel, Altona, 752.
Holt, The Late Hon. R. W., 476.
Housing—Granny flats, 410, 523.
Mathews, Mr C. R. T.—continued

Interpretation of Legislation (Amendment) Bill, 159, 179.
Livestock—Deficiency in Auction Sales Act, 1363.
Medical Services—For Lakes Entrance, 752.
Members—Offences committed against Leaders of political parties, q 338.
Metropolitan Fire Brigades Board—Proposed integration of fire authorities, q 58.
Mornington Peninsula—Police strength, 1057.
Motor Car (Amendment) Bill, 603, 604, 606, 607, 608.
National Party—Visit to conference by Queensland Minister for Employment and Industrial Affairs, q 269.
Oakleigh—ALP campaign fundraising, 409, q 758, q 860.
Orchard, Mr Ron, q 341.
Point of Order—Unparliamentary expression, 340.
Police Department—
Crime—Offences committed against Leaders of political parties, q 338. ALP campaign fundraising, 409, q 758, q 860. Child exploitation unit, q 710. Noble Park shootings, 1058.
Staff—For Mornington Peninsula, 1057. Compensation for injuries, q 1277.
Rural Fire Research Centre—Closure, 694.
Sorrento—Development, 1362.
Sport and Recreation—Incident at Geelong-Hawthorn football match, q 1273. Border anomalies affecting sporting clubs, 1363.
State Disasters (Amendment) Bill, 714, 764, 922.
State Transport Authority—Melbourne-Geelong rail service, 752. Bus service in Geelong, 752.
Legislative Assembly

Mathews, Mr C. R. T.—continued

Television Industry—Government funding, q 483. Crawford Productions Pty Ltd package, q 1276.

Trustee (Secondary Mortgage Market Amendment) Bill, 1005, 1068.

Urban Land Authority—Landholdings, 1362.

Victoria—I 50th anniversary celebrations, 1155.

Victorian Football League—Incident at Geelong—Hawthorn match, q 1273.

Victorian Youth Concert Band, 1155.

Wangaratta—National aircraft museum, q 1165.

May’s, V. C., Transport Pty Ltd, q 176.

Medical Services—For Lakes Entrance, 751, 752.

Melbourne and Metropolitan Board of Works—Property—Subdivision of Templestowe land, 711.

Rates and Charges—Increases, q 53, 972, 975, q 996, q 1599. Advertising campaign, q 1602.

Members—Swearing in, 1. Commission to swear, 9. Motion of condemnation of Premier’s role in dairy crisis, 65. Motion of censure of Treasurer, 254, 259. Offences committed against Leaders of political parties, q 338. Honourable member for Malvern, 521. Notification of electorate visits by Ministers, q 1163. Appreciation of services of former members: Mr Wilton, Mr Burgin, Mr Ebery, Mr Gray, Mr Hassett, Mr Ihlein, Mr Jona, Mr Kempton, Mr McKellar, Mr Miller, Mr Newton, Mrs Patrick, Mr Saltmarsh, Mr Sheehan and Mr Templeton, JP, 1167. Certificate of service, 1228, 1232. Collection of Australian Labor Party fees, q 1275.

Mental Health—Funding of Victorian Association for Mental Health, 309.

Metropolitan Fire Brigades Board—Proposed integration of fire authorities, q 58.

Metropolitan Transit Authority—Bus Services—In Dromana electorate, 290. Modernizing of fleet, q 998. For St John’s Park, Mooroolbark, retirement village, 1593, 1597.

General—Purchase of land by City of Prahran, 47, 51, 969, 973. Advertising program, q 858. Fairway system, 970, 973. Frankston Neighbourhood Transport Study, 1230, 1234. Tender for Hong Kong rail system, q 1272.

Rail Services—Time-tables, 257, 259, q 709. Werribee, 257, 466, 470. For Geelong, 258, 261. In Dromana electorate, 290. To Cheltenham, 327, 331. Bicycle storage facilities at stations, 467, 470. Patronage, q 858. Box Hill station, q 1601. (See also “State Transport Authority”.)

Micallef, Mr E. J. (Springvale)

Accident Compensation Bill, 1332, 1517, 1621.

Apprentices—In Victoria, q 1366.


Occupational Health and Safety Bill, 1102, 1206, 1213.

Point of Order—Relevancy of remarks, 1198.

Road Traffic Authority—Springvale Road railway crossing, 850.

State Finance—Budget strategy, q 995.

Milk (See “Primary Industries—Dairy.”)

Ministry, The—New Ministry announced, 9. Motion of condemnation of Premier’s role in dairy crisis, 65. Appointment of Mr G. Ihlein as adviser to Minister for Agriculture and Rural Affairs, q 113. Motion of censure of Treasurer, 116, 1487. Payments for staff, q 1066. Notification of electorate visits to members, q 1163. Minister for Health: threatened resignation, q 1274; promises, q 1484.


Mortuary Industry and Cemeteries Administration Committee—Appointment, 39, 41.

Moss, The Late Hon. G. C., 697.

Motor Accidents Board—Delay in settling claims, 1475, 1477.

Motor Boating Act—Amendment, 303.

Motor Car Traders Committee—Licensed of Richard Renzella, 846, 850.

Motorcycle Riders’ Association—Fairway system, 970, 973.

Municipal Association of Victoria—Policing of waterways, 303.

Municipalities—

Bendigo—Performing arts centre, 1472, 1477.

Broadmeadows—Council’s superannuation fund, 1696, 1700.

Doncaster and Templestowe—Road funding, 690, 691.

Finance—Federal Government funding, q 56. Long service leave reserves, 256, 261. Road funding: for country areas, 293, 686, 691; for City of Doncaster and Templestowe, 690, 691.

Fitzroy—Council deficit, 405, 409.

Geelong—Appointment of Ms Joan Creati to inquiry on boundaries review, 519, 521.
Municipalities—continued


Keilor—Rates charged on market gardens, 295.

Mallourn—Transport Workers Union black ban, 1229, 1233.

Melbourne—Proposed central development, q 266. Council decision on Victoria project, q 533. Grand Slam tennis tournament, q 1062, 1064.

Mornington—Repair of pier, 327, 331.


Prahran—Railway land, 47, 51, 969, 973.

Traralgon—Proposed amalgamation of city and shire, 687, 693.

National Crime Authority—Essington Ltd, q 413, q 529.

National Party—Leadership, 10. Visit to conference by Queensland Minister for Employment and Industrial Affairs, q 269.

Natural Resources and Environment Committee—Appointment, 41.

Neighbourhood Watch Scheme, 878.

Norris, Mr T. R. (Dandenong)

North West Price Watch, 1232, 1235.

Orchard, Mr Ron, q 341.

Parliament—Opening by Commission, 1. State opening, 5. Televising of proceedings, 59, 112. Visits by public, 883. Mobile blood bank for members and staff, 1151, 1154. (See also "Members").


Peninsula Vehicle Sales Pty Ltd, 846, 850.

Pensioners—Eligibility for concessions, 307.

Perrin, Mr D. J. (Bulleen)
Perrin, Mr D. J.—continued
Taxation—State taxes and charges, q 994.
Town and Country Planning (Transfer of Functions) Bill, 739.
Urban Land Authority—Landholdings, 1360.
Victoria—Cancellation of 150th anniversary concert, 973.

Personal Explanations—By Mr Tanner, 487. By Mr Sidiropoulos, 626. By Mr Cathie, 1001. By Mr Walsh, 1001. By Mr Stockdale, 1485.

Pescott, Mr Roger (Bennettswood)
Address-in-Reply, 240.
Education—Box Hill Special Developmental School, q 1603.
Liquor Control (Amendment) Bill, 584.
Municipalities—Common law workers compensation claims, q 856.
Victorian Economic Development Corporation (Amendment) Bill, 662.
Workers Compensation—Common law rights, q 856.


Petroleum Products—Petrol pricing, q 16, q 340, q 415, q 416, 465, 469, q 481, q 528. Supplies of standard grade petrol, q 173. Fuel costs, 271. Fuel subsidy arrangements, q 707. Supplies, q 1600. (See also “Energy Resources”.)

Planning and Environment—continued
General—Zoning of land on Mornington Peninsula and at Westport, 1359, 1362.
Planning Appeals Board—Oakleigh amusement parlour, 1149, 1155.

Plowman, Mr S. J. (Evelyn)
Points of Order—Answers not to be debated, 172, 268, 1064. Relevancy of remarks, 480, 1063, 1482. Right of member to speak to point of order, 570. Reading of speeches, 1297.
St Francis Church—Land acquisition for Victoria Project, q 266.
State Insurance Office—Report, q 113.
Victoria Project—Acquisition of land owned by St Francis Church, q 266.

Plumbers—Installation of gas appliances, 689, 691, 888.

Police Department—
General—Australian Police Ministers’ Council report on National Common Police Services for 1983–84, 60. Accommodation and equipment, q 113. Revenue from traffic offences, q 266. Visit by Queensland Minister for Employment and Industrial Affairs to National Party conference, q 269. Equipment for Dromana electorate, 291. Dairy farmers’ blockade, q 483, q 484, q 485. Facilities...
Police Department—continued


Staff—For Dromana electorate, 291. For Mornington Peninsula, 1052, 1057. Compensation for injuries, q 1277.


Pollution (See “Environment Protection Authority” and “Planning and Environment—Environment”.)

Pope, Mr N. A. (Monbulk)
Address-in-Reply, 166.

