Wednesday, 27 November 1985

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 11.6 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

BUILDERS LABOURERS FEDERATION

Mr KENNETT (Leader of the Opposition)—I refer to the Premier’s threats against the Builders Labourers Federation and contractors who do not stand up to the union and I ask the Premier: how does the honourable gentleman justify those threats when the Government has legislation before Parliament that would legalize the activities of the Builder Labourers Federations and would make illegal the Premier’s threats if they were converted into action? How does the Premier explain that most hypocritical example of double standards?

Mr CAIN (Premier)—I am pleased to learn that the Leader of the Opposition has found his voice again. Members of the Government were beginning to wonder what had happened to him yesterday. The Opposition must have decided that the new question time process with the honourable member for Polwarth and the honourable member for Benambra did not work well. The Government certainly does best when the Leader of the Opposition has good voice.

I hope the Leader of the Opposition understands the strong support the Government is receiving from both the employers and the trade union movement in respect of the action it has taken against the Builders Labourers Federation. The Government has universal support, and I hope that includes support from the Opposition.

The approach the Government has taken is fully supported by the union movement, as was evidenced last night. It is also fully supported by the Master Builders Association of Victoria. The Government’s approach relies on a course of conduct that employers should carry out. That is being carried out, and I hope employers will stand up to the union and be prepared, so far as they can, to continue working on jobs with workers from other unions or those members of the Builder Labourers Federation who are prepared to work on the jobs.

Mr Kennett—Answer the question!

Mr CAIN—As I said, the Government does best when the Leader of the Opposition asks questions and then interjects in the way that he has just done. The Government will continue with its campaign and will continue to receive the support it is currently receiving.

As for the point raised by the Leader of the Opposition, the advice I have received when it was brought to my notice is that it is absolute nonsense. However, that will be dealt with when the Bill is debated.

BATMAN AVENUE TRAMS

Mr ROSS-EDWARDS (Leader of the National Party)—Will the Minister for Transport advise the House whether the Government has any plans for taking the trams out of Batman Avenue? If so, what is the time-table?

Mr ROPER (Minister for Transport)—As honourable members would be aware one of the main reasons that the site for the proposed National Tennis Centre was chosen was the accessibility of public transport both in terms of train services through Flinders Street and also tram services.
From time to time there have been various proposals submitted to alter the Princes Gate Plaza area but it has been made clear that any such changes have to maintain what is an extremely useful tram service for a variety of people living in Melbourne and which will be particularly useful in the light of the developing sporting and other recreational activities that will result from the tennis centre being constructed in Flinders Park.

I assure the honourable member and all honourable members that the Government intends to maintain those services and not see them diminished.

ROAD TOLL

Mrs TONER (Greensborough)—Will the Minister for Transport advise what recent steps the Government has taken to reduce the road toll?

Mr ROPER (Minister for Transport)—Honourable members will be aware that this State leads the world in steps taken to reduce the road toll and that has been done by Governments of both political persuasions over recent years.

That recognition of the role of Victoria is demonstrated by the first meeting of an international think tank on road safety that is meeting in Melbourne this week. The meeting is chaired by Dr Trinca of the Road Trauma Committee and includes Dr Johnson of the Road Traffic Authority and half a dozen world renowned experts from the United States of America, United Kingdom and Canada.

That group of people again last night paid tribute to the work Victoria has done. As the current statistics for this year demonstrate, we have to keep an unremitting attack on the road toll because, although in terms of kilometres travelled, the toll has gone down again this year, in numerical terms the death rate is above 600 and is up fifteen on the number at this time last year.

In the run up to Christmas we must ensure that every step is taken to reduce the road toll. One of the particular areas that the Government, the Road Traffic Authority and the police are concentrating on is heavy vehicles because there have been a large number of crashes and injuries this year that have resulted from accidents involving heavy vehicles, that is, semi-trailers and heavy trucks.

The Road Traffic Authority has now introduced random on-road vehicle inspections and has been working in conjunction with the transport industry. It has already resulted in a number of owners of vehicles being given notice that their vehicles need repairs. In the first two weeks of the program, 30 per cent of vehicles were found to have defects, some of which were extremely serious.

In one instance, a tie rod was actually ready to go and the driver was extremely grateful that the inspection revealed this danger. In the same way, action is being taken with respect to overloaded trucks and funds have been set aside for the purchase of portable weigh-bridges so that the authorities can deal with what could be a significant problem when trucks are clearly overloaded compared with their braking and other safety capacities.

This program will continue not just through the Christmas period, but throughout the whole year. The police are mounting a major campaign over the next six weeks to deal with major problems of both drink driving and speed. The Government is concerned that speeding in country areas is addressed by the police, the community and also by the courts.

The Government is disturbed at a number of recent incidents where people have been clearly exceeding the speed limit and should have had their licences suspended under the 1983 legislation but who had their cases adjourned and were put on a bond.

I have written to the Attorney-General asking him to direct these concerns to the attention of magistrates. One instance that occurred involved a probationary driver who was travelling at 140 kilometres in an 80 kilometre an hour zone; he should have
automatically lost his licence but the matter was adjourned and some funds were placed in the poor box.

There have been similar examples where people have been travelling at 155 kilometres an hour and have been similarly let off. The Government seeks to ensure that that situation does not continue.

Honourable members interjecting.

Mr ROPER—That is what the Government is now addressing—to ensure that this practice, which has been growing, ceases. Certainly magistrates and judges should always be in a position to exercise their responsibilities.

Honourable members interjecting.

Mr ROPER—The honourable member for Forest Hill, who interjects, may not be interested, but the Leader of the National Party is certainly concerned about the matter.

The Government intends to ensure over the next six weeks that there is a significant reduction in these incidents compared with last year, so that last year’s record can be matched and Victoria’s reputation as a world leader in road safety can be maintained.

TRAVEL ARRANGEMENTS

Mr PESCOTT (Bennettswood)—Is the Premier aware that the cost of an Asian tour by the Chairman of the Victorian Tourism Commission a year ago exceeded the budget by more than 50 per cent? Will the Premier inform the House by the end of the current session whether it has yet been determined which costs and charges on the chairman’s American Express card, supplied by the Government, related to the chairman’s personal expenses and which related to official expenses?

Mr CAIN (Premier)—The Government has very clear guidelines in regard to travel, and they are not, as someone suggests, the product of a puritan or penny-pinching mind at all. They are there to ensure—

Honourable members interjecting.

Mr CAIN—The present Opposition knows better than anyone else, as I indicated before, what has occurred with regard to travel in the past. I repeat my offer: if the Opposition wishes to go into travel details, I can take out all the files that relate to the travel arrangements of former members and Ministers.

Honourable members interjecting.

Mr CAIN—I shall tell honourable members everything. If they wish to get into detail about travel they will get it, and they will see whose heads were in the trough.

Honourable members interjecting.

Mr CAIN—Honourable members opposite can interject as much as they like. I shall go back and indicate what has been the Government’s attitude. The Government has guidelines to ensure that Government money is not frittered away on jaunts or freebies by public servants. Those guidelines did not exist before this Government came to office. That is the first point.

The guidelines are part of the Government’s commitment to ensure Government money is spent wisely. As I said before, I have no problem at all with putting up for public scrutiny the travel arrangements and costs incurred by anybody who has travelled on behalf of this Government during that time.

Honourable members interjecting.

Mr CAIN—if honourable members opposite want to do that, that will be done. I just say they ought to be seen in the context of the arrangements that did not exist before, and
the sorts of jaunts that went on before. All the files are waiting if honourable members opposite want them. Let the public judge which is better; let them judge whether they want a Government which lays down guidelines. I know some people do not like standards to be set because they cannot comply with them. They do not want to be embarrassed by anything that might be revealed. I am aware of that.

Mr Kennett—Why do you not answer the question?

Mr CAIN—I am answering the question. In fact, the Leader of the Opposition had arranged to go away on a trip, which had been approved, but he will not go; he is frightened to go.

Honourable members interjecting.

Mr CAIN—After witnessing what occurred during question time yesterday, the Leader of the Opposition should not be frightened. If that is the way the honourable member for Polwarth wishes to run question time, we would be better off without the Leader of the Opposition!

I believe the honourable member for Polwarth will be easier than the Leader of the Opposition to deal with. I know the Liberals cannot make up their minds.

The SPEAKER—Order! The Premier is straying away from the point of the question and I ask him to come back to his answer.

Mr CAIN—I know that the Opposition cannot make up its mind about most things on policy but it has made up its mind about a change of Leader and it is only a question of when, nothing else!

Honourable members interjecting.

Mr CAIN—The Leader of the Opposition is very impatient today; he should be; it is his second-last day in the Leader's chair. He wants to impress today as time is running out. The Leader of the Opposition is impatient: he cannot wait for the recess.

The SPEAKER—Order! I am getting impatient myself.

Mr CAIN—Perhaps all the matters should be put on the table, past and present, and let the public weigh up which system it prefers—the system that enables the honourable member for Bennettswood to get up and ask a question because he knows there are checks and requirements to be satisfied where there were none before. That is what the honourable member knows, and he is a member of the party that supports a political party that has no standards at all. The honourable member could have asked the question when the Liberal Party was in government. It had no standards or checks; it did what it liked. The Deputy Leader of the National Party knows that to be true.

The guidelines are there and they will be applied. I suggest they are far better than the laissez-faire approach that applied and was abused in the past. If there are cases where persons intrude into business done for the Government with private ventures they will be treated accordingly. That was the case in the past and it will continue to be the case. I repeat, the reason for guidelines is to stop rorts. The previous Government did not have guidelines and the rorts went on.

TAFE COLLEGES

Mr HANN (Rodney)—Is the Minister for Education aware that fifteen non-metropolitan technical schools in Victoria are alarmed at the suggestions that the TAFE components of their colleges will be annexed to the major TAFE colleges within Victoria, which will mean a loss of autonomy within these colleges? If the Minister is aware of this situation, can he advise the House what action is being taken in regard to this matter and give an assurance that these schools will retain their present TAFE component and the autonomy related to that?
Mr CA THIE (Minister for Education)—Following the Government's adoption of the Blackburn report, I set up a number of working parties which I chair in order to deal with specific issues relating to post-compulsory education in this State. One of those working parties was the Schools-TAFE working party, and that has agreed as a matter of principle that the TAFE board will assume responsibility for all resources currently allocated to the provision of TAFE programs and courses within the Ministry of Education; I believe that is a proper principle.

Mr Lieberman—What about examinations?

Mr CA THIE—It has nothing to do with the conduct of examinations and I have received a report on that matter. I am happy to discuss the matter with the honourable member for Benambra if he wishes to do so.

The working party has proposed two models that could be followed. One is called the college campus model, and that involves the transfer of programs, staff and facilities to the direct responsibility of the TAFE board, and hence the responsibility for administration and organization of programs will be allocated to those colleges of TAFE that are able to provide effective co-ordination and administration.

Under that model, for example, Echuca Technical School could be attached to the Bendigo Technical and Further Education College, or Colac Technical School in its TAFE programs could become part of the Gordon campus.

The second model is the college cluster model in which TAFE programs conducted within an identified Ministry of Education school would become the responsibility of the Minister for Education, but where the staff may have the opportunity of opting for membership of the TAFE teaching service.

Mr Lieberman—Chaos!

Mr CA THIE—That does not suggest chaos but puts responsibility for those programs where they ought to be and it gives a model for the co-ordination of those programs which is workable. For example, the second system would operate under a series of contractual arrangements between the Ministry of Education and TAFE with TAFE paying for the services that it requires from the Ministry of Education for the use of its staff.

In both models, the working party will be undertaking further work to refine them and to identify which schools ought to fall into each of the proposed models. I hope that work will be completed early next month. The completion of this task really completes all the work put before the TAFE schools working party and it means that the Ministry is working well within the time limits and objectives set out when the Government adopted the Blackburn report.

CONSUMER LAW

Mr CULPIN (Broadmeadows)—Will the Minister for Consumer Affairs inform the House of his efforts to reduce breaches of consumer law?

Mr SPYKER (Minister for Consumer Affairs)—The honourable member for Broadmeadows, through the active representation he has made on behalf of the electorate that he represents, will be aware that the Government has had to ensure that the marketplace in which consumer trades operate is fair. Since becoming the Government in 1982, the Labor Party has endeavoured to ensure that a fair market-place is created for both traders and consumers, and I am delighted to have received support from trader organizations which have recognized that there are several rip-off merchants in the State who have no hesitation in ripping off consumers. Honourable members will be aware also of the publicity that has been given to these issues.
The Government will ensure that consumers are protected and that traders who are operating properly are protected also and that rip-off merchants are run out of the State. There is no place for them and they will not be tolerated.

I am delighted that the law enforcement section of the Ministry has increased the number of prosecutions against offenders. In the last financial year, 39 traders were prosecuted on a total of 289 charges and so far this financial year 23 traders have been prosecuted on a total of 162 charges. The Government is giving a clear warning to shonky traders that it will not tolerate their activities.

Mr Brown—What about the ones you haven’t acted on who are still trading?

Mr Spyker—The honourable member for Westernport well knows, as a result of the issues that he has raised in Parliament, that if he wishes those prosecutions to be successful, he needs to provide the information about them and that without that information the Government cannot take any further action.

Mr Brown—Those offences have occurred at least 23 times.

Mr Spyker—The honourable member for Westernport, as always when asked, fails to provide detailed information. He is very good at making allegations in Parliament but when asked for the substances to those allegations, he is short on giving that information. The honourable members main concern has been about the Motor Car Traders Act, and the bulk of these charges to which I have referred deal with either Motor Traders Act breaches or residential tenancy offences.

We will ensure that, in future, whenever breaches come to our attention, we will deal with them. The fair trading legislation that was passed through Parliament earlier this year will be proclaimed at the beginning of next year. There will be a much better method of operation because of fair trading legislation which, at the Federal level, deals with corporations and which, at the State level, deals with traders and consumers. Therefore, there will be additional weaponry in our armoury to ensure that the shonky operators in this State are removed from the scene, that traders who trade properly and ethically will have a fair market-place and that consumers in this State will be protected.

CONSTRUCTION OF HONG KONG RAIL SYSTEM

Mr Hayward (Prahran)—I address a question to the Acting Minister for Industry, Technology and Resources. I refer to the project to construct a new light rail system for Hong Kong. As this project is currently in jeopardy because of an industrial dispute, and in view of the concern being expressed by the Kowloon-Canton Railway Corporation concerning it, what action has the Minister for Industry, Technology and Resources or the acting Minister taken with his colleague the Minister for Employment and Industrial Affairs to deal with the situation?

Mr Cain (Premier)—Having regard to the administrative responsibility for that project, the question should be correctly directed to the Minister for Transport who is responsible for it.

Mr Roper (Minister for Transport)—There have been lengthy discussions concerning union management arrangements at the COMENG (Victoria) plant which have been assisted by Mr Neil Batt who, as honourable members would be aware, has been involved in the transport business since leaving his previous role in Tasmania. He has acted with the agreement of both management and unions as a facilitator to reach agreement in this area, as well as with the assistance of the ACTU, and agreement has largely been achieved.

The current difficulties relate more to the problems that COMENG itself has in accepting the conditions that the Kowloon-Canton Railway Corporation wishes to put on all subcontractors. We are working with COMENG to assist the company over this problem. We certainly hope it is able to do so and very quickly because we want the project to go ahead for the benefit of Victoria. We also want to get into a new industrial area which will create
jobs and, to do that, the co-operation is needed of both the unions and management. In this project, that will not occur without the co-operation of both of those parties.

COLOMBIA VOLCANIC ERUPTION

Mr SHELL (Geelong)—Can the Premier advise the House what action the Government has taken in respect of the appeal for Colombia following the volcanic eruption?

Mr CAIN (Premier)—Honourable members will be aware of the devastation that was caused by the volcanic eruption in Colombia on 15 November when more than 20,000 people in the town of Armero were killed. The International Disaster Emergency Committee is a national organization, a non-Government agent in Australia. It comes together in international emergencies and is co-ordinated by the Red Cross. The Government has always been willing to contribute to appeals that are set up by that committee to assist with major disasters.

Honourable members would be already aware that we have contributed $100,000 to assist in Ethiopia and $40,000 to assist the victims in the Mexican earthquake. I am pleased to announce that the Government has decided it will contribute $50,000 to assist the victims of the Colombian disaster.

The money will be channelled through the International Disaster Emergency Committee. I understand that tonight there will be a meeting of the executive committee of the Colombian Club of Victoria, which has been called to help with co-ordinating fund raising for the Colombian disaster.

A representative from the Victorian Ethnic Affairs Commission will attend tonight’s meeting to show the Government’s support for the victims of the disaster. I hope—as I believe all honourable members will hope—that the $50,000 from the Government will provide some incentive for other Victorians to give generously to this worthy cause.

THIRD-PARTY INSURANCE

Mr STOCKDALE (Brighton)—Will the Treasurer confirm that, before the end of 1985, the Government will release a Green Paper or other discussion paper on reform of the third-party insurance system?

Mr JOLLY (Treasurer)—As I have indicated on a number of occasions, the Government will undertake detailed reform of the compulsory third-party insurance system during the current financial year. The expectation at this stage is that I shall receive a draft report on this issue towards the end of the current calendar year. That draft report will not necessarily be released. It will need to be double checked and certain consultation will be necessary before the Government releases a report on this issue.

I give an assurance that the Government intends to reform the compulsory third-party insurance area as soon as possible and will release a public document setting out the basis of the reforms and the detailed information underlying the specific policy decisions that will be taken by the Government.

The Government recognizes that compulsory third-party insurance has been a disastrous area that was left untouched by the Liberal Party for many years. The present Government is the only one that has been willing to tackle these difficult issues.

In view of those circumstances, I hope the Opposition will support the Government in the tough decisions that must be made in respect of these reforms. That is the only way in which Victoria will have a satisfactory system. The current system is hopeless and needs a comprehensive overhaul.
PETITIONS

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

Dolphins

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

The humble petition of the citizens of Victoria sheweth:

1. They are completely opposed to the construction and operation of the Keysborough marina, and any other dolphin prisons.
2. They abhor and condemn the capture, imprisonment, and torture of man’s closest friends and allies—the dolphin.
3. They know that these cetaceans should not be kept in captivity and the pools have a detrimental effect on their sonar systems.
4. They recall that millions of native-born Australians and newcomers from other parts of the world, love and revere the dolphins.
5. They have never considered the dolphin a source of food and have refrained from killing them for many thousands of years.

Your petitioners therefore pray that

Your Honourable House will acknowledge their will by:

"Proposing and passing a motion that it is illegal to capture, imprison, torture, or experiment on dolphins without the sanction of the nation as expressed in a referendum."

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

By Mrs Hill (14 853 signatures)

Forests preservation

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 respectfully sheweth that wood-chipping for export has been permitted from the Otway State Forest and that wood-chipping destroys jobs in tourism and wood-chipping destroys water catchment values.

Your petitioners therefore pray that you will preserve our forests for the future and ban clearfelling and wood-chipping in the Otways and your petitioners, as in duty bound, will every pray.

By Mr Sidiropoulos (24 signatures)

Footscray-Moonee Ponds tram service

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

The humble petition of the undersigned students of Maribyrnong High School showeth our concern about the proposed closure of the No. 82 Footscray-Moonee Ponds tram route. Many students at this school rely on this tram service to attend school, and it is of great value to the community in general. Your petitioners therefore pray that this tram route be retained.

Your petitioners in duty bound, will ever pray.

By Mr Fogarty (557 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 Administrative Arrangements Orders Nos 39 and 40 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.

**LEO CUSSEN INSTITUTE FOR CONTINUING LEGAL EDUCATION**

Mr MATHEWS (Minister for the Arts)—By leave, I move:

That there be presented to this House a copy of the report from the Leo Cussen Institute for Continuing Legal Education for the year 1984.

The motion was agreed to.

Mr MATHEWS (Minister for the Arts) presented the report in compliance with the foregoing order.

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

**SOCIAL DEVELOPMENT COMMITTEE**

**Willsmere Hospital**

Mrs RAY (Box Hill) presented a report from the Social Development Committee on the future use of Willsmere Hospital, together with appendices and minutes of evidence.

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

**MORTUARY INDUSTRY AND CEMETERIES ADMINISTRATION COMMITTEE**

**Cemetery management and reserves**

Mr KIRKWOOD (Preston) presented a report from the Mortuary Industry and Cemeteries Administration Committee on the investigations into cemetery management and the provision of cemetery reserves, together with appendices.

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

**PAPERS**

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

- Egg Marketing Board—Report for the year 1984–85—Ordered to be printed.
- Police Regulation Act 1958—Determination No. 445 of the Police Service Board.

**HAIRDRESSERS REGISTRATION (REPEAL) BILL**

Mr WILKES (Minister for Housing)—By leave, I move:

That the Order of the House making the resumption of debate on the motion of the second reading of the Hairdressers Registration (Repeal) Bill an Order of the Day for tomorrow be read and rescinded, and that it be made an Order of the Day for this day.

I thank the opposition parties for their concurrence and give them an assurance that the matter will not be brought on until after dinner this evening.

The motion was agreed to.
SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL

Mr CATHIE (Minister for Education) moved for leave to bring in a Bill to amend the Small Business Development Corporation Act 1976.

The motion was agreed to.

The Bill was brought in and read a first time.

COURTS AMENDMENT BILL

Mr MATHEWS (Minister for Police and Emergency Services) moved for leave to bring in a Bill to make provision for reserve judges in the Supreme Court and County Court, to make certain changes to the jurisdiction and management of the courts, to amend certain Acts and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LEGAL AID COMMISSION (AMENDMENT) BILL

Mr MATHEWS (Minister for Police and Emergency Services) moved for leave to bring in a Bill to amend the Legal Aid Commission Act 1978 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

TRANSFER OF LAND (SHARE INTERESTS) BILL

Mr McCUTCHEON (Minister for Property and Services) — I move:

That I have leave to bring in a Bill to amend the Transfer of Land Act 1958 and for other purposes.

Mr DELZOPPO (Narracan) — Before the House considers the motion, I ask the Minister to give a brief outline of the proposed legislation.

Mr McCUTCHEON (Minister for Property and Services) (By leave) — It is a short Bill to make provision in the Transfer of Land Act for time-sharing and to facilitate the operation of those transactions.

The motion was agreed to.

The Bill was brought in and read a first time.

MENTAL HEALTH BILL (No. 2)

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 Board, to define the role of the Department of Health 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 (No. 2)

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 Department of Community Services with respect to intellectually
disabled persons and the provision of 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 ADMINISTRATIVE BOARD BILL (No. 2)

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, to amend the Public Trustee Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

Mr SIMMONDS (Minister for Local Government) moved for leave to bring in a Bill to amend the Local Government 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

SUPERANNUATION SCHEMES AMENDMENT BILL

The debate (adjourned from November 14) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

Mr STOCKDALE (Brighton)—The Bill concerns superannuation. It amends four schemes in the public sector, but the Treasurer has indicated that it is proposed to be a model for all other public sector schemes.

The Bill proposes amendments in three broad classes. Firstly, it partially implements the recommendations of the report of the Economic and Budget Review Committee in respect of reducing the early retirement age under public sector superannuation schemes to 55 years on a pro rata basis. I emphasize “on a pro rata basis”.

Secondly, it inserts into the relevant legislation a definition of “disability” and introduces a number of other measures which it is anticipated will have the effect of reducing the number of disability retirements.

Thirdly, it makes a series of administrative changes which, in part, give effect to some of the recommendations of the Economic and Budget Review Committee.

The Opposition will not oppose the Bill, but I shall make some observations about some of its features, in particular the failure of the Government to address the full scope of the problems raised by the Economic and Budget Review Committee and its failure to implement comprehensively the proposals of that committee. The implementation of those features, particularly the 55 years early retirement scheme, in isolation will somewhat inhibit future full-scale reform of public sector superannuation as proposed by the committee. Those proposals are generally acknowledged to be necessary and have been attempted in other States, most notably in New South Wales during the current year.

Before I refer to the merits of the matter, I want to comment on the fact that the Bill has been introduced with indecent haste. It is an important Bill. Its details have been under
consideration by the Government, and the Parliament, through the Economic and Budget Review Committee, and the community for many years.

It is simply not an appropriate exercise of the Executive authority of the Government to introduce this Bill and to allow less than two weeks for consultation on its final form by members of Parliament, interested members of the community and community organizations.

In reality the Bill implements some of the proposals advanced as early as September 1984 by the Economic and Budget Review Committee. Members of Parliament and the people of Victoria have been waiting since that time to note the response of the Government to the extremely comprehensive report of the committee. The Government has been involved in negotiations and consultations with committees of the Australian Labor Party and with committees of the trade union movement.

The fulsome co-operation between the Government and its friends in the trade union movement has not been extended to other members of the community. The first that most business organizations—and others who are interested in the measure and the standards set in the public sector for superannuation—knew of the details of the proposal was when the opposition parties sent them a copy of the proposed legislation when it became available following the second-reading speech by the Treasurer.

The Bill was introduced with such indecent haste that properly produced copies of it could not be made available to members of Parliament for distribution to interested parties until Monday of last week, the Bill having been introduced during the previous week. The Treasurer gave undertakings about the availability of copies of the Bill for distribution for comment. I was advised that copies of the Bill would be provided at 9.30 p.m. on the day it was introduced. In fact, there was a holdup at the Government Printing Office so the Bill was originally brought into Parliament with handwritten amendments made to it. Undertakings were given that copies of the Bill would be made widely available that night. That did not happen.

The Bill was not made available the day it was introduced into Parliament as was indicated by the Treasurer. I was assured by the Papers Room that it had been advised by the Government that copies of the Bill would be available in the numbers required for distribution on the following morning, Friday. That also did not happen, and despite repeated inquiries at the Papers Room during the day, I was told that copies were not available from the Government Printer. The Treasurer had already told me on the previous day that all available copies had been produced and until a further run of the Bill could be made, further copies of the Bill could not be made available. No doubt additional copies might have been produced on that day if I had confronted the Leader of the House and the Treasurer, who could have ensured that some action was taken.

Mr Ross-Edwards—When did you get the copies?

Mr Stockdale—I made numerous attempts to contact the Leader of the House and the Treasurer on Friday but I was not successful. It was not until the following Monday morning that copies were available for distribution, which allowed only a few days in which to examine the detail of the measure. That was on Monday, 18 November 1985. Copies of the Bill were distributed on that day and on 19 November with a request that people respond to me—originally by telephone—on Friday.

Every person who has responded to me about the Bill has indicated that inadequate time was allowed to consider its detail. As of today, we are still in the position where people who wish to make representations have been afforded time for only a cursory examination of the Bill.

This is not an isolated incident. I record in Hansard that the Government is abusing the process of Parliament and allowing inadequate opportunity for it to consider legislation and consult with outside community interest groups. When a detailed and complex Bill of
this kind is produced, Parliament is simply unable to properly consider it if adequate time for consultation is not given.

The Opposition has made numerous requests for detailed costings of the Government’s proposals. I do not wish to be critical of the officers of the Department of Management and Budget who have been available at short notice and unusual hours to provide the best information that was available to them but, as a result of those full and frank conversations and helpful assistance on the costings that I had attempted to perform, it has emerged that inadequate attention has been given to the full costing of those proposals.

We have been given an utterly inadequate letter from the Government Actuary certifying purported increases in costs, not expressing the reasoning involved in those costings and giving no details of how they were arrived at. It simply represents bold assertion; moreover it was dated on the day it was requested and the day on which it was delivered.

Mr Ross-Edwards—It sounds efficient to me.

Mr STOCKDALE—I do not suggest any impropriety. We have had full and frank cooperation with officers whom the Treasurer has made available. I am not criticizing them. I am criticizing the fact that the Government has proceeded with indecent haste, apparently without any detailed costings or projected view over the forthcoming years as to what effect all the changes now proposed can be expected to have. As of now there has not been made available to the opposition parties, or the Liberal Party at least, any costing document of the Government’s proposals. The most that has been given is helpful reworkings of some fairly primitive costings I had attempted myself with the assistance of some outside people who have made representations to us.

It appears to me that in reality detailed costings have not been made. Despite the resources of the Government and its access to computer facilities and expert actuarial advice, the Government has simply not sat down and done the work. This may reflect the fact that it has progressively patched together another deal with the union movement to give additional benefits to public sector employees.

Mr Jolly interjected.

Mr STOCKDALE—I am saying that no adequate reports have been given to the opposition parties of the basis upon which the costings have been made. It appears to me from the material we have been given that no detailed projection has been made over the years in which it is likely to impact, of the cost of those proposals. All of that leads to a situation in which Parliament is having to consider this Bill without proper information.

That is all the more important because public sector superannuation and superannuation generally is a major issue. That is manifested by the fact that the Economic and Budget Review Committee conducted perhaps its most comprehensive investigation to date on public sector superannuation and produced a series of comprehensive, competent and detailed reports.

It made a proposal as to what should be done about public sector superannuation, which the Government has not implemented. The Government has set back the course of public sector reform by implementing only part of the committee’s proposal.

There is serious community concern about public sector superannuation. The first concern is the absolute level of generosity of public sector superannuation schemes and its inevitable impact on standards in the private sector, firstly, by the need to compete directly with Government to recruit skilled personnel—the private sector is influenced by what happens in the public sector—and, secondly, because employees and employee organizations are attracted to the standards applying in the public sector and inevitably seek flow-on into the private sector of standards that are set in the public sector. The overall generosity of retirement benefits is of concern, and they are, by and large, more generous across the public sector than is usually the case in the private sector in the great body of schemes. The second concern is the generosity of the ill-health retirement benefits
in the public area and the widespread belief that those benefits are being abused so that
some cost is being occasioned to the public purse and that there is pressure in the private
sector for flow-through of similar standards in private sector schemes. The third matter is
that the rate of ill-health retirements is of concern not only in the community but even
with the Government itself and particularly the Economic and Budget Review Committee.
The rate of increase not only in ill-health retirement generally but also ill-health retirement
on grounds that are difficult to control or monitor, such as stress-related and mental
illness-related ill-health retirements is of concern.

Finally, perhaps the greatest single bone of contention in the private sector is the
extreme generosity of public sector superannuation schemes in this State and elsewhere in
terms of their indexation of pensions to the consumer price index. The Treasurer, by way
of interjection, says that is not new. I am not suggesting that the present Government
alone is responsible for the present difficulties.

I direct attention to the fact that the Government has had the advantage, which the
previous Government did not have, of a detailed, comprehensive investigation and report
by the Economic and Budget Review Committee. While the Treasurer is interjecting about
a lack of courage he may like to explain why the Government has not adopted in full the
responsible recommendations of the Economic and Budget Review Committee. There is
community concern about the fact that public sector superannuation schemes generally
provide for indexation of benefits to the consumer price index, a feature which is simply
beyond the financial capacity of most private industry schemes.

There is also community concern about the unfunded liabilities of public sector
superannuation schemes. It is of concern that even with the reports of the Economic and
Budget Review Committee there is still no publicly acceptable publication of the full
extent of unfunded liabilities of Victorian public sector superannuation schemes. It is
generally understood throughout the community and the business community that
unfunded public sector superannuation liabilities in Victoria are at least approximately
$3500 million. They may be considerably higher than that.

In the New South Wales Parliament in April this year the Minister for Industrial
Relations, Mr Pat Hills, indicated that public sector superannuation schemes right across
the New South Wales public sector had unfunded liabilities of approximately $8000
million. One would expect that if the figure is $8000 million in New South Wales the figure
in Victoria is likely to be of similar magnitude. The schemes are structured along similar
lines with similar sized work forces, so that the figure in Victoria is likely to be more than
$3500 million, which is generally regarded as being the benchmark figure in Victoria.

There is concern about the absolute level of those unfunded liabilities. Given the
proposal to maintain the present inadequate funding base, the present proposals will do
nothing to overcome the existing unfunded liabilities or to put the future course of the
funds on a better footing.

There is a propensity for public sector schemes to become pacesetters for the private
sector. There is alarm in the private sector about a further improvement in the generosity
of Victorian public sector schemes by the introduction of a 55-year early retirement
option, without any of the circumscribing limitations or improvements recommended by
the Economic and Budget Review Committee. There is no doubt that public sector
schemes in Victoria are generous. I refer to the report of the Economic and Budget Review
Committee entitled "Final recommendations and options for the future reform of Victoria's
public sector superannuation" of September 1984. Page 44 of the report states:

The benefits provided by the proposed scheme are superior to existing schemes in some respects and inferior
in others. The Committee makes no apology for the latter; such an outcome is inevitable, given the requirement
for fair and equitable treatment of all public sector employees eligible for coverage under State superannuation.
The Committee believes that, on cost grounds, it is simply out of the question for all public sector schemes to be
brought into line with the State superannuation scheme. In any event, such a move would not be attractive to
many employees.
The Committee recognizes that the question of public versus private sector benefit provisions is a contentious one and that some critics have suggested, in the context of a total remuneration package, that public sector provisions are not out of line with those adopted in the private sector. The Committee cannot accept this argument and believes the Public Service Board evidence, reported in the Review Report and Chapter 1 of this report, supports the Committee's position.

This demonstrates that the committee, which conducted certainly the most comprehensive review of public sector superannuation in Victoria's history, and possibly the most detailed and comprehensive review ever conducted of public sector superannuation, reached the conclusion that the critics were not correct and that Victorian public sector schemes were generous compared with private sector schemes.

The set of amendments, on balance, makes them marginally more attractive but I commend the Government for the fact that the benefits have been pro-rata'd and the advice to the Opposition is that the pro-rataing involves some generosity in the sense that, generally in the private sector, where benefits are provided earlier than they would otherwise have vested, they are provided at the level to which they had accrued at the date they are taken.

The present proposals do not adopt that formula and instead, simply arithmetically pro-rata them back down from at age 60, after 30 years of service—sixty-six and two-thirds per cent of final salary; down to at age 55 and 30 years of service—52 per cent of final salary. Therefore, whilst there is a pro-rataing, it exceeds the accrued entitlement of the employee at age 55 and therefore there is a cost to the fund of providing those earlier benefits.

Nonetheless, that is not a significant enough benefit, or an excessively generous benefit to the point where the Liberal Opposition would wish to act to amend or prevent the passage of these amendments. Moreover, I draw attention to the fact, in the passage from which I have quoted in the report of the Economic and Budget Review Committee, that it is not even suggested by the critics who are being answered by the committee in that passage that on a superannuation-to-superannuation comparison, public sector schemes are not more generous—all that is suggested is that if one examines the total remuneration package, in that context public sector schemes may not be more generous; so that even the critics concede by implication that public sector superannuation is more generous than private sector superannuation.

The result is that the Economic and Budget Review Committee recommended that a completely new scheme be established, that existing schemes be closed to new entrants to the service from 1 January 1986, that they be entitled to enter only the new scheme and that inducements be provided or that the scheme be so structured as to provide inducements for existing members to transfer to the new scheme.