Economy, The—Treasurer’s visit to European financial markets, q 14.

Education—Upwey High School, q 759, 845.

Employment and Industrial Affairs—Industrial disputes, q 111.

Members—Treasurer’s visit to European financial markets, q 14. Appreciation of services of former members: Mr Wilton, Mr Burgin, Mr Ebery, Mr Gray, Mr Hassett, Mr Illein, Mr Jona, Mr Kempston, Mr McKellar, Mr Miller, Mr Newton, Mrs Patrick, Mr Saltmarsh, Mr Sheehan and Mr Templeton, JP, 1175.

Point of Order—Reading of speech by former member, 96.

Public Works Department—Fire damage to Upwey High School, q 759, 845.

Pornography—“R” and “X” rated video cassettes, 711, 862, 1002. Child, 896.

Port Phillip Sea Pilot Service—Inquiry into port resources, q 1484.

Ports—Facilities at Portland, q 484. Pilot services, q 1484.

Press Gallery—Tribute to Mr John Hill, 521.

Primary Industries—
Dairy—National plan, q 11, q 12, q 13, 65, q 336, q 625, 686, 691. Licences, q 55, 100, 105, 749, 752, q 1065. School milk scheme, q 57. Crisis, 279. Interstate milk sales, q 414, q 486. State of emergency re supply of milk, q 478, q 479, q 527, 609, 611, 614, q 619, q 620, q 621, 686, 691. Farmers’ blockade, q 483, q 484, q 485. Milk pasteurization exemption, 1605.

Fishing—Commercial, 284.


Grain—Canac report, 686 691. Inquiry by grain handling review group, q 1369. (See also “Grain Elevators Board”.)

Wine—Economic and Budget Review Committee report, 60. Government assistance, q 415.

Printing Committee—Appointment, 40.

Privileges Committee—Appointment, 40.


Public Bodies Review Committee—Appointment, 41.

Public Service (See “Government Departments and Instrumentalities”.)

Public Transport (See “Metropolitan Transit Authority” and “State Transport Authority”).

Public Works Department—

Schools—Knox TAFE College, q 176. Glen Waverley Special School, 690, 691. Fire damage to Upwey High, q 759, 845, 851. Fanmure Primary, 884. Capital works allocation, q 1274. Fitzroy Primary, 1474, 1476.

Q

Queensland Government—Performance, 304.

R

Racing—Horse doping, q 57. Post-race testing, 1696, 1699. (See also “Totalizator Agency Board”.)

Raffles and Bingo Permits Board—Sale of bingo tickets, 323, 328. Review of bingo industry, q 415.

Railways (See “Metropolitan Transit Authority” and “State Transport Authority”)
Ramsay, Mr J. H. (Balwyn)
Accident Compensation Bill, 1012, 1348, 1457, 1466, 1528, 1529, 1530, 1542, 1546, 1622.
Address-in-Reply, 230.
Bayswater Aluminium Pty Ltd—Industrial disputes, 466.
BLF (De-recognition) Bill, 1653, 1673, 1677, 1688.
Builders Labourers Federation—Proposed legislation, q 1368.
Dairy Industry—Farmers’ blockade, q 485.
Dangerous Goods Bill, 1017, 1032, 1044, 1045, 1048, 1049, 1050, 1051.
Death—F. L. Edmunds, Esq., 991.
Dollar Sweets Co. Pty Ltd—Industrial dispute, 1694.
Edmunds, The Late F. L., Esq., 991.
Emergency, State of—Re supply of milk, q 485.
Federated Confectioners Association of Australia—Industrial dispute at Dollar Sweets Co. Pty Ltd, 1694.
Gas and Fuel Corporation—Use of public sector labour force for connections, q 57.
Motor Car (Amendment) Bill, 605.
Occupational Health and Safety Bill, 1069, 1190, 1199, 1202, 1205, 1206, 1208, 1211, 1220, 1221, 1223, 1224, 1225, 1226, 1227.
Point of Order—Tabling of quoted document, 1506.
Police Department—Dairy farmers’ blockade, q 485.
State Electricity Commission—Use of public sector labour force for connections, q 57.
State Insurance Office—Third-party insurance, q 111, q 176. New headquarters, q 176.
Town and Country Planning (Brothels) Bill, 1166.
Victorian Economic Development Corporation—Loans for small business, q 760.
Retail Tenancies Advisory Committee, 47, 48.
Retirement Village—At 26–46 Rutherford Road, Viewbank, 1595, 1597.
Returned Services League—War memorabilia museum, 308.
Reynolds, Mr T. C. (Gisborne)
America’s Cup—Government grant to High-Tech Defender, 1594.
Amusement Parlours and Pinball Machines—Report, q 1276, 1357.
Australia Games, q 14, q 54, q 760.
Education—Extension of bus services for Kyneton and Gisborne students, 1036.
Gambling—Sale of bingo tickets, 323. Tote—All betting system, 518. Amusement parlours and pinball machines, q 1276, 1357.
Institute of Drug Technology Ltd—Post-race testing, 1696.
Liquor Control Act, 59.
Petition—Liquor Control Act, 59.
Professional Boxing Control Bill, 798, 812, 813, 814, 815, 816, 817, 818.
Racing—Post-race testing, 1696.
Racing (Amendment) Bill, 681, 834, 950, 966.
Racing (Fixed Percentage Distribution) Bill, 907.
Raffles and Bingo Permits Board—Sale of bingo tickets, 323.
Reynolds, Mr T. C.—continued

Road Traffic Authority—Extension of bus services for Kyneton and Gisborne students, 1056.

Sandown International Motor Racing Circuit—Losses, q 624.

Sport and Recreation—

General—Australia Games, q 14, q 54, q 760. Tote-All betting system, 518. Sandown International Motor Racing Circuit, q 624. Proposed National Tennis Centre, q 1064. Amusement parlours and pinball machines, q 1276, 1357.

Richardson, Mr J. I. (Forest Hill)

Accident Compensation Bill, 1459, 1581.
BLF (De-recognition) Bill, 1682, 1684, 1692.
Costigan Royal Commission—Essington Ltd, q 412.
Essington Ltd—Inquiries into probity, q 412.

Grievances, 893.
Labour and Industry (Anzac Day) Bill, 312.
Motor Car (Amendment) Bill, 602.
Racing (Amendment) Bill, 962.
Victorian Economic Development Corporation (Amendment) Bill, 673.


Roper, Mr T. W. (Brunswick)

Abortion—Prosecution of Preston doctor, q 263. Alcohol and Drug Services—New programs, q 858. Ambulance Services—In Berwick area, 852.
Australian Transport Advisory Council—Funding for oil pollution program, q 1163.
Bendigo—Dietitian services, 1597.
Bicycles—Storage facilities at railway stations, 470.
Community Services—New drug and alcohol programs, q 858.
Costigan Royal Commission—Essington Ltd, q 529.
Customs Duty—On vans converted to buses, 521.
Dietitian Services—In Bendigo, 1597.
EKG Developments Ltd—Victoria project, q 533.
Employment and Industrial Affairs—Cancellation of 150th anniversary concert, 974.
Environment Protection Authority—Oil pollution, q 1163.
Essington Ltd—Inquiries into probity, q 263, q 264, q 529.
Family Planning Association—Services in Latrobe Valley, 470.
Geriatric Services, 1058.
“Golden Gate Sun”—Grounding at Queenscliff, q 1484.

Road Construction Authority—

Bridges—At Corangamite, 285. Kororoit Creek, 487. West Gate, q 1273.
Freeways—Eastern, 177, 690, 691, 873, 971, 974, 1231, 1234. Hume, q 860, q 1067.
General—Acquisition of Jenkins’ property, North Garfield, 611, 616. Acquisition of land in Warrnambool electorate, 850, 852.
Highway—Maroondah, 283.
Roads—Funding: Commonwealth, q 115; for country areas, 293, 686, 691; for City of Doncaster and Templestowe, 690, 691. In Thomastown electorate, 610, 615.

Road Traffic Authority—

Pedestrian Crossings—For corner of Mount Dandenong Road and Maroondah Highway, 283. For Skye Road, Frankston, 1371.
Road Safety—During Easter holidays, q 56. Helmets for cyclists, 177, 1279. Baby bassinet restraint program, 405, 409, q 530, 888. Regulations for converted passenger vans, 520, 521. Suspension of novelties from rear vision mirrors, 969, 974.
Road Vehicles—Tow truck zoning, 849, 852. Suggested curfew on road transport using Hume Highway, q 1603.

Road Transport—

May’s, V. C., Transport Pty Ltd, q 176. Of grain to Portland, q 484. Gas tanker accident at Chiltern, q 624, q 1159. Ban on large trucks using Wattletree Road, 1229, 1233, 1361, 1362. Suggested curfew on road transports using Hume Highway, q 1603.
Grain Elevators Board—Grower representative, q 1276.
Grain Industry—Inquiry by grain handling review group, q 1369.
Guardianship and Administration Board Bill, 763.
Health—
Commission—Latrobe Valley family planning centre, 470. CAT scanner licence for Mildura Base Hospital, 1154.
Drugs—New drug and alcohol programs, q 858. Legalization of marijuana, q 993.
General—Community services in Box Hill, 1233. Dietitian services in Bendigo, 1597.
Health (Blood Donations) Bill, 1471.
Health (Radiation Safety) Bill, 533, 681, 828.
Hospitals—Geelong Hospital north wing, 331. Mil­ dura Base, 1154.
Housing—Rental increases at Wonthaggi, 331.
Intellectually Disabled Persons' Services Bill, 763, 938.
Malvern—Transport Workers Union black ban, 1233.
Medical Services—Nursing homes, 1058.
Melbourne City Council—Victoria project, q 533.
Mental Health Bill, 763, 925.
Metropolitan Transit Authority—
Bus Services—Modernizing of fleet, q 998. For St John's Park, Mooroolbark, retirement village, 1597.
General—Advertising program, q 858. Frankston Neighbourhood Transport Study, 1234. Tender for Hong Kong rail system, q 1272.
Rail Services—To Werribee, 259, 470. Time-tables, 259, 470, q 709. To Cheltenham, 331. Bicycle storage facilities at stations, 470. Patronage, q 858.
Box Hill railway station, q 1601.
Motor Car (Amendment) Bill, 178, 319.
Motor Car (Photographic Detection Devices) Bill, 762, 900.
Motorcycle Riders' Association—Fairway system, 973.
Municipalities—Road funding: for country areas, 691; for City of Doncaster and Templestowe, 691.
National Crime Authority—Essington Ltd, q 529.
Parliament—Mobile blood bank for members and staff, 1154.
Planning and Environment—Proposed National Tennis Centre, 1059.
Points of Order—Matters raised on motion for adjournment of sitting: Must relate to Govern­ ment administration, 254; not to refer to item on Notice Paper, 972.
Police Department—Prosecution of Preston doctor for illegal abortion, q 263. Blitz on drink-drivers, 1059.
Port Phillip Sea Pilot Service—Inquiry into port resources, q 1484.
Ports—Facilities at Portland, q 484. Pilot service, q 1484.
Prahran—Railway land, 973.
Public Works Department—Repair of Mornington pier, 331.
Red Cross Society—Mobile blood bank for Parliament House, 1154.
Retirement Village—At 26-46 Rutherford Road, Viewbank, 1597.
Road Construction Authority—
Bridges—West Gate Bridge toll, q 1273.
Freeways—Eastern, 691, 974, 1234. Hume, q 860, q 1067.
General—Fairway system, 973.
Roads—Funding: Commonwealth, q 115; for country areas, 691; for City of Doncaster and Temple­ stowe, 691. Acquisition of land for road widening, 852.
Road Traffic Authority—
General—Photo-point facilities for drivers' licences, 521.
Road Safety—During Easter holidays, q 56. Baby bassinet restraint, 409, q 530. Regulations for converted passenger vans, 521. Suspension of novelties from rear vision mirrors, 974.
Road Traffic—Springvale Road level crossing, 852.
Road Vehicles—Tow truck zoning, 852.
Road Transport—Of grain to Portland, q 484. Ban on large trucks using Wattletree Road, 1233.
Senior Citizens—Rental increases at Wonthaggi, 331.
Sport and Recreation—Proposed National Tennis Centre, 1059.
State Transport Authority—
Fares and Freight—For grain, q 484, q 1369.
General—Rental increases for land at Wonthaggi, 331. Representation on V/Line board, q 1276.
Railway Services—Facilities and staff at Donald, 50, 1233. Removal of blue Harris carriages, q 267. North Geelong station car parking facilities, 409.
St Francis Church—Land acquisition for Victoria project, q 266.
Taxi Industry—Shortage of taxis in peak periods, 1059.
Transport (Victorian Ports Authority) Bill, 1372.
Transport Workers Union—Ban on large trucks using Wattletree Road, 1233, 1362.
Roper, Mr T. W.—continued

Unions—Transport Workers Union, 1233, 1362.
Victoria—Cancellation of 150th anniversary concert, 974.
Victorian Farmers and Graziers Association—Representation on V/Line board, q 1276.
Victoria Project—Essington Ltd: inquiries into probity, q 263, q 264, q 529. Acquisition of land owned by St Francis Church, q 266. EKG Developments Ltd, q 533.

Ross-Edwards, Mr Peter—continued

State Electricity Commission—Latrobe Valley electricity workers, q 835.
State Insurance Office—Third-party insurance, q 107.
Monthly reporting, q 411. Motion of censure of Treasurer, 1504.
Taxation—Negative gearing, q 1479. State taxes and charges, q 1599.
Unions—Electrical Trades Union, q 855. Builders Labourers Federation, q 1159.
Victoria Project—Inquiries into probity of Essington Ltd, q 171.
Workers Compensation—Role of Mr Ian Baker, q 703. Proposed legislation, q 755, q 756.

Rowe, Mr B. J. (Essendon)

Address-in-Reply, 218.
Australian Grants Commission—Report, q 55.
Consumer Affairs—Refunds on sale items, 1232.
Economy, The—Private sector investment, q 1000.
Municipalities—Long service leave reserves, 256.
North West Price Watch, 1232.
Point of Order—Relevancy of remarks, 384.
Road Traffic Authority—Baby bassinet restraint, 405.
State Superannuation Board—Medical classification of teachers, 325.
Taxation—Australian Grants Commission report, q 55.
Trade Practices Commission—Refunds on sale items, 1232.
Wine Industry—Government assistance, q 415.

Royal Australasian College of Surgeons—Leasing of premises from Education Department, q 1161.

Rural Fire Research Centre—Closure, 687, 694.

Rural Water Commission—Excess charges in Coliban district, 689, 694.

Sandown International Motor Racing Circuit—Losses, q 624.

Seitz, Mr George (Keilor)

Alcoa of Australia Ltd—Progress of Portland smelter, q 993.
Brambles Liquid Waste Disposals, 890.
Building and Construction Industry—Building trades fund long service leave scheme, q 413.
Seitz, Mr George—continued

Employment and Industrial Affairs—Employment statistics, q 1482.

Environment Protection Authority—Brambles Liquid Waste Disposals dump, Tullamarine, 890.

Government Departments and Instrumentalities—Simplifying English language on forms, 295.

Grievances, 295, 890.

Health—Birth deformities in Broadmeadows area, 891.

International Youth Year—Publicizing of youth issue, 296.

Keilor—Municipal rates charged to market gardeners, 295.


Senior Citizens—Needs in Dromana electorate, 290. Rental increases at Wonthaggi, 324, 331.

Setches, Mrs K. P. (Ringwood)

Accident Compensation Bill, 1442.

Alcohol and Drug Services—New programs, q 857.

Arndale Shopping Centre—Traders, 47.

Community Services—New drug and alcohol programs, q 857.

Corporate Affairs Office—Activities of Scarff family companies, 876.

Education—Primary school resources, q 58.

Geriatric Services, 1055.

Grievances, 283, 876.

Handicapped Persons—Pedestrian crossing for corner of Mount Dandenong Road and Maroondah Highway, 283.

Health—New drug and alcohol programs, q 857.

Housing—Shortage, q 1277.

National Party—Visit to conference by Queensland Minister for Employment and Industrial Affairs, q 269.

Neighbourhood Watch Scheme, 878.

Occupational Health and Safety Bill, 1097.

Petition—“R” and “X” rated video cassettes, 862.

Police Department—Visit to National Party conference by Queensland Minister for Employment and Industrial Affairs, q 269. Vandalism, 877.

Pornography—“R” and “X” rated video cassettes, 862.

Retail Tenancies Advisory Committee, 47.

Road Traffic Authority—Pedestrian crossing for corner of Mount Dandenong Road and Maroondah Highway, 283.


Vandalism, 877.

Sewerage Authorities—Pay-roll tax exemptions, 612, 615. Interest subsidies, q 1599. Kilmore, 1695, 1700.

Sheehan, Mr F. P. (Ballarat South)

Accident Compensation Bill, 1431.

Economy, The—Strategy on oil and gas industry, q 175.

Point of Order—Tabling of quoted document, 1340.

State Transport Authority—Improvement of country trains, q 485.

Shell, Mr H. K. (Geelong)

Disabled Olympics, q 532.

Drugs—Premiers Conference in Canberra, q 53.

Grievances, 287.

Health—Drug summit in Canberra, q 53.

Melbourne—Grand Slam tennis tournament, q 1062.

Planning and Environment—Proposed National Tennis Centre, q 1062.

Sport and Recreation—Disabled Olympics, q 532.

Proposed National Tennis Centre, q 1062.


Victorian Sports Association for the Deaf—Participants in Disabled Olympics, q 532.

Sibree, Ms P. A. (Kew)

Accident Compensation Bill, 1573.

Education—Proposed Parliament of Youth, q 1165.


Handicapped Persons—Transport to special schools, 1473.

Labour and Industry (Anzac Day) Bill, 315.

Legislative Council—Proportional representation, q 1270.

Occupational Health and Safety Bill, 1148, 1192.

Point of Order—Relevancy of remarks, 1271.


Youth—Proposed Parliament of, q 1165.

Sidirooulos, Mr Theodore (Richmond)

Alcoa of Australia Ltd—Portland smelter, q 757.

Personal Explanation, 626.

Petroleum Products—Supplies, q 1600.

Points of Order—Right of reply, 496. Relevancy of remarks, 497.