It is important that the terms of that proposal be recorded in the context of this debate. I refer to pages (XXIX) and (XXX) of that report from which I earlier quoted—the September 1984 report of the Economic and Budget Review Committee. Under the heading “The New Victorian State Employees Superannuation Scheme”, the committee said:

3.1 That public sector employees should be covered by a standard superannuation package irrespective of employing authority or nature of work performed.

3.2 That the Government introduce a new superannuation scheme for all eligible Victorian public sector employees. This scheme, the Victorian State Employees Superannuation Scheme, should be the only scheme open to new entrants to the Victorian public sector from 1 January 1986.

3.3 That in establishing eligibility, contribution and benefit provisions for the Victorian State Employees Superannuation Scheme, the Government recognizes the following principles:

(a) the scheme is to have a basic compulsory cover with supplementary voluntary components;

(b) medical assessment for membership should be restricted to the supplementary components;

(c) the benefits available on retirement, death and resignation should be on a lump sum basis, with pensions for disability retirement and dependency payments on death;
(d) the retirement age is to be between 55 and 65;
(e) retirement benefits are to be based on final salary;
(f) cash vesting will be granted on resignation on a graduated basis after a minimum service period;
(g) members will be offered both half or full scale optional supplementary benefits with limited or full cover; and
(h) contributions will match the benefits proposed, with a maximum contribution of 6·5 per cent of member's scheme salary.

That was a comprehensive proposal designed in the fullness of the report and fully explained as the basis upon which public sector superannuation could be put on a more responsibly funded footing. The Government has given away, as it were, the parts of that package that are potentially beneficial to public sector employees and superannuation scheme members. It has given away the benefit without achieving any of the measures designed to put the scheme on a more properly funded basis, with the exception only of the tightening up on disability retirement.

While that is an important qualification, the reality is that the fact that the 55 age retirement benefit and increased commutation rights have been given away in the Bill will inhibit further meaningful reform of public sector superannuation. Granted, there are additional remaining benefits that would be attractive to contributors to transfer to a new scheme but there is no indication in the present Bill, in the second-reading speech, or indeed in the structure of the package that is created, that the Government proposes to bite the bullet and properly reform Victorian public sector superannuation.

I refer now to the fact that it is clear that there will be significant cost increases resulting to the public revenue, that is, to the Budget, as a result of the introduction of this scheme. First, I seek leave to have incorporated in Hansard a table provided to the Opposition by the Department of Management and Budget. The Speaker has not seen the document but I understand that the Treasurer had no objection to the incorporation in this instance.

Leave was granted, and the table was as follows:

<table>
<thead>
<tr>
<th>Age at Joining</th>
<th>Proposed Pension % Salary</th>
<th>Multiple of Salary</th>
<th>Maximum Lump Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td></td>
<td>Excluding Spouse Pension</td>
<td>Including Spouse Pension</td>
</tr>
<tr>
<td>50</td>
<td>40-2</td>
<td>2.65</td>
<td>3.06</td>
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<td>52</td>
<td>45-2</td>
<td>2.83</td>
<td>3.28</td>
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<tr>
<td>55</td>
<td>53-3</td>
<td>3.09</td>
<td>3.62</td>
</tr>
<tr>
<td>58</td>
<td>61-0</td>
<td>3.36</td>
<td>3.97</td>
</tr>
<tr>
<td>60</td>
<td>66-7</td>
<td>3.53</td>
<td>4.20</td>
</tr>
<tr>
<td>25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>38-2</td>
<td>2.52</td>
<td>2.90</td>
</tr>
<tr>
<td>52</td>
<td>43-6</td>
<td>2.72</td>
<td>3.16</td>
</tr>
<tr>
<td>55</td>
<td>52-2</td>
<td>3.05</td>
<td>3.57</td>
</tr>
<tr>
<td>58</td>
<td>60-6</td>
<td>3.33</td>
<td>3.94</td>
</tr>
<tr>
<td>60</td>
<td>66-7</td>
<td>3.53</td>
<td>4.20</td>
</tr>
<tr>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>35-7</td>
<td>2.35</td>
<td>2.71</td>
</tr>
<tr>
<td>52</td>
<td>41-5</td>
<td>2.59</td>
<td>3.01</td>
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<tr>
<td>55</td>
<td>50-8</td>
<td>2.95</td>
<td>3.45</td>
</tr>
<tr>
<td>58</td>
<td>60-0</td>
<td>3.30</td>
<td>3.90</td>
</tr>
<tr>
<td>60</td>
<td>66-7</td>
<td>3.53</td>
<td>4.20</td>
</tr>
</tbody>
</table>

SOURCE: DMB, November 1985

Mr STOCKDALE—The document is self-explanatory; I shall not elaborate on it. It shows the proportion of final salary obtained by a person who retires under the proposal at various ages and with various years of service. It will be observed that, as it was put to the opposition parties, the bench-mark for the scheme that is a person who retires after 30
years of service at age 55, receives 52 per cent of final salary. The source of the information is the Department of Management and Budget.

Secondly, I should like recorded in Hansard that superannuation is a significant expenditure and a growing expenditure for the State. I seek leave to have incorporated in Hansard another table, which again the Speaker has not seen, but to which the Treasurer, I understand, has no objection to its incorporation. It sets out the transfers in the Budget from the State revenue to the State Superannuation Fund and the Pensions Supplementation Fund for each financial year since 1980-81.

Leave was granted, and the table was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Transfer (Sm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-81</td>
<td>127.6</td>
</tr>
<tr>
<td>1981-82</td>
<td>149.7</td>
</tr>
<tr>
<td>1982-83</td>
<td>185.1</td>
</tr>
<tr>
<td>1983-84</td>
<td>220.2</td>
</tr>
<tr>
<td>1984-85</td>
<td>247.0</td>
</tr>
<tr>
<td>1985-86</td>
<td>269.5</td>
</tr>
</tbody>
</table>

(1) 1985-86 Budget estimate
(2) Increase since 1980-81: +80%

Source: DMB, November 1985

Mr STOCKDALE—Again, the document is self-explanatory and it shows that there has been an 80 per cent increase in the amount that the State must contribute to the State Superannuation Fund and Pension Supplementation Fund to meet the liability in respect of contributors to the State Superannuation Fund each year.

It is important to recognize that the State funds employer contributions, or what would otherwise be employer contributions, on a type of pay-as-you-go basis; that is, for the State Superannuation Fund, five-sevenths of the pension actually paid to each superannuant each year is paid from the Consolidated Fund into the superannuation fund.

It will be seen that there has been a fairly rapid rate of increase well in excess of the inflation rate since 1980. I refer back to 1980 to make it clear that it is not a recent phenomenon. However, it is a phenomenon that is of growing concern in the community and one that should be recognized by the Government so that steps can be taken to put these funds on a more properly funded basis. The opportunity for that was there with the adoption of the report of the Economic and Budget Review Committee. That opportunity has not been taken.

The State Superannuation Fund covers approximately 50 per cent of public sector employees who are contributors to superannuation funds. I am advised—and do not dispute the advice—that the cost to revenue of the funds, other than the State Superannuation Fund, is something less than 50 per cent of the total cost of public sector superannuation, whether met by the Government or by other authorities because other schemes are somewhat less generous than the State Superannuation Fund and because some of the other funds are either fully funded or closer to being more fully funded than is the State Superannuation Fund and, therefore, they are able to meet the proposed new benefits without increasing contributions. What that discloses is that this is an important item of expenditure and one that is growing as a proportion of Government outlays.

In the course of discussion with officers of the Department of Management and Budget and in the light of the Bill and supporting documentation, the Liberal Party has prepared
a rough, simplified scheme of costing. I emphasize that this is not held out to represent the actual costs of the proposal and I shall refer later to some of the qualifications to be placed on it. I have had an opportunity of showing the Treasurer only a draft of this document. I take responsibility for it but, in a couple of instances, it has been adjusted by officers of the Department of Management and Budget to reflect something that was not reflected in the original draft, that superannuants who retire at ages 56 to 59 years will receive pensions higher than 50 per cent if they have completed 30 years' service. However, this document represents an approximation of certain features of the cost of the scheme. I seek leave to have the document incorporated in Hansard.

Mr JOLLY (Treasurer) (By leave)—I have no objection to the document being incorporated, but I shall need to correct an error in the table at a later stage. I am happy for it to be incorporated on that basis.

Leave was granted, and the document was as follows:

*Cost of Age 55 Early Retirement Option—Estimate for State Superannuation Fund*

<table>
<thead>
<tr>
<th>Year</th>
<th>10%/2% Actual $M</th>
<th>10%/2% Real $M</th>
<th>30%/2% Actual $M</th>
<th>30%/2% Real $M</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6.6</td>
<td>6.6</td>
<td>19.7</td>
<td>19.7</td>
</tr>
<tr>
<td>2</td>
<td>8.1</td>
<td>7.7</td>
<td>22.1</td>
<td>20.9</td>
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<tr>
<td>3</td>
<td>9.5</td>
<td>8.4</td>
<td>23.9</td>
<td>21.3</td>
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<tr>
<td>4</td>
<td>10.6</td>
<td>8.9</td>
<td>25.7</td>
<td>21.6</td>
</tr>
<tr>
<td>5</td>
<td>11.2</td>
<td>8.9</td>
<td>26.4</td>
<td>20.9</td>
</tr>
<tr>
<td>6</td>
<td>11.3</td>
<td>8.4</td>
<td>27.8</td>
<td>20.8</td>
</tr>
</tbody>
</table>

Based on:

1. SSF Members Aged 50–59 (Excluding Railways Personnel)

<table>
<thead>
<tr>
<th>Age</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>1220</td>
</tr>
<tr>
<td>51</td>
<td>1127</td>
</tr>
<tr>
<td>52</td>
<td>1243</td>
</tr>
<tr>
<td>53</td>
<td>1244</td>
</tr>
<tr>
<td>54</td>
<td>1207</td>
</tr>
<tr>
<td>55</td>
<td>1191</td>
</tr>
<tr>
<td>56</td>
<td>1095</td>
</tr>
<tr>
<td>57</td>
<td>1014</td>
</tr>
<tr>
<td>58</td>
<td>1023</td>
</tr>
<tr>
<td>59</td>
<td>863</td>
</tr>
</tbody>
</table>

2. Number of Retirees Assumed:

<table>
<thead>
<tr>
<th>Year</th>
<th>10%</th>
<th>30%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1037</td>
<td>3112</td>
</tr>
<tr>
<td>2</td>
<td>342 (1379)</td>
<td>610 (3722)</td>
</tr>
<tr>
<td>3</td>
<td>330 (1709)</td>
<td>581 (4303)</td>
</tr>
<tr>
<td>4</td>
<td>327 (2036)</td>
<td>581 (4884)</td>
</tr>
<tr>
<td>5</td>
<td>291 (2327)</td>
<td>581 (5368)</td>
</tr>
</tbody>
</table>

Notes:

(a) Figures are retirements in the year concerned and figures in brackets are a cumulative total net of those attaining 60 years of age in the year concerned.
(b) Assumes 10 per cent (or 30 per cent) of those aged 55–59 in Year 1 retire, plus 10 per cent of those turning 55 in each subsequent year, plus 2 per cent of those aged 55–59 in Year 1 who had not previously retired, less those who attain 60 years of age in the year concerned.

3. Pension Cost to Revenue per Retiree

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Salary $ Per Annum</th>
<th>Pension Cost To Revenue $ Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30 400</td>
<td>11 291</td>
</tr>
<tr>
<td>2</td>
<td>32 224</td>
<td>11 969</td>
</tr>
<tr>
<td>3</td>
<td>34 157</td>
<td>12 687</td>
</tr>
<tr>
<td>4</td>
<td>36 207</td>
<td>13 448</td>
</tr>
<tr>
<td>5</td>
<td>38 379</td>
<td>14 255</td>
</tr>
</tbody>
</table>

Notes:

(a) Assumes pension equals 52 per cent of final salary (adjusted by DMB to reflect higher proportions at ages 56–59).

(b) 1985–6 average salary for members of SSF aged 55–60 is $30 400. (Source: DMB).

(c) Cost to revenue is five-sevenths of actual annual pension cost. This is the amount contributed by the State to the fund.

(d) Assumes pensions are indexed an average of 6 per cent over each year.

(e) Assumes no deaths or other exits from members or pensioners aged 50–59 in Year 1.

(f) No allowance is made for disability retirements incurred or replaced by early retirements.

(g) Costing figures do not include any savings from—

(i) commutation of pension benefits

(ii) non-replacement of retirees

(iii) savings from delays in replacement of retirees or appointment of replacements at lower salaries.

Mr STOCKDALE (Brighton)—The conclusion of the table, as appears at the top of the table under the heading, “Cost if Following Proportions of Persons Exercise the Option”, is contained in two sets of columns. One headed “10 per cent/2 per cent” and the other “30 per cent/2 per cent”. That indicates, in the first case, that the costings assume that of those eligible each year in the first six years, 10 per cent take the early retirement benefit and that, in the subsequent years, of those who were eligible in the first year, that is, those presently aged 55 to 59, 2 per cent of those who had not previously retired exercise the option in each subsequent year. The same thing applies in the column headed “30 per cent/2 per cent”. That is, 30 per cent exercise the option each year and 2 per cent of those who had not previously done so exercise the option in each subsequent year.

The figures shown in the table are in actual dollars and real dollars; that is in constant terms, as I understand it, and these figures were adjusted back to current values by the Department of Management and Budget.

The difference between the 10 per cent and the 30 per cent is this: that the Government officers advising the Treasurer who were made available for briefings to the Opposition advised that in their professional judgment the Government should reasonably expect 10 per cent of contributors to exercise the early retirement option. However, in the case of the Metropolitan Fire Brigades fund, early retirement at age 55 years on similar terms was introduced in 1983. In the years since then, approximately 30 per cent of firemen covered by the scheme have exercised the early retirement option.

It has been indicated by the officers of the Department of Management and Budget, that they would expect that firemen would have a propensity to take the option at a greater rate than public servants generally, because of the nature of their employment. I do not dispute that, but I indicate that it may be that, on that experience, one would need to examine figures somewhere between the 10 per cent and 30 per cent, so that this is the range of
possible incidences of the exercise of the option which perhaps would be properly conceded to be more towards 10 per cent than 30 per cent, but only experience will tell.

The figures show that in actual terms in the first year the increased cost will be of the order of $6.6 million, rising in the sixth year to $11.3 million. I would agree on the basis of the advice received that from that point onwards the cost will either plateau or will in fact fall if the gains in disability retirements that are anticipated are achieved.

In the case of 30 per cent retirement, the result would be $19.7 million in nominal terms up to $27.8 million. Again, we can expect that to plateau or actually to reduce in future years.

The basis of these calculations is set out in the following parts of the table. It is first based on the number of contributors to the State Superannuation Fund at ages 50 to 59 as set out in note 1. The number of retirees and the method of calculation is shown in note 2. It should be indicated that it assumes 10 per cent retirement plus 2 per cent of those not previously retired less those who attain 60 each year. The pension cost to revenue is calculated on the basis of assuming present average salary of public sector employees who are contributors aged between 55 and 59 years at $30,400—that was the advice given by the Department of Management and Budget—adjusted by 6 per cent per annum and assuming that pensions are indexed an average of 6 per cent over the year and a pension contribution of five-sevenths by the Government. The figures shown are for each retiree. The other assumptions are set out in notes to that part of the table. I direct attention to the fact that no allowance is made for a number of factors which on balance can be expected to reduce the cost of the initiatives in the Bill. First, that there are no deaths or other exits from either members or pensioners who are aged in this bracket. Secondly, that no allowance is made for disability retirements, either those which actually occur—which would tend to increase the cost—or for replacement of what otherwise would be disability retirement, which would tend to reduce the cost.

The costing figures do not allow for any saving from commutation of pension benefits, and there are likely to be savings in that area; from non-replacement of retirees—about which I shall speak later—and from savings from delays in replacement or the appointment of officers at a lower salary than that of the retiree when in service.

I concede that the final result is likely to be below the figures I have projected rather than above them if the retirement option is exercised at the rates assumed in the document.

It cannot be denied that, in the first five or six years of operation, there will be an increased cost to the fund as a result of the early retirement initiative introduced in the Bill. The Opposition does not propose to vote against the Bill in this place or the other place. However, it regrets the fact that the Government has not taken up the option recommended by the Economic and Budget Review Committee to undertake a complete overhaul of public sector superannuation.

The lack of initiative on the part of the Government is pointed up by the fact that a Labor Government in New South Wales has introduced a comprehensive new scheme with the object of attracting new participants into the scheme and limiting new employees in the public sector to going into the new scheme. The object of that is to grapple with the unfunded financial liabilities that are being accumulated from excessively generous public sector schemes.

The scheme in the Bill only marginally adds to the generosity of public sector schemes compared with the general run of private sector schemes. It certainly does nothing to reduce the relative advantage of public sector employees or to reduce the relative cost disadvantage of the public sector employer compared with his private sector counterpart. That is to be regretted. It leaves the next Liberal Government with the option of having to undertake meaningful reform of public sector superannuation without the scope of introducing the linchpin of the proposal of the Economic and Budget Review Committee regarding optional retirement at 55 years of age.
Finally, I comment on the employment effects assumed in the Treasurer's second-reading speech in that the Treasurer suggested that one of the objectives of providing for early retirement is to provide public sector employees with the option of leaving the public sector and going into the private sector to take up a range of flexible possibilities, such as running their own businesses or taking on other positions on a full-time or part-time basis or on a consultancy basis.

That conflicts with the employment objectives of the Government in so far as it has stated that the object of the initiative is to provide scope for increased youth employment. By virtue of creating vacancies by retirement followed by a chain of promotions or other appointments, vacancies are to be created at junior levels for recruitment of young people. It is to be hoped that that will occur. However, one of the costs of that procedure is that a reduction in public sector employment will not follow from this initiative, other than in the marginal sense where there is non-replacement.

The objectives of reducing public sector employment and creating youth employment vacancies are in conflict, and it remains to be seen which objective will prevail—whether the Government generates youth employment thereby failing to reduce public sector employment or whether it reduces public sector employment and fails to create youth employment.

Those objectives are in conflict with the objective of releasing public sector employees above the age of 55 years to pursue other options. To the extent that they go into the private sector and seek full-time employment or part-time employment, they will add to the competitive pressures in the private sector.

It is important to note that the Bill may have the effect of marginally adding to pressure on the labour market in the private sector.

Mr Jolly—It will reduce it.

Mr STOCKDALE—That depends on a balance of factors. By virtue of soaking up some of the unemployed youth. It may reduce the pressure on youth unemployment, but so long as there is still an excess of supply over demand in the private sector, there will be a neutral position in terms of the private sector. However, there will be added pressure in terms of having those people above the age of 55 years who wish to seek private sector positions added to the labour market in the private sector. Whether there is a net gain or loss will depend on how it works in practice.

The point I am making is not that it will have an adverse impact on the private sector employment market, but that there is a tension between the two objectives the Government enunciated in the second-reading speech. It remains to be seen how it will work in practice.

The Opposition will not oppose the proposals contained in the Bill. However, it regrets that the Government has so lowered its sights as to not fully adopt the comprehensive and detailed proposals of the Economic and Budget Review Committee.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. It is only a small point, but I indicate that I am sick of hearing honourable members state that they do not oppose a Bill. Members of the present Government were experts at that when in Opposition. If they supported something they had to apologize for it, and that attitude is now being adopted by members of the current Opposition. One either supports proposed legislation or opposes it and votes accordingly. The quicker some members wake up to that fact, the better it will be.

It is not to the Treasurer's credit that such important proposed legislation as this Bill is introduced as late as this in the sessional period. A "born to rule" syndrome is developing in the Government. I assure members of the Government that it is a dangerous philosophy to adopt. I cannot understand the Treasurer, because, when in opposition, he was a different person. In recent times, he has been difficult to deal with. Proposed legislation
such as this Bill should have been distributed a month ago. The Treasurer must accept the responsibility for that not being done.

In recent weeks, I have tried to give the Treasurer the message that the way in which he has been handling his portfolio has not satisfied me. It is all right for the Government back-benchers to laugh, but over confidence can bring down a Government.

When the National Party had its party meeting yesterday, some members were not certain of the details of the proposed legislation, and they were not well informed about it. I pay tribute to the Treasurer and indicate that he has been most co-operative.

Mr Kennett—And the shadow Treasurer!

Mr ROSS-EDWARDS—The honourable member for Brighton was a great help to me and members of the National Party, as were members of the Treasurer's staff, and I pay tribute to them. However, the National Party had to hold an additional meeting at 8 a.m. today to ensure that members were well informed about the Bill and able to make the correct decision, which is to support the proposed legislation.

The Bill contains amendments to four superannuation schemes. There is nothing wrong with that, but some members of the National Party were suspicious that some of the benefits of the schemes may have been changed. That has not happened. The Bill simply alters the age for optional early retirement to 55 years of age. The conditions of those funds, which vary quite markedly in some cases, remain the same.

The Government has been criticized about the cost in the early years of operation of the new scheme. There certainly will be a cost in the early years, but honourable members do not know how many people will take advantage of the option for early retirement. No one could know the answer to that; it is one of the great unknowns.

The only precedent we have is the Metropolitan Fire Brigades Board. As I mentioned by interjection earlier, fire fighting is a pretty tough type of service for people who are becoming elderly and it is understandable that its members might want to get out of the service when they are between the ages of 55 and 60 years or perhaps earlier than they might if they were in what might be said to be the easier sections of employment in the Public Service.

One of the side issues is that the Bill will give greater scope to those running the funds to take action against those individuals who, from time to time, leave work on a disability provision and who probably should not have done so. If they have done so, sometimes their health shows a sudden improvement and that is something that makes the public at large very annoyed, indeed.

Those people are imposing themselves on the work force generally. We have a responsibility to look after those people who are genuinely sick if they have to retire through ill health. However, we must take the strongest possible action against the other people in the community who leave employment under the scheme under something of a cloud or whose health shows a sudden improvement after they leave their employment.

As I understand it—I do not think any honourable member would disagree with the point I make—if one is genuinely sick, one deserves all the help and consideration in the world. If one is not, we should come down on that person like a ton of bricks and take action. Honourable members opposite, the work force and I are paying for the small percentage of people who are abusing the system.

As I understand it, in future, there will be a discretion to give any proportion of the total pension, dependent on the capacity of the person to earn money outside. In other words, they will not receive a full pension, or a half pension, or anything; but they might get 20 per cent if that is the appropriate amount. I agree wholeheartedly with that provision.

A further provision that will be hard to administer is that a person can be taken back into the Public Service and placed in a different section of the Public Service to that where
the person originally served. For example, if a member of the Police Force has retired because of ill health, his health recovers and the Police Force does not want him, he might become a park ranger. Although I commend the principle, it will be interesting to see whether it will work because it will not be easy to administer.

One of the problems faced in the Public Service, which is not addressed in the Bill, but which is relevant, is that benefits vary between the four different funds that are covered in the Bill. There was an expectation by some people—such as those employed in local government—that they might be brought up to the level of another fund that is covered by the proposed legislation. However, that has not happened. If it had happened, the debate would have been much more complicated, and the consensus and agreement that is obvious around the Chamber could well have not been the same.

Superannuation is one of the great financial worries of all Governments at present. It is costing a heavy part of our income. We move between, on the one hand, the desire to look after people who have served the community well and, on the other hand, the capacity to pay the superannuation sought today.

I commend the Minister and his staff for the explanation they have given. I regret that more time was not made available because it would have been helpful in selling the proposed legislation to the community at large and would have avoided a lot of the last-minute negotiations and discussions that had to take place.

I commend the honourable member for Brighton for his research and the way in which he has handled the Bill. I do not want to repeat much of what has been said previously, but the National Party supports the Bill. I hope it will create some new jobs for young people—that is one of its purposes.

However, I leave a message with the Government: if it wants to cut down the number of employees in a section of the Public Service, this would be an ideal time to do so because one is obtaining retrenchments from the older age group under another guise. People are taking up the option on a voluntary basis and getting out of employment. If the Government wants to reduce the work force in a certain section of the Public Service, it could use the proposed legislation to do so.

It will be unfortunate if the Government continues to build up Public Service numbers. I suppose one regret is that Victoria has a socialist Government in power when this Bill is passed and not a conservative Government. If a conservative Government were in power—and if I had any say—there would certainly be a reduction in the number of public servants following the passing of this measure.

Mr ROWE (Essendon)—Mention was made of the Economic and Budget Review Committee and its analysis of public sector superannuation. I congratulate the Treasurer and the Government for introducing the proposed legislation, but more importantly I commend the action of the Government in allowing the extensive analysis of public sector superannuation that was undertaken by that committee.

It is fair to say that that comprehensive review was the first of its kind in Australia. It has resulted in similar reviews being conducted in South Australia, West Australia and New South Wales. Those States realize that many of the problems identified by the Victorian committee were not only pertinent to this State but were also pertinent across the whole area of public sector superannuation.

The honourable member for Brighton made reference to a number of factors in the report of the committee. I was the then chairman of the committee and its members worked diligently for twelve months to introduce a consensus document identifying all the problems to which the honourable member for Brighton referred.

More importantly, the committee wanted to take matters a step further and identify solutions to problems that were evident. With respect to the second report, that was more difficult because the committee had to identify not only the cost problems and other
problems with respect to ill-health retirement and so on, but also to explore possible solutions. The committee endeavoured to identify major features in the superannuation scheme that could be brought forward at that time.

The view of the committee members was that that particular scheme was one way out of the problems that were identified. I commented—and other committee members around the table commented—that it was one of the options that could be pursued. One can examine a range of other options for solving the problems. I do not think it is fair to say that the recommendations in the report at that time were the only solutions that could be put forward in the scheme that was devised. It was one proposal that was worthy of examination, and honourable members should bear that in mind.

The major features with which the Government has agreed include the forms of reporting, investment, early retirement and disability allowances. These have been taken up in the Bill before the House and will be taken up in subsequent Bills that are to be introduced.

I reject the view put forward that the Bill does not go far enough and embrace the total recommendations of the committee. As I said, the report was a consensus document and all committee members considered that they had to make allowances and obtain agreement between all parties around the table.

I do not believe anybody would want to be held, either six months or six years later, to the very nature of that scheme, which was designed at a certain point in time. The point is made quite clear in the introduction to the report of the Economic and Budget Review Committee that it was only one solution at that time and there could quite clearly be a number of others.

Mr JOLLY (Treasurer)—I thank honourable members for their support of this measure. The Government certainly regards it as being a very important social reform. As has been indicated, the Government has decided to introduce early retirement across the board in the public sector as a very important component of its new youth guarantee proposals.

The early retirements that will occur will ensure that, from a given stock of jobs within the public sector, a higher proportion of those jobs will be allocated to young people in this State, and that is certainly an important objective.

I also point out that early retirement offers the opportunity to older workers in the work force of improving their lifestyles. It enables them, in the twilight of their years, so to speak, to select a form of part-time work in the future or even to engage in taking up a small business opportunity.

I should like to make it clear to everyone in this House that, right from the start of negotiations and discussions with those people who will be affected by this decision, I made it crystal clear that there will be no additional long-term costs to the Budget as a result of these proposals. That has always been the position, and it remains the position.

In reinforcing that point, I refer to a letter from the Acting Government Statist and Actuary, Dr Truslove, who stated that the early retirement proposals should not impose any additional costs and may provide marginal savings. Therefore, it is important that honourable members understand that no additional long-term costs will be associated with this proposal.

The honourable member for Brighton indicated that there would be additional costs. The point needs to be made clear to everybody that there will not be additional long-term costs. However, in the short term, there will be an increased Budget commitment in the early years because, as pointed out by the Acting Government Statist and Actuary, as people take up early retirement, there will be marginal savings to the public sector in the long term.

I should also point out in respect of the table that the honourable member for Brighton had incorporated in Hansard, that there is obviously no disagreement with the information it contains about what will be the costs over the first six years of the early retirement
scheme. However, I should point out that those figures in the section relating to the number of retirees assumed, are not consistent with the information contained at the top of the table. In fact, in regard to the 30 per cent figure contained in the table, I point out that slightly more retirees are assumed in the information at the top of the table than were set out in the statement of the honourable member for Brighton.

Nevertheless, the important point to be made is that, in the short run, the costs to the Budget are consistent with the figures provided by the honourable member for Brighton, and I certainly do not depart from them.

The point is that, in the long term, no additional costs will be associated with early retirement. In fact, it is likely that it will lead to marginal savings to the Consolidated Fund over a longer-term period.

The issue of why the Government did not adopt the approach that has been suggested as an option by the Economic and Budget Review Committee is that the Government believes it is extremely important to provide a maximum number of job opportunities for young people in this State. The early retirement proposals are a very important method of achieving that objective. In addition, it should be readily understood—and this has been identified by the honourable member for Brighton—that other benefits are associated with changes in superannuation that can be achieved in the context of further reforms which restrain expenditure increases on superannuation in the future.

The Government intends to further these reforms in the superannuation area and ensure there are tighter controls in certain areas. It is acknowledged by persons who have participated in the debate today that the tightening of the disability area of pension payments will assist in reducing cost pressures in the public sector. I should also point out that this will be introduced in the context of retraining being possible for the individuals involved, so they are given the maximum opportunity of taking part in the workforce in a different role.

In conclusion, I thank honourable members for their support of the proposals. I believe this is a significant social reform, and it will certainly be of tremendous assistance to young people in this State.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

APPROPRIATION MESSAGE

The ACTING SPEAKER (Mr Kirkwood) announced the presentation of a message from His Excellency the Lieutenant-Governor recommending that a further appropriation be made from the Consolidated Fund for the purposes of the Superannuation Schemes Amendment Bill.

SUPERANNUATION SCHEMES AMENDMENT BILL

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

Clauses 1 to 6 were agreed to.

Clause 7

Mr JOLLY (Treasurer)—I move:

Clause 7, page 22, after line 17 insert—

‘(6) In section 17 (1) of the Parliamentary Officers Act 1975 for “sixty” substitute “55”.

(7) In section 12 (1) of the Superannuation (Lump Sum Benefits) Act 1981 for “60” substitute “55”.’.

The amendment does two things. Firstly, it includes Parliamentary officers in the early retirement scheme and, secondly, it extends the proposed legislation to a fixed
superannuation fund which is now closed to new members. As all honourable members have been aware during the debate, the early retirement proposals apply right across the public sector, and it is appropriate that the amendment be made.

Mr STOCKDALE (Brighton)—I certainly do not object to the inclusion of Parliamentary officers in the scheme. However, their inclusion does raise the application of the whole of the scheme to them, and I take this opportunity—and it is the only opportunity I have—of commenting on a matter raised by the Treasurer when he corrected a table that I had incorporated in Hansard.

In fairness to the Treasurer, I concede that the point he made is accurate. I believe two adjustments would be necessary to the second note, one of which is that his officers, in effect, halved the sample represented in the costing because they restricted it to the State Superannuation Fund. Therefore, in fact, I believe all those numbers should be halved to accurately represent the position I was seeking to convey.

I understand, in addition, that the Treasurer suggests that his officers have made some other alterations. I therefore acknowledge the point the Treasurer makes about that note.

The second point I mention relates to the remarks of the honourable member for Essendon about the general question of the application of the scheme to Parliamentary officers. With respect to that honourable member, I do not believe his comments reflected the import of the findings of the Economic and Budget Review Committee. I should like to quote an extract from page 39 of the report of the committee, when it referred to adhockery as against its proposal for a completely new scheme.

The report states, under the heading “The Need for Change”:

In the Committee's view the most effective, efficient and equitable solution to the present and continuing problems facing Victorian public sector superannuation lies in the establishment of a standard Victorian public sector superannuation scheme. The Committee believes that the introduction of such a scheme is the only logical solution to the issues and criticisms raised in the Review Report. The Committee does not believe that it is possible to remedy the existing situation in any other way. The issues are too important, and the potential cost to the public purse too great, for the piecemeal and ad hoc solutions. Indeed, such an approach has brought us to the present untenable situation.

Indeed, that is saying the exact reverse of tenor of the the remarks of the honourable member for Essendon. It is a criticism of adhockery and an advocacy of the approach adopted by the committee which was a complete and comprehensive reform.

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

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

The sitting was suspended at 1.3 p.m. until 2.8 p.m.

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

The debate (adjourned from October 3) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Bill is short; it is part of the Government’s plain English policy. Legislation should be clear and concise and legal language need not be obscure. The law should be easy to understand wherever possible. The Bill is concerned with the removal of long and short titles from Acts of Parliament. It introduces a new system of numbering the Acts so that henceforth Acts will be numbered in sequence each calendar year.

The Bill also introduces a short form of commencement clause. Except for the deletion of references to Her Majesty, I support the Bill. The Opposition does not oppose the Bill.
Interpretation of Legislation Bill

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I would have preferred the references to Her Majesty to remain in the format of Bills and of Acts of Parliament in future to indicate Australia's British heritage.

The Attorney-General, in his Ministerial statement of 7 May 1985, went a lot further than this Bill purports to do. He chose to refer to the new plain English format for legislation as a process, as he called it, of "Kennanization". One presumes from this comment that it was intended to be humorous, because it would be arrogant for the Attorney-General to claim that this plain English policy was his own invention or discovery.

Mr Ross-Edwards—He would take the credit for anything!

Mr JOHN—Plain English or good English is not and certainly should not be some fanciful, trendy innovation of 1985. Professor Robert Eagleson, writing in the Current Affairs Bulletin of January 1985, at page 16, stated:

It is not to be a simplified, reduced childish version of English. Nor is it just a re-written version of officialese.

Professor Eagleson stated further:

It stands in its own right as a better variety of English, one which has been practised down the centuries, but which has come to be sadly ignored in Government and legal circles.

There is no doubt that if the language of statute is bad, if it is obscure officialese or legalese, people might be deprived of their rights and their privileges and they might not be informed of their rights and duties under the law. As I have emphasized, the plain English policy is not a new, trendy whim of fashion, but an improvement of the quality of statutes so that they are more easily understood by people and more readily interpreted by the courts. A 1921 report of the Departmental Committee on the Teaching of English in England, referred to at page 17 of The Complete Plain Words by Sir Ernest Gowers, stated:

A scrupulous writer in every sentence that he writes will ask himself . . . What am I trying to say? What words will express it? . . . And he probably asks himself . . . Could I put it more shortly? But you are not obliged to go to all this trouble. You can shirk it by simply throwing open your mind and letting the ready-made phrases come crowding in.

Few common things are more difficult than to use the right word to express one's meaning and many people, regrettably, are too lazy to try. What people writing Government documents ultimately must bear in mind is that if the word is the right one, not to be ashamed of it and, if it is the wrong one, not to use it. The object of Parliamentary draftsmen or the writer will be the same, that is, to make the reader take his meaning more precisely and more readily. However, a choice has sometimes to be made between the simplicity that conveys some meaning readily and the elaborate necessity to convey a precise meaning. In the case of Parliamentary drafting and other legal documents, precision is extremely important and, to some extent, they are a class apart.

It is important in statutes of Parliament to remember that an Act imposes obligations and confers rights. Courts of law ultimately decide what those rights and obligations are and perhaps how they are to be carried out. Dr Glanville Williams, writing in the Law Quarterly Review of April 1945 stated:

It does not matter to the seamen whether an anchor is or is not called part of the vessel. A chemist does not need to answer the question yes or no, does a rolled gold watch come within the description of gold.