Simmonds, Mr J. L. (Reservoir)
Amusement Parlours and Pinball Machines—Report, 1362.
Building and Construction Industry—House builders’ liability, q 997.
Death—Hon. R. W. Holt, 475.
Environment Protection Authority—Pollution by Wilke and Co. Ltd, 258.
Gambling—Amusement parlours and pinball machines, 1362.
Holt, The Late Hon. R. W., 475.
House Builders’ Liability—Report, q 997.
Housing—Shortage in Warrnambool electorate, 261.
Local Government (Rating Appeals) Bill, 763, 902.
Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 62, 90, 93, 564, 774, 777, 781, 783, 785.
Municipalities—Broadmeadows—Council’s superannuation fund, 1700.
Finance—Federal Government funding, q 56. Long service leave reserves, 261.
Fitzroy—Council deficit, 409.
Geelong—Appointment of Ms Joan Creati to inquiry on boundaries review, 521.
General—Restructuring, 521, q 1365, q 1481, q 1483, 1598. Common law workers compensation claims, q 856.
Oakleigh—Council: activities, q 759; resolution re honourable member for Malvern, 1700. Amusement parlour, 1155.
Traralgon—Proposed amalgamation of city and shire, 693.
Occupational Health and Safety Bill, 1217.
Planning Appeals Board—Oakleigh amusement parlour, 1155.
Sport and Recreation—Amusement parlours and pinball machines, 1362.
Wilke and Co. Ltd, 258.
Workers Compensation—Common law rights, q 856.

Simpson, Mr J. H.—continued
Police Department—Incident at Geelong—Hawthorn football match, q 1273.
Victorian Football League—Incident at Geelong—Hawthorn football match, q 1273.
Workers Compensation—Proposed legislation, q 755.

Small Business—Access to finance, q 760.

Smith, Mr E. R. (Glen Waverley)
Accident Compensation Bill, 1570.
Address-in-Reply, 159.
BLF (De-recognition) Bill, 1691.
Crana Hostel, Altona, 750.
Education—Highvale High School, 327. Bus service from Glen Waverley Special School to Brentwood High School, 1697.
Handicapped Persons—Crana Hostel, Altona, 750. Bus service from Glen Waverley Special School to Brentwood High School, 1697.
Health—Crana Hostel, Altona, 750. Drug identification poster, 1057.
Labour and Industry (Anzac Day) Bill, 314.
Motor Accidents Board—Delay in settling claims, 1475.
Occupational Health and Safety Bill, 1144.
Police Department—Drug identification poster, 1057.
Racing (Amendment) Bill, 941.

Smith, Mr. J. W. (Polwarth)
Accident Compensation Bill, 1013, 1283.
Australian Railways Union, 286.
Fishing Industry—Commercial, 284.
Grievances, 284.
Motor Car (Amendment) Bill, 595, 604, 606.
Petroleum Products—Petrol pricing, q 340, q 415.
Point of Order—Tabling of quoted document, 339.
Public Works Department—Apollo Bay boat ramp, 286.
Road Construction Authority—Corangamite Street railway bridge, 285. West Gate Bridge toll, q 1273.
Road Traffic Authority—Photo-point facilities at Camperdown for drivers’ licences, 285.
State Transport Authority—Fares and Freight—Student concessions, 285.
Rail Services—Railway facilities and staff at Donald, 45, 286. Level crossing at Deans Creek, 285.
Closure of Paisley station, 285.
Unions—Australian Railways Union, 286.
LEGISLATIVE ASSEMBLY

Smith, Mr I. W.—continued

West Gate Bridge—Toll, q 1273.

Social Development Committee—Appointment, 41.
Social Welfare (See “Community Services”.)
Sorrento—Development, 1361, 1362.

Speaker, The (Hon. C. T. Edmunds)
Rulings and Statements of—
Accident Compensation Bill—Clerk’s corrections, 1649.
Fourth report for 1983-84, 533.
BLF (De-recognition) Bill—Clerk’s corrections, 1693.
Chairmen of Committees, Temporary—Appointment, 30.
Clerk, The—Assistance, 59.
Constitutional Convention, Australian, 589.
Dawny-Mould, The Late Hon. W. R., 8.
Debate—Use of correct titles, 10, 894. Maiden speeches to be heard in silence, 33. Interjections, 76, 538, 807, 874. Extension of time for honourable member for Polwarth, 82. Relevancy of remarks, 118, 310, 311, 314, 317, 342, 539, 542, 821, 1009, 1198, 1457, 1459. Unparliamentary expressions, 198, 201, 298, 1119, 1654. Rule of sub judice, 296. Ruling on unparliamentary expression used by Leader of the Opposition, 342. Order of call, 742. On motion “That the question be now put”, 1014. Reading of speeches, 1297. Identifying quoted document, 1388. Matters raised on motion for adjournment of sitting: must relate to Government administration, 255, 1693, 1697; only one matter may be raised, 327, 1473; accepted method of complaint, 610; must not request legislation, 750, 752, 1358; must be of urgent public importance, 1697; allegations against members, 1699.
Edmunds, The Late F. L., Esq., 991.
Haworth, The Late Hon. Sir William, 8.
Holt, The Late Hon. R. W., 477.
La Trobe University, 462.
Members—Commission to swear, 9. Honourable member for Malvern, 521.
Moss, The Late Hon. G. C., 701.
Parliament—Televising of proceedings, 59, 112.

Speaker, The (Hon. C. T. Edmunds)—continued
Personal Explanations—Interjection, 626. To be heard with the tolerance of the House, 1483.
Speaker, The—Election, 5. Presentation to the Governor, 5.


Speaker, The Deputy—Temporary relief in chair, 30.

Sport and Recreation—
General—Holiday programs for disadvantaged families, q 533. Employment of former Olympic athletes, q 707. Carlton Cricket, Football and Social Club, 712. Proposed National Tennis Centre, q 999, 1054, 1059, q 1062, q 1064. Football matches: incident at Geelong-Hawthorn, q 1273; violence, q 1278. Amusement parlours and pinball machines, q 1276, 1357, 1362. Border anomalies affecting sporting clubs, 1358, 1363. (See also “Gambling” and “Totalizator Agency Board”.)
Grants and Subsidies—Australia Games, q 14, q 54, q 760. Disabled Olympics, q 532. Holiday programs for disadvantaged families, q 533. Sandown International Motor Racing Circuit, q 624. For athletes, q 999.

Spyker, Mr P. C. (Mentone)
Adoption—Pressure on agencies for information, 259. Delay in obtaining birth certificates, 695.
Bai Lin Tea, 106.
Births, Deaths and Marriages, Registrar of—Delay in obtaining birth certificates, 695.
Community Services—
Children—Increased foster care payments, 1477.
Department—Pressure on adoption agencies for information, 259.
Spyker, Mr P. C.—continued

General—Delays in obtaining birth certificates of adopted persons, 695.

Consumer Affairs—Advertising: claims of Bai Lin tea, 106; “Neo-Tech” information package, 522; Peninsula Vehicle Sales Pty Ltd, 850. Clean-Shine in letter boxes, 1234. No refunds on sale items, 1235.

Ethnic Affairs—Government advertisements in ethnic newspapers, 106.

Fair Trading Bill, 715.

Government Departments and Instrumentalities—Advertising in ethnic newspapers, 106.

House Builders’ Liability—Report, 1153.

Lennard Promotions Pty Ltd—Auction of goods, 1699.

Motor Car Traders Committee—Licensing of Richard Renzella, 850.

North West Price Watch, 1235.

Occupational Health and Safety Bill, 1112.

Peninsula Vehicle Sales Pty Ltd, 850.

Point of Order—Allegations against Minister should be withdrawn, 1699.

Trade Practices Commission—Refunds on sale items, 1235.


Wallace, Dr Frank R.—“Neo-Tech” information package, 522.

Standing Orders Committee—Appointment, 40.

State Bank—International activities, q 623.

State Electricity Commission—Electricity Supply—Use of public sector labour force for connections, q 57. Private connections, 612, 615. Proposed Brunswick—Richmond transmission line, 1471, 1476.

General—Public authority dividend, q 16. Latrobe Valley electricity workers, q 855.

State Finance—Treasurer’s visit to European financial markets, q 14. Premier’s overseas visit, q 110. Overseas borrowings, q 115, q 703. Assistance for country areas, 866. Budget strategy, q 995.

State Insurance Office—Report, 43, 47, q 107, q 109, q 113, q 174, 275, q 482. Third-party insurance, q 107, q 108, q 111, q 176. Losses, q 109, q 114, q 173, q 709. Compliance with Commonwealth legislation, q 112. Motion of censure of Treasurer, 116, 234, 259, 1487. Expansion of services, q 172. New headquarters, q 176, q 531, q 706. Monthly reporting, q 411. Accounting methods, q 622. Penalty for drink-driving offence, 847, 850.

State Superannuation Board—Medical classification of teacher, 325, 328.

State Transport Authority—

Bus Services—For mature age students in country areas, 48, 50. In Geelong, 748, 752. For Koroi, 885.


Fares and Freight—Student concessions, 285. For grain, q 484, q 1369.

General—Rental increases for land at Wonthaggi, 324, 331. Licensing of ferry services in Westernport Bay, 688, 692. Representation on V/Line board, q 1276.

Level Crossings—At Deans Creek, 285. Near Cudgee Primary School, 294.


Steggall, Mr B. E. H. (Swan Hill)

Education—Secondary school staff shortages, 644.

Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 542, 771, 774, 783.

Municipalities—Restructure, q 1481, 1594.

Occupational Health and Safety Bill, 1122.

Town and Country Planning (Transfer of Functions) Bill, 731, 787, 788, 790, 791, 1016.

Water (Advances) Bill, 590.

Water and Sewerage Authorities (Financial) Bill, 144, 154, 156, 158.