For statutes of Parliament and legal documents, the case is slightly different. In statutory documents, the words are authoritative and, accordingly, Parliamentary draftsmen must try to imagine every possible combination of circumstances to which the words might apply and every conceivable misinterpretation that might be placed on those words. To some extent, the documents must be drafted accordingly.

One must be careful not to be carried away with the plain English concept announced by the Government, as it is not a pot of gold discovered by the Attorney-General. Many existing Acts are difficult to read and to interpret because the matters that they deal with are complex. The subject matter may be intricate. There may be qualifications to a general
principle which may need to be stated and there may be guidelines included which tighten up the drafting so that a judge in court can readily understand the intention of Parliament.

The Attorney-General has stated that in future the courts may consider Parliamentary debates in Hansard as aids to statutory interpretation and that judges may look at Hansard records of those debates to assist in formulating views. In the case of some speeches of members of Parliament, I suggest this will only serve to confuse the courts and may not be of much assistance.

There are situations where it is not possible to simplify legislation in such a way that it will satisfy someone who is barely literate. There are instances also with the Government's so-called plain English policy where a lot is left to be desired in achieving that purpose. For example, the ill-fated Residential Tenancies Bill is meant to be a launching pad for plain English legislation but one has only to read clause 8 to understand the confusion and doubt in interpretation that can occur. Sub-clause (1) states that “a person must not refuse to enter into a tenancy agreement with a prospective tenant except for a fair reason”. The obvious question of interpretation is: what is a fair reason.

Mrs TONER (Greensborough)—I direct the attention of the House to the fact that the Bill before it is the Interpretation of Legislation (Further Amendment) Bill, not the Residential Tenancies Bill.

The SPEAKER—Order! I do not uphold the point of order. I believe the honourable member is using the Residential Tenancies Bill as an example of plain English and he is making only a passing reference.

Mr JOHN (Bendigo East)—That precisely is my intention. I wish to illustrate that the Residential Tenancies Bill does not conform with this Government’s plain English policy as defined. I have directed attention to clause 8 (1). Clause 8 (2) states that “a person may ask a prospective tenant to fill out an application form or supply references, if the request is reasonable”. What is the criterion for the request being reasonable? No criterion is suggested in the Bill.

I support moves to improve the quality of language used in Acts of Parliament, to ensure that our laws are more precise. However, I would not like to think that the Government was attempting to lower the standard of the English language presented in our Acts of Parliament as part of a master plan to eliminate some of the more beautiful words in our language, as was the policy of the Government in George Orwell’s book Nineteen Eighty-Four.

The English language is rich and complex and it is no coincidence that it has become the international language of trade, commerce, politics and diplomacy. The many different words, and sometimes seemingly surplus words, provide us with a treasury of tools of communication. They allow us to express shades of meaning and nuances of meaning.

In the light of the Government’s announced plain English policy, it is interesting to examine clause 1 (c) of the Interpretation of Legislation (Further Amendment) Bill which states that the purposes of the Act are to:

enable the language used in Acts and subordinate instruments to be shortened.

I emphasize the word “shortened”. The Bill does not say, “to be made more precise or concise or meaningful or more easily understood”, but simply “shortened.”

We may achieve a shorter sentence and we may achieve a shorter Act, but we will not necessarily achieve the Minister’s stated aims as set out in his Ministerial statement of 7 May. It should be remembered that plain English documents are not necessarily shorter documents. Indeed, some publications have become larger as their authors have recognized the need to explain concepts adequately. Nevertheless, it is true that many plain English versions are briefer than their traditional counterparts. This usually results from a closer analysis of the content and the omission of anything that is not essential.
An interesting example of a program of plain English being introduced is that of the experience of NRMA Insurance Ltd. This insurance company introduced a program in 1974 to simplify insurance policy wording and completed the program in 1982. That company—NRMA Insurance Ltd—reports that there have been several beneficial effects flowing from their move to plain English insurance policies.

Firstly, the company reports it improved the image of the company with its customers who were more inclined to read their policies and know what they were covered for from the inception of the contract. Secondly, the staff were more readily able to deal with queries from the public, both at the underwriting and claim stages. This reduced the necessity to seek rulings from management or solicitors and enabled staff to be more involved and to accept greater responsibility. Thirdly, the company reported that litigation in respect of the policies was reduced, which surprised many who thought that the reverse may occur. Litigation was less not greater.

The Attorney-General has said that the changes mean that:

Legislation will be easier to understand, free of pomposity and verbiage, lean and hungry in approach and full of informed common sense.

While the statement is naively optimistic, I wholeheartedly support the motives of the Attorney-General and the Opposition supports the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Interpretation of Legislation (Further Amendment) Bill and supports the concept behind it, that is, simplicity in the numbering of clauses, the wording and so forth, which has been so adequately pointed out by the honourable member for Bendigo East. Therefore, I shall not delay the passage of the Bill.

The National Party is disturbed about the deletion in future legislation of reference to Her Majesty the Queen. That provision disturbed the National Party, so an amendment was moved in another place, but we were not supported by our Opposition colleagues in the Liberal Party, which we regret. I do not propose to move the same amendment in this House. The National Party has shown its protest and has made its point. Regretfully, it was not supported.

The official answer on why that is not done is that there is a provision in the Constitution Act which covers all legislation and provides that the legislative power of the State of Victoria shall be vested in a Parliament which shall consist of Her Majesty, the Council and the Assembly and be known as the Parliament of Victoria. That is the explanation given by the Government.

It is a technical explanation that is passable.

The National Party believes there should be reference to Her Majesty the Queen by specific reference to the Crown in every piece of legislation that is passed. The National Party is suspicious about the continued moves of some sections of the Australian Labor Party which are trying, without apology, to break down the connection between the State and the nation and the Crown.

The National Party makes its position clear that it believes the monarchy is a tried and tested system of Government which has been of tremendous benefit to Victoria and Australia. We regret that change. We have made our protest, we have not been supported, and we regret that. As for the concept of the principles of the Bill, it has our wholehearted support and I believe it will make it easier for people who are not used to reading Acts of Parliament to better understand those Acts.

Mr MATHEWS (Minister for the Arts)—I congratulate the honourable member for Bendigo East on the comprehensive and graceful contribution he made to the debate. I sympathize with the Leader of the National Party on having been left with very little to say of relevance to the debate. I thank honourable members for their support of the Bill.

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

**TRUSTEE SECONDARY MORTGAGE MARKET (AMENDMENT) BILL**

The debate (adjourned from July 3) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr John (Bendigo East)—This Bill proposes to make some technical improvements and minor amendments to the principal Act, namely, the Trustee Act 1958. The Opposition supports the Bill. The principal Act, among other things, gave authorized trustee investment status to mortgage backed certificates issued by a recognized financial institution. The Opposition supports the move for Victorian participation in the secondary mortgage market industries, which it is hoped will benefit the economy of the State.

The secondary mortgage market industry is a fledgling financial industry. Its success will depend on the co-operation of Australia's major banks which hold more than half of Australia's mortgages.

The national development of that industry is hampered by a variation in fees, charges and stamp duties throughout the States. As honourable members know, mortgages are debt instruments whose collateral is either residential, commercial or industrial real estate.

The mortgage market can be divided into two categories; the primary and secondary mortgage markets. The primary mortgage market really exists in every economy. It involves the creation of the mortgages themselves. Mortgages are brought into existence when financiers or financial institutions lend funds to be secured over real estate. Often when finance is lent by financial institutions, such as banks or building societies, those institutions have first borrowed the money from the public, usually on a short-term basis.

That type of lending does not generate any further finance as funds, once borrowed, are locked into the mortgages over a long period. The primary mortgage market is dominated by savings banks, building societies and other institutions, such as credit unions and finance companies. Insurance companies also participate, but they hold only a small share of the market.

The secondary mortgage market involves the trading of existing or previously originated mortgages. The secondary market, with which honourable members are concerned this afternoon, provides a mechanism by which mortgage creators can sell their mortgage portfolio to institutional investors and relend, if thought fit, the funds thus obtained for further housing or other purposes.

Despite a large demand for finance for housing in Victoria, regrettably, the secondary mortgage market has been extremely slow in developing. The slow development of that market is attributable in part to the unique physical and market characteristics of mortgages and, in the past, the lack of standardization of the mortgage documents that are used.

Another difficulty was that mortgages were generally for a long period, perhaps in excess of twenty years, while the average total repayment of most mortgages was of the order of only seven or eight years. The major difficulty with the secondary mortgage market is the Federal Government's control on housing finance interest rates. Over many years, housing interest rates have been kept down by Governments of all political persuasions for obvious political and social reasons. Housing interest rates do not, therefore, reflect market returns on investments of similar risk and maturity. Savings bank mortgages are, therefore, not an attractive investment for trading in the secondary mortgage market.

Page 237 of the *Australian Banker* of December 1984 states:

In Australia if rates on savings bank mortgage loans are linked to say long-term Government bonds, it would enhance its marketability.
Clearly, one needs to look carefully at economic, social and political consequences of that type of action.

The *Australian Banker* goes on to state:

> It has been demonstrated that there is significant potential for a secondary mortgage market in Australia, and it would appear that recent initiatives taken by several State Governments substantiates this opinion.

One of the main technical amendments proposed in the Bill relates to the definition of "relevant mortgage". That definition broadens the categories of mortgages that can be pooled. Under the existing legislation, the classes of mortgages that can be pooled are essentially limited to first mortgages over freehold land where the principal sum of the mortgage—the amount lent—does not exceed two-thirds of the valuation, or nine-tenths of the valuation, if the loan was insured at the date on which the mortgage was entered into. In general terms, the proposed amendment means that mortgages may also qualify if those limits are complied with later and not at the time the mortgage was entered into as a result of increases in property value or capital repayments by mortgagors so that the relevant mortgage may qualify by later circumstances that arise.

Some other minor drafting amendments are also made to the Act. The Opposition supports the swift passage of the Bill and trusts that the amendments will allow greater growth in this aspect of the finance industry.

> It is essential that we all work to encourage every effort to develop Melbourne as the financial capital of Australia.

The motion was agreed to.

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

**WRONGS (CONTRIBUTION) BILL**

The debate (adjourned from September 19) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr **JOHN** (Bendigo East)—The Opposition supports the Bill, which is also supported by legal practitioners generally throughout the State. The Bill concerns the rule of torts and contracts, not the criminal law.

The Bill concerns disputes and resultant legal action that relates to disputes between private citizens or incorporated bodies. The Bill does not concern itself with criminal proceedings where the State is one of the parties. The law of torts, or the law of wrongs, is complex, ever developing and ever changing. The Bill concerns situations where more than one person is at fault and where more than one person may be legally liable for damages payable to a plaintiff, it is often necessary for the court to decide the proportions of damages payable by each wrongdoer.

The Bill amends Part IV of the Wrongs Act. Major reforms to this area of the law in England were passed by the United Kingdom Parliament in 1978. As Victoria inherits the British legal system, the then Attorney-General, the Honourable Haddon Storey, QC, referred proposals for reform to the Victorian law to the Chief Justice's Law Reform Committee. The report of that committee recommended substantially the adoption of the English reforms. The Bill implements some of those recommendations.

Under present law, contribution can only be claimed where both defendants are liable in tort, so where two persons are engaged in a project under separate contracts and both contribute to the injuries of the plaintiff through joint negligence, one cannot claim contributions from the other if he alone is sued for breach of contract.

The Bill widens the statutory rights of contribution in cases where loss or damage occurs as a result of tort to cover cases where it is suffered as a result of tort, breach of contract, breach of trust or other breach of duty. Those changes are made in clause 4.

Clause 5 provides that a person shall not be required to pay any amount exceeding any statutory or contractual limitation, that any reduction by way of contributory negligence
shall be taken into account and that a court shall disregard any amount of payment made
to the plaintiff under a settlement that it considers was excessive, subject to the exception
of a court approved settlement involving a minor or a person of unsound mind.

Clause 6 extends the present time limits for claims of contributions. Clause 7, among
other things, renders the Crown liable to contributions in the same manner as an ordinary
citizen. Generally, the Bill cures defects in the existing law and substantially brings the law
into line with present English law. The Bill provides the added advantage in Victoria of
being able to examine judgments of the courts in the United Kingdom for guidance on
complex points, and this also can result in a saving of legal costs as well as other associated
costs.

As a responsible and constructive Opposition, we support the Government's move to
make these amendments to the Wrongs Act, as it is necessary to cure defects, remedy
inequities in the law and ensure that Victorian laws are adequate to meet the ever changing
needs of society. The Opposition supports the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports
these amendments to the Wrongs Act, which cover a variety of amendments that have
been adequately explained. I am disturbed at the length of time it has taken for the
introduction of this measure from when the recommendation was made to the previous
Government.

As my colleague in another place said, it is water under the bridge. Perhaps the Minister
for the Arts could confer with the Attorney-General and ascertain the reason why the
Attorney-General and the Law Department were so slow in introducing this proposed
legislation to the House. It is not difficult legislation and there is a precedent of what
happened in the United Kingdom. I should have thought the Bill could have been
introduced well before this time.

Mr MATHEWS (Minister for the Arts)—I thank honourable members opposite for
their contributions to the debate. I shall, as the Leader of the National Party asked, convey
to the Attorney-General his concern over the pace at which these recommendations have
been embodied in legislation.

The number of Bills that the Attorney-General has on the Notice Paper at present is a
fair measure of the industry that he has brought to his portfolio and is by no means
unrepresentative of the number of pieces of legislation in his name in previous sessional
periods of Parliament.

The State is fortunate to have a great reforming Attorney-General in the tradition of
others who have gone before him, who tackles his job with great seriousness and who
reflects, in his legislation, the efforts of the many working parties, committees of inquiry
and other sources of advice that he and his predecessors have had at their disposal.

The motion was agreed to.

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

LABOUR AND INDUSTRY (BUTCHER SHOPS) BILL

This Bill was received from the Council and, on the motion of Mr Kennett, for Mr
RAMSAY (Balwyn), was read a first time.

Mr KENNETT (Leader of the Opposition)—On behalf of the honourable member for
Balwyn, 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 WILKES (Minister for Housing)—The Government has not been consulted about
this measure. It does not know what it is about and because of that it is reasonable that
the Bill be read a second time tomorrow.
Mr KENNETT (Leader of the Opposition)—I apologize to the Minister if that is the case, but the Opposition did not realize that the Legislative Council was moving so quickly on a major piece of legislation. As it appears that this Chamber will be short of business, given the reduction of items on the Notice Paper, and as the Opposition is co-operating with the Government in the running of the Chamber, the Leader of the House should allow the Opposition to have the Bill read a second time later this day.

The motion was agreed to.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS AMENDMENTS) BILL

The Order of Day for the resumption of the debate on the motion for the second reading of this Bill was read.

Mr RICHARDSON (Forest Hill)—Mr Acting Speaker, I draw your attention to the state of the House.

A quorum was formed.

The debate (adjourned from September 24) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition supports the Bill, which substantially incorporates amendments to the principal Act, which were first suggested by the Opposition.

The most important amendment is set out in clause 7 where section 51 of the principal Act has been amended to exempt certain associations from the prohibition on trading. Under the existing Act the main problem concerned the trading restrictions which were imposed on certain charitable organizations, such as schools, hospitals and opportunity shops run by religious orders or other organizations.

I shall refer again to clause 7 later, but I first wish to make general remarks about the Act and the problems of voluntary charitable and sporting associations.

The existing Act was first introduced by the previous Government. For the first time in Victoria, it provided a simple and inexpensive method by which voluntary, charitable and sporting associations could become incorporated.

On 4 December 1981, the honourable member for Berwick told the House that the purpose of the legislation was to implement the recommendations of a sub-committee of the Chief Justice's Law Reform Committee.

The recommendation was that legislation should be enacted to provide a simple and inexpensive means by which unincorporated non-profit organizations could obtain corporate status. The terms of reference of the sub-committee were:

What steps, if any, should be taken to enact legislation which—

(a) would enable unincorporated associations to sue or be sued in contract or in tort?

(b) would overcome or mitigate the problems which arise where gifts are made to unincorporated association inter vivos or by will?

(c) would enable members of all or some specified classes of unincorporated associations to enforce their rights as such members inter se?

(d) would facilitate the equitable distribution of the assets of an unincorporated association upon the dissolution of such a body.

The honourable member for Berwick is reported in Hansard of 4 December 1981 as having said:

... each of the subject matters canvassed in the terms of reference reflect real difficulties that are experienced by unincorporated associations.
Many men and women give of their time to run the affairs of voluntary associations in the community and we will all benefit considerably and in many ways from the existence of these voluntary associations. Before the principal Act was introduced, these unincorporated associations had many and numerous legal difficulties. For example, they could not own property in their own right; they could not enter into contracts in their own names; they could not take out insurance policies to cover liabilities incurred by persons acting on behalf of those associations; they could not make simple arrangements to dispose of property when the unincorporated association ceased to exist.

Problems were also faced by people who wished to deal with these associations. It was extremely difficult to force agreements made with persons acting on behalf of unincorporated associations. People who suffered loss or damage as a consequence of actions or activities undertaken by such organizations often faced extreme difficulty in establishing who would be held liable for damage or loss.

In the past many unincorporated associations overcame the difficulties I have mentioned by incorporating under the Companies Code, but this was not entirely satisfactory. The Companies Code imposed, and still imposes, stringent requirements on the keeping of books, auditing of books, and lodging of documents and accounts with the Corporate Affairs Office, and fees incurred under the Companies Code are not inexpensive.

Prior to 1981 the vast majority of unincorporated associations did not seek incorporation under the Companies Code or other legislation such as Co-operative Acts then in existence. Often members of the committees of these unincorporated associations did not appreciate the legal risks which they ran and under some circumstances committee members could find themselves named as defendants in court actions through no real fault of their own.

The difficulties in which a committee of such an association could find itself were highlighted a few years ago in the highly publicized legal case of Wild v Mansbridge. The case became known as the “Camel Case” because a small boy spectator was injured by a racing camel at the Calivil New Year's Day Sports Carnival. The camel crushed the boy against a railing, with the result that the boy was seriously injured.

All members of the Calivil New Year's Day Sports Committee were sued and found themselves defendants in a court action. Finally, the court approved a settlement of $48 000 and members of the committee were jointly and severally liable for payment of the damages.

Another example of the problems which could occur was published in the Bendigo Advertiser of 4 October 1980. A footballer from Euroa stepped on an underground sprinkler whilst playing football on the Rochester recreation reserve in July 1977. The footballer broke his leg and sued the committee of management for damages.

The newspaper report states that each of the nine members of the committee of management received a summons with a claim for $12 000. The principal Act which the previous Government introduced solved these sorts of problems and provided a simple and inexpensive method by which voluntary, charitable, and sporting associations could become incorporated. When the Act was introduced it was a significant reform of the law relating to these associations. I shall now turn to some of the more important clauses of the Bill.

Clause 4 amends section 4 of the principal Act. Difficulties have been experienced by many organizations with large memberships. For them to incorporate it was necessary for the application to be authorized by a majority of all members of the association.

Many committees had to go to great lengths to obtain the requisite number of responses from a large membership, especially a large inactive membership. Many committee members went to extraordinary lengths to arrange special meetings of their clubs, at which the majority of the membership would be present.
In many clubs, the obtaining of a majority of membership present was virtually impossible. Clause 4 will amend this requirement to enable applications for incorporation to be authorized by a majority of members who are present at the meeting—not just the majority of the membership *in toto* but those present at the meeting—of which all members of the association have been given 21 days’ notice. Where proxy votes are allowed by the rules of the association, this clause includes proxy votes.

Clause 5 introduces another major amendment to the Act concerning the rights of members to maintain legal actions. The main thrust of this amendment is that it will enable members of the incorporated association to have injustices within that organization dealt with by the courts.

Clause 7 concerns the trading restrictions to which I referred earlier. The principal Act provided for incorporation for any lawful purpose, but not for the purpose of trading or securing financial profit for the membership. Under the Act, members of such an association which reached these limitations could be made personally liable for debts incurred as a consequence.

Some charitable incorporated associations are allowed to engage in some trading, so long as these transactions are only ancillary to a main charitable purpose. However, the situation was not clear and it was believed by many people that the degree of trading allowed under the principal Act was too limited.

In the electorate of Bendigo East, which I represent, this problem was highlighted by the example of Mount Alvernia Hospital at Bendigo. For several years I have served on the advisory board of Mount Alvernia Hospital which is run by a religious order. The sisters of the order receive no wages or salaries for their services and they undertake a most valuable role in the health care of the Bendigo community. Although Bendigo is extremely well served by the Bendigo and Northern District Base Hospital, I seriously doubt whether it could cope if Mount Alvernia Hospital ceased to exist.

For some time the sisters who run the Mount Alvernia Hospital have been advised that the hospital should be incorporated, otherwise they could run the risk of incurring personal liability for the actions or inactions of the medical staff and others employed by the sisters and the assets of the religious order could be put in jeopardy under certain circumstances.

The amendment now proposed in clause 7 will solve the difficulty faced by the Mount Alvernia Hospital and by other hospitals, schools and opportunity shops that are run by religious orders and organizations. The provision will provide them with an inexpensive, safe and simple method of incorporation without all the complexities and expenses of the provisions of the Companies (Victoria) Code.

I pay tribute to my colleague in another place, Mr Chamberlain, whose private member's Bill originally highlighted the need for an amendment of the Associations Incorporation Act. He also drew the attention of the Attorney-General to the problems that can occur involving recognition of interstate associations. More than 5000 organizations have incorporated under this Act and the Bill will ensure that our community will be further strengthened by the protection of many associations, clubs and societies that contribute so much to our social framework.

Mr A. T. EVANS (Ballarat North)—I wish briefly to endorse the remarks made by the honourable member for Bendigo East who pointed out the successful operation of the principal Act. In the late 1970s I may have made the initial move to have legislation of this type introduced. Concern was growing amongst football and other sporting organizations—particularly those paying professional coaches, who were employed on a full-time basis, presidents and other office-bearers—were concerned that if something happened to these men, they may be held legally personally responsible and stand to lose a considerable amount of money.

At that time I held discussions on behalf of those organizations with the then Attorney-General—I think it was the Honourable Haddon Storey—requesting him to consider the
existing legislation in New South Wales. Eventually the matter was referred to the Chief Justices Law Reform Committee, which brought in a report on which the then Government acted.

The main theme all through the report was that the proposal has to be inexpensive and simple to encourage sporting organizations and community organizations such as the Country Women's Association and similar groups to become incorporated bodies, dissolving their office-bearers of personal legal liability. This has been achieved. Over the intervening years I have distributed from my office between 300 and 400 copies of the kit that was provided by legal stationers in Melbourne at an original cost of $2.50; it is now $3. People were able to fill in those forms themselves. The procedure has been kept simple and inexpensive.

A lot of the success is owed to Mr Reg Brown who is employed by the Law Department and who has been closely associated with the legislation. Mr Brown still holds an administrative position within the department, where he has always been readily available. If I was not able to answer any questions on this matter raised by the various organizations, I would direct the organizations to Mr Reg Brown who would tell them how they could provide the answers. He is still doing this work.

My message is that we must be wary of any future amendments to the legislation. Parliament should not lose sight of the original purpose of the Associations Incorporation Act, which was to be simple and inexpensive. I remind honourable members that the Family Court was also supposed to be simple and inexpensive but now it has become more expensive, legalized and complex and often the decisions of the court can cause a lot of suffering.

If in future any organization wishes to extend its trading ambit, it should be referred to the provisions contained in clause 6, which provides the Attorney-General with the right to direct these organizations to be disincorporated, and to consider registration under the Companies Act. I commend the legislation to the House and hope it will continue in future to do the excellent job it is doing for the small community organizations.

Mr MACLELLAN (Berwick)—In the belief that debate on this Bill might be completed during the second-reading stage and will not go into the Committee stage, I regretfully raise a matter which could be seen to be rocking the boat in view of the glowing comments made by my colleagues. However, in the second-reading speech the Minister suggested that because the Bill proposes to allow an expanded operation of trading for certain charitable organizations, it was thought appropriate to adopt a section of the New South Wales legislation to enable the Attorney-General to exercise certain powers of direction.

For instance, if the Minister is satisfied that the scale or nature of the activities of the incorporated association, or the value or nature of the property of the incorporated association, or the dealings of the association with the public are of such a magnitude, the Minister will be able to direct the organization to become incorporated under the Companies Act. My colleague, the honourable member for Ballarat North, referred to this aspect of the Bill a moment ago.

However, hidden away in the Bill are three little words which should be treated with caution. Proposed section 31A (1) (b) states:

for any other reason which to the Minister appears sufficient—

The House has been asked to legislate to give the Minister the absolute right to cancel the incorporation of any one of the 5000 associations that have been incorporated. That right is unexaminable. No appeal provision or reasonableness is provided.

I suspect, with the more modern interpretation of our plain English legislation, the Minister would not even have to hear the association's point of view. There appears to be nothing in the Bill that provides that after having made an inquiry the Minister is of the opinion that the association should be incorporated under the Companies Act. The Minister is given the power to work simply on the basis of a departmental recommendation. That
is unsatisfactory in the sense that the Minister and his department are seen to be generous to the associations in their trading activities yet they have taken unto themselves a power, not exclusively related to those associations that are trading but to all associations, to be able to cancel that incorporation under the legislation and to direct that they should be incorporated under the Companies (Victoria) Code. That could be an expensive process.

I am surprised that honourable members in another place could have allowed this provision to slip through, especially when one considers they examined the proposed legislation carefully. Another place has been trained as a House of review yet I suggest that it is bad government to impose those sorts of discretions on Ministers.

Ministers can get into terrible complications in that way and there is no possibility of review. The proposed section 31A (1) in clause 6 states:

If the Minister is satisfied that the continued incorporation of an incorporated association under this Act would be inappropriate or inconvenient—

(b) for any other reason which to the Minister appears sufficient—

That amounts to a charter for the Minister which is as long as a piece of string. There is absolutely no restriction on the Minister. He could decide that it was inconvenient and that reasons were sufficient to cancel the registration of the whole 5000 if he wanted to do so. He could take the whole 5000 to be incorporated under the Companies Code and the whole principle that we have been working towards and legislating for in this area could simply be destroyed.

I admit that the introduction of the amendment enabling trading produces a new concept and, therefore, it may be limited. I do not know why the proposed section is not limited only to associations which incorporate. That would have seemed an appropriate method, but the second-reading speech contained the magic words, "or for any other reason" which disturbs me. I do not believe the Minister should have that absolute Executive power.

Parliament should say two things: firstly, that the Minister should never act in exercising such power without having heard from the association itself. In other words, the association should not simply receive a direction from the Minister after never having been heard on the subject. That is a principle of natural justice. Before one is found guilty and convicted and, before any action is taken to prejudice one, one has the right to be heard, to offer explanation or whatever one wishes. Secondly, I believe there are good grounds for saying that where those absolute powers are given, there ought to be an opportunity for review. I should have thought it better if the Minister were reviewing decisions rather than making Executive decisions. However, if the Minister's decision is to be the one that counts and if it is the Minister's direction, I should like to know what administrative steps will be put in place before a Minister is asked to give such a direction.

In replying on the second-reading debate I should like the Minister to give the House a clear indication of how the provision is to be administered. Is there a guarantee that the association will always be heard before the decision is made and before direction is given? Will the Minister give an indication of the administrative steps that will be followed prior to his being advised that he ought to be satisfied and that he finds it inappropriate or inconvenient that the association be incorporated under the proposed legislation?

I am talking about associations that may be trading as a small kiosk. They may sell alcohol at a football club bar. I know it is unfair for us suddenly to spring the role of House of review on the present Minister, but I hope the Attorney-General is close enough to the Minister to be able to give him advice and some undertakings that, faced with similar legislation, honourable members in another place will seek undertakings as well. It is appropriate to have a second look at the Bill. I am not satisfied with it. Some undertakings would be appropriate in this case. The consideration of a second House of Parliament
may prove beneficial not only for the Government and future Attorneys-General but also for the whole community, which has to live and work with the proposed legislation.

I do not like those powers. I do not like Ministers having so much power. There ought to be undertakings or clear guidelines given so that Parliament knows what it is legislating about rather than being told that the measure enables 5000 organizations to incorporate, that a clause enables the Minister at the snap of a finger to cancel that registration and incorporation and to give directions without review to those associations to incorporate under the Companies Act. The significance relates to the cost of transferring the land, the cost of preparing the articles of association and memoranda of association, registration fees, legal fees and the whole box and dice, which is the reason why the original Bill and this Bill were introduced.

They were introduced to avoid costs and inconvenience of having to use the companies area. The Bill contains a simple provision which purports to enable the discipline of trading, but it clearly extends further than that. I ask the Minister for those undertakings or some explanation on the matter. Perhaps we could report progress in the Committee stage to determine from the Attorney-General whether any message has arrived yet.

Mr MATHEWS (Minister for the Arts)—I thank honourable members on the Government side of the House who have contributed to the debate and who have affirmed the useful purpose that the original legislation has performed and the further advantages that will be derived from the amending legislation. The point raised by the honourable member for Berwick about the amending legislation is well taken. I willingly give the honourable member an undertaking that I shall raise it with the Attorney-General in the spirit in which it has been offered. An incorporated body which found itself the subject of an instruction to register under the Companies Act would find itself subject to a number of unreviewable Ministerial decisions of essentially the same nature as those envisaged in the present legislation.

Nevertheless, the provision in the amending legislation is far-reaching, as the honourable member for Berwick placed on record. The procedure envisaged is not that the Minister should act on whim or on his own initiative in any form but rather that the preliminary investigation, the trigger for investigation and the investigation process itself, which would precede any decision on the part of the Minister, would be undertaken by the registrar.

The honourable member for Berwick will acknowledge that there is a significant measure of protection in that recognized procedure. I give the honourable member an undertaking that the whole matter shall be the subject of further examination. Most honourable members believe that at some future stage there will be an opportunity of further review of the legislation and further improvements of the legislation which, par excellence, broke new ground and continues to do so in the interests of the community.

The motion was agreed to.

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

**DIRECTOR OF PUBLIC PROSECUTIONS (AMENDMENT) BILL**

The debate (adjourned from October 3) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—This short Bill proposes to insert in the principal Act a new section 9A. The Office of the Director of Public Prosecutions was created by the principal Act, which received Royal assent on 21 December 1982; sections 1 to 8 and 17 were proclaimed on 12 January 1983, and sections 9 to 16 and 18 were proclaimed on 1 June 1983.

The two Directors of Public Prosecutions who have held office to date have been John Phillips and John Coldrey, both outstanding and highly respected lawyers, and both have served that office with distinction.
The main purpose of the Act was to separate prosecuting decisions from the political process; in other words, an independent office was established which removed the day-to-day prosecuting power of the Attorney-General, although leaving him with ultimate control over and responsibility for that function. Although the Attorney-General is accountable to Parliament, it is the role of the director to make day-to-day decisions on prosecutions.

I quote from page 2 of the first annual report of the Office of the Director of Public Prosecutions:

... morale in the branch at that time was low—a circumstance brought about by a combination of poor working conditions, lack of incentives and opportunities for promotion within the branch, and a well developed perception of being neglected—of being in effect a back-water of the Law Department.

Mr Phillips also found clear evidence of insufficient staff numbers.

In the most recent report Mr Coldrey says:

Under Mr Phillips' guidance the Office of the Director of Public Prosecutions gained a reputation for efficiency and integrity within Government, within the law enforcement agencies, and within the general community.

In speaking about the original legislation which was passed in December 1982, I shall quote from the words of the then Minister for Economic Development, Mr Landeryou, on 14 December 1982, who stated:

A major aim of the Bill is to remove any suggestion that the prosecutions in this State or, indeed, the failure to launch prosecutions can be the subject of political pressure.

... the decision as to whether or not to prosecute will vest in the director and will be his alone.

The importance of establishing an independent prosecuting authority is illustrated by the reports of recent Royal Commissions.

... it is important that future Attorneys-General be bound to this policy by divesting themselves of that function in favour of a director who will act accordingly.

In recent times it has become apparent that the director could be compromised or could find himself in a position of conflict of interest. For example, the present director, Mr Coldrey, was placed in the difficult position of having, as Director of Public Prosecutions, to prosecute someone for whom he had acted while at the bar in private practice.

The Bill will allow the director in future to refer such prosecutions back to the Attorney-General. However, I ask: what will happen when the Attorney-General also finds himself in either a compromising situation or a position of conflict of interest? My colleague in another place, Mr Chamberlain, during debate on the Bill in that place, has asked the Attorney-General to consider whether it would be preferable to amend the legislation further to provide for a deputy director to cover the extreme circumstances where both the director and the Attorney-General may be embarrassed.

With those brief comments, I indicate that the Opposition supports the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. It really gets back to the axiom, not only should justice be done, but justice should appear to be done. I have complete confidence in the Director of Public Prosecutions. However, in the small society in which we live, it is inevitable that from time to time he should have some connection with a party to an action, a party whom he is now called upon to prosecute. If the director feels that it would not be appropriate for him to prosecute, it seems to me that it would be satisfactory for the prosecution to be launched in the name of the Attorney-General.

If that brings any conflict of interest, so be it. It should not be necessary to do more than that. This seems almost an unnecessary measure to have been brought to the attention of
the Government by a judge. However, the Government has acted properly on the recommendations made to it. The Bill has the support of the National Party.

The motion was agreed to.

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

CRIMES (AMENDMENT) BILL

The debate (adjourned from October 22) on the motion of Mr Mathews (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition does not oppose the Bill. A number of important purposes are proposed in it. If implements certain key recommendations of the Shorter Trials Committee in so far as these recommendations require amendments to the Crimes Act. It also simplifies provisions relating to offences against the person, but probably the most important aspect addressed in the Bill is the question of rape and particularly rape in marriage.

The Bill proposes to rid from the criminal law the outmoded notion that a man cannot rape his wife because of the existence of the marriage and because that existence of marriage constitutes a presumption of consent on the part of the wife.

The crime of rape is one of the most violent crimes in our society. It provides for the victim enormous trauma and heartache when that victim is forced to go through the legal system to obtain justice and to bring a culprit to justice.

It is regretted that the crime of rape is ever increasing and that it is under reported. Sexual assaults generally are not reported to the police as much as are other crimes. I am informed that the reporting rate for sexual assaults is 26 per cent, compared with 58 per cent for household thefts and 98 per cent for motor vehicle thefts. It is obvious that the crime of rape and other sexual assaults is grossly under reported to the authorities.

Between 1975 and 1984 the number of rape cases in Victoria rose from 276 to 498. That is an 80 per cent increase in this type of crime during a time when our population increase was only 10 per cent.

If the report rate of 26 per cent is accurate, one can estimate that more than 2000 crimes of rape were committed in Victoria last year. That is an horrific number. To move from the crime of rape generally to that of rape in marriage, it is much more difficult to get accurate statistics because many people suffer in silence. It is a manifestation of domestic violence and regrettably this is increasing.