Water (Mornington Peninsula and District Water Board) Bill, 120, 139.

St Francis Church—Land acquisition for Victoria project, q 266.

Stirling, Mr G. F. (Williamstown)

Chairman of Committees—Election of Mr W. F. Fogarty, 29.

Employment and Industrial Affairs—Unemployment statistics, q 1270.

“Golden Gate Sun”—Grounding at Queenscliff, q 1484.

Police Department—Accommodation and equipment, q 113.

Port Phillip Sea Pilot Service—Inquiry into port resources, q 1484.
Stirling, Mr G. F.—continued

Ports—Pilot services, q 1484.
Rulings and Statements as Acting Speaker—
Debate—Unparliamentary expression, 452. Relev­
ancy of remarks, 570. Members to address Chair, 1445.

Stockdale, Mr A. R. (Brighton)
Accident Compensation Bill, 1009, 1284, 1455, 1463,
1485, 1527, 1529, 1531, 1532, 1539, 1540, 1542,
1588, 1618, 1623, 1626, 1629.
Address-in-Reply, 31.
Auditor-General—Accounting methods of State
Insurance Office, q 622.
Australian Labor Party—Collection of membership
fees, q 1275.
BLF (De-recognition) Bill, 1682.
Builders Labourers Federation—Deregistration pro­
cedings, q 1371.
Community Employment Program—Funding, 300.
Education—Employment of laboratory assistants
and technicians for science classes, 300.
Employment and Industrial Affairs—Community
Employment Program, 300.
Grievances, 300.
Melbourne and Metropolitan Board of Works—Rate
increases, 972.
Ministry, The—Motion of censure of Treasurer, 116,
254, 1487.
Occupational Health and Safety Bill, 1091.
Personal Explanation, 1485.
Petroleum Products—Petrol prices, q 416, 465.
Points of Order—Reading of speeches, 1408. Rele­
vancy of remarks, 1631, 1693.
State Insurance Office—Losses, q 109, q 173. Com­
piance with Commonwealth legislation, q 112.
Motion of censure of Treasurer, 116, 254, 1487.
New headquarters, q 531. Accounting methods, q 622.
Taxation—National summit, q 1061.
Unions—Builders Labourers Federation: deregistra­
tion proceedings, q 1371.
Workers Compensation—Proposed legislation, q 702. Common law rights, q 708. Means and
assets testing of benefits, q 855. WorkCare adver­
tising costs, q 1600.

Students (See “Education—Students”.)

T

Tanner, Mr E. M. P.—continued

Death—Hon. Sir William Haworth, 7.
Education—Free public transport for school excurs­
ions, 258.
Haworth, The Late Hon. Sir William, 7.
Liquor Control (Amendment) Bill, 576, 585.
Mental Health—Funding of Victorian Association
for Mental Health, 309.
Municipalities—Brothels, 309.
Occupational Health and Safety Bill, 1114, 1200,
1221.
Pensioners—Eligibility for concessions, 307.
Personal Explanation, 487.
Petitions—Mr Frank Penhalluriack, 342. Shop trad­
ing hours, 417.
Point of Order—Relevancy of remarks, 559.
Professional Boxing Control Bill, 805.
Returned Services League—War memorabilia
museum, 308.
State Disasters (Amendment) Bill, 921.
Trading Hours—Retail, 342, 417.
Victorian Association for Mental Health—Funding,
309.

Taxation—
General—Australian Grants Commission report,
q 55. Consumer price index, q 481. National tax
summit, q 759, q 992, q 997, q 1061. State taxes
and charges, q 994, q 995, q 1599. Trusts, q 1160.
Negative gearing, q 1479.
Land Tax—Assessment, 1359, 1362.
Pay-roll Tax—Exemptions for amalgamated water
trusts and sewerage authorities, 612, 615.
Taxi Industry—Shortage of taxis in peak periods, 1054,
1059.
Television Industry—Government funding, q 483.
Crawford Productions Pty Ltd package, q 1276.
Titles Office—Backlog of unregistered dealings, q 997.

Toner, Mrs P. T. (Greensborough)
Adoption—Pressure on agencies for adoption infor­
mation, 254.
Community Services—Pressure on adoption agen­
cies for information, 254.
Employment and Industrial Affairs—Youth Guar­
antee Scheme, q 13.
Gamblers Anonymous—Promotion, 274.
Gambling—Information for addicts, 274.
Grievances, 274, 882.
Local Government—Involvement of women, 882.
Members—Appreciation of services of former
members: Mr Wilton, Mr Burgin, Mr Ebery, Mr
INDEX

Toner, Mrs P. T.—continued

Gray, Mr Hassett, Mr Ihlein, Mr Jona, Mr Kemp- 
ton, Mr McKellar, Mr Miller, Mr Newton, Mrs 
Patrick, Mr Saltmarsh, Mr Sheehan and Mr Tem- 
pleton, JP, 1181.
Parliament—Visits by public, 883.
Point of Order—Identifying quoted document, 1388.
Road Traffic Authority—Baby bassinett restraint 
program, q 530.
Women—Equal opportunity in local government, 
882.
Youth—Guarantee scheme, q 13.

Totalizator Agency Board—Agencies in hotels, 257, 
261. Tote-All betting system, 518, 523.

Tourism—Facilities in Dromana electorate, 291. Ben- 
digo Chinese Dragon Museum, 848, 815.

Trade Practices Commission—Refunds on sale items, 
1232, 1235.
Trading Hours—For alcoholic liquor, 59, 1485. Retail, 
342, 417.

Transport Workers Union—Membership of livestock 
carriers, 102, 105. Ban on large trucks using Watt- 
tleetree Road, 1229, 1233, 1361, 1362.

Trezise, Mr N. B.—continued

Trezise, Mr N. B.—continued

U

Unemployment (See “Employment and Industrial 
Affairs—Unemployment”.)

Unions—Australian Bank Employees Union, q 53. 
Transport Workers Union: membership of live- 
stock carriers, 102, 105; black ban on large trucks 
using Wattletree Road, 1229, 1233, 1361, 1362. 
Australian Railways Union, 286. Association of 
Drafting Supervisory and Technical Employees, 
298. Right to strike in Queensland, 304. Building 
Workers Industrial Union, 466. Federated Iron-
workers Association, 466. Electrical Trades Union, 
q 855. Hospital Employees Federation (No. 1 
Branch), q 1062, q 1162. Builders Labourers Fed- 
eration: Portland smelter dispute, q 1159; pro- 
posed legislation, q 1272, q 1365, q 1367, q 1368, 
q 1480; deregistration proceedings, q 1371. Gov- 
ernment policy on non-unionists, q 1161. Feder- 
ated Confectioners Association of Australia, 1694, 
1699.

United Dairyfarmers of Victoria—Dairy dispute, q 621.

Universities—Admission requirements, 103, 105. La 
Trobe: appointments to council, 462, 488, 524, 
536.

Urban Land Authority—Landholdings, 1360, 1362.

V

Value-General—Delays in submitting valuations, 611, 
616.

Vaughan, Dr G. M. (Clayton)

Education—Access to post-secondary institutions, 
q 484. Karmel report, q 996.
Point of Order—Reference to debate in same ses- 
sion, 397.

Rulings and Statements as Acting Speaker— 
Debate—Relevancy of remarks, 384. Interjections, 
385. Time limit on speech, 1323.

Victoria—Cancellation of 150th anniversary concert, 
973, 974. 150th anniversary celebrations, 1152, 
1155, 1228, 1232.

Victoria Grants Commission—Report on restructuring 
of local government, 1594, 1598.
Victoria Project—Essington Ltd: inquiries into probity, q 171, q 263, q 264, q 268, q 333, q 338, q 413, 463, 468, q 529. Acquisition of land owned by St Francis Church, q 266. Information on delay, 275. EKG Developments Ltd, q 533.

Victorian Association for Mental Health—Funding, 309.

Victorian Economic Development Corporation—Loans for small business, q 760.

Victorian Farmers and Graziers Association—Representation on V/Line board, q 1276.

Victorian Football League—Incident at Geelong-Hawthorn match, q 1273. Violence at football matches, q 1278.

Victorian Institute of Marine Sciences—Council, 462, 488, 524, 536.


Victorian Post-Secondary Education Committee—Admission requirements for university, 103, 105.

Victorian Sports Association for the Deaf—Participation in Disabled Olympics, q 532.

Victorian Youth Concert Band, 1152, 1155.

Video Cassettes—Ban on “R” and “X”-rated, 711, 862, 1002.


Walsh, Mr R. W. (Albert Park)

Accident Compensation Bill, 1378.
Chinese Museum—In Bendigo, 851, 1001.
Education—Knox TAFE College, q 176. Upwey High School, 851.
Electoral—Dual use of electoral offices for State and Federal elections, 105.
Occupational Health and Safety Bill, 1088.
Pekon Fire Protection Pty Ltd, 105.
Personal Explanation, 1001.
Point of Order—Unparliamentary expression, 298.
Police Department—Facilities at Glen Waverley, q 486. New forensic science laboratory, q 711.
Schools—Knox TAFE College, q 176. Upwey High, 851.
Tourism—Bendigo Chinese Dragon Museum, 851.

Wangaratta—National aircraft museum, q 1165.