I understand that a third of police peacekeeping calls relate to domestic violence of one sort or another. This is a sad indictment on our present society and our community attitudes.

I support the desire of the Government to prohibit rape in marriage. As a person trained in the law, I have some reservations about the drafting of the legislation, how effective it can be and how difficult it will be to enforce. However, I support the motives behind it.

The Opposition believes that men and women are equal partners in marriage and that marriage does not imply consent by either party to acts of violence being performed upon the other. During debate in another place, the honourable member for Western Province, Mr Chamberlain, gave a tremendous amount of detail and statistics on domestic violence and crimes of rape. I do not propose to repeat what is already on record but I support his remarks and I support the Government’s initiative in this Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill and I have no doubt it is supported by the whole community. Rape in marriage is the aspect of the Bill that has received the most public attention and presents some
interesting and difficult questions of law. I regard rape as probably the worse crime imaginable.

Those of us who have been involved in the law, as mentioned by the honourable member for Bendigo East, can understand why the law has not been altered since 1607. It is because the law hesitates to enter into the family home, especially the bedroom, to attempt to arbitrate on family disputes. That is one of the most difficult and dangerous pursuits in which anyone can be involved. Domestic disputes are often bitter, brutal and deep-seated. The person who gives his or her time and attention to solving a domestic dispute can end up being the enemy of both the husband and the wife and can often achieve very little, if anything.

It is not as though the law over the years has done nothing about brutality either by a wife or a husband. Procedures are in place whereby a wife who is attacked by a husband can take action at law and lay complaints against her husband for assault. If she has a judicial separation, and if her husband attacks her and has sexual intercourse with her, then that is regarded as rape. If the couple are divorced, they are completely separate in law.

It is possible that the reason why nothing has been done previously is that from a practical viewpoint it is a difficult matter to prove in a court of law. There is no doubt that the Bill and the principle behind it has community support; none would deny that. However, I am somewhat of a cynic, being a person who has practised in law for a long time and I wonder, in practical terms, whether this Bill will achieve anything. Nevertheless, its intention is right and, if it gives protection to women who have not had protection up until now, then it has my blessing.

As has been mentioned in another place, domestic violence is not all one way. There is a tremendous amount of violence, not only inflicted by husbands on wives but from time to time by wives on husbands. That does not come to the surface very often, for obvious reasons. I appreciate that domestic violence involves a lot of police time. I believe it is time that is wasted.

I have often made the comment that from a domestic and social point of view society has not made much progress during the past 200 years. Progress has been made in general education and in our standards of living, but our social relationships over that period, I believe, have gone backwards rather than forwards.

The increased pace of living today has placed added strains on marriage and the family way of life. It is a sad state of affairs that Parliament is introducing legislation to achieve something that to any decent person would be unthinkable.

A solicitor constituent of a colleague of mine has drawn to our attention that proposed section 321N (2) (b) which reads:

intend or believe that any fact or circumstance the existence of which is an element of the offence will exist at the time the offence is to take place.

should read:

intend or believe that all facts or circumstance the existence of which is an element of the offence will exist at the time the offence is to take place.

It is recommended that the proposed paragraph should have the words “all facts” rather than “any fact”. I leave that matter for the attention of the Minister for Police and Emergency Services, who may be somewhat perplexed about it, so that he can pass those comments on to the Attorney-General in another place.

The proposed legislation does cover other matters that are not contentious, but I make the point that the intention of the Bill is most worthwhile and commendable. Before members of the women’s movement get too carried away with the Bill, they should understand that many of their aims and ambitions are difficult to obtain by statute. These are better attained by education and a better relationship being developed with other
people. Parliament can pass all the laws it likes, and if one practises law, one understands this even more so, but if the female members of the Chamber believe this will cure the terrible problem on their hands, they are sadly mistaken. It is a commendable step forward, but frankly, I wonder how much it will really achieve.

Mrs SETCHES (Ringwood)—I support the Crimes (Amendment) Bill, which has three important purposes. The first is to rid the criminal law of the outdated idea that a man cannot rape his wife because the existence of the marriage constitutes a presumption of consent on the part of the wife. The other two major amendments incorporated in the Bill barely raised a mention in the debate. Enormous changes in community attitudes have occurred since the matter was first raised of extending the same protection to women who are in the state of marriage that is extended to other women under the Sexual Offences Act 1980.

I am pleased that the House accepts this provision. I remind the House of the outrage that was evident in the community some months ago when an infamous case was being heard in Victorian courts which showed that there had been an enormous change in the thinking of our community. That court case, which had tremendous media coverage at the time, showed clearly that a man could not be proceeded against by the courts for raping his wife even when there was corroborative evidence that it had occurred.

To understand how our general attitudes have changed, one must examine the history of this amending legislation and go back to the mid-1970s when the South Australian Government decided to completely review the Sexual Offences Act and introduce a provision into Parliament that would extend the same protection in South Australia that this Parliament is extending to women in marriage by the introduction of this Bill.

At that time an enormous public outcry was raised by many groups in South Australian society who argued the case that if a woman was a spouse within a marriage, there could legally be no way that rape could be proved against the spouse. The then Labor Government in South Australia ran a strong publicity campaign to highlight certain areas of the proposed amendments that it wanted to introduce.

In 1980, Carole Treloar made a contribution to a conference of the Australian Institute of Criminology which examined the rape laws and she looked back on what had occurred in 1976 and earlier. Carole Treloar was a research officer for Mr Peter Duncan, the then Attorney-General for South Australia. Her contribution contained a number of matters that should be considered in understanding the changes that have occurred since that time, only nine years ago. I quote from the Australian Institute of Criminology Conference on Rape Law Reform where she said:

Whilst we, in South Australia, knew that a full range of reforms to our rape laws were necessary and desirable, we—at a policy level and despite any actual powers of the law in the matter—knew that as an absolute principle to remove the immunity of persons from prosecution for rape of a spouse was essential. This decision was firmly based in the political principle not only of equal rights and equal opportunity in life for men and women, but in the right of every person to self-determination, responsibility for and control over their personal lives. Consent to marital sex was every woman’s right to determine, in our view. Her body is her own, and hers alone. Equally, her right was the right accorded to every other person in society: the right to the protection of the criminal law if she was the victim of rape—even where the offender is spouse.

There was an enormous outcry to this basic principle put forward by the Government. The Government at that time confronted the organized Opposition by justifying the intrusion, as it was called, of the criminal law into the bedroom. The statement was made:

Those who do not need the rape-in-marriage provision will not use it; those who offer insufficient corroborative evidence cannot use it. Let those who do need it at least be allowed recourse to justice and human dignity... Marriage, and sexual relations within marriage, ought to be a matter of negotiation from an equal basis, of sensitivity, care and responsibility. A violent or callous husband, who retains the legal status of owning his wife, like a chattel, an object, a piece of property, should not be able to rape her while the law turns a blind eye. Rape-within-marriage is an exceptional circumstance, one where the law has every right to invade the bedroom.
Carole Treloar then went on to say at the Rape Law Reform Conference in 1980:

The criminalisation of rape-in-marriage is not, was not, and cannot in any way be seen as a "communist/lesbian plot". "Concocted by man-haters" out to "ensnare the unwary male", by those who "wish to destroy the institutions of marriage and the family". It can, if anything—in my view—only help to strengthen and protect marriage and the quality of human relationships if the law clearly recognises human sexuality and human rights within the marriage.

That debate occurred in 1976. We have progressed eons in that time and there is not the need for that type of justification to any great degree today.

Even though the proposed law is able to address problems which have existed for centuries, I had the pleasure of chairing a session at a recent conference in Canberra conducted by the Australian Institute of Criminology. The conference, which was held two weeks ago, dealt with domestic violence. The session I chaired was entitled "Domestic Violence and the Criminal Assault in the Home—A Women's Perspective". Some women who were survivors of domestic violence contributed to the conference.

One woman had been subjected to domestic violence for twelve years before she escaped and is now working in a women's refuge. She said that she had lost count of the number of times she had been subjected to rape within marriage. She provided graphic evidence that the law is not able to cope with rape within marriage and wanted to turn a blind eye to the subject.

In the session I chaired a contribution was made by Ms Passmore, an Aboriginal women's activist from West Australia who had been criminally assaulted by her husband for seventeen years and subjected to rape by her husband in full view of other parties. There was no law to deal with the perpetrator of that rape.

Another women's refuge worker at the conference stated that since the South Australian refuge in which she worked had been established in 1976 more than 2000 women had sought shelter. Of those 2000 women she was hard pressed to find more than ten cases where rape within marriage had not occurred.

Honourable members on both sides of the House have said that it is a hidden problem. That is true, but it is a problem that has been suffered for many years and I see the Bill as a means of evening up the ledger a little. With the changing community values and attitudinal changes, Ms Carole Treloar, currently the adviser to the South Australian Premier, concluded her contribution to the law reform conference in 1980 by saying:

A society of men that smirks at Norman Mailer's pronouncement that "... a little bit of rape is good for a man's soul", yet which at the same time postures about the place condemning rape, is plainly underpinned by hypocrisy. It is hardly surprising, therefore, that these 'doublespeak' attitudes towards rape should have been translated into the legal system. We should expect little else. But we want a lot more.

I am pleased to support the Bill. I am glad it was introduced as a matter of urgency following a case reported earlier this year in Victoria.

Ms SIBREE (Kew)—Various speakers have canvassed the reasons for the Bill. Obviously the subject on which most honourable members have concentrated has been the subject of rape in marriage. That is just another form of domestic violence of one sort or another. I was pleased to hear the comments of the honourable member for Ringwood concerning the Canberra conference which took place a week or two ago. It is important that the House has taken note of the subject and debated the issue because some of the matters raised are important.

In his contribution, the Leader of the National Party pointed out that we have come a long way in the past 100 years in terms of communications, social policies and behaviour. Some of us would agree that that is the case.

I seek answers from the Minister for Police and Emergency Services about the domestic violence report that the Government has received. This significant document received public comment for some time and the Government's response to it is becoming crucial.
The community is looking for some ideas about where the Government is going especially in view of some of the discussions arising out of the Canberra conference.

I was concerned, as an observer of the conference from the newspapers, that there seemed to be a conflict of advice among social workers and the people who work in the field with men and women who are subject to domestic violence. We are seeing more women, in many cases recently, inflicting violence on their partners. However, there were some conflicts arising out of the conference. One of the conflicts was highlighted when Sergeant Noel Comley of the Victoria Police said that the restrictions on the arrest of people for domestic violence needed to be eased. He was quoted in the *Age* of 15 November as having said:

We have asked the Victorian Government to give us powers of arrest that aren’t so restrictive, but we haven’t got it at this stage.

At the conference there was a further comment from a worker at the St Kilda Legal Service who said that the police did not carry out all the powers that they currently have concerning domestic violence reports. On the “Letters” page of the *Age* of 16 November, following the comments of the St Kilda Legal Service worker, a Mrs Sheralee Southern said that last year—that is, 1984—there were 30,000 calls for police to attend domestic violence situations. She said that the police attended only one-fifth of those calls. That means only 6000 calls were attended by police.

With respect to the conflict, I am not saying one side is right or that the other side is right. I suspect, because there is not a clear community understanding and a definition by the Government of what is expected from the Police Force in domestic violence situations, that confusion exists. The police should be made aware of what sort of backup they will be provided with and how far they should go. A problem over the years has been whether they should intervene in “bedroom” scenes. There is a problem with the law not being specific or appropriate enough to deal with some cases of domestic violence.

The report of the Government has addressed a number of these issues and it is now evident that we have moved a little way along the track with the Bill to sort out one problem involving domestic violence, that is, rape in marriage.

It is now time—since the Government has had the report for more than twelve months—for the Government to move in some direction to give police a clear-cut understanding of what is expected of them and what sort of backup is to be provided. With respect to community expectations, women in particular need advice about the sort of protection they can expect from the Police Force and the Government.

That leads to further matters concerning the availability of women’s refuges for women who cannot stand domestic violence in their homes any longer. One of the problems is that the victim becomes a double victim in that he or she is not only assaulted but has to move away from home and hearth leaving the perpetrator of the violence in the home. The victim is often a triple victim as well in that he or she has to provide evidence in court against the partner.

The problem is not easily solved. We understand that often the violent partner in the relationship has been violated in the past or is the product of a previously violent household. Therefore, the violent partner has often suffered a whole range of personal problems with which he or she has not been able to come to terms. It is a delicate area and I ask the Minister to inform the House what the Government intends to do about the domestic violence report.

I point out to the Minister for Police and Emergency Services, who is in charge of the Bill in this House, that the National Council of Women of Victoria recently submitted its comments on the report. The council is certainly in full support of the changes being debated today. However, I believe it is extremely urgent that considerations are given to ways of dealing with the other domestic violence problems which are being confronted in our society today.
I also point out to the Minister that there is growing community concern that, although laws exist and there are provisions for prosecuting offenders, unfortunately, not a large percentage of rape cases come to the attention of the police because of the difficult circumstances in which people find themselves.

The honourable member for Western Province in another place quite properly pointed out in his contribution to the debate on this Bill that a large disparity exists between the sentencing that is available to courts to impose on the defendant in these cases. He indicated that the 1984 statistics on general rape show that the average penalty is four years and seven months' imprisonment when the maximum penalty available to a court is ten years. The maximum penalty available in a case of aggravated rape is twenty years, but the average sentence that is given to most offenders is six years and seven months' imprisonment.

As a result of Government policies, and the "revolving door" policy, about which honourable members have talked in this place previously, many of those sentences are reduced substantially. Therefore, the victims may well be faced with the offender coming back into their lives considerably earlier than they would otherwise have expected.

While I am debating the question of domestic violence, one cannot forget the question of violence against children. That is also part of domestic violence. Some 75 per cent of murdered women were killed by someone with whom they were living or whom they knew very well. Unfortunately, many children in our society suffer violence, either physical, sexual or mental. They are subject to violence, not from "stranger danger", but from people they know.

I am aware that the Government has called for a report from Ms Leslie Hewitt from the Department of the Premier and Cabinet on child violence, child crime and child sexual abuse. I understand the report was completed some six weeks ago and that the Government has probably received it. I ask the Minister for Police and Emergency Services, during the course of this debate—which is about domestic violence in this area—to inform the House of or seek from the Premier, advice on when that report will be released and what the Government intends to do with it.

To its credit, the New South Wales Government took on this problem much earlier, and in 1983 it commissioned a report on child abuse in New South Wales. It tabled the report for public comment about the middle of last year and has this year tabled the final report following wide-scale community consultation. I believe the problem in Victoria is certainly no less apparent, and Victoria should not be that far behind New South Wales in attempting to address the problems of domestic violence and violence in general, particularly against children.

I commend the Government on acting very quickly in this area of rape in marriage. I share some concerns about the wording of some of the provisions of the Bill, but it is hoped that the wording will not continue to cause concern, as it has in the courts.

In conclusion, I should also refer the House to a comment that resulted from the conference that was held in Canberra two weeks ago. I must say that I would have liked to have been able to attend, but I was otherwise engaged in this House. An article that appeared in the Age of 18 November relating to the conference—and I am sure this is what the honourable member for Ringwood was talking about in her remarks—stated:

Another woman had been assaulted by her husband in the foyer of Russell Street police headquarters and, even though her spouse was in breach of a Family Court access order, police had refused to act.

These sorts of situations cannot be allowed to continue. There is a need to clearly define what are the rights and responsibilities in these areas. I urge the Minister for Police and Emergency Services to examine what is occurring with the report on domestic violence and to inform the House and citizens in the community who are very concerned about child abuse, what is happening to the Hewitt report and when honourable members are likely to see it.
Mr DICKINSON (South Barwon)—I should like to make a few remarks in support of the Bill. I know this is an attractive area for Governments to be seen to be window-dressing in a very sensitive field involving sensitive issues, such as those that have been raised and drafted in the proposed legislation.

However, society should look far deeper at many of the things that are happening in the community and the tragic breakdowns of so many marriages. I understand that one in five marriages breaks down, and the cause goes far deeper than what occurs in the matrimonial home. Acute situations of economic hardship afflict many families, which bring on many of these instances of violence.

I believe our society today is suffering a great deal from what is permitted to be seen on our television sets and the X rated and R rated video movies that are allowed to be hired. Young people and children view these video movies, which have a devastating and traumatic effect on them and, unfortunately, they have become a daily diet for many adults.

I hope the Government and the committees that examine these matters will examine them in depth and come up with effective and real solutions. Most Victorians are well aware of what are their rights; however, sometimes they are not so quick to respond to what are their duties.

As legislators, honourable members on both sides of the House must go out of their way to tackle these deep-rooted and deep-seated problems, which lead to breakdowns of families, breakdowns of Christian beliefs, and breakdowns of standards which once made this nation great in the past. By tackling these problems we will again make our nation great in the years that lie ahead. Deep-seated problems exist in our society, about which I am sure all responsible leaders in the community are concerned and to which they should be addressing their minds.

I trust that the Minister for Police and Emergency Services will take a message from my constituents of South Barwon, the family people, that they are concerned to ensure that their children are able to grow in a healthy society, a society where parents treat one another and their children with respect. With those few words, I indicate my support of the Bill.

Mr MATHEWS (Minister for Police and Emergency Services)—I thank honourable members on both sides of the House for their contributions to the debate. The very fact that honourable members can now see established a consensus behind measures such as those for which provision is made in the Bill is an indication of the extent to which community attitudes have advanced in recent years.

The honourable member for Kew made reference to the domestic violence report which was commissioned by the Government some time ago and which the Government has had under consideration for some time. I share the sense of urgency about the matter that the honourable member has expressed. However, she would be aware that the report is comprehensive and makes recommendations of very far-reaching significance indeed.

I know that the honourable member for Kew would not wish the implementation of those recommendations to be got half right, or Parliament's consideration of the measures to go off half-cocked. It is important that, at long last, those matters should be made right, and I am confident that as a result of this very thorough process of examination of the recommendations which has been put in hand, we will indeed get them right at this time. I recall that the report makes some extensive reference to the subject of whether police powers in this specific area are adequate. I have no doubt in my own mind that, although police powers are adequate, police training in this particular area has fallen far short of adequate in the past, and that this matter will need to be addressed.

I sympathize wholeheartedly with the police and especially with young police who find themselves pitchforked into dealing with any of the many thousands of instances of domestic violence which are brought to the attention of the Police Force every year. It is
not an enviable position for one to have to resolve a dispute, often a violent dispute, in circumstances in which both parties may join forces against the intervening member of the Police Force and in which often the victim in the situation is unwilling to give testimony against the aggressor and where charges may be laid in good faith and then must be withdrawn because the substantiation for them is not available.

Major steps forward are needed in areas where the attitudes of the police are concerned—the confidence that the police can bring to bear in these situations and their confidence likewise that they will have the backing of the community when they must act decisively, as is their duty, to put an end such episodes of domestic violence.

The honourable member for Kew made reference to a report which has been commissioned into violence against children. I am not able to advise the honourable member of the exact amount of progress that has been made in the preparation of that report. Again, the matter is one of great significance and complexity and it is not to be tackled lightly or easily regarded as finalized. In connection with that matter, the Attorney-General is referring the whole question of sexual offences to the Law Reform Commission and in conjunction with the domestic violence report which is already available and the report on violence against children now in preparation, the reference to the Law Reform Commission should present a comprehensive overview of the matter which clearly is of concern to both sides of the House.

In fact, substantial material is still in preparation but that is no excuse for inaction, and I have instructed those in my Ministry who are involved in these areas to attend to those matters as a matter of the highest urgency.

The motion was agreed to.

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

PERSONAL EXPLANATION

Mr BROWN (Gippsland West) (By leave)—I desire to make a personal explanation.

The Minister for Consumer Affairs has misrepresented my position and as a consequence has misled the House. In question time today the Minister stated:

I am delighted that the law enforcement section of the Ministry has increased the number of prosecutions against offenders. In the last financial year, 39 traders were prosecuted on a total of 289 charges and so far this financial year 23 traders have been prosecuted on a total of 162 charges. The Government is giving a clear warning to shonky traders that it will not tolerate their activities.

Mr Brown—What about the ones you haven't acted on who are still trading?

Mr SPYKER—The honourable member well knows as a result of the issues that he has raised in Parliament, that if he wishes those prosecutions to be successful, he needs to provide the information about them, and that without that information the Government cannot take any further action.

Mr Brown—Those offences have occurred at least 23 times.

Mr SPYKER—The honourable member for Gippsland West as always when asked, fails to provide detailed information. He is very good at making allegations in Parliament but when asked for the substance to the allegations, he is short on giving that information. The honourable member's main concern has been about the Motor Car Traders Act, and the bulk of these charges to which I have referred deal with either Motor Car Traders Act breaches or residential tenancy offences.

In those statements the Minister has misrepresented me and I desire to set the record straight. In the grievance debate of 3 October this year I raised a number of issues concerning the illegal activities of a licenced motor trader, namely Richard Vittorio Renzella, who trades as Peninsula Vehicle Sales Pty Ltd. In that debate I placed before the House a long list of illegal business practices employed by Mr Renzella.

Prior to that debate I personally placed in the hands of the Minister for Consumer Affairs documentary evidence relating to the purchase of 84 vehicles interstate, which subsequently turned up at the car yard operated by Mr Renzella with their speedometers
having been wound back. Throughout that debate I referred to documented evidence concerning a number of issues, such as an accident damaged vehicle which was misrepresented and sold as a new vehicle; a vehicle that was sold without clear title; vehicles that were sold with roadworthy certificates which were found to be unroadworthy immediately after the sale; advertisements regularly appearing in newspapers which misrepresented the vehicle for sale; and unquestionable avoidance of stamp duty.

In all the cases I have indicated, the Opposition was in possession of documentation to substantiate the claims. I have approached the Minister on three occasions since raising the issues in Parliament. I indicated each time that the Opposition expected to be approached as a result of an investigation being launched and that all the information in the hands of the Opposition was available to the Police Force.

I have also written to the Minister in an endeavour to establish what action has been taken by either the Police Force or by the Motor Car Traders Committee. The Opposition has placed enough evidence in the hands of the Minister and the Government to enable a full investigation to proceed with a view to charges being laid. I have provided that information in the public forum of Parliament. The documentation from which I have quoted continues to remain available to the Victoria Police Force.

**MAGISTRATES (SUMMARY PROCEEDINGS) (AMENDMENT) BILL**

The debate (adjourned from October 30) on the motion of Mr Mathews (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition does not oppose the Bill. It introduces a new simplified system of enforcement of penalties by registration of infringement notices. The new system proposed by the Bill is called the PERIN system, which means Penalty Enforcement by Registration of Infringement Notice. Its main thrust is that the system deals with uncontested matters and eliminates the need for court hearings in many cases which clog up the court system. The result will be that there will be more time for the stipendiary magistrates to hear the contested cases and ultimately the Police Force will have more time to engage in law enforcement functions rather that being involved in bureaucratic or administrative functions.

At the moment in Victoria, 93 per cent of cases are dealt with by magistrates in chambers, leaving only 7 per cent to be heard in open court. The types of infringements to which this system will relate include traffic, parking, transport, boating, litter and Dog Act offences, and also penalty notices issued under the Companies (Victoria) Code and Securities Industry (Victoria) Code.

I should like to briefly mention some of the clauses of the Bill, raise a few queries and also to comment upon some of the implications of the clauses.

In clause 4, in proposed sections 89A and 89C of the principal Act, reference is made to the court, and a court. It would appear that this new procedure is to be operated from a centralized court system although, under proposed section 89L, there is provision for the matter to be referred to what is called “a suitable magistrates court”.

Under proposed section 89A (3), the procedures under this division “may”—that is the magic word used—be used in relation to any infringement notice whether issued before or after the commencement of section 4 of the Magistrates Summary Proceedings (Amendment) Act 1985. Surely a defendant should have the right to know under which system he is required to be dealt with.

Under proposed section 89D of the principal Act, which is proposed to be amended, the courtesy letter provided for under this section now allows for a person who did not receive
the original infringement notice to be given particulars of the offence and the opportunity to still defend the matter if that person should wish to do so. This is an improvement of the law and an improvement on the current system.

One area of concern is in proposed section 89E (1), where the following words occur:

...the clerk may, if satisfied that the facts as alleged in the certificate constitute the offence ... 

Is this not a judicial function? Is not the clerk, in fact, determining the matter, even though the defendant has a right to have the matter heard by a court? What of the situation where a defendant is not aware of the ingredients of an offence? Up until now it has been only within the province of a stipendiary magistrate to strike out a matter where an offence has not been disclosed. The proposed section now throws this onus on the clerk of courts.

The clerk has no power under new proposed section 89H (2) (a) to refuse additional time to pay yet upon application made under proposed section 89K (3), the clerk must revoke the enforcement order. What of the situation where a person applies for ratification of an enforcement order under section 89K and the police are unaware of the application being made and the warrant is executed in the meantime? What safeguards will there be on the issuing of certificates under section 89L to secure that the police are notified that such an application has been made?

Moving on to clause 6 (a), this overcomes a problem that exists only because those offences are constituted under Commonwealth legislation. Paragraph (b) was an oversight under the Penalties and Sentences Legislation. Clause 7 (a) appears to be a reasonable provision provided that no offences of a serious nature, whereby a penalty of imprisonment can be imposed, are included in the matters to be listed.

Clause 8, brings the photo camera offences within the system. On clause 9, what will be the period prescribed under the rules? Will the records be kept for a reasonable period, especially in view of the fact that under section 89l (2) warrants will be returned to the court after a prescribed period. What will these periods be? What does this mean? After a certain period, will the penalties no longer be enforceable?

In clause 10 a new provision is brought into line with the current legislation where an infringement penalty is paid within the specified time.

In all, the Bill should result in an improved system of collection and, more importantly, it will allow stipendiary magistrates and police officers to do the valuable work for which they were trained. The Opposition does not oppose the Bill.

Mr DICKINSON (South Barwon)—The lead speaker for the Opposition has stated that the Opposition supports the Bill but I should like to direct the Minister's attention to section 89D (1) where it says "The officer may serve on the person on whom the infringement notice was served a notice". Is this, in fact, a misprint or intended by the Parliament, because to say "may" would mean that it is purely up to the local authorities whether they do so.

Honourable members are well aware that in Victoria infringement notices bring into the coffers some $32 million a year and there is concern that devices such as this are just more taxing measures and, with other legislation, that has gone before Parliament with the red light cameras and speed cameras, this can also be seen as a taxing measure bringing in $10 million per annum. It concerns me that to allow this courtesy letter to be a matter of one may get one, is wrong. It should be insisted upon by Parliament that the person will receive it even though we appreciate that courts could be clogged up if each case had to be fully defended, in this Bill we should be looking to protecting the interests of ordinary people and that expression of "may" and not "must" is an oversight. Perhaps the Minister could respond to that.

Mr MATHEWS (Minister for Police and Emergency Services)—I thank those honourable members who have contributed to the debate. The honourable member for South Barwon raises a point of discretion. The usual practice in legislation of this type is
that the element of discretion is left intact for the appropriate officer. However, I shall
take up that point with the Attorney-General and clarify it and see that the honourable
member is informed.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 was verbally amended, and, as amended, was adopted, as were the remaining
clauses.

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

UNITING CHURCH IN AUSTRALIA (TRUST PROPERTY) BILL

The Order of the Day for the resumption of the debate on the motion for the second
reading of this Bill was read.

The ACTING SPEAKER (Mr Stirling)—I have examined the Bill and am of the
opinion that it is a private Bill.

Mr MATHEWS (Minister for the Arts)—I move:

That this Bill be dealt with as a public Bill.

The motion was agreed to.

The debate (adjourned from October 30) on the motion of Mr Mathews (Minister for
the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition supports this small but significant Bill, the
purpose of which is to overcome problems that have been encountered in the management
of the Uniting Church in Australia and the Methodist Ladies College, both of which have
jointly requested the Government to assist by introducing the proposed legislation.

The basic problem is that the property trust of the Uniting Church has lacked a capacity
to borrow, or at least its capacity to borrow has been queried by two major trading banks.
Although power may be inferred from various sections of the principal Act, there is no
expressed provision conferring such a borrowing power. The trust undertakes important
work right throughout Victoria that affects city and country areas alike.

As a member representing a country electorate, I have taken the trouble to forward
copies of the Bill to many of the Uniting Churches in the electorate, to the head office
presbytery at Bendigo, and to institutions like the Strath-Haven Home for the Aged in
Bendigo, which is run under the auspices of the Uniting Church and which may have to
use this type of financial power in future.

I have received no negative feedback. This is clearly a Bill which is requested by the
Uniting Church and, accordingly, it has the support of the Opposition.

I refer to a couple of aspects of the Bill. One aspect concerns the present powers of the
trust to accept appointments as a trustee where the property is not vested in the trust but
a trust in respect of such properties is “created wholly or partly for the benefit of the
church or any of the Uniting Churches”. Instances have arisen where there has been doubt
whether the trust’s purposes have met this criterion.

The Bill will overcome the problems experienced in the management of the Uniting
Church and in the management of the Methodist Ladies College.

Mr WALLACE (Gippsland South)—The National Party also supports this small Bill
which brings into line some of the problems concerning borrowing money. My colleagues
in another place have inspected the Bill fairly carefully and they have been in touch with the Uniting Church in Australia and with the Methodist Ladies College. They believe there are no problems. Therefore, the National Party supports the Bill.

The motion was agreed to.

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

**DENTAL TECHNICIANS (LICENCES) BILL**

The debate (adjourned from October 22) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—The Dental Technicians (Licences) Bill was first introduced in the Upper House. One could refer to it as a Claytons Bill—a Bill one has when one does not have a Bill.

It is my understanding that dental technicians have campaigned for legislation for two years. They have appeared on television to put their case for the introduction of legislation to give advanced technicians the right to make partial dentures. This Bill is based on that promise.

I am sure that, despite the desire to introduce such a measure, the former Minister of Health had to delete sections of the Bill at the ninth hour thus reducing it to a Claytons Bill which does three things. One of those things is comical, because it relates to the minimum age at which a person can register to become an advanced dental technician.

A dental technician has to undertake a four year apprenticeship, which is usually commenced at around the age of fifteen years. After completing the fourth year, the apprentice then proceeds to an advanced dental technician's course, but must have two years' experience in the industry making dentures, partial dentures and all dental work under the direction of an advanced dental technician or a dentist.

In total, that is some eight years. If one commenced training at fifteen years of age, after eight years of training, one would be 23 years of age. If one were younger than 21 years of age after eight years of training, one would have to have commenced training at the age of twelve years. The removal of the age limit is based on a lack of need for it. Technological changes and the training that must be undertaken in the industry make it virtually impossible for a person to be younger than 21 years of age after completing his training.

Dental technicians were led to believe by the previous Minister of Health, the present Minister for Transport, that the Bill would include a provision allowing them to fit partial dentures. Currently, only advanced dental technicians are able to provide full dentures. During the debate on this Bill in the Upper House, it was mentioned that a set of full dentures provided by a dentist costs approximately $500 to $600 whereas a set provided by an advanced dental technician cost approximately $300.

It has been mentioned to me that, because of the cost involved, some pensioners have been unable to have partial dentures and have gone to dentists who have taken out all their teeth so that full dentures could be filled. In this day and age we should not promote that as a method of dental health care. If a person has only one or two teeth missing, they should not have all their teeth taken out. Artificial teeth could be inserted into the gums, which would look more natural than a plate with false teeth.

Dentists are concerned about the capacity and knowledge of dental technicians and advanced dental technicians to be involved in this work. Advanced dental technicians in Tasmania have been allowed to supply partial dentures for 27 years and the same system has operated in New South Wales for the past seven years.

It is my understanding that the Department of Health is conducting a review on this matter. Perhaps the Bill should not have been introduced until the final recommendations of that inquiry had been considered by the Minister.
The Bill increases the present ceiling on licence fees from $15 to $30. However, that licence fee could have been increased by a Ministerial direction. The three minor amendments in the Bill are being brought to the attention of honourable members rather than the question of what work dental technicians and advanced dental technicians can perform.

I ask that the Minister request that he receive the recommendations of the inquiry as soon as possible so that he can make a decision regarding this matter. If the inquiry recommends that additional training and advice are necessary for dental technicians, I am sure that would be accepted.

The Bill contains minor amendments and one would hope that a more comprehensive Bill will be introduced at a later date. The Bill has been on the Notice Paper for some time and I wish it a speedy passage. However, I ask the Minister to convey to the Department of Health the fact that the Opposition desires that Bills such as this should contain some substance and should not be introduced for political purposes to satisfy dental technicians who believed they were getting what the Government promised them—a Bill. The Government has cheated both Parliament and the dental technicians on this occasion.

Mr WHITING (Mildura)—As the honourable member for Frankston South has pointed out, this is an extremely minor Bill, and yet important questions confront the dental technician industry in this State. The National Party does not oppose the Bill but, like the honourable member for Frankston South, it has some interesting thoughts about the provisions that are amended by the Bill.

I shall digress for a moment and indicate that clause 1 actually embodies the purpose of the Bill. I shall be interested to find out how that clause will be slotted into the principal Act. Previously, the purpose of the Bill has not been included as part of the Bill; the preamble contained that type of material. Consequently, it did not need to be included in the principal Act. However, because it is included in a clause, it will have to be inserted in the principal Act. It will be interesting to see how that will be done.

Clause 4 removes the upper limit for licence fees of $15. I am concerned that that will allow the Governor in Council to set whatever fee it sees fit. In his second-reading speech, the Minister stated that the fees would not increase by more than the increase in the consumer price index. If the funds necessary to cope with the management of the Advanced Dental Technicians Qualifications Board and other matters are not being received, that would be a good argument for increasing the licence fee.

It is not the taxpayers who are being slugged in this case; it is the dental technicians. If they are concerned about the attitude of the Government on fees in every other area, particularly during the last Parliament, they would have cause for concern because an upper limit will be removed from the Act so that no restriction will apply on the fee.

The於honourable member for Frankston South spoke about the removal of the age limit, and a similar provision is contained in the Nurses (Amendment) Bill to be debated shortly. It is a sign of the times that 21 years is designated as the minimum age, but as the honourable member for Frankston South pointed out, it is almost impossible to become a licensed advanced dental technician before the age of 21 years; so that provision has little effect on the end result of licensing dental technicians.

Another area of concern is the increase in penalties. Although the changeover from decimal currency amounts to penalty units has taken place, the Government has decided on an increase of 100 per cent in each case. That is not of great moment when one recognizes that they are maximum penalties that might be imposed by a court or board and, therefore, rarely are they likely to be used. However, it disturbs me that an amount of $2000, as expressed in this Bill, would immediately be increased to $4000. That is frightening when one recognizes that minor breaches can be committed within the ambit of the Act and that it is possible for a court or board to impose a maximum penalty. Occasionally that will happen.
As the honourable member for Frankston South said, dental technicians can make and fit partial dentures in New South Wales and Tasmania. That has occurred for many years and presumably without any adverse effects upon patients treated. The Australian Dental Association is strongly opposed to that situation occurring in Victoria. The association finally agreed to the full dentures being made by dental technicians after considerable argument and concern, but it does not agree to allowing dental technicians to make partial dentures. That matter must be resolved by the Minister for Health and Parliament in the near future.