Weideman, Mr G. G. (Frankston South)

Accident Compensation Bill, 1459.
Community Services—Delay in obtaining birth certificates of adopted persons, 690.
Conservation, Forests and Lands—Duplication of course for applied science, conservation and resources, 519. Protection of flora and fauna, 973.
Education—Duplication of course for applied science, conservation and resources, 519.
Employment and Industrial Affairs—Youth Guarantee Scheme, 408.
Firearms—Sale of Ruger revolver replica, 749.
Fisheries and Wildlife Service—Protection of flora and fauna, 973.
Gambling—Bingo industry, 1360.
Health (Radiation Safety) Bill, 818.
Hospitals—Frankston Community, 103, 1475. Queen Victoria Medical Centre, q 1162. Waiting lists, 1484.
INDEX

Weideman, Mr G. G.—continued

Labour and Industry (Anzac Day) Bill, 316.
Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 562.
Members—Appreciation of services of former members: Mr Wilton, Mr Burgin, Mr Ebery, Mr Gray, Mr Hassett, Mr Ihlein, Mr Jona, Mr Kempston, Mr McKellar, Mr Miller, Mr Newton, Mrs Patrick, Mr Saltmarsh, Mr Sheehan and Mr Templeton, JP, 1177. Certificate of service, 1228.
Ministry, The—Promises made by Minister for Health, q 1484.
Motor Car (Amendment) Bill, 605, 606, 607, 608.
Sport and Recreation—Bingo industry, 1360.
Unions—Hospital Employees Federation (No. 1 Branch), q 1162.
Victoria—150th anniversary celebrations, 1228.
Water and Sewerage Authorities (Financial) Bill, 150.
Water (Mornington Peninsula and District Water Board) Bill, 131, 137, 141, 685.

Wells, Dr R. J. H. (Dromana)
Accident Compensation Bill, 1411, 1513, 1531, 1534, 1566.
Community Services—Family welfare in Dromana electorate, 291.
Conservation, Forests and Lands—Conservation needs in Dromana electorate, 291.
Dangerous Goods Bill, 1037, 1041.
Dromana—Public transport, 290. Funding for councils, 291.
Education—Resources of Dromana electorate, 290. Need for education of Victorians, 293.
Employment and Industrial Affairs—Unemployment in Dromana electorate, 290.
Grievances, 289.
Health—Facilities in Dromana electorate, 290.
Hospitals—Frankston Community, 290. Southern Peninsula, 290.
Metropolitan Transit Authority—Services in Dromana electorate, 290.
Mornington Peninsula—Police strength, 1052.
Occupational Health and Safety Bill, 1146.
Planning and Environment—Development in Sorrento, 1361.
Police Department—Staff and facilities for Dromana electorate, 291. Staff for Mornington Peninsula, 1052.
Road Construction Authority—Completion of Southern Peninsula Freeway, 290.

Whiting, Mr M. S. (Mildura)
Address-in-Reply, q 182.
Constitutional Convention, Australian, 535.
Education—Ouyen and Rainbow high schools, 44.
Health Commission—CAT scanner licence for Mildura Base Hospital, 1150.
Health (Radiation Safety) Bill, 824.
Hospital—Mildura Base, 1150.
Legal and Constitutional Committee—Reports presented: proposal for a Statute Law (Miscellaneous Provisions) Bill, 1002; Australian Constitutional Convention, 1002.
Members—Appreciation of services of former members: Mr Wilton, Mr Burgin, Mr Ebery, Mr Gray, Mr Hassett, Mr Ihlein, Mr Jona, Mr Kempston, Mr McKellar, Mr Miller, Mr Newton, Mrs Patrick, Mr Saltmarsh, Mr Sheehan and Mr Templeton, JP, 1173.

Wilke and Co. Ltd, 253, 258.

Wilkes, Mr F. N. (Northcote)
Aboriginal Affairs—Housing problems at Sale, q 1066.
Accident Compensation Bill, 1014.
Death—Hon. G. C. Moss, 699.
Elector al—Dual use of offices for State and Federal elections, 105.
Housing—Waiting lists, 105. Rooming-house program in Mason Street, Hawthorn, 470. Aboriginal Housing Board of Victoria, q 1066. Shortage, q 1277. Public and private rental, q 1479.
Moss, The Late Hon. G. C., 699.
Taxation—Negative gearing, q 1479.
Urban Land Authority (Amendment) Bill, 1372.

West Gate Bridge—Toll, q 1273.
Williams, Mr M. T. (Doncaster)
Accident Compensation Bill, 1402, 1508, 1549.
Children—Sexual exploitation, 896.
Grievances, 896.
Health (Radiation Safety) Bill, 826.
Labour and Industry (Anzac Day) Bill, 314.
Melbourne Corporation (Election of Council) (Proportional Representation) Bill, 559, 766, 767.
Motor Car (Amendment) Bill, 599.
Police Department—Delta Task Force, 896.
Pornography—Child, 896.
Racing (Amendment) Bill, 943, 961.
Road Construction Authority—Extension of Eastern Freeway, 971.
Supply (1985-86, No. 1) Bill, 496.
Town and Country Planning (Transfer of Functions) Bill, 742.
Victorian Economic Development Corporation (Amendment) Bill, 723.

Wilson, Mrs J. T. C. (Dandenong North)
Address-in-Reply, 27.
Economy, The—Premier’s overseas visit, q 620.
Employment and Industrial Affairs—Employment conditions, q 267.
Environment Protection Authority—Storage, transport and handling of hazardous materials, q 1159.

Wilson, Mrs J. T. C.—continued
Governor, The—Address-in-Reply, 27.
Industry, Technology and Resources—American business companies, q 620.
Red Cross Society—Mobile blood bank for Parliament House, 1151.
Road Transport—Gas tanker accident at Chiltern, q 1159.
Youth—Employment, q 267.

Women—Equal opportunity in local government, 882.
WorkCare (See “Workers Compensation”.)
Workers Compensation—Proposed legislation, 688, 691, q 702, q 703, q 705, q 755, q 756. Role of Mr Ian Baker, q 703. Common law rights, q 708, q 856. Means and assets testing of benefits, q 855. WorkCare advertising costs, q 1600.

Youth—Employment, q 267, q 861. Unemployment in Dromana electorate, 290. Proposed Parliament of, q 1165.
Youth Guarantee Scheme, q 13, 408, 410, q 532, q 1164, q 1366.
## QUESTIONS ON NOTICE

List in numerical order of questions on notice asked and answered in Legislative Assembly during period covered by this Index.

### Abbreviations used for Ministerial Portfolios

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts</td>
<td>Arts</td>
</tr>
<tr>
<td>Assistant Minister for Employment and Industrial Affairs</td>
<td>Asst Min E &amp; IA</td>
</tr>
<tr>
<td>Consumer Affairs</td>
<td>Cons Affs</td>
</tr>
<tr>
<td>Education</td>
<td>Ed</td>
</tr>
<tr>
<td>Employment and Industrial Affairs</td>
<td>E &amp; IA</td>
</tr>
<tr>
<td>Ethnic Affairs</td>
<td>Eth Affs</td>
</tr>
<tr>
<td>Housing</td>
<td>Hsg</td>
</tr>
<tr>
<td>Industry, Technology and Resources</td>
<td>I, T &amp; R</td>
</tr>
<tr>
<td>Local Government</td>
<td>Loc Govt</td>
</tr>
<tr>
<td>Police and Emergency Services</td>
<td>P &amp; ES</td>
</tr>
<tr>
<td>Premier</td>
<td>Prem</td>
</tr>
<tr>
<td>Property and Services</td>
<td>Prop &amp; Servs</td>
</tr>
<tr>
<td>Public Works</td>
<td>Pub Wks</td>
</tr>
<tr>
<td>Sport and Recreation</td>
<td>S &amp; R</td>
</tr>
<tr>
<td>Transport</td>
<td>Trans</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Treas</td>
</tr>
<tr>
<td>Water Resources</td>
<td>WR</td>
</tr>
</tbody>
</table>

### Table of Questions on Notice

<table>
<thead>
<tr>
<th>Qn. No.</th>
<th>Subject-matter</th>
<th>Asked by</th>
<th>Answered by</th>
<th>Date Answered</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Stolen Goods</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>28.5.85</td>
<td>976</td>
</tr>
<tr>
<td>4</td>
<td>Aireys Inlet Bus Service</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>2.7.85</td>
<td>1237</td>
</tr>
<tr>
<td>9</td>
<td>Geelong Police Complex</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td>1701</td>
</tr>
<tr>
<td>10</td>
<td>Belmont/Grovedale Police Complex</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>28.5.85</td>
<td>976</td>
</tr>
<tr>
<td>11</td>
<td>Facilities at TAFE Colleges</td>
<td>Mr Lieberman</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1237</td>
</tr>
<tr>
<td>12</td>
<td>Aireys Inlet Emergency Escape Routes</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1237</td>
</tr>
<tr>
<td>18</td>
<td>Schools Handbook Project</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>28.5.85</td>
<td>977</td>
</tr>
<tr>
<td>19</td>
<td>Private Buslines Subsidy</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>2.7.85</td>
<td>1238</td>
</tr>
<tr>
<td>20</td>
<td>Refund of Lump Sum Payments to Injured Workers</td>
<td>Mr Dickinson</td>
<td>Mr Jolly (Treas)</td>
<td>28.5.85</td>
<td>977</td>
</tr>
<tr>
<td>21</td>
<td>Geelong Integration Program for Handicapped Children</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>18.7.85</td>
<td>1712</td>
</tr>
<tr>
<td>24</td>
<td>Sewerage Outlet in Queenscliff-Clifton Springs Area</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>2.7.85</td>
<td>1238</td>
</tr>
<tr>
<td>29</td>
<td>Fire-fighting Funding for Research</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td>1701</td>
</tr>
<tr>
<td>39</td>
<td>Employees of Ministry of Consumer Affairs</td>
<td>Mr Dickinson</td>
<td>Mr Spyker (Cons Affs)</td>
<td>3.7.85</td>
<td>1260</td>
</tr>
<tr>
<td>47</td>
<td>Secondary School Students</td>
<td>Mr Williams</td>
<td>Mr Cathie (Ed)</td>
<td>28.5.85</td>
<td>978</td>
</tr>
<tr>
<td>53</td>
<td>Government Equity Tax</td>
<td>Mr Williams</td>
<td>Mr Jolly (Treas)</td>
<td>2.7.85</td>
<td>1238</td>
</tr>
<tr>
<td>57</td>
<td>Budget Allocation for Education</td>
<td>Mr Williams</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1239</td>
</tr>
<tr>
<td>Qu. No.</td>
<td>Subject-matter</td>
<td>Asked by</td>
<td>Answered by</td>
<td>Date Answered</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>---------------</td>
<td>------</td>
</tr>
<tr>
<td>58</td>
<td>Auditor-General's Complaints on Education Reports</td>
<td>Mr Williams</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1239</td>
</tr>
<tr>
<td>59</td>
<td>Auditor-General’s Complaints on Transport Reports</td>
<td>Mr Williams</td>
<td>Mr Roper (Trans)</td>
<td>2.7.85</td>
<td>1240</td>
</tr>
<tr>
<td>60</td>
<td>Packaging Standards</td>
<td>Mr Williams</td>
<td>Mr Spyker (Cons Affs)</td>
<td>28.5.85</td>
<td>978</td>
</tr>
<tr>
<td>62</td>
<td>Publications of Department of the Premier and Cabinet</td>
<td>Mr Brown</td>
<td>Mr Cain (Prem)</td>
<td>2.7.85</td>
<td>1240</td>
</tr>
<tr>
<td>63</td>
<td>Publications of Department of Industry, Technology and Resources</td>
<td>Mr Brown</td>
<td>Mr Fordham (I, T &amp; R)</td>
<td>2.7.85</td>
<td>1240</td>
</tr>
<tr>
<td>64</td>
<td>Publications of Education Department</td>
<td>Mr Brown</td>
<td>Mr Cathie (Ed)</td>
<td>3.7.85</td>
<td>1260</td>
</tr>
<tr>
<td>66</td>
<td>Publications of Department of Management and Budget</td>
<td>Mr Brown</td>
<td>Mr Jolly (Treas)</td>
<td>2.7.85</td>
<td>1241</td>
</tr>
<tr>
<td>68</td>
<td>Publications of Ministry for Police and Emergency Services</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>2.7.85</td>
<td>1241</td>
</tr>
<tr>
<td>69</td>
<td>Publications of Department of Water Resources</td>
<td>Mr Brown</td>
<td>Mr McCutcheon (WR)</td>
<td>2.7.85</td>
<td>1241</td>
</tr>
<tr>
<td>70</td>
<td>Publications of Department of Property and Services</td>
<td>Mr Brown</td>
<td>Mr McCutcheon (Prop &amp; Servs)</td>
<td>2.7.85</td>
<td>1242</td>
</tr>
<tr>
<td>71</td>
<td>Publications of Ministry of Transport</td>
<td>Mr Brown</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1702</td>
</tr>
<tr>
<td>74</td>
<td>Publications of Ethnic Affairs Commission</td>
<td>Mr Brown</td>
<td>Mr Spyker (Eth Affs)</td>
<td>2.7.85</td>
<td>1242</td>
</tr>
<tr>
<td>75</td>
<td>Publications of Department of Sport and Recreation</td>
<td>Mr Brown</td>
<td>Mr Trezise (S &amp; R)</td>
<td>2.7.85</td>
<td>1242</td>
</tr>
<tr>
<td>76</td>
<td>Publications of Public Works Department</td>
<td>Mr Brown</td>
<td>Mr Walsh (Pub Wks)</td>
<td>2.7.85</td>
<td>1243</td>
</tr>
<tr>
<td>77</td>
<td>Publications of Ministry of Housing</td>
<td>Mr Brown</td>
<td>Mr Wilkes (Hsg)</td>
<td>2.7.85</td>
<td>1243</td>
</tr>
<tr>
<td>78</td>
<td>Publications of Department of Community Services</td>
<td>Mr Brown</td>
<td>Mr Spyker (Con Affs)</td>
<td>3.7.85</td>
<td>1260</td>
</tr>
<tr>
<td>79</td>
<td>Publications of Law Department</td>
<td>Mr Brown</td>
<td>Mr Mathews (Arts)</td>
<td>2.7.85</td>
<td>1243</td>
</tr>
<tr>
<td>80</td>
<td>Publications of Department of Conservation, Forests and Lands</td>
<td>Mr Brown</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1244</td>
</tr>
<tr>
<td>83</td>
<td>Publications of Health Commission</td>
<td>Mr Brown</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1702</td>
</tr>
<tr>
<td>89</td>
<td>Loans to Department of Management and Budget</td>
<td>Mr Brown</td>
<td>Mr Jolly (Treas)</td>
<td>16.7.85</td>
<td>1702</td>
</tr>
<tr>
<td>91</td>
<td>Loans to Ministry for Police and Emergency Services</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td>1703</td>
</tr>
<tr>
<td>98</td>
<td>Loans to Department of Sport and Recreation</td>
<td>Mr Brown</td>
<td>Mr Trezise (S &amp; R)</td>
<td>16.7.85</td>
<td>1703</td>
</tr>
<tr>
<td>99</td>
<td>Loans to Public Works Department</td>
<td>Mr Brown</td>
<td>Mr Walsh (Pub Wks)</td>
<td>16.7.85</td>
<td>1704</td>
</tr>
<tr>
<td>108</td>
<td>Advertising by Department of the Premier and Cabinet</td>
<td>Mr Brown</td>
<td>Mr Cain (Prem)</td>
<td>2.7.85</td>
<td>1244</td>
</tr>
<tr>
<td>139</td>
<td>Advertising by Department of Industry, Technology and Resources</td>
<td>Mr Brown</td>
<td>Mr Fordham (I, T &amp; R)</td>
<td>2.7.85</td>
<td>1245</td>
</tr>
<tr>
<td>115</td>
<td>Advertising by Department of Management and Budget</td>
<td>Mr Brown</td>
<td>Mr Jolly (Treas)</td>
<td>2.7.85</td>
<td>1245</td>
</tr>
<tr>
<td>Qn. No.</td>
<td>Subject-matter</td>
<td>Asked by</td>
<td>Answered by</td>
<td>Date Answered</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------------------------------</td>
<td>----------</td>
<td>--------------------------</td>
<td>---------------</td>
<td>------</td>
</tr>
<tr>
<td>116</td>
<td>Advertising by Ministry of Transport</td>
<td>Mr Brown</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1704</td>
</tr>
<tr>
<td>117</td>
<td>Advertising by Education Department</td>
<td>Mr Brown</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1245</td>
</tr>
<tr>
<td>118</td>
<td>Advertising by Law Department</td>
<td>Mr Brown</td>
<td>Mr Mathews (Arts)</td>
<td>2.7.85</td>
<td>1246</td>
</tr>
<tr>
<td>119</td>
<td>Advertising by Department of Community Services</td>
<td>Mr Brown</td>
<td>Mr Spyker (Cons Affs)</td>
<td>3.7.85</td>
<td>1261</td>
</tr>
<tr>
<td>120</td>
<td>Advertising by Ministry of Housing</td>
<td>Mr Brown</td>
<td>Mr Wilkes (Hsg)</td>
<td>2.7.85</td>
<td>1246</td>
</tr>
<tr>
<td>122</td>
<td>Advertising by Ministry for Police and Emergency Services</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>2.7.85</td>
<td>1246</td>
</tr>
<tr>
<td>125</td>
<td>Advertising by Department of Sport and Recreation</td>
<td>Mr Brown</td>
<td>Mr Trezise (S &amp; R)</td>
<td>2.7.85</td>
<td>1247</td>
</tr>
<tr>
<td>126</td>
<td>Advertising by Public Works Department</td>
<td>Mr Brown</td>
<td>Mr Walsh (Pub Wks)</td>
<td>2.7.85</td>
<td>1247</td>
</tr>
<tr>
<td>127</td>
<td>Advertising by Department of Conservation, Forests and Lands</td>
<td>Mr Brown</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1247</td>
</tr>
<tr>
<td>128</td>
<td>Advertising by Department of Water Resources</td>
<td>Mr Brown</td>
<td>Mr McCutcheon (W R)</td>
<td>2.7.85</td>
<td>1248</td>
</tr>
<tr>
<td>129</td>
<td>Advertising by Department of Property and Services</td>
<td>Mr Brown</td>
<td>Mr McCutcheon (Prop &amp; Servs)</td>
<td>2.7.85</td>
<td>1248</td>
</tr>
<tr>
<td>130</td>
<td>Advertising by Ethnic Affairs Commission</td>
<td>Mr Brown</td>
<td>Mr Spyker (Eth Affs)</td>
<td>2.7.85</td>
<td>1248</td>
</tr>
<tr>
<td>133</td>
<td>Permanent Tenancies to Caravan Owners</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td>1249</td>
</tr>
<tr>
<td>134</td>