Dr WELLS (Dromana)—The Bill is small and I have no objection to its contents. However, more important considerations associated with the Bill should be discussed. As other honourable members have said, it concerns the possible expansion of professional work to be undertaken by dental technicians. At present they deal with full dentures, but partial dentures are a further matter to be considered by the Government.

I encourage the Government to ensure that if, and when, any changes are made in this area of professional responsibility between the dental and dental technician professions that decision will be made on one principle only: the well-being and health of the patient. It is extremely important that no political decision be taken on this matter. I do not suggest that the Government would do that, but it is important that a clear professional agreement be made first and foremost on the health, protection and servicing of the patient. In no sense should any political pressure be allowed unduly to sway the Government on this matter.

It is a matter which should not be rushed. I know that in the electorate I represent——

The ACTING SPEAKER (Mr Stirling)—Order! The honourable member is straying from the Bill. The two previous speakers were lead speakers for the opposition parties and had some latitude on the Bill. I ask the honourable member to return to the provisions of the Bill.

Dr WELLS—Thank you, Mr Acting Speaker, I appreciate your guidance. Representations have been made to me by my constituents on this matter because we were expecting the issue of partial dentures to be contained in the Bill. It is important that the Minister and the Government should carefully consider this issue and at the appropriate time the Government should make a decision.

The motion was agreed to.

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

NURSES (AMENDMENT) BILL

The debate (adjourned from October 30) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—The Bill will amend the Nurses Act 1958 and some of its provisions concern the conduct and administration of the Victorian Nursing Council. The nursing profession wants the Bill to be passed on this occasion. Members of the Opposition have written to hospitals and nursing institutions and have found general support for the Bill, so the Opposition does not oppose it.

Clause 5 fixes fees and expenses for members of the Victorian Nursing Council in relation to work carried out by its various committees. In his second-reading speech, the Minister commented on many of the health advisory boards and committees. Members of those bodies should be entitled to expenses and fees for the times they sit and their associated involvement with committee activities.

I was a member of the Pharmacy Board of Victoria and I understand the need to provide fees for people who leave their professional workplaces and it is necessary to bring in other professionals or workers to replace them. These people must be paid so that persons with
special expertise can sit on various committees or boards to represent their profession or industry.

An important part of clause 5 is that it excludes “Government employees”. This causes some consternation among professionals involved with committees and councils. Usually the employees who hold positions on these boards also hold top positions in the Public Service. They are often confronted with a dilemma when they have to do their everyday work as well as the work on the various boards and committees. Often they are on a contract-fixed salary or a scheduled salary. Clause 5 fixes a fee for members of the Victorian Nursing Council and for members of the various committees established under the Act because at present they do this work voluntarily.

Often these people do not have a person to replace them whenever they must sit on the particular board, and when they return they find that they have extra work which must be completed outside their 40 working hours a week. This is often the case with heads of departments, hospitals, large pharmaceutical divisions of hospitals and so on. All Parliamentarians are aware of the 40-hour-week provisions but it is not really applicable to their work; they understand the workload faced by these people.

The fees will be paid to the board members who are from the private sector or from industry but not to those from the public sector. The words “either/or” should be included in the provision to remove the barrier that has been established between the rights of Government and private sector health workers. Special consideration should be given to a person who may run a one-man practice.

Clause 6 amends section 19 of the principal Act to alter the prescribed age for registration of a nurse to eighteen years. I declare my pecuniary interest in the matter in that I have a daughter who is a registered nurse and who works at the Alfred Hospital. When my daughter did her training she had completed her higher school certificate but she was not allowed to enter the nursing profession because she was considered too young—according to the law. She was told that she had to wait until she was 21 years old before she could begin her nursing course. She went to Monash University to fill in her time until she was able to train as a nurse, but after completing only one successful year at Monash University she was accepted for nursing training. The reason was that she had achieved such high marks in her first year.

With the introduction of the new tertiary nursing course the Government should consider requiring that a person must first achieve the level of higher school certificate before entering such a course. If that were done, the qualification of age would take care of itself because by the time the person had successfully completed the tertiary course for nursing he or she would have reached the prescribed age.

Clause 7 provides that a person is entitled to be registered in a branch of nursing once only. The Victorian Nursing Council is given the right to cancel or suspend the registration of a nurse on disciplinary grounds. This provides the council with flexibility to run the nursing profession.

The work carried out by the working party, the Royal Australian Nursing Federation (Victorian Branch), the Hospital Employees Federation (Nos 1 and 2 Branches), the Disability Resources Centre, the Disability Employment Action Centre and the Department of Health is recognized. They helped to draft the amendments now contained in the Bill.

The nursing profession seems to have been featured frequently in the media recently and the Government should be wary about its future. Over many years the profession has structured itself towards a tertiary level of education and in the next two or three years it will have achieved that aim. A tertiary course for nursing will be introduced at the Lincoln Institute of Health Sciences and the Chisholm Institute of Technology at Frankston. This course will complement the State Government provision of 100 beds for the proposed new hospital at Frankston. Last week the Minister for Health visited the Frankston South electorate and turned the first sod on the site of the proposed hospital.
We are anxious to have the hospital built and I understand that $4 million has been made available for it in the Budget. The hospital project was announced on the basis of the provision of 100 beds at a cost of $15 million. When I suggested that that amount of money was not appropriate I was told that the equivalent number of beds could be provided at the Maroondah Hospital for only $11 million or $12 million. Someone has got the figures wrong somewhere because the next announcement was that the proposed hospital would cost $24 million!

I have since discovered that the estimated cost on today’s figures for the completion of 100 beds is approximately $31.6 million. When I discussed the matter with the hospital and the department I was told that that figure had been worked out on the back of an envelope and that the final figure would be approximately $40 million. At first the Budget provided for $4 million and now the Government is looking at finding an extra $36 million. I ask the Minister to ensure that the Frankston community will be provided with $20 million next year and the balance over the following years to ensure that the proposed hospital is completed.

As in New South Wales, the course was originally a three-year course. In the first year approximately 3300 trainees were accepted with the expectation that approximately 10 per cent would be lost along the way. In New South Wales, officials were shocked to find that the course lost almost 1000 trainees—three times the expectation. When the officials inquired into the reason for losing the trainees, they found it was based on the financial commitment families make to the training of the nurses.

As everybody in the system of apprenticeship or training on the job, which has been successful in this State for 50 to 100 years, recognizes, the financial support provided for nurses in the workplace does not comprise a full salary or a substantial salary, but they are provided with accommodation in the early days of their struggle. In recent days they have been somewhat better paid, certainly towards the end of the course. My daughter found that she could save a considerable amount of money at that time.

Many families in New South Wales found that they could not support their young ladies and gentlemen because the new colleges do not provide that sort of monetary support. This problem should be considered.

The bells of alarm are ringing in the United States of America, which has gone through the transition from a fully hospital-orientated type of training to college training, but is fast returning to hospital training. I know the Government is committed to new tertiary college training, but I hope it will give careful consideration to the remarks I have made and the information from overseas. Maybe this country should consider a compromise approach similar to that practised in pharmacy and medicine where people have on-the-job training. I know that is envisaged, but more on-the-job training is needed to compensate so that money can be paid in the form of a salary to encourage people to take up this training.

I am sure that those who have fought hard for the right of the college training system know it is a concern. The new system has created a tertiary level of nursing education as well as the registrar of nurses and the position of nurses aide, so that there is now a threeteried structure of nursing. The Minister should examine problems being experienced in New South Wales and the United States of America and ensure that similar problems are not experienced in Victoria.

The other comment I mentioned related to the committee of review. There was some criticism in the other place by honourable members who have contacted different groups and found, other than the ones I have mentioned, some notable groups that had been left out. For example, the Private Hospital Association of Victoria (Inc.), which represents 5300 beds, had been left out. The Bush Nursing Hospital Association was also not consulted. There are 15 000 nursing home beds and extended care beds in Victoria. The Minister provided an explanation and said it would not happen again. The health industry is
enormous. Those who are involved in that industry know that important decisions must be made in the short term and the long term to provide services the community expects.

It is a significant challenge, of which I am sure the Minister for Health is aware. I am sure he takes advice not only from the Government side of the House but also the other side as he has shown a propensity to take advice from this side of the House as well, and probably from unions.

Mr Wilkes interjected.

Mr WEIDEMAN—It has been indicated that he may have taken advice from me; I am delighted to hear that. I am sure he did not mean to talk me down at Frankston recently. No doubt it was a slip of the tongue on that occasion. I was flattered that a back-bencher could receive all that attention with many prominent Parliamentarians and other prominent people sitting in the audience.

I congratulate the Acting Leader of the House, the Minister for Housing, for the way he has controlled the House and the passage of legislation today and yesterday. It has been a pleasure to sit in a well-controlled House. I am sure the Hansard staff appreciates the way in which the passage of legislation and information has proceeded smoothly. I thank the Minister for the courtesy he has shown in that task. I also thank the Speaker——

The SPEAKER—Order! Christmas felicitations are for tomorrow!

Mr WEIDEMAN—Being a third row back-bencher I may not have that opportunity tomorrow, so I am taking opportunities as they present themselves. I am thanking the Minister for the courtesy of allowing the House to deal with these two Bills together.

After the problems experienced in the nursing profession recently. I hope it is not long before the House deals with more legislation in this area because the matter is extremely important. As everyone knows, the weakest link in a chain is the one that destroys the chain. The health industry needs a strong nursing profession. One recognizes, as do doctors and other people in the health industry, that over the years nurses have not been given the recognition and help they deserve. This was because of some stupidity, lack of representation on hospital boards and lack of representation in scheduling their work process.

Some of the young people concerned who have studied and are now well qualified work perhaps from 10 a.m. to 10 p.m. on a four-day shift and are very often back on the next shift. I know that in previous years they used to work seven-day shifts. I take off my hat to young people who are prepared to provide that service. I know they have suffered trauma in recent times. I am sure that future negotiation and proper steps will improve the situation dramatically.

Mr WHITING (Mildura)—This Bill is important to the community because it will help the nursing profession. Particularly in view of what has happened in the industrial area of nursing recently, there is some justification for the action that was taken by the nursing profession, which should be recognized. The fact that the Government has seen fit to improve conditions for members of the nursing profession justifies the argument that nurses were a long way behind in relativity of salary and conditions in Victoria.

Most of the contents of the Bill relate to the Victorian Nursing Council. The honourable member for Frankston South referred to the fees that are to be paid to members of the council for their work in attending council meetings and other activities the council undertakes. It is interesting that it makes provision not only for the registration of nurses in various fields for which they are qualified but that it also provides for practising certificates in each of those areas.

Most people who achieve registration in any field of activity are concerned about the possibility of losing that registration and the difficulty they may have in regaining it after some problem has been overcome. Subsequent to their achieving registration, the standards of admission may have changed or some other factor may have occurred that renders it
necessary to go through a much more difficult entry course before being allowed to practise again. The lengthy provision in clause 7 allows a person who has had some condition or limitation imposed upon his or her practice to be able to retain registration but not to hold a current practising certificate and thereby to be able to re-enter the profession at some future time after being suspended because of ill-health, having committed a misdemeanour or for some other reason having been subject to a cancellation of his or her practising certificate.

Where a person has had registration cancelled and then restored, the suspension of the practising certificate can also be restored and conditions or limitations may be placed on that person concerning practice. Again, the Bill contains provisions for that limitation or condition to be removed. The Bill also provides for an appeal by a person who believes he or she has been unfairly treated in having his or her practising certificate cancelled or suspended. Such a person will have the right to take appropriate action.

I think the same provision applies to the Medical Board of Victoria and obviously there was a need for it to be inserted in the Nurses Act. The National Party supports that amendment.

Clause 9 relates to a minor matter, but one that is of some interest. Formerly the roll of registered nurses was available at the office of the Victorian Nursing Council and provision was made for the charging of a fee. Under the new provisions, the roll will be available for inspection free of charge at all times. The only time when a fee will be involved will be when a copy of the whole or part of a roll is required. That is a sensible provision.

Again, I express concern about changes to the fee situation. A short while ago honourable members discussed the Dental Technicians (Licences) Bill which lifted the limit completely. The Bill now before the House increases the limit from $20 to $200 in one instance and from $5 to $200 in another instance.

Provision is made concerning the accounts and annual reports of the Victorian Nursing Council. The Bill provides for those accounts and reports to be more tightly controlled and audited so that the accounts and the annual report will be kept up to date and maintained in an adequate internal audit system.

In relation to the earlier Bill, I referred to the increase in penalties under which the Victorian Nursing Council can apply a penalty for breaches of the Act. In separate instances, the penalty is increased from $40 to ten penalty units or $1000 and from $100 to 20 penalty units or $2000. Those are maximum penalties, and it is unusual for the maximum to be applied in any case of a breach of the Act. One would therefore assume that those limits will remain in force for a number of years.

Clause 14 provides for what is termed "non-specific language". I was a member of the Legal and Constitutional Committee which recommended that, wherever possible, legislation should be in non-specific language. Consequently, section 4 (3) of the Act is to be amended by deleting the words "her deputy" and inserting in lieu thereof the words "the deputy of the chief nursing officer". That theme is carried through a number of provisions so that, for instance, where the word "his" occurs it is to be amended to "that member’s" so that the language of the legislation will be non-specific or non-sexist. The only word with which I have some difficulty is where the word "chairperson" is to be substituted for "chairman".

The Minister for Health claimed to have had discussions on these provisions with the appropriate bodies in this State. Admittedly, there was a working party of representatives from various authorities and unions concerned with the nursing profession. However, the Private Hospitals Association of Victoria (Inc.), which has some 5300 acute beds in this State, was not aware of the Bill until the motion for the second reading had been moved in another place. That is a slight on that organization. Likewise, the Bush Nursing Hospital Association, which has some 600 to 700 beds in the more remote areas of the State, was not consulted in any way.
I wonder at the insensitivity of the Minister or his officers in omitting organizations such as the two I have mentioned from discussions prior to the introduction of the Bill. I wonder how he expects co-operation from them when this type of situation pertains. I hope the Minister has now received the message that he ought to consult with all of the major organizations in the field, whether they be in the private sector or the public sector.

If that is the case, the administration of health in this State will be all the better for it. However, I still think that the Minister is either too busy or too concerned about pushing members of the Department of Health, or whoever else he is after, down lift wells and does not have the time to worry about measures that are introduced. It is apparent from reading the comments of the Minister to questions raised in another place that the Minister appeared to be unsure of himself as far as the proposed legislation is concerned.

Although I felt sorry for the honourable member for Frankston South who received a bucketing at the sod-turning ceremony for a hospital in his area, he has had ample opportunity of doing the same to the Minister. Although the Minister had a good record in his former portfolio, he does not have a good reputation in respect of administering health facilities. I wonder whether, after all the praise he received when he was first appointed, that this portfolio has found him out and he is feeling the pressure that former Ministers of Health had to face.

As a former assistant Minister of Health, the honourable member for Frankston South ought to know that no apprenticeship courses are available to members of Parliament. As a pharmacist, I suppose he had some background knowledge of this Bill, but that is different to finding his way around the Department of Health at 555 Collins Street.

The National Party supports the proposals in the Bill which will improve and help the nursing profession to be more effective and efficient.

I shall not digress by discussing the area of college-based nursing training because that is another area and, although I believe there should be a dual system of training, I shall not canvass that issue further.

I repeat, the National Party supports the Bill and trusts that it will improve nursing in the State. No doubt there will be a need for further amendments in the not too distant future.

Dr WELLS (Dromana)—I place on record my regret at the lack of consultation applied to the development of the Bill prior to its introduction. That is illustrative of the fact that, in the past, the nursing profession in Victoria, and perhaps throughout the nation, has not been given the respect it deserves.

I welcome the Bill in so far as it emphasizes the central role of the Victorian Nursing Council in controlling the qualifications of its own members based on an Act of Parliament. I also welcome it in the sense that it provides a strengthening of the qualifications of nurses. It is another step in the direction of strongly establishing the nursing profession as a highly competent and qualified profession. Society has to take note of this in its response to those qualifications and to the contribution the nursing profession makes to the society it serves.

May I comment briefly in passing on the question of the tertiary institute training of nurses. Opinions have been expressed in opposition of this move, but I place on record my opinion that it is a very good move. One is not suggesting that nurses ought not to undergo practical training as well as tertiary institute training. Perhaps a balance will develop in future that will satisfy the comments made by earlier speakers.

All other professions of like nature are firmly centred on tertiary training, as history has shown they must be. It is firstly a question of having knowledge before one can use it in practice, and that is difficult for nurses to acquire, if one considers the conditions that have prevailed in the past, where they have had to work all night and then attend lectures.
the next morning. That is one of the difficulties associated with training in a hospital-based situation.

Hospital nursing is becoming increasingly complex and it is more necessary for there to be a stronger base to theoretical training for nurses in their early years of training. As this system evolves, those nurses who currently hold qualifications from the old system must be treated fairly. They have tremendous experience which cannot be replaced by younger graduates from the tertiary system. It is necessary for them, the profession and the community, that a phasing-in period be applied similar to other professions.

In the past, the nursing profession has been the forgotten profession of society. It is a highly competent and technical profession and, unlike any other profession, its working conditions are difficult and onerous and involve hard physical work.

Recently the Government attempted to introduce a system of remuneration for nurses based not on the work done but on the size of the hospital. I commend the nurses for rejecting that proposal.

I end by making two points. The first is that it is highly desirable for the Government and Parliament to continue to upgrade the conditions of nurses and also to consider greater stratification of financial rewards for the work undertaken. Society is paying an unacceptably high price for insufficient attention to the nursing profession and its contribution to the community. It would be far cheaper to correct deficiencies than to continue to fight on in the inefficient manner in which we have been fighting.

My second point is that I commend the Government for many of the provisions of the Bill in that they focus on strengthening professionalism in the nursing profession, and I encourage the Government to continue with that process.

Mr WILKES (Minister for Housing)—I take this opportunity of thanking the honourable members for Frankston South, Mildura and Dromana for their contributions. The matter raised by the honourable member for Frankston South will be personally brought to the attention of the Minister for Health. I have given the honourable member that assurance. I thank honourable members for their participation in the debate.

The motion was agreed to.

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

SOIL CONSERVATION AND LAND UTILIZATION (APPEALS) BILL

The debate (adjourned from September 19) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The Bill provides for the transfer of land use appeals from the jurisdiction of the County Court to the Planning Appeals Board. The Opposition supports that move because it will enable those matters that are under dispute to be handled in a cost-effective manner.

The last major case that was dealt with under this provision involved a land use determination in the Thomson River catchment area. The case arose out of a decision by the Government to erect the Thomson dam so that part of the water would continue to go to Gippsland and part would come to Melbourne. One landholder challenged the land use determination and it appeared that there would be lengthy court proceedings given that the court had to be made aware of the circumstances involved. Fortunately the case was settled out of court.

The Bill proposes that the Planning Appeals Board will hear those cases and that persons with expertise can be drawn on by the board with a view to expediting the manner in which matters will be handled. I am sure that in the long run it will assist members of the public to take their complaints to the board and have them heard expeditiously.
I am concerned about orders issued under the Soil Conservation and Land Utilization Act, especially in relation to soil erosion and the protection of water catchment areas. That is a major matter of contention. I am sure that those persons who wish to complain about the matter will welcome the changes that are proposed.

Another matter that could be considered is the way in which certain wastes from mining ventures may be handled. Previously there have been cases where that has been a matter of concern, especially in water catchment areas. Once again, this provision will enable those cases to be heard. The Opposition welcomes the Bill and will support its passage.

Mr B. J. EVANS (Gippsland East)—The National Party agrees with the proposed legislation. It continues the process set in train some years ago in that it transfers appeals on what are largely matters of administration to the Planning Appeals Board. There are adequate safeguards in the appeal provisions under those circumstances, and the National Party supports the Bill.

Mr CATHIE (Minister for Education)—I thank the honourable member for Gippsland East and the honourable member for Syndal for their support of the Bill. It will provide a procedure that will be less formal, will enable the greater use of experts and will provide speedy resolution to matters.

The motion was agreed to.

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

EQUAL OPPORTUNITY (AMENDMENT) BILL

The debate (adjourned from October 30) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition does not oppose this Bill. There has been extensive debate in another place on this matter where the views of the Opposition have been well put by the honourable member for Western Province, the Honourable Bruce Chamberlain. Honourable members should be well aware that this Bill and the principal Act can only be of educative value. One cannot legislate on people's attitudes or on people's values. When people read the proposed legislation, I hope they will take note of it so that discrimination on the grounds of age, sex, race and so on can be stopped.

The Bill proposes to change the language of the equal opportunity legislation to gender neutral language. Wherever the word “he” appears, it must be made to disappear and the word “it” be used. It is the intention of the Government to flag the Equal Opportunity Act as the first Act that should have so-called gender neutral language. Some say it is educative, some say it will satisfy radical feminists. Others, such as myself, see no great moment in making those language changes.

I know of no great value in bothering to change “he” to “she” when it has been used quite successfully in our legislation for a long time. I know of no value in changing the word “chairman” to “chairperson”. There is no real value in it. The greatest piece of literature of all, the Bible, is written in the masculine form.

Clause 9 transfers the educational function of the Equal Opportunity Board to the commissioner. Clause 14 empowers the board or the president to make interim orders. Clause 15 empowers the board to conduct preliminary conferences. Clause 11 empowers the commissioner to accept complaints from people acting on behalf of others who are impaired or unable to make complaints on their own behalf.

There are other minor and technical amendments made in the Bill to which the Opposition is pleased to consent. I refer briefly to the amendment passed in the other place, put forward by the Opposition, relating to the definition of “private life”. If that amendment had not been passed, the situation would have arisen where homosexuals and
lesbians would have had superior rights to demand employment from employers and superior rights as tenants to those of the landlords who own properties.

I make the generalization that there is a big difference between a tolerant society where we can acknowledge that sexual deviation occurs and may occur in private between consenting adults and the situation where we grant those people greater rights than the rest of the community. The Opposition is pleased to support the Bill.

Mr B. J. EVANS (Gippsland East)—The National Party does not oppose the Bill. However, it agrees with the comments made by the honourable member for Bendigo East. It is strange that clause 1 states that the purpose of the Bill is to amend the definition of "private life" in the Equal Opportunity Act. Due to the amendment passed in the other place, the Bill does not do that. The Bill is not achieving its purpose and, on that account, it appears that it needs further amendment.

The honourable member for Bendigo East stated the position extremely well with regard to his comments on the private lives of individuals. We are getting dangerously close to the situation where people who have unusual or not broadly accepted views on their private lives are given advantages over ordinary citizens. That is entirely wrong and the National Party would certainly oppose any proposed legislation that has that purpose or effect.

The National Party does not intend to oppose the Bill, but I direct the attention of the Minister to clause 1 and ask him to explain the sense of maintaining that clause when clearly the Bill does not achieve that purpose.

Mr MATHEWS (Minister for the Arts)—I thank honourable members opposite for their contributions to the debate and for their support for the Bill albeit in its truncated form.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr MATHEWS (Minister for the Arts)—I move:

1. Clause 1, lines 3 and 4, omit 'amend the definition of "private life" in' and insert "make certain amendments to".

2. Clause 1, lines 4 and 5, omit "and to make certain other amendments".

The amendments simply bring the wording of the long title of the Bill into conformity with the Bill as it stands following its amendment in the Upper House.

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

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

TOWN AND COUNTRY PLANNING (WESTERNPORT) BILL

The debate (adjourned from October 30) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—This is a relatively simple Bill which abolishes the Western Port Committee. The Westernport Catchment Co-ordinating Group will be discontinued and, in the place of those two committees, an advisory committee will be set up to advise the Minister for Planning and Environment on matters of regional and State significance in the matters of planning and environment.

The matters in which the committee will be interested will be matters of State or regional significance and matters that transcend the boundaries of local government.
The Opposition did have a number of concerns with the Bill, all of which the Minister in another place has given assurances and undertakings about which satisfy the Opposition. I shall not go through the list of those matters on which the Minister has given assurances, except for one and that was the assurance given that the committee would not involve itself in matters other than land use planning and environmental matters of regional or State significance.

I might say this matter has been raised also—together with a number of other matters—by the Rural Landowners Association, by Miss Lorraine Cole of Merricks, who would be well-known to the Minister for Housing, who is at the table, and many other honourable members, regarding the proliferation of this sort of committee into another regional planning authority which takes unto itself a wider role than simply land management and environment issues that are of a State or regional significance.

Our concern is that in the second-reading speech delivered in this House by the Minister handling the Bill, it states:

However, this will require an involvement in wider matters such as economic development, employment and community services.

The Minister for Planning and Environment gave a clear undertaking that the committee would not be involved in these matters and would simply be involved in land use planning and the environment and would advise the Minister on matters of regional or State significance.

The Opposition simply seeks an assurance from the Minister for Housing or that these words that apparently got under the guard of the Minister and snuck into the second-reading speech in this place are not in fact intended, and it is not an indication that the Minister in another place is going back on the undertaking he gave.

I do not believe the Minister would give an undertaking and go back on it. I believe it is an oversight, but I seek an assurance from the Minister to that effect. The Bill seems a sensible proposition to streamline the advice to the Minister and the Opposition supports the Bill.

Mr B. J. EVANS (Gippsland East)—The National Party does not oppose the proposed legislation.

Mr MACLELLAN (Berwick)—The only thing in this proposed legislation that would have any pleasing features in it for the electors I represent is the retirement of the ever unpopular Melbourne Metropolitan Planning Scheme from that part of the Shire of Pakenham which has been incorporated into the extended Melbourne Metropolitan Board of Works area.

With the farmers being exempt from the metropolitan improvement rate, the urban ratepayers in areas of the shire, such as Beaconsfield and Upper Beaconsfield, have received metropolitan improvement rate notices for many years. If one sought to discover what benefit they obtained for paying the metropolitan improvement rate, the answer was clearly given in the second-reading speech, and that is that they get no benefit at all since there are no metropolitan parks in the area and no services are provided.

Indeed, if a citizen in my area failed to pay that metropolitan improvement rate when the Bill came along, he would receive a letter from the Board of Works stating that if he did not pay it, the water would be cut off. The only problem and difficulty was that it did not provide the water.

The ACTING SPEAKER (Mr Stirling)—Order! The time has now arrived for this House to meet with the Legislative Council in this Chamber for the purposes of sitting and voting together to choose three members of Parliament to be recommended for appointment to the Council of Deakin University.

The sitting will conclude at an appropriate time for the dinner adjournment.
The sitting was suspended at 6.1 p.m. until 8.4 p.m.

Mr MACLELLAN—Before the joint sitting of the two Houses, I was saying that the electors of Berwick electorate in the area between Cardinia Creek and Tumut Creek have had to meet improvement rates to the Melbourne and Metropolitan Board of Works although they have received no material or identifiable benefits for the rates they had paid. Where people have elected not to pay the rates, they have received letters telling them that their water will be cut off unless they pay the rates, but the truth is that the Melbourne and Metropolitan Board of Works does not supply the area with water, sewerage or any particular service. The area was simply roped into the Melbourne area for the purpose of providing rate revenue to the Board of Works.

That portion of the Bill is welcome because it now means that the Melbourne and Metropolitan Board of Works will be retired from the Shire of Pakenham, where it provides no services, and it will cease inflicting its rates on urban dwellers in that area. As the rural dwellers and farmers have been exempt from the metropolitan improvement rate for some years, it will not be of any particular relief to farmers, but it will relieve those people who live in the townships of Beaconsfield and Upper Beaconsfield as well as the other communities who have been regarded as being liable to the urban rate.

In addition, it was hoped that the area would avoid the insanity of having to obtain two planning permits and although the planning powers have moved from the Board of Works to the Ministry for Planning and Environment, the chaos of requiring two planning permits still persists with that Ministry refusing permits although the Shire of Pakenham may have granted them. We cannot yet see relief from the nonsense that has been inflicted on people. In one case, a family wishing to build a second home on a 10-acre block was given a permit by the Shire of Pakenham to do so but refused a permit by the Ministry for Planning and Environment, because the Ministry simply has a different rule because it has inherited the planning powers of the Board of Works.

I have been asked to give a commercial in regard to the Westernport Catchment Co-ordinating Group and to mention the fact that the honourable member for Narracan was the first chairman of that group. Having given that commercial, I point out that the Bill abolishes the Westernport Catchment Co-ordinating Group, which I believe is a welcome step. The work of that group, appreciated as it has been by those who appreciate the work of such bodies over the years, is now to be terminated and, again, that is a welcome provision in the Bill.

A less welcome provision of the Bill is that which seeks to create a new committee. One can only argue that the words “regional significance” can mean anything to anyone. As the proud owner of pine trees which were planted many years ago and which now have a substantial inheritance of white ants—or termites in technical terms—I can inform the House that those regionally significant termite or white-ant ridden pine trees surrounding our house were found to be regionally significant by the precursor of all the troubles in the area, the Western Port Regional Planning Authority, which existed before the Westernport Catchment Co-ordinating Group, which is now being replaced by another Westernport committee, which is to give advice to the Minister on planning matters, especially matters of regional significance.

If one is surrounded by towering pine trees with white ants in them which are regionally significant and which are about to fall on the house—and, indeed, in one storm six of those pine trees were blown over quite near the house—one has a problem, I can assure the House. However, not lacking a sense of lateral thinking in regard to the matter, a solution was found to the problem. Rather than embarrassing the Western Port Regional Planning Authority by asking for a permit and then being knocked back and then going to appeal or, indeed, embarrassing perhaps the Westernport Catchment Co-ordinating Group, which might well have found that the pine trees were regionally significant or performed some soil stabilizing function or something, I was able to call in experts from the Coal Creek Historical Park at Korumburra, which was outside the Westernport region, and get them to cut down the trees and take them away and then cut them into saw logs at the saw
mill in the historical park to be used at the Coal Creek Historical Park to replace some of the historic buildings they have on display, hoping that in the event of a prosecution being launched, the Western Port Regional Planning Authority would have the pleasure of seeking to sue the Shire of Korumburra.

I have finally been foiled on that one because the Bill now provides that the Shire of Korumburra will be roped into membership of the new group. Although the shire is no longer in my electorate, I nevertheless pay tribute to the ingenuity of the officers of the shire who have run the Coal Creek Historical Village on such lively and sensible grounds that they have been prepared to cut down dangerous trees despite the idiocy of the planning system which would say they are regionally significant.

When the honourable member for Evelyn mentions regional significance, I have to say that it rings an alarm bell with me simply because regional significance, if it means what I think it means, becomes the standard by which it is applied, whether by the Western Port Regional Planning Authority, the Westernport Regional Planning and Co-ordination Committee, which will be implemented by the proposed legislation, or the Western Port Committee which is now lamented and about to be legislated out of existence, or whether it is by the further committee that the Bill provides, which doubtless in due course the Minister will seek to have abolished by introducing proposed legislation. I cannot wait for that to happen.

Two sections of the Bill are of particular interest and are approved by me. The first section seeks to remove the Board of Works from the Shire of Pakenham. I should like to extend that provision further and remove the Board of Works from part of the City of Berwick that I represent because I am sure ratepayers would be delighted not to have to pay Board of Works rates as well as municipal rates. However, we cannot win that argument.

I should like the Board of Works to be removed also from sections of the Shire of Cranbourne that I represent. That would be a welcome relief. However, we must be thankful for small mercies. At least we are removing it from one of the shires in my electorate and sending it back to Spencer Street where it can happily run the City of Melbourne and suburbs which are now deprived of those planning powers. It can concentrate on the delights of sewerage and water supply, until it covers also waste disposal and all the other avenues leading to rate collection.

This is a welcome provision. It seeks also to abolish the Westernport Catchment Co-ordination Group. In the presence of the honourable member for Narracan, the former chairman of that body, I shall not say that this occurs without a tinge of regret. Some people in my electorate would say that this occurs without a tinge of regret. Some people in my electorate would say that it is with momentary sadness that the group is being legislated out of existence. I can find no one in my electorate who welcomes the new committee, other than two or three municipal representatives who may be members of it. They will doubtless enjoy the power and thrill of being able to decide what is regionally significant, whether it is your tree or someone else’s hill or bend of the road that is regionally significant, because the term will simply mean whatever it means from time to time.

There is no end to the interference that goes on from one layer of planning to another layer of planning. The responsibility becomes so muddled that one can find no one who is responsible for the decisions. The Shire of Pakenham has accepted a corporate responsibility for planning matters. It has undertaken some of the most sophisticated and sensible planning in Victoria and is acknowledged to be well in advance of the progress of many other planning authorities or planning bodies. That is acknowledged not just by locals but also by developers and the Ministry for Planning and Environment, regardless of the political character of the Minister. The shire officers have taken full responsibility for the refusal of permits, the acceptance of propositions and amendments to the planning scheme,
which they have accepted and promoted. They have been answerable to the ratepayers and voters in the area.

They have had a collective responsibility where the council has not gone out and campaigned, one councillor against another, on planning matters; and so we have had a tremendous success in locally based, locally responsible and locally accountable planning in the Shire of Pakenham; and now, that is to be traded for the Melbourne and Metropolitan Board of Works getting out of a small area of the shire and the whole of the shire being placed within this new body that will have the right to say that this, that or the other is regionally significant.

Some of the constituents in the electorate I represent have been terrified to discover a helmeted honeyeater near their homes. The mere flight of a helmeted honeyeater anywhere in the Shire of Pakenham is regarded as the blackest of black marks because, no sooner does one perch and do what helmeted honeyeaters do, than somebody is saying that the whole area must be preserved for this poor endangered species and, in the dark forests and the gullies of Pakenham, occasional dark flights of otherwise unidentifiable species of birds are constantly being reported as flights of the ever-endangered helmeted honeyeater.

If one happens to visit Yellingbo, one cannot conduct a tourist camp for school children on the farm because there is a helmeted honeyeater 2 or 3 miles down the road that might be disturbed.

If a person wants to build a house anywhere near Cardinia Creek, heaven help him because someone is sure to say that he saw a helmeted honeyeater just after the last Berwick Show. He will say, “There was one on a branch down there”, and he was sure it was looking for a nesting site—and of course he cannot find it now—but, no, “You cannot build your house”.

So planning becomes chaos in the area because it is subjected to outside interference; not because the people lack sensitivity about the habitat and the properly identifiable habitat of the helmeted honeyeater. That has been secured.

Mr Plowman—What about the Leadbeater’s possum?

Mr MACLELLAN—Fortunately we do not have many nocturnals in our area; at least no nocturnal planners. Nocturnal objectors seem to be missing in our area; perhaps it is because we do not have enough street lights but, if we did have them, I am sure that they too would be active in saying, “I saw a Leadbeater’s possum popping out of that tree”; therefore the zone within a 10-mile radius of the possum should be turned into a no-go zone.

I do not welcome the provision of yet another committee to have yet another second look at yet another planning scheme. I feel sorry for the people who have lived for between thirteen and twenty years under an interim development order that has never been finalized or a planning scheme that has never been quite brought to fruition, or under amendment after amendment, after panel hearing after panel hearing, while people are trying to get on with leading their lives.

In the Westernport regional area amendments to planning schemes suggest that one cannot build one’s house or any other building on top of a ridge. One cannot build one’s house or any other building or structure on a 10 per cent slope; and one cannot build a house or a structure within 100 metres of a watercourse—wherever a watercourse may be—and if one asks, “Where are the watercourses?” one is told, “We are not sure yet; we shall get a map of those later”; and, slowly but surely, area after area, because of some supposed regional significance and because of people who live a million miles away from reality, cannot be used. Eventually, one might be allowed to build something so long as there is no Aboriginal relic under it, and people have not yet looked for an Aboriginal relic. Because the Aboriginal relics on Phillip Island, say, are in certain locations, people make the same assumptions about mainland areas; and because there were middens on the island in one sort of area, it is a natural presumption that there will be middens in the
same sort of area on the mainland. Therefore, here is another example of an area where there cannot be any building or development.

The honourable member for Gippsland West, my successor in the representation of the area of Corinella, said one cannot build anything at Corinella because there was a settlement there so long ago that it pre-dates Victoria’s 150 years of settlement; in other words, more than 150 years ago there was a temporary settlement at Corinella.

Nobody is quite sure where the buildings were or where the foundations are. People have picked up a few cannonballs and other bits of pieces that have long since been looted by people in the area, and many fake relics have been palmed off on unsuspecting tourists and others but, because the matter has not been settled, the whole planning responsibility for the area is in disorder. People who own or farm land in the area, or who want to develop land there by constructing farm buildings or a house, find it increasingly difficult to do so.

I prefer locally responsible, locally answerable municipal councils to be responsible for planning. Local councils in the area have accepted and discharged the responsibility properly. I accept that if some municipalities have not accepted the full responsibility or have not discharged the responsibility properly. They may need help, but they do not need a “Claytons” regional planning authority, as provided by the Bill. It will be another tier to which matters will be referred so that, if the council is not inclined to say “No”, someone else will be.

I remember when I was a back-bencher in this Parliament some years ago making a speech at 3 a.m. on the subject of the then Country Roads Board taking nine months to reject an application from a gentleman who wished to build a panel beating works at Anderson. I challenged the then Minister to even know where Anderson was, because it then consisted of a railway station and some stockyards. This person wanted to build a panel beating works on a site that was near a Country Roads Board road, so he had to seek permission from the board. It took the board nine months to say, “No”. I can understand it taking nine months to say, “Yes”, but I cannot understand why it would take nine months to say, “No”. A small businessman was mucked around for all that time because he could not obtain clear answers.

Mr Spyker—But you were in government!

Mr MACLELLAN—The Minister who appears to have toothache and a headache says, “You were in government”.

Mr Spyker—You were in government.

Mr MACLELLAN—How many times does the Minister want to say, “You were in government?” How many times does the little Minister want to get out of his place and sit in the wrong seat, whacking his hand across his mouth and saying, “You were in government?”

The SPEAKER—Order! The honourable member will ignore interjections.

Mr MACLELLAN—If the Minister for Consumer Affairs wants to get out of his place, let him get out of it.

The SPEAKER—Order! The honourable member should ignore interjections.

Mr MACLELLAN—It is hard to ignore him, Mr Speaker. He is ignorable quality, but it is hard to ignore him. Perhaps he would like to say something as a responsible Minister and as part of the Government. He may like to stand on his feet and actually talk about the matter.

Mr Spyker interjected.

Mr MACLELLAN—He is yapping again, Mr Speaker!
The SPEAKER—The honourable member should ignore interjections.

Mr MACLELLAN—It is hard to ignore him. He might like to explain the benefits for ordinary citizens in having layer upon layer upon layer of planning advice. If he can explain the benefits, he may be able to explain to my constituents why they ought to be enthusiastic about having yet another committee to advise the Minister on why decisions made by locally responsible planning authorities are wrong.

The purpose of the Bill is to impose on the Shire of Pakenham a new layer, a planning authority to which decisions must be referred so that that authority can tell the Minister why they should not be agreed with.

The level of planning responsibility in the Shire of Pakenham is without challenge. It has been responsible; it has been supported and accepted by the local community, and it has been accepted by the Ministry for Planning and Environment, under both Liberal and Labor Governments, as being completely responsible in discharging its planning responsibilities. Nevertheless, the Bill proposes that, as a sort of trade-off, we will get rid of the Board of Works from one part of the shire only to acquire a new committee to double-check every decision that is made if the committee decides that it is regionally significant.

Some parts of the Bill are welcome in the electorate I represent. We do not like paying money to the Board of Works for no service, but that has been occurring in the past. That practice is about to end following representations from the shire to Minister after Minister. That is a minor plus. We do not like the idea of having a new committee to double check the local responsible planning authority which has done a good job. We do not like the thought that it will cost money. However, the Bill has been improved by undertakings given in another place.

The Government will regret having introduced yet another committee into the planning process in the Shire of Pakenham and over areas in Westernport where local councils have been willing to accept the full planning responsibilities, to discharge them, and to answer to their committees and to be responsible and accountable to the communities. That is the type of planning we should have, not layer upon layer and delay after delay while ordinary people try to go about their lives.

Mr COOPER (Mornington)—The Bill impinges on every municipality in the electorate of Mornington which I represent. Therefore, I wish to make a contribution to the debate not only from that point of view but as a past member of the Western Port Regional Planning Authority and the Western Port Committee which will go out of existence when the proposed legislation is declared.

The Western Port area and the Mornington Peninsula are covered by the Bill, as well as areas as far afield as the Borough of Wonthaggi and, until an amendment was made in another place, the Shire of Buln Buln. The proposed legislation is significant and is of importance to the people of Mornington Peninsula in the electorates of Mornington and Dromana. Over the past decade, those people have been subjected to the controls of the Western Port Regional Planning Authority until that body was taken out of existence by the Minister for Planning in the Hamer–Thompson Government, the present honourable member for Benambra.

The Mornington Peninsula is covered by two statements of planning policy. Statement of planning policy No. I is a policy document that covers the industrial areas in and around Hastings. Statement of planning policy No. 2 covers the conservation planning for the southern peninsula. As a former member of the Western Port Regional Planning Authority, it was one of my duties as the representative of the Shire of Mornington to deliberate on the now famous or infamous conservation plan which was resisted very heavily and emotively by a large number of people on the Mornington Peninsula.
When one examines the document, the conservation plan, and its impact on the ordinary people on the Mornington Peninsula, one can understand why people resisted the impact of that scheme and its introduction.

The honourable member for Berwick has covered that point regarding the implications of such draconian planning legislation very clearly, so I shall not go over the same ground. At the outset, I point out to the Government that Western Port is not one word but two words. I cannot understand why the Government, although it has been told on more than one occasion that Western Port is two words—western and port—continues to spell it as one word. I ask the Minister to make note of that. The Minister for Planning and Environment has been asked to take note but apparently he has written it on a piece of paper and has thrown it away. It would be reasonable if the Government could get something right.

It should be within the scope of the Government to get the spelling of Western Port right.

Maybe I am misjudging the Government by believing that it is better than it is, but I would have thought that being able to spell Western Port correctly would have been something the Government could do. I would urge the Minister to get his act together.

I also note that in the debate in the other place the Government agreed to the Opposition's request that the Shire of Buln Buln be taken out of this proposed body. The shire requested that and I am pleased the Government has agreed.

The Bill amalgamates two bodies, the Western Port Committee and the Western Port Catchment Co-ordinating Group. The Western Port Committee was set up as a body to advise the Minister for Planning and Environment and it comprises two councillors from each of the six shires, four other representatives from agriculture, conservation and commerce, and that committee advises the Minister on matters that have been referred to it as matters of regional significance.

It is important for the House to recognize that when the body was set up by the honourable member for Benambra, as the Minister for Planning at the time, the six municipalities comprising the Western Port Committee were concerned about making sure that the body did not get involved in matters of planning that should be handled by municipalities as planning authorities in their own right within their own municipality.

After much deliberation and many trips back and forward to the Minister, some 22 items were agreed upon as matters of regional significance. Those 22 items can be referred to the Western Port Committee in its present state for deliberation and advice to the Minister.

It is interesting to note that when the first list was prepared by the Minister, it took two and a half pages to list the items that he thought were matters of regional significance. I cannot remember the details of that list but some of the items would have made one's eyes water, because they were so minor. It is hard to imagine that a bureaucracy would try to force through the involvement of a regional body into areas of such minor consequence and to take away the proper power of the municipalities that make up the body.

It was a victory for common sense by the Minister of the day and a victory for the rights of local government that the Government, through the Minister, accepted the strong recommendation of the six participating municipalities that the 22 items comprised a fair and reasonable list of matters of regional significance.

It should be borne in mind by the present Government that if it is the intention of the Government to widen the scope of the committee, as it now indicates it will do, it will have a war on its hands waged by the municipalities involved.
I noted with some degree of interest—possibly more than interest, maybe with mild shock and horror—that in the Minister’s second-reading speech, he said:

The prime focus of any new organization—

Referring to this one—

... must be the ongoing task of representing State and regional interests in land use and related environmental issues within the Westernport catchment. However, this will require an involvement in wider matters such as economic development, employment and community services. Also, many issues relate to a wider area than the physical catchment, or are not catchment oriented issues.

If one examines those words, one can understand the concern of the municipalities that will be involved in this bigger organization. They have received an indication from the Minister for Planning and Environment that he has a wish to go beyond matters of land use planning and matters of environmental significance that impinge upon land use planning.

The Minister’s intentions are stated in his second-reading speech and show that he is desirous of expanding this organization. When one considers the involvement of the Westernport Co-ordinating Catchment Group—an organization that fits under the umbrella of the Department of the Premier and Cabinet—and the reasons why it was originally established and what is currently occurring, one realizes that the municipalities involved have reason to be concerned.

As its name implies, that organization was established to deliberate on and be concerned about drainage matters in the Westernport catchment that affect Westernport Bay and the drainage of those areas into Westernport Bay. After its establishment, members of the group soon found that there was not very much for them to do. They had an occasional meeting, they deliberated on important matters relating to drainage and they were then able to go home and might not have had to meet again for a week or two.

That was not satisfactory for an ambitious qango, an organization with all its support staff employed to service it. Therefore, the group had to find something else to do. In recent times, the Westernport Co-ordinating Catchment Group has been involved in such interesting activities as employment, industry promotion and a host of other welfare-oriented activities. That is hardly a proper role for a body with the grand title of the Westernport Co-ordinating Catchment Group. Nevertheless, it has been involved in a much wider range of activities than it should have been.

That is why the municipalities are nervous and are saying to themselves, “Here is a Government that is now setting up a committee to get itself involved in a much bigger way, widening its sphere of activities and bringing more municipalities under its umbrella”.

In introducing the Bill, the Minister stated that the Westernport Regional Planning and Co-ordination Committee will be involved in wider matters, such as economic development, employment, and community services. It is no wonder that municipalities are seeking assurances that the body will be controlled and that it will not become a wide-ranging sheriff of the Government, galloping in sixteen different directions at once and costing the taxpayers of the State and the ratepayers of the participating municipalities a fortune. The municipalities involved are concerned that the committee will push itself over the top of people in a way that could only be regarded as draconian and offensive.

In the other place, the shadow Minister for Planning and Environment, the Honourable Alan Hunt, sought eight assurances from the Minister for Planning and Environment on matters that are of concern. The Minister graciously gave certain assurances and said in a carefully worded response that there was no intention by the Government to create another regional authority. However, he then added two small words that raised all the doubts again—he added “as such”.

If the Minister were fair dinkum about not creating another regional authority, why did he not say that the Government does not intend to create a regional authority instead of
stating that the Government has no intention of creating another regional authority, as such?

Therefore, any nervousness on the part of the municipalities would have been revved up by that statement because the Minister for Planning and Environment has, as I said, been very careful in the way that he has given these assurances. The assurances given by the Minister and accepted by the participating municipalities in the proposed new body and by the shadow Minister in the other place, are these, firstly, that the Government's very firm intention is that it will not create another regional authority. Secondly, the Minister has said that the Westernport Regional Planning and Co-ordination Committee will not involve itself in any extraneous matters and will direct itself solely to land use planning and environmental matters. It will not become involved in any of the extraneous matters which have attracted the attention of the Westernport Co-ordinating Catchment Group and which have created such concern among municipalities and the communities in the area of the Mornington electorate in particular.

The Opposition accepts the assurance that the committee will not involve itself in those extraneous matters. If, later on, the Minister says, “You did not read the fine print” or “You did not read that word correctly”, those words will not be accepted by the community that is affected by the proposed legislation. It will be seen that the Minister has met every question and every suggestion from the local community with a firm assurance and that no funny business is going on. However, I am concerned about the careful wording that the Minister has used.

The third point is that the Minister has given an assurance that he will take note of matters brought to his attention by the Westernport Regional Planning and Co-ordination Committee. In other words, the Minister is saying that if a matter is referred by him to the committee and it recommends a course of action, he will take note of it and will abide by that recommendation. The Opposition accepts that and the Peninsula community and surrounding areas also accept that in the full context of what I have said. The Opposition will require the Minister to abide by that assurance.

No similar situation exists elsewhere in other legislation. For example, in a referendum under the Local Government Act regarding council amalgamations the Minister does not have to abide by the result of that referendum. However, the Minister has said “I am appointing a committee; I shall listen to its advice and follow its recommendations”. That is an important matter and must be emphasized.

The fourth point is that the Minister has said he will not tolerate any undue delays in the reporting of the committee. My colleague, the honourable member for Berwick, drew the attention of the House to permits that have taken up to nine months to grant an application to previous bodies. That is indefensible and should not be tolerated. The Minister has said that he will not accept any undue delay by this committee.

The fifth point is that the Minister has said that he will accept the nominees of the participating shires as members of the committee. The Minister has assured the councils involved in the new body that the persons they nominate as their representatives on the committee will be the persons appointed. The Minister has said he will not override the municipalities' nominees and will not appoint his own persons or people he believes to be more acceptable. That is an important point.

The sixth point is that the municipal representation on the committee will form a majority of the committee and that is a vital matter. If there is to be a sureness in planning, particularly on matters of regional significance, it must be seen that the elected representatives, people who have a direct electoral responsibility to the community, should have the majority vote on the proposed committee.

There will not be an acceptance of a body that is created where the Government appointees—as opposed to the municipal representatives—are in the majority. Any suggestion by the Government of any change in the future to assist them, whereby the
Government can dominate a body such as this, will not be accepted and land use on matters of regional significance will grind to a halt. It will come into disrepute once again.

I do not believe any Government of this State, regardless of its political colour, can accept that that type of situation should rear its ugly head again. This applies especially on the Mornington Peninsula. Land use planning in matters of regional significance has been in disrepute because of the political activity—small political activity—of the now late and unlamented Westernport Regional Planning Authority.

The seventh assurance given by the Minister for Planning and Environment in the other place is that the operations of the body to be created will be kept under constant review. Nothing can ever be as important as that. Here we see the potential for another qango to be created; another body that will eat into taxpayers' funds. When one puts these organizations into being, one immediately sees the good old principle of the building up of an empire taking over.

Mr Perrin—And jobs for the boys.

Mr COOPER—As my colleague, the honourable member for Bulleen, reminds me, it will provide an opportunity to create jobs for the boys. The empire building that goes on in these situations needs to be kept under constant review. It is unusual for a socialist to be speaking about keeping qangos under control. Normally socialists would be encouraging jobs for the boys and empire building. However, I am delighted to note that the Minister says he will assure this House, the other House and the people of this State that he will not allow it to become a monster.

The eighth assurance—and again a most important one—is that the committee and its activities will be fully funded by the Government. There was a suggestion that the participating municipalities would be stung for a proportion of the cost of the body. That created a fair amount of concern and unrest. I am delighted that the Minister has said that the body will be fully funded by the Government. That is something that will make life a little more peaceful for those people flung into this body with not too much say in it.

If there is to be a body that will look after matters of regional significance in land use planning and in environmental matters, it has to be a body that has the co-operation of the municipalities it covers and it has to be a body that will be kept under control by the Government.

What I have said tonight is an attempt to reinforce and shore up once again the statements made on the matter by the Minister for Planning and Environment in another place. One has to accept that the Minister has been straightforward and honest in his assurances. The Minister must be commended for that.

I conclude on an extremely significant point that should be brought to the attention of the Government. In his second-reading speech, the Minister noted the suggestion that he could delegate some of his powers to the new committee. If he does so, he is creating, in effect, a regional planning authority because if his powers of decision making are delegated to this advisory committee, the advisory committee will in fact be in a position to make decisions.

Some dotting of the "i"s and crossing of the "t"s may be required. Honourable members may wish to nitpick what I have said, but the effect will be that the Westernport Regional Planning and Co-ordination Committee, not the Minister for Planning and Environment, will make the decisions because he has delegated those powers.

Mr Plowman—All of his powers.

Mr COOPER—Yes, all of his powers. The first assurance the Minister gave to the Leader of the House in another place, the Honourable Alan Hunt, was that it was not his intention to create another regional authority. I pointed out to the Minister for Housing the uncertainty created by tacking on the words "as such" to that assurance. I call on the
Government to be categorical and clear about that statement. I ask the Minister for an assurance that the Government will not create a regional authority in any form.

If the Minister for Planning and Environment intends to back away from his assurance that no regional authority will be created, which has been accepted by the Opposition and the municipalities involved, by delegating his powers to that committee and in effect creating that authority, he deserves the total condemnation not only of this Parliament but also of the communities involved. People living in the Westernport region will not accept another regional planning authority. They have been there, done that and witnessed the results. The situation has been created where people have been blighted by lack of, or poor, decision making by the previous planning authority. If the Minister intends, by some shifty trick in the wording of his assurance, to create an authority by delegating powers to this committee, he can be assured that he will be vilified and hounded by the people who will be affected.

I call on the Minister for Housing to take up this matter with the Minister for Planning and Environment, and if the Minister cannot give an assurance tonight on behalf of the Minister for Planning and Environment, I ask him to assure the House that that will be done. This is an extremely important matter and there needs to be a further assurance from the Minister that he has no intention, under any circumstances, of creating a regional planning authority in or around the Westernport region.

Finally, as I stated in my opening remarks, I ask the Minister to ensure that the Government correctly spells “Western Port”.

Mr Wilkes interjected.

Mr COOPER—I am not, but I shall talk to the Minister later about it. The correct spelling involves two words and I ask the Minister to pass on my remarks to the Minister for Planning and Environment and to other Ministers involved in the future administration of the Western Port region.

Mr HEFFERNAN (Ivanhoe)—I believe the Minister for Planning and Environment has gone only half way with the proposed Westernport Regional Planning and Co-ordination Committee. He should totally abolish the regional planning authority. The Minister for Housing, the former Minister for Local Government, should ensure that local government is allowed to make major changes in the near future, if required.

The Government has already indicated that rationalization and amalgamation of local government will occur. If that is the case, this measure should be deferred pending the rationalization of councils in the Westernport region.

The introduction of the Bill is hurrying the establishment of an infrastructure that the Minister might not want. It is a soft sell in the long term to abolish the whole process of local government. The Minister ought to take note that the Government is once again moving away from the authority of local government. I cannot understand how this Government, which has a general policy to strengthen local government, can move in this direction.

In establishing the new committee, the Government is virtually accusing local government of not being able to handle its own area of planning within the Westernport region. Local government already has its planning processes and schemes in place for this area. The planning schemes for all the areas involved should be co-ordinated, thus removing any need for an authority such as this.

The Minister stated that the committee would act purely as a guide on planning matters, on co-ordination, and on the impact of both industrial and residential development, but that it would also require involvement in wider matters, such as economic development, employment and community services.

When the Minister replies to the second-reading debate, I hope he assures the House that a further body such as the committee will not involve itself in community services,
employment and economic development, which local government is quite capable of carrying out.

In a further criticism of the former Westernport Regional Planning Authority, the Minister in his second-reading speech almost said that a regional planning authority was not the answer in all circumstances and that:

Arrangements must be tailored to the needs of a particular area.

That highlights what I said before about the local government situation. The planning area of local government knows, and ought to know, the requirements of its local area, and establishing an authority such as the committee will result in bypassing local government.

The Minister also stated in the second-reading speech that:

It is essential for the committee to be established with a broad charter as an “umbrella” body with links to many of the existing committees in the region.

I hope what was originally intended in this case was to simplify the process for a person applying for a planning permit within the region. However, the person involved will now have to obtain not only a council permit but also a permit from the regional planning authority. The Minister has indicated that there are bodies within the region which also ought to have a further impact.

That is now tying up in total bureaucracy the whole Westernport Regional Planning Authority in a planning process that I am sure the Minister should like to get rid of. After establishing that point, he stated:

The Minister will have the responsibility for establishing the committee and will determine what matters are referred to it for advice.

I ask the Minister for what purpose a committee is required. When one reads the second-reading speech, one notes that the Minister is saying that, although he would like the Westernport Regional Planning and Co-ordination Committee to be more streamlined, it is the people of the region who will have the final say.

I should like the Minister to provide an assurance to the House on a number of matters, the first of which is that the regional authority’s responsibility ought to be purely for co-ordination of planning matters and development of the region as a planning item and no further.

I also ask the Minister to give an assurance that the councils concerned will have a strong input in and responsibility for planning in the interests of those people in the region; that responsibility should stay totally with the people and should not be moved to the central bureaucracy of the Collins Street planning empire.

Mr DELZOPPO (Narracan)—I should like to make two comments in the first person singular: the first point is that I happen to be the inaugural chairman of the Westernport Catchment Co-ordinating Group which the Bill seeks to abolish tonight. The group was set up on the recommendation of the Shapiro report which examined the environmental aspects of the Westernport region. The report made certain allegations that Westernport Bay was degrading due to various activities within the catchment, and one of the allegations that were made was that the farmers were using superphosphate on their farms which was getting into the streams and Westernport Bay and causing environmental deterioration.

In the few minutes that I have left to me I do not wish to canvass the pros and cons of the Westernport Catchment Co-ordinating Group except to say that it was set up with the very best of motives. I pay tribute to its first executive officer, Mr Grant Haselgrove, and to his secretary, Mr Ian Bunton. The group significantly affected the opinion of Government and corrected many misconceptions that were prevalent at the time about the environment of Westernport Bay and its catchment.
From the second point of view in the first person singular, as a councillor of the Shire of Buln Buln, I am glad the Minister has seen fit to remove that shire from the schedule of municipalities that will be affected by the Bill. The shires of Buln Buln and Warragul do not easily fit into the scheme of things when one has to group various municipalities.

The list of municipalities in the schedule has a community of interest, and the shires of Buln Buln and Warragul do not fit easily into the Westernport or Latrobe Valley regions. The solution to the problem is that the Minister should form a group between the Latrobe Valley and Westernport regions to allow the shires of Buln Buln and Warragul to form a section 7 (4) (e) committee under the provisions of the Town and Country Planning Act which would allow them to meet to advise the Minister on any items of significance in the planning field.

Various opinions have been expressed in the House tonight about the Westernport Catchment Co-ordinating Group. In closing I should like to point out once again that the group was formed with the very best of motives. Although I cannot vouch for its activities during the past four years, I can say that in its early years the group certainly had a mitigating influence on some of the more extreme views on environmental protection. I pay tribute to its early officers and to the work of that group.

The ACTING SPEAKER (Mr Kirkwood)—Order! I shall now call the Minister for Consumer Affairs to close the debate.

Mr PLOWMAN (Evelyn)—On a point of order, Mr Acting Speaker, I seek clarification on who is to close the debate. I understood the Acting Leader of the House, the Minister for Housing, was handling the Bill. I have had discussions with him about the Bill and about assurances that were given by the Minister for Planning and Environment in another place. If the Minister for Housing is not handling the Bill, I should like some assurance from him as to why.

The ACTING SPEAKER—Order! Is the Minister for Housing prepared to close the debate?

Mr WILKES (Minister for Housing)—Mr Acting Speaker, I apologize to the honourable member for Evelyn. In the haste of the proceedings today I had overlooked the matter that he had raised with me. The honourable member raised the matter of an assurance that was given by the Minister for Planning and Environment in another place which did not appear in the second-reading speech that I delivered to the House.

I repeat what the Minister for Planning and Environment said in another place; I give an unequivocal undertaking to the honourable member for Evelyn that the assurances given to the honourable member by the Minister in another place will be adhered to.

The motion was agreed to.

The Bill was read a second time and, by leave, the House proceeded to the third reading.

Mr WILKES (Minister for Housing)—I move:

That this Bill be now read a third time.

Mr PLOWMAN (Evelyn)—I thank the Minister for Housing for the assurance given on behalf of the Minister for Planning and Environment in another place. My colleague, the honourable member for Mornington, spelt out in great detail those assurances and the Opposition is pleased that the Minister was prepared to give those assurances. When looking at the second-reading notes the Opposition had misgivings, which the honourable member for Mornington has spelt out, and I am delighted to hear from the Minister for Housing that he has spoken to the Minister for Planning and Environment and can give an unequivocal assurance that those undertakings by the Minister in another place will be honoured. Under those circumstances, the Opposition is prepared to support the Bill.

The motion was agreed to, and the Bill was read a third time.
The debate (adjourned from November 21) on the motion of Mr Crabb (Minister for Employment and Industrial Affairs) for the second reading of this Bill was resumed.

Mr RAMSAY (Balwyn)—The Hairdressers Registration (Repeal) Bill is a milestone in the history of the hairdressing industry in Victoria and if it is passed it will bring to an end almost 50 years of registration in industry with which at some time or other during our lifetimes almost every one of us will have had some contact.

On 12 October 1936 the Act to provide for the registration of hairdressers in Victoria was first proclaimed. The measure was debated in this very Chamber during August. It was one of the few Acts of the Victorian Parliament that was passed during the brief reign of King Edward VIII. It is instructive to read what the honourable member for Melbourne, Mr Hayes, said in moving the second-reading of the Hairdressers Registration Bill in 1936. Mr Hayes stated:

The purpose of the Bill is to provide for the registration of hairdressers in Victoria. For some years the hairdressing trade has made representations to different Governments for the introduction of this type of legislation. The main proposal of the measure is the registration of all hairdressers now carrying on the trade in Victoria, but after the Bill has become law only those persons who give proof of their proficiency by passing the prescribed examination will be allowed to enter the trade. As the technique of the trade is somewhat difficult for the ordinary layman to describe, I have taken notes from books and magazines published in Victoria and other countries dealing with hairdressing, and I shall use them in giving a brief review of the development of modern hairdressing.

The necessity for registration is not definitely apparent until the position is looked at from all sides, and the need is due to existing conditions. Hairdressing and beauty culture, as we know them today, are the growth of a very short period. They are a modern development, and are definitely growing and becoming more firmly established. This business began and was established in popularity almost entirely upon the short-hair vogue amongst women. If we go back to its earliest days—the time before the “bob”—we will find that hairdressers were few in number. Their work was hairdressing in reality, and consisted of creating very elaborate coiffures for special occasions.

Such hairdressing was an art, but it was not in universal demand, as hairdressing is now. With men, a haircut has always been just a haircut, and styles have not altered materially but when women changed from long hair to short, Dame Fashion stepped in, and all sorts of variations became the mode. There were various kinds of bobs and shingles, till a new development took place, when Dame Fashion decreed that the bob be waved. First came the marcel—practically the well-known curling tongs applied rather differently. Then came the permanent wave. When the permanent wave machine was placed on the market, women began to realize that the short life of the marcel was being replaced with something infinitely better, and soon the popularity of the permanent wave became firmly established. With the advent of this wave, the beauty parlours came definitely into vogue, and, taking their cue from overseas establishments, salons gradually increased their scope beyond that of mere hairdressing, and added all the extra services which today are rendered by high-class hairdressers and beauty specialists.

The hairdressing trade is one demanding a considerable amount of skill. One can realize that the unskilled person would make a bad job of a man’s haircut, but he would make a much worse job with a woman’s hair. The electrical appliances now used appear to be simple of operation in the hands of those who know how to handle them, but, placed in the hands of unskilled persons, they are dangerous. Hair is a substance few scientists fully understand. Until recently no one knew what changes actually occurred when hair underwent permanent wave treatment, and even now science is not too sure of itself. In ordinary trading it is possibly no one’s business whether a person operates at a loss or a profit, but in hairdressing the matter is on a par with that of the unskilled motorist. He has in his hands a machine of deadly menace to other members of the community and he must show some standard of efficiency before he is allowed to use it.

The ACTING SPEAKER (Mr Kirkwood)—Is the honourable member still quoting the former honourable member?

Mr RAMSAY—Yes, I am quoting the second-reading speech on the introduction of the Hairdressers Registration Bill, which the House is considering repealing tonight. It continues:

So with the ladies’ hairdresser. She handles chemicals and cosmetics which, unskillfully applied, may do great harm. She handles electric machines which can burn, scald, and even kill persons on whom they are used.
For those reasons, and still more in the public interest, it is necessary that legislation covering these traders should be passed.

The registration of hairdressers is of vital importance to the public of Victoria. If they were a close community working among themselves, and they sought legislative action to correct certain grievances within their own ranks, then certainly the arguments of individual sections should have definite weight. But hairdressers are the servants of practically every member of the community, and if they are unskilled in rendering their services they can be a very potent menace to health. Hence the need of controlling regulations under an Act of Parliament. In that way we can ensure that the growing business of beauty culture shall be conducted with due observance of the health and welfare of the public.

I thought it worth bringing to the attention of the House the background to the existing legislation that has registered hairdressers in Victoria for, as I indicated, almost 50 years. It will be 50 years next year.

It is interesting to note that the original legislation provided for the registration of all persons practising hairdressing. It made provision for distinct classes of hairdressing; basically, men's hairdressing and ladies, hairdressing. It made provision for apprenticeship training and also for alternative training through registered hairdressing schools.

It might be said that over 50 years, although hairdressing styles have changed, the general operation of the Act has continued along very much the same pattern.

If one examines the history of the Act, one can see that there has been a continuous running of arguments about the nature of training required in the different classes of hairdressing, the rights of a person trained in one class to operate in another class to receive extra training to enable that person to become dual certificated, arguments about the number of students being trained through schools and about whether the school training is adequate compared with the longer period of training to which an apprentice was subjected.

There have been arguments concerning people with only school training setting up their own salons in a relatively short period after the training was completed, concerning the possible dangers to the public of hairdressing salons because of the nature of hairdressing and about the importance of maintaining high standards of cleanliness to safeguard against diseases transmitted through the use of implements on one head after another.

I am suggesting that the hairdressing trade has distinct features of its own that were the cause back in 1936 of this system of registration being introduced.

Now we find, as the Minister indicated, that all the major interest groups in the industry, which were represented on a recent steering committee, are inquiring into the hairdressing trade to come to terms with the needs of this trade in the 1980s. One finds that there has been a marked change not only in the techniques available to hairdressers, not only in the styles of hairdressing that people of all ages are engaging in today, but also in the growing phenomena in more recent years of what are known as unisex salons and a recognition that whether it be a male hair stylist or a female hair stylist, many of the same skills are needed by hairdressers and the clear-cut distinction of different classes of hairdressing is now no longer with us.

These changes that have come into the industry have caused the growth of a new feeling among all the major interest groups represented by the Master Hairdressers Association, the Master Ladies Hairdressers Association and the individual schools that the time has come for something new. One point of agreement is that the existing Hairdressers Registration Board has served its purpose and that it is time for the repeal of the Hairdressers Registration Act.

It is also true that the different interest groups in the industry, although they had a common view about the abolition of the board and the repeal of the Act, have differences of opinion about what should take its place. This is where the Minister's presentation to the House falls far short of what Parliament expects. The Minister leaves many questions
unanswered, and I urge him to answer those questions before the Bill proceeds beyond this House.

In no particular order of importance, I pose these questions for the House to consider and for the Minister to answer. The system within the hairdressing industry is somewhat unique because a trainee can either become apprenticed to a master hairdresser or a hairdresser employer and, after completing the course of training set by the Industrial Training Commission, receives a certificate of competency, or can attend one of the private schools registered in Victoria for training in hairdressing.

What will happen to the schools that owe their existence to the Hairdressers Registration Act and the Hairdressers Registration Board once the Act is repealed? All that the Minister has said is that the Government intends that the private schools should continue to operate, with some changes, and that all training will be in a single class as from 1 January 1986. The private schools will continue in operation, but will restrictions be imposed on the establishment of further schools? What will be the ground rules for the establishment of private hairdressing schools? Have they been spelt out? Who is responsible for that, and will we see a plethora of little schools setting up all over the place with no proper standards being preserved?

The Minister says that all training will be in a single class, as from 1 January 1986. No longer will there be special training in men's hairdressing and special training in ladies' hairdressing. Will the private schools be required to give this over-all training in hairdressing? If they see fit, will schools be able to specialize in ladies' hairstyling only and not worry about men's hairdressing, and vice versa?

Mrs Toner—There is no difference.

Mr RAMSAY—These questions have not been answered. When the honourable member for Greensborough next goes to a hairdresser to have a shave, she will understand that there are some differences that the trade certainly understands, even if the honourable member wants to ignore them.

The Minister has not given the House any assurance about this, except the statement that there will be some changes. If the Minister is going to move this hasty repeal of the Act—and it is hasty, because he introduced the Bill only last week and the repeal is scheduled for 1 January 1986—the House should have those answers.

On the question of the single class training that is to be introduced, what will be the conditions of the transfer to this single class of training of apprentices who are currently apprenticed to either ladies' hairdressers or men's hairdressers? Clearly, the Industrial Training Commission should spell this out. Will those details be in position before 1 January 1986? Has the Minister been sufficiently responsible to ask these questions of the commission? Is the commission in a position to have the new rules in place as quickly as that, or what further work needs to be done?

If the commission is not in a position to do that, the date of the repeal of the Act should not be 1 January 1986; it should be left to a date to be proclaimed to give the Minister some flexibility to ensure that the industry is not left in a state of hiatus, a state of uncertainty, where those persons currently training in the industry do not know where they are going.

A third question which the Minister has failed to address is very basic: are unskilled people going to be let loose on the public as though they were qualified hairdressers? There are professions where some form of licensing is mandatory. For example, the legal profession, the medical profession, the physiotherapists profession, and so on, where there is close personal contact with the practitioner—such as a medical practitioner—or where the matters of concern—such as the legal profession—can have a profound impact on the lives of individuals. There is a system of registration and some oversight of the training of the people in those professions.
The Minister has indicated that there will still be training in the hairdressing industry and there will still be apprentices; the Industrial Training Commission will have some supervision over the training of persons who wish to practice hairdressing. However, there appears to be a wide gap left by the Minister as far as unskilled people are concerned. This may well be a matter of some importance in the months immediately following the repeal of the Hairdressing Registration Act.