<td>Ministering Children’s League</td>
<td>Mr Dickinson</td>
<td>Mr Spyker (Cons Affs)</td>
<td>2.7.85</td>
<td>1249</td>
</tr>
<tr>
<td>138</td>
<td>Cystic Fibrosis</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1704</td>
</tr>
<tr>
<td>139</td>
<td>Incentives for Manufacturing Industries</td>
<td>Mr Dickinson</td>
<td>Mr Fordham (I, T &amp; R)</td>
<td>28.5.85</td>
<td>979</td>
</tr>
<tr>
<td>148</td>
<td>Caravan and Camping Regulations</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1705</td>
</tr>
<tr>
<td>149</td>
<td>Coronial Inquest</td>
<td>Mr Williams</td>
<td>Mr Mathews (Arts)</td>
<td>2.7.85</td>
<td>1250</td>
</tr>
<tr>
<td>150</td>
<td>Courses for Occupational Medicine</td>
<td>Mr Williams</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td>1706</td>
</tr>
<tr>
<td>154</td>
<td>Staffing Level of Police Force</td>
<td>Mr Perrin</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>2.7.85</td>
<td>1250</td>
</tr>
<tr>
<td>155</td>
<td>Staffing Level of Police Force</td>
<td>Mr Perrin</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>28.5.85</td>
<td>980</td>
</tr>
<tr>
<td>156</td>
<td>Crime Rate in Doncaster and Templestowe</td>
<td>Mr Perrin</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>2.7.85</td>
<td>1250</td>
</tr>
<tr>
<td>157</td>
<td>Transfer of V/Line Departmental Residence</td>
<td>Mr Whiting</td>
<td>Mr Roper (Trans)</td>
<td>2.7.85</td>
<td>1251</td>
</tr>
<tr>
<td>158</td>
<td>Public Works Department Projects</td>
<td>Mr Gude</td>
<td>Mr Walsh (Pub Wks)</td>
<td>2.7.85</td>
<td>1251</td>
</tr>
<tr>
<td>160</td>
<td>Architects Employed by Ministry of Housing</td>
<td>Mr Gude</td>
<td>Mr Wilkes (Hsg)</td>
<td>3.7.85</td>
<td>1261</td>
</tr>
<tr>
<td>161</td>
<td>Architects Employed by Department of Sport and Recreation</td>
<td>Mr Gude</td>
<td>Mr Trezise (S &amp; R)</td>
<td>2.7.85</td>
<td>1252</td>
</tr>
<tr>
<td>162</td>
<td>Architects Employed by Ministry of Consumer Affairs</td>
<td>Mr Gude</td>
<td>Mr Spyker (Cons Affs)</td>
<td>2.7.85</td>
<td>1252</td>
</tr>
<tr>
<td>163</td>
<td>Architects Employed by Ethnic Affairs Commission</td>
<td>Mr Gude</td>
<td>Mr Spyker (Eth Affs)</td>
<td>2.7.85</td>
<td>1252</td>
</tr>
<tr>
<td>No.</td>
<td>Subject-matter</td>
<td>Asked by</td>
<td>Answered by</td>
<td>Date Answered</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------------------------------------</td>
<td>---------------</td>
<td></td>
</tr>
<tr>
<td>166</td>
<td>Architects Employed by Department of Water Resources</td>
<td>Mr Gude</td>
<td>Mr McCutcheon (W R)</td>
<td>2.7.85</td>
<td></td>
</tr>
<tr>
<td>167</td>
<td>Architects Employed by Department of Property and Services</td>
<td>Mr Gude</td>
<td>Mr McCutcheon (Prop &amp; Servs)</td>
<td>2.7.85</td>
<td></td>
</tr>
<tr>
<td>169</td>
<td>Architects Employed by Ministry for Police and Emergency Services</td>
<td>Mr Gude</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td></td>
</tr>
<tr>
<td>173</td>
<td>Architects Employed by Department of Conservation, Forests and Lands</td>
<td>Mr Gude</td>
<td>Mr Spyker (Cons Affs)</td>
<td>3.7.85</td>
<td></td>
</tr>
<tr>
<td>181</td>
<td>Ecacentre for Oberon Schools</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
<td></td>
</tr>
<tr>
<td>183</td>
<td>School Improvement Plan</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>28.5.85</td>
<td></td>
</tr>
<tr>
<td>195</td>
<td>Sale and Lease-back Transactions within Department of Management and Budget</td>
<td>Mr Stockdale</td>
<td>Mr Jolly (Treas)</td>
<td>16.7.85</td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>Sale and Lease-back Transactions within Ministry for Police and Emergency Services</td>
<td>Mr Stockdale</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td></td>
</tr>
<tr>
<td>206</td>
<td>Sale and Lease-back Transactions within Department of Sport and Recreation</td>
<td>Mr Stockdale</td>
<td>Mr Trezise (S &amp; R)</td>
<td>16.7.85</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>Sale and Lease-back Transactions within Public Works Department</td>
<td>Mr Stockdale</td>
<td>Mr Walsh (Pub Wks)</td>
<td>16.7.85</td>
<td></td>
</tr>
<tr>
<td>209</td>
<td>Financial Accounting of Public Works Department</td>
<td>Mr Gude</td>
<td>Mr Jolly (Treas)</td>
<td>2.7.85</td>
<td></td>
</tr>
<tr>
<td>211</td>
<td>Nursing Staff Shortage</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
<td>16.7.85</td>
<td></td>
</tr>
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<td>Public Housing Survey</td>
<td>Mr Brown</td>
<td>Mr Wilkes (Hsg)</td>
<td>3.7.85</td>
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<td>213</td>
<td>Mineral Reserve Basins Scheme</td>
<td>Mr Steggall</td>
<td>Mr McCutcheon (W R)</td>
<td>2.7.85</td>
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<td>214</td>
<td>Water Table Evaporation</td>
<td>Mr Steggall</td>
<td>Mr McCutcheon (W R)</td>
<td>2.7.85</td>
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<td>215</td>
<td>National Companies and Securities Commission Inquiry into TEA (1983) Ltd</td>
<td>Mr Steggall</td>
<td>Mr Mathews (Arts)</td>
<td>2.7.85</td>
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<td>221</td>
<td>TAFE Courses in Hairdressing</td>
<td>Mr Lieberman</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
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<td>222</td>
<td>Library Facilities at Grovedale West Primary School</td>
<td>Mr Dickinson</td>
<td>Mr Cathie (Ed)</td>
<td>2.7.85</td>
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<td>Residences Owned by Department of the Premier and Cabinet</td>
<td>Mr Brown</td>
<td>Mr Cain (Prem)</td>
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<td>Residences Owned by Department of Management and Budget</td>
<td>Mr Brown</td>
<td>Mr Jolly (Treas)</td>
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<td>Residences Owned by Ministry for Police and Emergency Services</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
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<td>Residences Owned by Ministry of Consumer Affairs</td>
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<td>Residences Owned by Ethnic Affairs Commission</td>
<td>Mr Brown</td>
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<td>Residences Owned by Department of Sport and Recreation</td>
<td>Mr Brown</td>
<td>Mr Trezise (S &amp; R)</td>
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<td>Residences Owned by Public Works Department</td>
<td>Mr Brown</td>
<td>Mr Walsh (Pub Wks)</td>
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<td>Residences Owned by Department of Conservation, Forests and Lands</td>
<td>Mr Brown</td>
<td>Mr Cathie (Ed)</td>
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<td>Residences Owned by Department of Community Services</td>
<td>Mr Brown</td>
<td>Mr Spyker (Cons Affs)</td>
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<td>Expenditure by Ministry of Consumer Affairs on Aboriginal Affairs</td>
<td>Mr Brown</td>
<td>Mr Spyker (Cons Affs)</td>
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<td>267</td>
<td>Expenditure by Public Works Department on Aboriginal Affairs</td>
<td>Mr Brown</td>
<td>Mr Walsh (Pub Wks)</td>
<td>16.7.85</td>
<td>1709</td>
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<td>285</td>
<td>Budget Allocation for Distribution by Department of Management and Budget</td>
<td>Mr Brown</td>
<td>Mr Jolly (Treas)</td>
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<td>286</td>
<td>Budget Allocation of Ministry for Police and Emergency Services</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
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<td>Budget Allocation for Distribution by Ministry of Consumer Affairs</td>
<td>Mr Brown</td>
<td>Mr Spyker (Cons Affs)</td>
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<td>Budget Allocation of Public Works Department</td>
<td>Mr Brown</td>
<td>Mr Mathews (P &amp; E S)</td>
<td>16.7.85</td>
<td>1709</td>
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<td>Budget Allocation for Distribution by Ministry of Housing</td>
<td>Mr Brown</td>
<td>Mr Wilkes (Hsg)</td>
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<td>Central Firearms Registry</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; E S)</td>
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<td>Funds for Parks, Forests and Crown Lands</td>
<td>Mr Whiting</td>
<td>Mr Cathie (Ed)</td>
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<td>Water and Sewerage Authorities</td>
<td>Mr Delzoppo</td>
<td>Mr McCutcheon (WR)</td>
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<td>Armed Robbery Statistics</td>
<td>Mr Williams</td>
<td>Mr Mathews (P &amp; E S)</td>
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<td>Housing Commission Pensioner Tenants</td>
<td>Mr Heffernan</td>
<td>Mr Wilkes (Hsg)</td>
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