From my point of view, I support the repeal of the Act, but the Minister should make these issues clear. Those persons who have completed a course of training, be it as an apprentice or at a hairdressing college, must surely be given the chance to publicize the training they have received by way of a certificate or the promotion of their skills, so that the community can make an educated decision on the basis of proper knowledge and can know that they are going to a hairdresser to whom they can entrust their appearance and the treatment of their scalp; a hairdresser who has some qualification and has not simply hung up a shingle and called himself a hairdresser because that person is willing to give it a go.

The industry should be given the chance of properly promoting the skills and qualifications that exist within the industry before the repeal of the Act takes place.

My question to the Minister is, "What protection is the Minister offering, if any, to the public against the possible entry into the industry of unskilled persons?"

The next question relates to the Hairdressers and the Beauty Industry Award. Under the Industrial Relations Commission, a conciliation and arbitration board determines the rates of pay and conditions of employment of employees within the hairdressing industry.

Has the Minister addressed himself to this matter because the repeal of the Act will render the Hairdressers and Beauty Industry Award inoperative. The award not only covers hairdressers but beauticians, and principals as well, and each group in this area will be affected by the cessation of the operation of the award. The award depends on the Hairdressers Registration Act because of definitions within the award.

Unless the Minister ensures that the situation is corrected before 1 January 1986, he will have removed at one stroke the protection that that award offers to employees in the hairdressing industry.

It would not be something the Minister planned to do but, if he attempts to rush the Bill through the House, as he is in this case, it is the sort of mistake he will make. I do not want to see such uncertainty brought into the industry.

Has the Minister considered the repercussions of the repeal of this Act on apprenticeships and has he thought through just what would happen? Juniors will be able to do any type of hairdressing work. There is no protection in the Industrial Training Act to ensure that only apprentices are employed within the industry once the Hairdressers Registration Act has been repealed.

The opportunity for training in general hairdressing may be reduced quite significantly by this repeal because men's hairdressers, in particular, if they wish to continue in the specialty of men's hairdressing, will be far less likely to take on apprentices if those apprentices are caught up in long periods of training for all classes of hairdressing.

Again the question is whether the Minister has given consideration to the impact of that or whether he has simply introduced this Bill as a matter of urgency because of the circumstances of the existing board and the fact that its terms of office ceases at the end of this calendar year. The industry, especially those engaged in men's hairdressing, wants to know what modules will be required under the new training scheme and what information there is about the proposed training scheme under the new arrangement. The syllabus for 1986 should be rewritten. My understanding is that the syllabus is not yet available. That should be corrected ahead of the repeal of the Hairdressers Registration Act.
The Opposition supports the repeal of the Act but, in so doing, wants answers to those questions. I ask the Minister to consider carefully whether he is not being precipitous in setting the date of the repeal at 1 January 1986 without these other matters being determined to the satisfaction of those persons engaged in the industry at the present time.

The Minister indicated that the commission would establish a new advisory committee to inform the industry of further training this year. That advisory committee should have been established ahead of the repeal of the Act. If the Minister insists on 1 January 1986 as the repeal date, he, his department and the Industrial Training Commission will have a busy December.

I hope the Minister will give the House satisfactory answers to those questions. If not, will he give serious consideration to deferring the repeal date until those questions can be answered.

Mr McNAMARA (Benalla)—I compliment the honourable member for Balwyn on the research that he has done in discovering the origins of hairdressing registration. It was interesting to learn that the Act dates back to 6 August 1936. Obviously it was one of the many innovations of the Dunstan Government which, as honourable members are aware, was the second longest serving Government in the history of Victoria. It served for some ten and a half years. During the time that Sir Alfred Dunstan was Premier of Victoria there was an enormous amount of progress in the State, especially in country Victoria.

The predecessors of the present Government supported Sir Albert Dunstan. He holds a unique achievement that I do not believe will ever be equalled in the Westminster system of Parliament anywhere in the world—he was Premier for ten and a half years—

The DEPUTY SPEAKER (Mr Fogarty)—Order! The House is not debating Sir Albert Dunstan, it is debating the Bill.

Mr McNAMARA—Sir Albert Dunstan was the second longest serving Premier in the history of this State. He did not have the numbers in either the Legislative Council or Legislative Assembly but yet he still had enough support. Even though he was a man whom God did not bless with a great deal of hair, he certainly tried to ensure that those who were more fortunate than himself in that regard were fully protected.

The Bill is the result of an inquiry into the hairdressing and beautician industry that was established in August 1984. I am not certain whether the Minister for Employment and Industrial Affairs was involved with it at that time. The inquiry was established following numerous complaints about the industry, which had been of concern to ensure that some of the training schools were conducted on a proper basis. There have been too numerous instances where charlatans have conducted so-called training and beautician courses offering firm assurances of employment for those who took part in those courses. Of course, there was no possibility of employment at all. Honourable members should want to ensure that young students and trainees who participate in those courses in the future are protected. One hopes the Bill will help in that area.

It is important to remember the need for the provisions in the Health Act that controls the health and safety regulations in the hairdressing industry. Although it may not seem important so far as hairdressing is concerned, it is extremely important to ensure that utensils, towels and the like that are used in hairdressing are kept at the highest level of cleanliness. A number of infections can be transmitted from one individual to another through the use of dirty utensils. I hope the Minister will ensure that existing regulations made under the Health Act will not be affected by the Bill and that the community will be protected.

When the Bill comes into effect, it will affect a number of students involved in training schools. I hope sufficient publicity will be given to ensure that those who are currently contemplating entering a training school will be advised of the dangers they may face and whether their qualifications will be recognized when they leave the schools.
I understand that the Bill will enable all people who are currently certified as hairdressers to carry on that full registration. However, some students are in limbo because they have not yet finished their training courses but have committed themselves to the industry. Perhaps the Minister for Employment and Industrial Affairs will advise the House how he intends to handle that problem and whether a degree of leniency and flexibility will be shown in order to protect those students.

The Bill provides for a general hairdressing certificate, or whatever name the industry decides to give it. That will license hairdressers to cut the hair of both males and females.

I understand that is a proposal supported generally by the industry. However, I am advised that the Victorian Master Hairdressers Association opposes the scrapping of the current legislation and the introduction of this Bill. I ask the Minister for Employment and Industrial Affairs to advise the House of the specific concerns of that association and how its wishes can be accommodated by the proposed legislation.

The Hairdressers Registration Board will be replaced by the Industrial Training Commission of Victoria. The Minister's second-reading speech was particularly short on detail about how the Industrial Training Commission will operate in this area. I hope the Minister does have a sympathetic ear from the hairdressing industry. He is one Minister who, from his general appearance, is probably not a great supporter of the hairdressing industry. Perhaps the Minister should change his hairdresser, although I am not suggesting that his locks have been trimmed by an Arbroath sheep shearer. The Minister certainly is a lot cleaner cut tonight than previously and perhaps he has made some improvements in that area. I hope the Minister listens with a genuine and sympathetic ear to the various hairdressers throughout the State who provide a valuable service.

I reiterate the comment of the honourable member for Balwyn, who provided a detailed history of the development of the hairdressing industry and its regulations. The people in the industry set an extremely high standard and the National Party wants to ensure that that standard is not lowered by the process of deregulation.

Community standards, particularly in the hairdressing area, have become more demanding. The days of the short back and sides that was accepted 30 or 40 years ago—and certainly was the standard cut in the services—no longer exist. There is a requirement for more specialist types of grooming and I hope the deregulation of the industry will ensure that the high standards are maintained.

I note that clause 4 provides that all moneys held by or on behalf of the board shall be vested in the Treasurer for the purpose of payment into the Consolidated Fund. Registration fees paid by hairdressers and other interested parties that may amount to substantial assets accumulated over a number of years are paid across to the Treasurer. The Minister indicates, by way of interjection, that there is not a great surplus. Perhaps the Minister can give some details of the exact state of the funds held by the board and how the Industrial Training Commission is to be funded.

The Bill also makes provision for the existing staff of the board to be brought under the Public Service Act and transferred on salaries of not less than they are now receiving and makes similar provision for superannuation; so, the staff employed by the board will be transferred to the Public Service with their existing entitlements guaranteed in the future.

The National Party supports the proposed legislation and hopes the Government will ensure the protection of apprentices and others currently undertaking training. It also hopes the Bill will bring about the improvement that a large section of the hairdressing industry seems to indicate it will. The National Party supports the Bill.

Mr GUDE (Hawthorn)—I join in the debate with the honourable members for Balwyn and Benalla because the deregistration or defrocking of the Hairdressers Registration Board is a fairly historic event. It has been in place for almost 50 years—49 years, to be precise.
The Act was put into place to regulate the industry when there was a need to provide community standards for the benefit of the community at large. Honourable members have heard interesting addresses from earlier speakers. There have been a number of queries and calls for advice from the Minister. At present, the opposition parties are concerned about the way in which the Government is continually introducing, at the eleventh hour, unthought out and ill-conceived measures.

A number of matters in the Bill could have been given more thought before part of the independent report, which was recently presented to the Government, was acted upon. In his second-reading speech the Minister makes it clear that the Government is acting on part of the report. Honourable members often hear the Government speaking about a partial response to reports it receives.

I suppose that means the Government is dealing with only those matters with which it feels comfortable; the easy part as the honourable member for Balwyn points out. The tough parts, which have greater concern for the community, are put to one side. They are not spoken about; they are forgotten; and it is hoped they will disappear under the mat. The Opposition and the National Party are not about to give the Government a free ride so it can put things under the mat.

The Hairdressers Registration Act 1958 was introduced for good reasons, namely to provide control on the hairdressing industry. That is appropriate because hairdressers deal with people in the most personal way. It was appropriate, in the interests of the community, that responsible controls were put into place.

The Act also dealt with the training of young people who wanted to enter this vocation. The Act regulated training provisions so that young people would be able to be provided with the necessary skills to carry out the function of dressing and tending the hair of people who sought that kind of assistance.

The Hairdressers Registration Board, through the Act, has supervised and controlled apprenticeship training in all of its broadest forms. With the effluxion of time, we have seen the development of unisex salons and young people must now be trained to cater for male and female clients.

More recently the role of beauticians in this general area has been a matter for concern. That subject forms part of the report of Coopers and Lybrand that is currently before the Minister and the department.

One also has to recognize the vital role that private schools have played over many years. They have been responsible for setting the good standards that all honourable members in this place and the community would want to be involved in. The private schools are concerned about establishing professionalism in the industry so that clients can receive the best of services.

When one goes to have one's hair cut, one wishes to go to a salon which is appropriately staffed, well laid out and which meets community health standards. Professional services are provided, because, after all the public are paying customers.

The board encourages better and improved conditions in the market-place. I wonder whether the Government has fully thought out the number of people who ought to be trained to become hairdressers; we do not need overtraining to occur.

I am aware that the Coopers and Lybrand report is concerned with that issue, but there is no mention of that in the Minister's second-reading speech. The second-reading speech, like the Bill, is short on facts, lacks detail and is consistent with the lacklustre approach of the Minister for Employment and Industrial Affairs and the Government.

The Bill does not address public health standards or cleanliness. It does not in any way consider the possibility or worry of transmittable diseases which are a fact of life in this day and age, particularly in an industry such as the hairdressing industry which involves personal contact. The Bill simply repeals the Hairdressers Registration Act and throws out
In the past the industry, largely through the Hairdressers Registration Board, has controlled itself. The board, which is comprised of employers and employees, has in a bipartisan way undertaken a first-class role over many years. Time does not stand still and we must move forward; there are many times when it is necessary to look for a better way. I recognize that and the Opposition recognizes it. If the Government, in its wisdom, decides to improve the industry and produce better circumstances in the Victorian hairdressing industry, that is fine, but it should be spelt out in legislative form. It is not spelt out in the Minister's second-reading speech.

The Bill refers to the repeal of the Act and the transfer of moneys held by the board to the Consolidated Fund. The honourable member for Benalla raised his concern about the accumulated fund and the references made to it in the Minister's second-reading speech. The Minister, by way of a nod, indicated that there was not a lot of money involved in the accumulated fund.

Again consistent with the lacklustre performance of the Government, the Hairdressers Registration Board of Victoria produced its annual report—the last one available to honourable members—for the year ended 31 December 1984, which shows an accumulated fund of $117,000. Perhaps $117,000 is not a lot of money to the Minister; it is probably not much money to the Government; but I am sure it is a significant amount of money to the hairdressing industry.

I shall now examine where that accumulated fund came from. The annual reports states that it came from registration fees paid by the industry; from annual fees; from additional fees—whatever that means; from certificate fees; from examination fees; and from interest, amounting to $15,000. The industry has made this contribution, but now the Minister and the Government, consistent with their approach to public moneys, want to get their grubby little hands on moneys contributed by the industry and pocket them in the Consolidated Fund.

There is no mention in the Minister's second-reading speech that the moneys will be used to assist or advance the hairdressing industry in Victoria. That would not have been an unreasonable expectation because, as the Minister pointed out, it is only a little bit of money, not much to be concerned about. If that is the case, the Minister should assure the House that the accumulated fund will not disappear into consolidated revenue but that it will be used in the interests of the hairdressing industry.

The industry has no common position on what should be done to control hairdressing industry standards. There is a concern about private and public training of hairdressers. The Bill does not mention it, but the Minister's second-reading speech indicates that private training will continue in the hairdressing sphere.

I am aware that few licences have been granted over the past twenty years to private schools that want to establish and offer training to young people in this vocation. Is it the aim of the Government and the Minister to eventually phase out private schools? What is the Government's aim? Is it to keep training under Government schooling or is it prepared to allow for an expansion and development of private training for young people interested in hairdressing? There are many entrepreneurs who may be interested in this industry.

If he does not yet know, the Minister for Employment and Industrial Affairs ought to know that there are people in this State who wish to open training institutions for young people wishing to enter into the hairdressing area.

Mr Sidiropoulos—You are talking about the crooks.

Mr GUDE—I shall ignore the remarks of the honourable member for Richmond, so that my reply will not embarrass the party he represents. What will be the situation with private schools? Will schools exist, or will they be phased out?
The Minister proposes that there will be a single class approach to deal with the training of young people in men's and ladies' hairdressing at the one time. However, I put it to the Minister and the Government that there are those in the community who may wish to be trained in only one or other of those areas. Why should they be compelled to undergo the training for both?

As I said earlier, with the establishment and advancement of various techniques, many companies now wish to offer the service of the beautician through the unisex salons as well as that of hair cutting and styling. Why should not young people be able to pick a specific module? Why should they not be able to pick out either a men's or a ladies' hairdressing module? Why should they not be able to simply pick out the module that covers the work of beauticians? That study and training should be elective.

Again, because of lack of information, the Minister's second-reading speech is silent on that matter. The Minister may have a number of answers for these sorts of questions. If he has those answers, the House should be very interested to hear them, particularly the Opposition and the National Party.

Another question that comes to mind relates to clause 2, which deals with the commencement of the measure. It states:

This Act comes into operation on 1 January 1986.

I wonder whether the Industrial Relations Commission will be ready to undertake the work required from 1 January 1986. I certainly hope the Minister will be able to provide that assurance to the House because, if he is unable to do so, the Government should really have included in the Bill a provision stating that the Act will come into operation at a date yet to be proclaimed.

What controls will be put in place to protect the public from unregistered hairdressers? That aspect should also be addressed and is yet another matter on which the second-reading speech is silent. The Hairdressers Registration Board, which controls these sorts of matters, will no longer exist as a result of the repeal of the Hairdressers Registration Act.

Another matter that the Minister—because he is the Minister for Employment and Industrial Affairs in this State—would have examined closely relates to the progressive implications of the measure on the hairdressing and beauty industry State award. Perhaps there will not be any major impact, but, from my recollection, that award makes specific reference to the recognition of the Hairdressers Registration Board when someone is being trained.

Therefore, when one takes into account the thrust of the proposed legislation, the purpose of which is to develop and improve the industry—which has had a history of 50 years' involvement with the Hairdressers Registration Board—one cannot complain about it.

I recognize that the Government commissioned quite a detailed inquiry to be undertaken on an independent basis by Coopers and Lybrand, Chartered Accountants, who are well known for their definitive and thorough work in this area. I have already said that the report is thorough and detailed.

I again ask the question: why is it that, having received that report, the Minister takes the easy way out and rushes into the House a piece of proposed legislation at the eleventh hour, which will simply have the effect of taking the board out of existence? It is another example of the way in which this Government is constantly attacking private enterprise in this State and trying to get at the business community. The Government and the Minister seem to be preoccupied with that purpose.

I am not suggesting that the Minister for Employment and Industrial Affairs has his hands in the till but—

Mr Crabb—What?
Mr GUDE—The Minister does not threaten me in any way.

The Minister for Employment and Industrial Affairs has not mentioned what will happen to the $117,000 that is going into the consolidated revenue. The people of the State, members of the Opposition and people involved in the hairdressing industry demand a response and an undertaking from the Minister on this matter.

In the best interests of the industry, the Opposition asks that the Minister give due consideration to the questions that have been raised tonight. If the Minister is incapable of answering the questions, he should be prepared to research the matters while the Bill is between here and another place.

Mr CRABB (Minister for Employment and Industrial Affairs)—I thank honourable members for their contributions to the debate and for their support of the Bill, particularly the honourable member for Balwyn for his hirsute history, which was quite interesting. It is amazing how much can be written and said about haircuts.

The Bill is the result of a two-year investigation by a tripartite committee of inquiry, which I might add cost about $120,000 of the taxpayers' money and which is just about the amount of money that was in the assets of the Hairdressers Registration Board of Victoria at the time. I suggest the taxpayers are down $3000 on the balance! I am pleased to say that although the inquiry took a considerable amount of time to achieve consensus on the approach that ought to be taken in an area which has been the subject of controversy over the competition between the apprentice and college systems, it has been found that the schools have a valuable role to play in training hairdressers.

All the parties concerned—two groups of employer bodies, two trade unions, the schools and the Industrial Training Commission—have all managed to find common ground on the way forward. They were unanimous in the view that the Hairdressers Registration Board ought to be repealed so that the training of hairdressers can be dealt with in the same way as other apprentice trades—with the addition of the hairdressing schools, which are doing an excellent job. Therefore, an element of commonality is brought into the training of hairdressers.

Throughout the debate a number of questions were posed—I shall try to answer them all—some of which were about detailed matters of administration of the trainee scheme. I ask honourable members to allow me to respond to those questions after consulting the people more directly concerned with hairdresser training. I shall do that tomorrow.

The honourable member for Balwyn asked a number of questions to which I shall try to respond. He raised the matter of the future of hairdressing schools. The future of existing schools is secure; they are not in any way under threat and they will be accredited by the Industrial Training Commission, but any future school wishing to train hairdressers will have to have that accreditation. I am not aware of any plans to establish more schools, but if at some time in the future that was found by the industry to be desirable, that could occur under the auspices of the accreditation of the Industrial Training Commission. There is no legal impediment to that occurring because the Industrial Training Commission is formed by tripartite advisory bodies which comprise employees in each of the trades concerned. The changes that are made to the training of hairdressers are on the basis of consensus from the employees and employers concerned. The Industrial Training Commission system has served the State well over a long period of time.

The Bill is also concerned with the interim curriculum which might apply while the Industrial Training Commission of Victoria goes through this period of change. I understand the current curriculum will be that which applies to new students until a new one applies. I believe that is appropriate and I am happy to give the commitment that was asked for by the honourable member for Balwyn, that the Government will ensure that the maximum degree of flexibility and pragmatism is applied by the Industrial Training Commission during this interim period.
It would not matter at what time or date the change were made, there would inevitably be a period of gestation for the new system, which would necessitate that changeover also requiring a degree of understanding by the authorities concerned for those who are students or about to become students during that period.

The honourable member for Balwyn was concerned about the community being protected against unskilled hairdressers. Certainly from this point onwards there is no legal impediment to someone hanging up a shingle and saying that he is a barber and, given some of the haircuts I have received, I now go only to barbers for whom I have a recommendation.


Mr Coleman interjected.

Mr CRABB—I have noticed that the honourable member for Syndal does not have the most attractive hairdressing and I am not too keen on his head, either. Certainly, my two teenage sons have been trying to persuade me to go to their barber, but I am not going.

I give a commitment that there will be no diminution of the health requirements under the Health Act concerning the maintaining of standards and the Government will be assisting the industry to self-regulate so that there will be clear certification and placarding of hairdressing establishments to indicate that they have approved, qualified hairdressers on the premises.

The real proof of the pudding is that people will not go back to salons where they are given lousy haircuts. Honourable members would have noticed that, if one has a decent haircut, no one will say anything but, if one has a rotten haircut, people will ask from whom one got it so that they may avoid the experience.

The hairdressing industry training committee will be expanded to include representatives from the schools so that from the beginning they will be involved in the changes that are to be introduced.

The honourable member for Balwyn was concerned about the award rates that apply to hairdressers and I am advised the Bill does not in any way impinge on those. I shall check that advice in the morning and I shall take steps to ensure there is no difficulty with that award protection. That can be done by amendment to the award and I will ensure that it is done in the Conciliation and Arbitration Commission.

I have endeavoured to answer the broad questions raised and I would frankly prefer to deal with some of the details raised after I have spoken to the people more concerned with there details. I thank honourable members for their support and I wish the Bill a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

Mr RAMSAY (Balwyn)—I move:

Clause 2, line 6, omit "1 January 1986" and insert "a day to be proclaimed".

I thank the Minister for the full and helpful answers he gave to the questions raised in the second-reading debate. I assure the Committee of the continuing support of the Opposition for the proposed legislation. The Minister indicated that he would have to satisfy himself about the detail of a number of questions in consultation with people more directly involved in the industry before he could fully answer those questions. I have respect for the Minister in taking that attitude rather than pretending he knew all the answers.

There is some concern about the fact that the operative date for the repeal is 1 January 1986. It is for that reason that I have moved the amendment for the consideration of the
Committee and the Minister. The amendment seeks to change the operative date from 1 January 1986 to a day to be proclaimed. This will not affect the operation of the Act but will give the Minister a degree of flexibility. It avoids having the Government locked into a situation of repealing the principal Act on that particular date. I put forward the amendment in a constructive and positive frame of mind hoping the Government will see the wisdom of it. I reassure him that it will not in any way prevent him from proclaiming the Act and implementing the repeal on 1 January 1986 if he is ready to do so, but it will give him a degree of flexibility that he would not have without this amendment. I thank the Minister for giving consideration to this proposal.

**Mr CRABB (Minister for Employment and Industrial Affairs)—**It is common for Bills to be introduced in this House with a proclamation date of a day to be proclaimed. The reason for this Bill having 1 January 1986 as the proclamation date is that the process has had a long gestation period. The consideration of this exercise has taken two years and I am advised that all parties concerned wanted the change to take place on 1 January 1986. It is the appropriate time because it is the start of a new academic year.

I do not want to indicate that there was any uncertainty in that process, nor would any of the parties concerned want to see any uncertainty in the process. There is no uncertainty in my mind about it. The issues that I would prefer to respond to after detailed advice are the issues concerning training of hairdressers, not the repeal of the Hairdressers Registration Board.

I am not a hairdresser and nor is any other honourable member present, to my knowledge, although some have shown a marked interest in hairdressing tonight. I shall be happy to advise them of the details later. The date of 1 January 1986 has been requested by the industry and all of the other parties concerned. It is important that they are not put in a state of uncertainty, particularly schools that are expecting the new system to operate from next year. It would not be fair in my view to place them in any uncertainty. Therefore, the Government will not support the amendment.

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

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

**JOINT SITTING OF PARLIAMENT**

**Council of Deakin University**

**The SPEAKER—**I have to report that, this day, this House had met with the Legislative Council in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose three members of the Parliament of Victoria to be recommended for appointment to the Council of the Deakin University, and that Harley Rivers Dickinson, Esquire, MP, the Honourable Roger Murray Hallam, MLC, and the Honourable David Ernest Henshaw, MLC, have been duly chosen to be recommended for appointment to the Council of the Deakin University.

**FORESTS AND COUNTRY FIRE AUTHORITY (PENALTIES) BILL**

The debate (adjourned from October 31) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

**Mr COLEMAN (Syndal)—**The Bill amends penalties that apply to the Forests Act and the Country Fire Authority Act and converts the monetary amounts shown in those Acts into penalty units. Some of the increases proposed in the Bill are substantial and although I do not want to question in any way the reason for the Government's decision—I am sure that the Government, in going through these penalties, has sound reasons for so doing—I would like to highlight some of the increases.
The increases range from, in some instances, $4000 to $10 000; in some instances from 50 cents to $100; and in some instances from $40 to $1000, and they are substantial increases. This raises in my mind whether the Government, in increasing these penalties as it has, is really addressing the problem that, regardless of what the penalties are, under certain conditions fires will start, particularly in the forest country, and it would seem that much more thought should have been given to a better education program.

Victoria has a Fire Awareness Week and honourable members are aware that education in schools is an ongoing factor. I am sure that Fire Awareness Week, with its emphasis on suppression and prevention, acts as a substantial deterrent to the human causes of fire outbreaks in Victoria and the way in which people conduct themselves in fire-prone areas.

The education program in schools is aimed at ensuring that people gain an acceptance of the controls that apply on days of high fire danger and, more importantly, that they gain the advantage of the benefits that come from ensuring that blazes do not occur across this State like those that occurred on Ash Wednesday in 1983.

Some of the proposals contained in the Bill highlight the thinking that is behind the way in which the legislation has been promulgated and the way in which the Government sees it working. Clause 3 (f) increases from $4000 to $10 000 the penalty for failing to comply with a notice by the Minister prohibiting the use of fire or suspending forest operations when a condition of acute fire danger exists. I appreciate the Minister's interjection that it is a very serious offence.

The Opposition is well aware that acute fire danger days are well publicized and that officers of the State Forests and Lands Service operate in the forest at all times. I am sure that those people who gain their income from the forests are well aware of the dangers that they face. However, the increase in the penalty is very substantial.

Clause 3 (i) introduces a substantial increase in the penalty—from not less than 50 cents to not more than $4 as at present to not more than $100—for the unauthorized destruction and damaging of trees on Crown land used for grazing. That is an especially onerous loading to impose on any person who has a grazing licence in forest country. Fees for grazing were reviewed recently and substantial increases are pending in respect of grazing leases on forest land. Regardless of the type of livestock one puts into a forest area, one knows that they will cause some damage. Who will exercise a subjective judgment on the matter of unauthorized destruction and damage to trees on Crown land? That matter needs clarification.

The Minister interjects that the penalties are maximum penalties, and the Opposition appreciates that.

I refer also to the increase of the penalty from $500 to $5000 for the unauthorized destruction, cutting of or damage to trees on roadsides. To go anywhere in the bush, cut a trailer load of wood and run the risk of incurring a fine of $5000 is enough to convince one to leave one's toes cold during the winter. That penalty begs the question whether the destruction caused by the State Electricity Commission's clearance operations should be brought within that provision.

Clause 3 (l) increases from $40 to $1000 the penalty for obstructing the State Forests and Lands Service or an authorized officer or person from carrying out his duties—again, a substantial increase. Officers of the service have had difficulty in trying to implement the Act and probably need assistance in deterring people who wish to obstruct them, but the increase in the penalty is extraordinary.

One finds increases of this magnitude throughout the Bill. The most interesting one is in clause 11 (d) which increases the penalty from $4000 to $10 000 for using a gas producer when a total fire ban is in force.

The use of producer-gas equipment in this day and age would be something that the newspapers would want to report because producer-gas equipment is very much a thing of
the second world war and was used when there was a substantial fuel shortage. I am not aware of the more recent development of that machinery, but a further review of the Act is required to ensure that that redundant provision is no longer included. No doubt honourable members have seen producer-gas equipment in operation. This equipment emits sparks, so one would realize the tremendous danger resulting from the use of this equipment during a total fire ban, or at any time. This provision seems to be outdated.

The Opposition does not oppose the Bill. It was debated extensively in another place. There are matters that concern the Opposition and it is hoped that some of the matters raised by honourable members will be taken into consideration during the supervision of the legislation.

Mr B. J. EVANS (Gippsland East)—The Bill provides the opportunity to deal with the relative seriousness of the various offences detailed in the Bill and the penalties imposed in the case of a conviction for these offences. One could talk for some time about the matters raised and the comments of the honourable member for Syndal about the use of producer-gas equipment. It illustrates how outmoded the offences are when one analyses the list.

It must be appreciated that the penalties set out in the Bill are the maximum penalties. There can be a great variety of situations in which some degree of an offence may be committed without a person incurring the maximum penalty. As mentioned by the honourable member for Syndal, there are some contradictions in the Bill. One that comes to mind is the increase from $500 to $5000 in the penalty for unauthorized destruction, cutting or damaging of trees on roads. That provision could be open to a broad interpretation. For example, wattle trees growing within 8 or 10 feet of a fence have a life of ten years and could cause problems when they die if they fall on and damage the fence.

If a farmer does not take precautions he could receive a penalty for having cut a tree on the road, because he is not permitted to do so under the Bill.

The increase in the general run of penalties will not help people living in the country. We agree with the increase in penalties related to the failure to extinguish fires or the lighting of fires during periods of acute fire danger. Those of us who are residents of rural areas believe that a very strong deterrent has to be placed on the community in relation to those matters and on that account the National Party supports the proposed legislation and trusts that it will be administered wisely by those who have the powers of administration.

Mr CROZIER (Portland)—I raise one small but important matter with the Minister for Education who is at the table about penalties prescribed in clause 11 and, more specifically, in paragraph (k) which increases the penalty in section 50 (2) from $800 to $1000 for driving or operating farm machinery in contact or within 9 metres of any vegetation during a fire danger period when the vehicle has mechanical faults which would tend to cause an outbreak of fire or does not have a prescribed spark arrester or prescribed fire suppression equipment.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr WILKES (Minister for Housing), the sitting was continued.

Mr CROZIER (Portland)—Until recently, manufacturers of fire suppression equipment were confused as to precisely what was prescribed, but I would like the assurance of the Minister on behalf of the Government that any such confusion has now been resolved and the increased penalties that the Parliament is being asked to approve in relation to paragraph (k) have been cleared up. Otherwise, this clause in the Bill must clearly be questionable.

When the Bill uses words such as “prescribed spark arrester” and “prescribed fire suppression equipment”, the specifications of that equipment should be clearly stated. If there is any doubt about it, Parliament is perpetrating something of a fiction and
participating in a process that, by its definition, is questionable. It is asking for the equipment to be detailed, but it is an important issue that should be resolved so that all members of Parliament can be confident about using the language that appears in this paragraph.

Mr COOPER (Mornington)—I make a contribution to the Bill as a person who has been a volunteer fireman for seventeen years with the Country Fire Authority and an officer of that authority, and second in command as lieutenant of the Mount Eliza Fire Brigade for sixteen years. I believe I have some experience of the breaches to the Country Fire Authority Act and the illegal lighting of fires.

I noted with some interest that the Minister in his second-reading speech directed attention to the new maximum penalties and the proposal to leave it to the courts to determine the penalties to be imposed having regard to the seriousness of any particular offence. Later in his speech the Minister stated that these increases in fines reflect the Government's concern about the seriousness of such offences, bearing in mind the horrific consequences of recent bush fires, such as the Ash Wednesday fires in 1983.

Victoria has suffered severe fires for decades. In fact, severe fires are a fact of life every year, but, on occasions, Victoria suffers a disaster such as Ash Wednesday. I well recall in 1961 an enormous fire that burnt through the Dandenongs and elsewhere in Victoria. Further back in time the 1939 fires affected large parts of the State. All of these fires are now part of the history and the folklore of Victoria.

In between the fires that occur, that are extraordinary in their capacity to maim, kill and damage, severe fires occur every summer in this State. Fires are reported almost every day to the Country Fire Authority, and those fires have the potential to cause enormous damage.

The SPEAKER—Order! I hesitate to interrupt the honourable member for Mornington, however, I do so advisedly because the debate on the Bill does not provide a vehicle for a wide-ranging canvas of fire protection of fires generally. The Bill is specific: it deals with penalties, and I draw the attention of the honourable member to that aspect which he should address.

Mr COOPER—I take your point, Mr Speaker. I was setting the scene of the impact of those fires on the community and the fact that the community expects the policing of those fires to be carried out in an effective manner so that when breaches of the law are detected, they are heard by the courts.

The Bill increases the penalties that currently apply. If the present penalties were applied by the courts in the way the community would expect them to be, there would probably be no need for an increase in the penalties as proposed in the Bill. I have called the police to a number of fires in my capacity as a Country Fire Authority officer. I have given an account of what I have observed and people have been ultimately charged with offences. I have seen delays in the legal proceedings, where a person charged with an offence in January or February, at the height of the fire season, is not brought before the court until June, July or August, in the middle of winter.

One can imagine the effect on the magistrate when an offence that has been committed in 35 degree Celsius heat, with a stinking northerly wind blowing, is brought before the court on a day when it is 8 degrees Celsius and pouring with rain. The magistrate cannot imagine the circumstances at the time of the offence, regardless of the evidence presented.

I know of one case where a man lit a fire that could have endangered a large area of foreshore and houses in the Mount Eliza and Mornington areas. I was the officer in charge of the Country Fire Authority in that area, and I called the police. As a result, the man was charged with an offence. Many months later, he was brought to court. I arrived at the court house at 10.30 a.m. and the case was finally heard at 4.30 that afternoon. I had to take a day off work in order to be present, and the man was only fined $20. He walked out
of the court house and laughed at me. That experience is repeated many times throughout the State when volunteer fire fighters attempt to enforce the law as it currently stands.

The plea I make is that the Government should be doing everything possible to ensure that the present provisions of the law are applied to their maximum rather than to their minimum. The community demands it. I cannot understand why all Governments have not provided more direction and push to see that maximum penalties are inflicted on people who endanger the lives and properties of thousands of people on a reasonably regular basis.

I have been involved in numerous incidents where the same people have committed offences year after year. Voluntary fire brigade officers have a widespread concern about booking people or having police charge people and taking them to court. Those fire fighters have to give up a day of their time to appear in court. The penalties that are applied, in general, to offenders who have been found guilty of these offences have not had any effect on stopping them from committing similar offences in the future.

The community demands strong action where people break the law and endanger the lives and properties of thousands. I urge the Government to take whatever steps are necessary to ensure that the penalties they propose are applied. I fully support the increased penalties. The Government must ensure that courts apply those penalties in a way that will bring home to offenders the seriousness of the offences that they have committed and ensure that they cannot walk out of courts and laugh at the people who have brought charges against them. That happens and it should not happen. It is a disgrace that it does.

I do not blame the Government; my words are meant to bring these matters to the attention of the Government so that it can do something about it. If it does, it will have the strong support of people who live throughout the State, particularly those living outside the metropolitan area who reside in areas that are subjected to severe fires.

I represent one of those areas and I do not want to see it ravished by fires of the intensity of the last severe fire that occurred in 1983.

Mr PLOWMAN (Evelyn)—I add my support for the Bill and for the increased penalties. I support the honourable member for Syndal who spoke on behalf of the Opposition.

I particularly direct my remarks to the destruction of trees on Crown roads and road reserves that is occurring with greater frequency. Without increased penalties, with the proliferation of slow combustion heaters in homes, this offence will occur more and more.

The area I represent has substantial residential areas adjoining forest reserves. I have been told by forest officers, particularly in the Powelltown area, of examples where an individual who wishes to gather firewood goes out along the forest roads with a chain saw and cuts down a tree, cutting the length of firewood that suits him for his own purposes and then leaves the butt and head of the tree lying partly across the road for somebody else, generally the forest officer, to clean up. That is a hazard to traffic and also a chore for the forest officer concerned. There are similar occurrences in municipal council roadside reserves. With the increasing price of heating oil and electricity, people are exchanging their oil and electric heaters for slow combustion heaters, so the problems I have outlined will become more prevalent.

I also support the need for penalties for offences committed on Crown land and the consideration of the Government of penalties for people who trespass on private land for exactly the same purpose.

Individuals fell trees on private land, which fall across road reserves and knock down the fences, as was mentioned by the honourable member for Gippsland East.

This causes the destruction of fences and the subsequent straying of livestock on to the road. This can cause legal problems for the landowner concerned when livestock stray on the road because an individual has cut a tree that has fallen over a fence on the road reserve and destroyed the fence.
I am aware of a specific case where an individual I know, who owns a property in the electorate of Keilor, had occasion to come across a person who was busily cutting down trees in the plantation along the roadside of the property; the individual had loaded the trailer and was loading the boot of his car with trees cut out of the plantation adjoining the road. When challenged as to why he was doing that, the individual said, "I thought this was a roadside plantation".

There is a threat to private property and plantations planted on private properties. I suggest the Government give consideration, when considering how the measure is to be implemented along road reserves, to the threat to private property by the proliferation of slow combustion stoves and the week-end woodpeckers—one might call them that—who go out at week-ends and cut down trees at will leaving the mess for someone else to clean up. Such individuals despoil the Crown road reserves as well as private properties.

I support the increased penalty in this situation because, unless penalties are imposed, with the proliferation of slow combustion stoves for heating purposes, the problem will increase considerably.

Mr CATHIE (Minister for Education)—I thank the honourable members for Syndal, Gippsland East, Hawthorn, Mornington and Evelyn for their support of the Bill.

I agree with the honourable member for Syndal that there are substantial increases in penalties, but that is because of the seriousness of the offences. Other speakers have commented on this fact. The imposition of maximum penalties means that there is flexibility to determine the seriousness of the offences and the relevant penalties. When they examine some of the offences—I am sure most honourable members will agree—that the increasing of penalties from $4000 to $10 000—in the case, for example, of lighting or maintaining a fire when a total fire ban is in force—is appropriate.

We have had enough experience in this country, with the nature of the Australian environment with our long, hot, dry summers and hot northerly winds, to know of the care and prevention that needs to be taken.

Similarly, clause 11 (f) provides for prevention measures and increases the penalty from $2000 to $5000 for failure to comply with a direction to clear land of vegetation and other fire hazards or make fire breaks. Prevention is part of the total approach to fire safety and prevention in Australia.

I do not know why producer-gas equipment still appears in the Act. No doubt there is a reason and it is probably not just an historical part of the Act left over from the 1940s. I shall check out the matter and ascertain the reasons.

The honourable member for Syndal pointed out that we need to consider a broad educational program. In some ways I agree. However, speaking in another capacity, it often seems to me that whenever there is a problem in society the schools are asked to wave a magic wand, as it were—for example, with drugs, road safety and fire prevention problems—and solve the problem by education.

I know schools are expected to do that, but it imposes additional responsibility on teachers and the development of curricula. Teachers and other people involved in the education field will have to cope with that situation because society expects them to deal with it.

The honourable member for Portland referred to clause 11 (k) which contains the words "prescribed spark arrester". He pointed out that in the past there had been confusion amongst manufacturers over what was prescribed and he asked whether the matter had been resolved. I understand that further amendments to legislation have been prepared, but I shall check that point with the Minister for Police and Emergency Services.

Mr Crozier interjected.
Mr CATHIE—I understand something has been prepared, but I am not aware of the details. I shall find out and inform the honourable member.

The motion was agreed to.

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

**MOTOR CAR (PHOTOGRAPHIC DETECTION DEVICES) BILL**

The motion was agreed to.

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

**Council’s amendments:**
1. Clause 5, page 3, lines 31 and 32, omit the words and expressions on these lines.
2. Clause 5, page 4, line 13, omit “and”.
3. Clause 5, page 4, after line 13 insert—
   “( ) a statement that a copy of the photograph of the offence taken by the prescribed photographic detection device is available upon request to the informant; and”.
4. Clause 5, page 4, line 14, omit “(c)” and insert “(d)”.

Mr WILKES (Minister for Housing)—I move:

That the amendments be agreed to.

The explanation for amendment No. 3 is that if the informant requests a copy of the photograph, it will now be available to him or her. That was not the case in the original Bill and the amendment makes that provision.

Mr HANN (Rodney)—I am not clear on what occurred in the Upper House, so I ask the Minister why amendment No. 1 omits these words and expressions.

Mr COLEMAN (Syndal)—I am also in a quandary about amendment No. 3. Given the debate that took place in this Chamber, I wonder why the photograph should be made available upon request to the informant. I should have thought it would be available upon request to the defendant. The police officer making out the charge should be the informant and the person requesting the photograph should be the aggrieved party, who would be the defendant in this matter. I do not know whether the Minister has the time at this point to clarify whether that should be the case. At present, it is certainly not clear to me.

On the motion of Mr WILKES (Minister for Housing), the debate was adjourned.

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

**NATIONAL MUTUAL PERMANENT BUILDING SOCIETY BILL**

The motion was agreed to.

The debate (adjourned from November 20) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr J. F. McGRATH (Warrnambool)—On behalf of the National Party, I support the Bill, the purpose of which, as the long title states, is to facilitate the National Mutual
Permanent Building Society in becoming a public company deemed to be incorporated in Victoria.

The National Party is happy to support the proposed legislation, which will enable the society to become a public company and, with the Royal Bank of Canada, will establish a facility in Melbourne. It is pleasing to note that such a facility will be set up in this city to service the needs of the community.

The National Party certainly wishes the enterprise well, particularly as it could be said nowadays that perhaps banks are not able to serve, or are not serving, the community in the fashion in which they might. In fact, quite a few of their customers have had to seek financial assistance elsewhere, namely, from building societies and credit unions. Therefore, when the society becomes a public company and sets up a facility with the Royal Bank of Canada, it will add a new dimension to the competitive nature of Victoria's financial institutions. As I said, the National Party welcomes that proposal.

The Attorney-General in another place said that the deregulation of the Australian banking system will lead to substantial competition, particularly in the merchant banking area. It is one of the valuable components of Australian society to maintain that competitive nature, because there is no doubt that the competition that develops between enterprises, whether financial or otherwise, is all to the benefit of the economy of this country and of the people who require the use of those facilities.

The National Party has much pleasure in supporting the Bill.

Mr JOHN (Bendigo East)—The Opposition supports the Bill and the creation of new banking and financial enterprises, because the resultant increased activity in the marketplace and increased competition will help to reduce interest rates in this State.

At present, interest rates in this State and this nation are at a record level and are threatening our financial stability. This is placing added pressure on home loan interest rates, and the Australian dream of owning one's own home is becoming increasingly difficult to fulfil.

The reasons for the high interest rates are many and complex. No doubt exists in my view that we Australians have for too long lived beyond our means. We have asked Governments to do too many things for us for too long. As a result, we have reaped policies of high taxing and high spending at both State and Federal levels. We continued to borrow and our public debt is now at a record level.

All of this has occurred at a time when trade unions keep asking for more and keep getting more. When they do not receive what they claim, they cause industrial havoc and hold the nation to ransom. One might call that economic terrorism.

The Bill is a short but important step in deregulating the finance market. It will allow the National Mutual Permanent Building Society to convert to a bank. The Royal Bank of Canada and the National Mutual Life Association are involved in a joint venture to create the National Mutual Royal Bank Limited. The new bank will include a trading and a savings bank and it will be based in Melbourne, which is extremely important for Victoria. The Opposition is pleased to support the Bill.

The motion was agreed to.

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

**MOTOR CAR (PHOTOGRAPHIC DETECTION DEVICES) BILL**

The message from the Council relating to the amendments in this Bill was further considered.

Discussion was resumed of the Council's amendments:

1. Clause 3, page 3, lines 31 and 32, omit the words and expressions on these lines.
2. Clause 5, page 4, line 13, omit “and”.

3. Clause 5, page 4, after line 13 insert—

“( ) a statement that a copy of the photograph of the offence taken by the prescribed photographic detection device is available upon request to the informant; and”.

4. Clause 5, page 4, line 14, omit “(c)” and insert “(d)”. 

and of Mr Wilkes’s motion:

That the amendments be agreed to:

The SPEAKER—Order! I should advise the House that it has proceeded through the various stages of the matter, I shall call the honourable member for Polwarth.

Mr I. W. SMITH (Polwarth)—As I was absent from the Chamber when the matter was previously called, I point out that the Opposition is concerned about one particular aspect of the amendments. It has no problem accepting all the amendments made by the Upper House except the third amendment which says:

“( ) a statement that a copy of the photograph of the offence taken by the prescribed photographic detection device is available upon request to the informant; and”.

Surely in normal circumstances the informant is the policeman, and therefore I cannot understand why he would want another copy of the photograph of the offence made available to him.

I suggest someone has mucked up the wording either in another place or while the Bill has been between here and another place. I suggest the amendment should read “defendant” instead of “informant” or, alternatively, the amendment could be worded differently so that after the words “detection device” the amendment would read “is made available upon request to the informant”.

If the amendment were worded that way it would also make sense. I suggest two alternatives exist but either one would be satisfactory to the National Party, which moved the original amendment in the Upper House. I do not think the amendment as it is worded at present is the original intent of the National Party.

The SPEAKER—Order! Would the honourable member please repeat the suggested amendment?

Mr I. W. SMITH—There are two alternatives. Either in the last line of the third amendment the word “informant” should be “defendant”, or in the the second last line, after the words “detection device”, it should read, “is made available upon request by the informant”. To explain that, the informant—the policeman—makes the photograph available.

Mr Whiting interjected.

Mr I. W. SMITH—No, the defendant wants the photograph. What we are endeavouring to achieve is that the defendant gets the photograph. Giving the informant another photograph will not achieve a thing. I am sure the Minister understands what I mean. I recommend to the House that the word “informant” should be replaced by the word “defendant” and I believe the House would probably concur with the alteration, if it can be made, to the amendments from another place.

Mr PERRIN (Bulleen)—When the Bill was first before the Legislative Assembly, there were lengthy discussions, particularly in the Committee stages of the Bill, about amendments and I should like to spend a short time on three amendments proposed in the Upper House.

The SPEAKER—Order! The honourable member does not have that luxury. The House is dealing with amendments made by the Legislative Council, which have been transmitted back to the Legislative Assembly. The honourable member for Polwarth has made a suggestion in respect of further amendments to the amendments made by the
Legislative Council. This is a technical debate and it does not provide the honourable member with a vehicle to go back over the matters dealt with in the Assembly or the matters dealt with in the Council. The House is dealing with amendments made by the Council.

Mr PERRIN—I understand that, Mr Speaker. I have spent a good deal of time going through the Hansard reports of the Legislative Council debate on the Bill and on the amendments. If I may just mention the first amendment, which deals with the erecting of warning signs—it was proposed and accepted by this House that warning signs should be mandatory where photographic detection devices are installed—the Legislative Council decided to refuse the amendment that had been agreed to in this House. A number of questions were asked in the Upper House of the Attorney-General.

The SPEAKER—Order! I hesitate to interrupt the honourable member, as he may not be familiar with the procedures with which the House is dealing at present. This debate does not provide him with a vehicle to go any further than to deal with the matter before this House; it does not allow him to canvass broader issues associated with the debate in the other place.

Mr PERRIN—The only other area I wanted to canvass was the area of signs dealt with by an amendment of the Upper House.

The SPEAKER—Order! Will the honourable member advise which amendment he is talking about?

Mr PERRIN—It is amendment No. 1 relating to the placing of signs near photographic detection devices. I understand that the provision was accepted in this place, but opposed in the other place. It was suggested in the other place that although signs are not mandatory, assurances were given that they would be placed near detection devices. I wanted to ensure that the Minister for Transport in this place is prepared to give the same assurances that were given in the other place.

Mr ROPER (Minister for Transport)—Two matters are raised in these amendments. The first matter relates to signs. Honourable members may recall that we agreed to an amendment moved by the honourable member for Polwarth relating to signs. We indicated that we would examine the matter while the Bill is between here and another place to ensure that it would not mean there would be an escape route for people offending against the law. The legal advice we received indicated there were some problems.

The Government has made it clear that it will consult with both the honourable member for Polwarth and the honourable member for Malvern on the amendment next session to ensure that signs are provided. I repeat that undertaking because the suggestion by the Opposition in this place was a good suggestion and should be provided with a legislative base.

The honourable member for Lowan raised the requirement that people be able to obtain the photograph. The amendment being considered by the House is not in plain English. It provides that a person who wishes to receive a photograph of the number plate may obtain one by saying the informant had to provide one. That is what the National Party was after. It was a good suggestion and even though the English used has messed around with it, that is what the law will now provide after this House makes a decision.

Mr. I. W. SMITH (Polwarth) (By leave)—In the intervening time it has become clear that there is a difference between plain English and the drafting of this amendment. The way it is stated is now satisfactory to the Opposition because, on reflection, the Opposition understands that the drafting means that the defendant can request the informant for the photograph. That is the purpose of the amendment.

The SPEAKER—Order! I must say that if that is plain English, I must have some difficulty with it! The question is that the amendments be agreed to.

The motion was agreed to.
WATER ACTS (AMENDMENT) BILL
This Bill was returned from the Council with a message relating to amendments.
It was ordered that the message be taken into consideration next day.

TOWN AND COUNTRY PLANNING (BROTHELS) BILL
This Bill was received from the Council and, on the motion of Mr PLOWMAN (Evelyn),
was read a first time.

CRIMES (CRIMINAL INVESTIGATIONS) BILL
This Bill was received from the Council and, on the motion of Mr JOHN (Bendigo
East), was read a first time.

DAIRY INDUSTRY (MILK PRICE) BILL
This Bill was received from the Council and, on the motion of Mr JOLLY (Treasurer),
was read a first time.

HEALTH (AMENDMENT) BILL
This Bill was received from the Council and, on the motion of Mr ROPER (Minister
for Transport), was read a first time.

TRANSPORT (AMENDMENT) BILL
This Bill was returned from the Council with a message relating to amendments.
It was ordered that the message be taken into consideration next day.

ADJOURNMENT
Vacant Mordialloc property—Triad Hair Systems (Vic.)—Public transport from
Canterbury Gardens estate—WorkCare arrangements—Loan interest rates—Proposed
National Tennis Centre—Sale of Ministry of Education land in Doncaster/
Templestowe—City of Oakleigh—Bathing boxes on Frankston foreshore

Mr WILKES (Minister for Housing)—I move:
That the House do now adjourn.

Mr COOPER (Mornington)—I draw to the attention of the Minister for Housing a
matter involving a Unit 27, No 5 Colldcott Street, Mordialloc. In December 1984 the
Ministry of Housing purchased the property with a view to using it for rental purposes. It
was purchased in early January 1985. As of this day, nearly 12 months later the unit is still
vacant.

I believe this is a reasonable matter to draw to the attention of the Minister for Housing
and the Government in view of the fact that approximately 27 500 families in Victoria are
on the Ministry of Housing waiting list for rental accommodation. It seems extraordinary
that the Ministry would have gone to considerable trouble—and I believe it did go to
considerable trouble 12 months ago—to purchase this property in an area where
undoubtedly a large number of people are on the waiting list for rental accommodation.

After the Ministry going to all this trouble, the property has been vacant for almost
twelve months. Where these matters come to the attention of any honourable member, I
believe they should be drawn to the attention of the Minister who will take them seriously.
I should like to know why this one has escaped the eagle eye of the Ministry of Housing,
how many people in the Mordialloc area have been waiting for accommodation and the length of time for which they have been waiting.

It will be a matter of concern to large numbers of people in the area that this unit has been vacant for that period. I believe the House would be interested in hearing from the Minister the reasons why the accommodation has been vacant and how many people have been left waiting for accommodation for such a long period when this unit was available.

Mr WHITING (Mildura)—I raise with the Minister for Consumer Affairs a matter concerning a confidence trick that is being played on people in this State who unfortunately have very little hair on their heads. The Minister himself would be one example; perhaps you, Sir, and the Deputy-Clerk may also be interested.

A group named Triad Hair Systems (Vic.) visited Mildura recently and went to see the operator of Gordon Searle’s Hair Care Centre and, at a cost of $30 000, offered him a franchise for restoring hair to bald heads. The course is claimed to be twenty treatments of 1 hour each. The hairdresser that the group approached was to take over the franchise and it was suggested that he charge $55 a treatment for twenty 1-hour treatments.

That did not sound convincing to him and he asked for evidence that the treatment was successful. He was referred to Australian Hair Clinics in Adelaide and travelled to Adelaide at his own expense where he was given the run-around for quite some time and was unable to be presented with anybody who had had this treatment: the people concerned were always said to be at work or not available for some other reason. Another claim related to laser treatment that would stimulate “the body energies” and cause hair to grow on previously clear patches.

In the Sun of Monday, 25 November, an article under the byline of John Beveridge indicated that the Federal Government has commissioned an inquiry into this laser treatment. The finding was that tests conducted by the Australian College of Dermatologists had failed to generate any hair on bald heads. The college reported that the tests had failed to make scalp hair regrow by a laser-based process. The group concerned had claimed visible hair growth to be proven on 98 per cent of clients who had undergone laser treatment at its New South Wales clinic. The treatment was claimed to be biostimulation by low intensity laser, which would have a soothing effect on some of the volunteers.

The interesting part is that the Department of Industry, Technology and Commerce in Canberra has spent $5000 for tests. They claim that a clinical assessment of the laser process on 30 bald people over 30 weeks had failed to have effect.

I take up with the Minister that many people in Victoria may be misled into believing that they may be able to overcome baldness by using the treatment. I hope the Minister will be able to take some action or at least have a trial run.

Mrs SETCHES (Ringwood)—I raise a matter for the attention of the Minister for Transport. Recently I consulted with the committee members of the Arrabri Community House at the Canterbury Gardens estate in Bayswater North. They wished to speak to me about a number of matters, particularly public transport from the Canterbury Gardens housing estate. There are approximately 1000 houses in this estate which is about fourteen year old. The residents from the area have been agitating for a long time for better transport services.

Some of the things concerning them, which I ask the Minister to address is that, even though the estate has been established for fourteen years, there are still no lines marked on the road for the estate, and this can be dangerous for vehicles when they have to give way at intersections. I do not think there are any bus shelters on the whole estate and that creates hardship for the people who are waiting for a bus during the daytime.

Canterbury Gardens is part of the Ringwood transport neighbourhood and the one thing that was impressed upon me at that meeting was that the residents were pleased with the results of the Ringwood transport study which rearranged the bus routes in the area;
they now have access to buses during peak hour in the morning. The residents are very pleased about that.

Another matter that worries the residents on the estate is that two buses on the timetable that should leave the Boronia railway station and go through the estate on week-day evenings do not appear to exist—they appear on the timetable but do not run through the estate. This causes enormous hardship for spouses who have to pick up workers; they have to make alternative arrangements for private transportation.

Another matter of concern to residents is that even though the Bayswater shopping centre is very close to the Canterbury Gardens estate, there is no direct bus transportation between the estate and the shopping centre, so people must travel by bus to the Boronia railway station, catch a train to Bayswater shopping centre and then return via the same route. This involves an enormous amount of travelling time and takes people a long way out of their way to get to the Bayswater shopping centre, which is perhaps 1.5 kilometres from the estate.

Another matter for concern is that there are no buses after 6.20 p.m. on a week-day evening and no timetables are displayed on the poles at the bus stop where they are normally displayed.

Overall, it seems as though the Road Transport Authority should examine some of the services that should be provided for that estate.

Mr PESCOTT (Bennettswood)—I raise a matter for the attention of the Treasurer and refer to a classification under the WorkCare arrangements. I refer to a company operating as seed merchants in the City of Melbourne. The people who run the company are constituents of mine and they are being asked, under the current WorkCare levy, to pay 2.66 per cent of their salary.

That levy relates to people working in the agricultural industry who, naturally, work in areas where there is some risk. The seed merchant works in an office in Melbourne, takes orders from people who produce seeds and passes those orders on to buyers. People in that position are white collar workers, similar to clerical workers who do not go into the field. Clerical workers pay a levy of only 0.57 per cent.

Could the Treasurer consider the matter and ascertain whether there cannot be some equitable adjustment of the levy for people who are actually white collar workers, not subjected to any risk and are in the same category as clerical people who are levied at 0.57 per cent.

Mr JASPER (Murray Valley)—I raise a matter with the Minister acting for the Minister for Industry, Technology and Resources, relating to the excessively high interest rates currently paid by people in business and by primary producers. Interest rates have accelerated over the past twelve months in the general banking system for loans under $100 000 to approximately 16.5 per cent. Loans of more than $100 000 attract an interest rate of 18 per cent and, in some cases, 18.75 per cent or more. Business is finding it extremely difficult to manage on these high interest rates that are applicable to loans.

The Victorian Economic Development Corporation, which provides funds for various organizations in business throughout the State, should provide interest at a lesser rate than applies throughout the banking system generally. I realize that the corporation is being run as a commercial operation. However, I believe its rates have risen in the past week to 18 per cent on loans under $100 000. Some few months ago it was 15.5 per cent, then it increased to 16.5 per cent and currently is 18 per cent, compared to the bank rate of 16.5 per cent.

Although the Victorian Economic Development Corporation does an excellent job in providing funds for business and industry throughout Victoria, it should attempt to provide funds at the best rate possible to assist business in the difficult times they are facing with high interest rates and high charges.
These loans are provided without legal costs being incurred and the quarterly charges imposed by most banks does not apply.

The present rate is higher than it should be for a corporation that should be providing assistance to industry in Victoria. Other Government agencies have also increased their rates to excessively high levels. I suggest that the Minister discuss the matter with the Treasurer and investigate a method of keeping interest rates at a lower level than the rate presently provided by banks. I ask the Minister to respond to the representations and ascertain what he can do to ensure that the Victorian Economic Development Corporation provides funds to business and industry throughout Victoria at a much lower rate of interest than the present rate so that they can be competitive and remain in business during these difficult times.

Mr REYNOLDS (Gisborne)—I direct the attention of the Minister for Sport and Recreation to the current work that is proceeding at Flinders Park for the siting of the proposed National Tennis Centre. As I understand it, test drilling has taken place to establish the water table of the area. It is the duty of the Minister to make those results available to the public and Parliament because the public and Parliament are guaranteeing some $53 million, at March 1986 figures, for the construction of the proposed centre.

As the Minister is aware, the area comprises the old river bed of the Yarra River, and it is flood prone. As most honourable members are aware, the Sports and Entertainment Centre, the State Swimming Centre and the Victorian Arts Centre complex have all encountered foundation problems.

It is my belief that test drilling has taken place at the site of the proposed centre and that the results are available. The public should know the full results of the tests before their guarantee of $53 million is expended. If the foundations are not good enough to support the proposed centre, the public should know about it. I ask the Minister to make available the results of the tests and advise the public of the water table in the area and whether the foundations are sound.

If the Minister checks Hansard for this sessional period, he will realize that members of the Opposition warned him of the problem that could be encountered. The honourable member for Syndal and I raised that matter during the relevant debate. I would hate the taxpayers of Victoria to guarantee $53 million of their money to this irresponsible Government for the proposed centre, with which I do not argue. I am simply criticizing the site for the proposed centre.

I ask that the Minister make the results of the tests available. The Ministers who are making such a noise are boring honourable members with their interjections. A massive amount of public funds will be expended to construct “Cain’s Cathedral” and the public should be made aware of the results of the drilling tests.

Mr PERRIN (Bulleen)—The matter I raise for the attention of the Minister for Education concerns two parcels of land in the City of Doncaster/Templestowe that were intended to be used as post-primary schools. One of those blocks is located in Porter Street, Templestowe behind the Templestowe Park Primary School and the second block is located in Smiths Road, Templestowe, which is in a rapidly growing area of Doncaster/Templestowe.

Those two blocks of land are presently in the hands of auctioneers and are to be sold off to developers for housing estates. The blocks are located in rapidly growing areas. A few years ago there was nothing but orchards in those areas, but now there are mushrooming housing estates.

Mr Cathie interjected.

Mr PERRIN—I shall talk to you about Ayr Primary School on another occasion. Under the Freedom of Information Act I have obtained the file on this matter after considerable
difficulty. In fact, I was forced to go to the Ombudsman who upheld my rights under that Act to obtain those files.

The two blocks of land constitute the third and fourth blocks of land sold in the City of Doncaster/Templestowe by the Government over recent times. Almost $25 million worth of land has been sold off in that area.

Honourable members interjecting.

Mr PERRIN—I remind honourable members on the Government side to consider Templestowe Province which may well be at risk at the next election. The people of Doncaster/Templestowe are already aware of the sell-off that has occurred, as they are of the two parcels of land that are to be sold off.

In perusing the file provided under the Freedom of Information Act I was not able to find any justification for the selling of those two blocks of land. There was no indication on the files that they were surplus blocks. However, I found a memorandum on the file prepared by Mr K. Luzza that discussed the Smiths Road block of land. That memorandum said in part:

In view of the requirement to recover funds from the sale of superfluous sites as a matter of urgency . . .

The file then stated:

This action was taken due to the instructions to recover money from the sale of these properties this financial year if possible.

Mr Luzza was referring to the last financial year. The file then stated:

If we have to operate under this recent verbal instruction we will not be able to meet our deadlines as requested by the Director-General. Is the Director-General prepared to intervene or alternatively seek the Minister’s assistance? If not I cannot arrange disposal of this site this financial year.

The people of Doncaster/Templestowe want to know whether the Minister can provide a justification for the sale of those two parcels of land and whether the instruction I have just read out regarding the memorandum is active and the director-general has issued instructions to sell as a matter of urgency all parcels considered to be superfluous.

Mr LEIGH (Malvern)—I wish to refer a matter to the Minister for Local Government concerning one of his favourite topics, the City of Oakleigh. Once again the Minister will be aware that he wrote to the six Labor Party councillors on that council requesting them to explain why they did not attend calls of the council after they lost the election. In a letter to the council, the Minister asked for an explanation. He then said that he would take action. I am aware that Councillor Perryman had to be encouraged to reply. Will the Minister advise what action he will take on the matter?

Does the Minister realize that the council has been sending out reminder notices advising thousands of residents that they did not vote in the elections and thus they should explain the reasons or they will be fined? The fact is that most electors did vote. The Australian Labor Party members in the council tried to rig the elections and they got the rolls so mixed up that people were able to vote twice. They tried to cover up. The Minister for Local Government is covering for his ALP mates and I should like to know what he proposes to do.

Mr WEIDEMAN (Frankston South)—I raise a matter for the Minister for Sport and Recreation to refer to the Minister for Planning and Environment in another place. It concerns the bathing boxes on the Frankston foreshore.

Last Friday the Minister announced the proposed demolition of 24 bathing boxes. The Minister has failed to notify the local council or the local member of this action. All he did was to issue a press release and nobody is aware of the details. We understand the Frankston area has come in for special consideration. Bathing boxes are also located in the Chelsea and Carrum areas and I understand a prominent citizen has a bathing box in the Chelsea area, which will remain.
Will the Minister advise how the bathing boxes will be demolished and why this draconian action should be taken against a few people on the foreshore at Frankston? Many people will stand in front of the bulldozers and the Minister will find it difficult to dismantle the boxes unless the Premier gives up his bathing box first.

Mr TREZISE (Minister for Sport and Recreation)—I thank the honourable members for Mornington, Mildura, Waverley, Murray Valley, Bulleen and Frankston South for their remarks. I shall refer them to the appropriate Ministers for reply as quickly as possible.

The honourable member for Gisborne referred to drilling on the site of the proposed National Tennis Centre. Extensive drilling has been taking place for some weeks. It has revealed that the basalt layer is generally located where it was expected to be in the initial survey. In some areas—in the eastern end, in particular—there will have to be some piling construction for the main building. The steering committee is satisfied about that and the project is well within the estimated initial cost of $53 million at March 1985 prices. Therefore, there is no concern whatsoever at this stage.

Mr SIMMONDS (Minister for Local Government)—I thank the honourable member for Malvern for his continuing interest in the Oakleigh council and for his progress report. The questions he raised seemed to be rather confused. The correspondence to which he referred dealt with issues that are basically concerned with the calling of meetings and people’s failure to attend. Explanations have been sought and the processes, which are the responsibility of the Minister, are being carried out in accordance with the Act. For the honourable member’s information, my discussion last Saturday morning with the mayor of Oakleigh—

Honourable members interjecting.

Mr SIMMONDS—The honourable member for Malvern has such a great interest in Oakleigh that I could be forgiven for making a mistake.

The SPEAKER—Order! The honourable member for Malvern will attempt to control himself or I shall control him.

Mr SIMMONDS—The Mayor of Oakleigh who was elected by due process, and happens to be an independent councillor, attended the metropolitan Municipal Association conference on restructure last Saturday and made an important contribution. I suggest that the honourable member for Malvern should have a discussion with him and confirm the present working arrangements at the Oakleigh City Council, and he might be agreeably surprised.

Mr SPYKER (Minister for Consumer Affairs)—The honourable member for Mildura raised a very hairy problem concerning the lack of hair. Mr Speaker, I am sure that you and I could sympathize with the issue he raised. The honourable member mentioned a confidence trick involving the Gordon Searle Hair Care Centre in Mildura, about which I issued a press release last week.

I am sure honourable members would agree that one cannot grow hair on a busy street. The $30 000 franchise which was requested by Triad Hair Systems (Vic.) and the courses which the honourable member outlined involve a 21-hour treatment at $55 for each treatment. It was claimed that this laser would stimulate body energies, but in a newspaper article it was alleged that laser treatment was hailed as a breakthrough twelve months ago but failed to generate hair on bald heads.

Honourable members would be aware that many tonics and creams to assist in curing baldness have been available for many years. I am sure a number of honourable members might have tried them but they have not been successful. I am fortunate that my particular hair style is a trademark in the electorate that I represent and no other person living in the electorate has anything like it.

Mr Leigh interjected.
Mr SPYKER—The honourable member for Malvern received only 33 per cent of the electoral vote in Heatherton. My wife and family assure me that they like my characteristics and have no desire for me to change. Although I understand the concern of men losing their hair, I suggest that they should not waste their money on alleged cures. Up until today no cure for baldness exists and the money would be best spent in other areas. I am sure people who have spent large amounts of money in the past have recognized that it has been a waste. There has been no evidence of any cure and I am sure people are wasting their time by covering their head with wigs or other supposed remedies. People should allow their own personality and nature to shine through.

Mr ROPER (Minister for Transport)—The honourable member for Ringwood raised a matter involving public transport in the Canterbury Gardens Estate. This has been a matter of concern to the Ministry of Transport and a certain amount of work has been undertaken with the Ringwood neighbourhood study. Recently service changes on the Croydon–Boronia route have been made to adjust the time for the last departure from the Boronia railway station. A meeting has taken place with the Mount Dandenong Passenger Service Pty Ltd to select suitable stopping places within the estate.

I assure the honourable member for Ringwood that there will be continuing discussions in an attempt to continue to improve the services in that area, and that officers of the Metropolitan Transit Authority involved in the matter will also continue to consult.

Mr CATHIE (Minister for Education)—The honourable member for Murray Valley raised with me the issue of the interest charges of the Victorian Economic Development Corporation. I should point out to the honourable member that the role of the corporation is different from that of a bank.

If a business is able to go to a bank or any other financial institution in the normal commercial dealings, it should do so. However, what the corporation is doing is to act as a catalyst, as it were, to assist those firms that are finding it difficult to obtain finance through the normal channels. Therefore, it has a different role to perform.

The Government has set clear targets for the corporation so that a certain amount of investment goes to country areas, some into tourism, some into high technology and some into preshipment finance and similar schemes. I believe the corporation is one of the best arms of this Government in assisting the economic development of this State. In doing so, of course, it has to make its charges commercially viable, because it achieves a continual rolling over of money so that more and more firms can be assisted.

I shall take up the matter with the Minister for Industry, Technology and Resources to ascertain whether those rates are completely competitive at present and ask him to respond to the honourable member.

The honourable member for Bulleen seemed to be surprised—and I make no secret of this—that I have issued an instruction to the Ministry of Education to dispose of land that is surplus to its requirements. The situation is that the land was acquired for school purposes in about 1885 and yet, 100 years later, no school has been built on the site, nor has a school been required in the area since that date—and the Ministry of Education still owns the property.

It is an efficient and effective management tool to dispose of land that is surplus to the Ministry’s requirements, and we will continue to do that.

When disposing of such land, consideration is given to population trends and the provision of schools in certain areas. All those factors are taken into account. In disposing of land, as a matter of Government policy, we seek to assist the Ministry of Housing as much as possible, because we have a commitment to assist the development of housing options for as many people on low incomes as is possible.

Mr Perrin interjected.
Mr CATHIE—Of course, the honourable member for Bulleen does not want low income people in Doncaster-Templestowe. Honourable members are aware of the snob breed he wants to support. The Government is concerned to provide for a social mix of people, and I make no apology for the fact that, when disposing of our properties, we often give the first option to the Ministry of Housing.

The motion was agreed to.

The House adjourned at 11.58 p.m.

Joint Sitting of the Legislative Council
and the Legislative Assembly

Wednesday, 27 November 1985

Deakin University Council

A joint sitting of the Legislative Council and the Legislative Assembly was held this day in the Legislative Assembly Chamber to elect three members to be recommended for appointment to the Council of Deakin University.

Honourable members of both Houses assembled at 6.1 p.m.

The Clerk—Before proceeding with the business of this joint sitting, it will be necessary to appoint a President of the joint sitting.

Mr WILKES (Minister for Housing)—I move:

That the Honourable Cyril Thomas Edmunds, MP, Speaker of the Legislative Assembly, be appointed President of this joint sitting.

Mr KENNETT (Leader of the Opposition)—It is my pleasure, particularly as it relates to the father of the Parliament, to second the motion.

The motion was agreed to.

The PRESIDENT (the Hon. C. T. Edmunds)—Order! I am distinguished by the honour conferred upon me to be President of this joint sitting of the Parliament of Victoria.

I direct the attention of honourable members to the extracts from the Deakin University Act 1974, which have been circulated. It will be noted that the Act requires that the joint sitting be conducted in accordance with the rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of the rules.

Mr WILKES (Minister for Housing)—Mr President, I desire to submit rules of procedure, which are in the hands of honourable members and, accordingly, I move:

That these rules be the rules of procedure for this joint sitting.

Mr KENNETT (Leader of the Opposition)—With great pleasure, I second the motion.

The motion was agreed to.

The PRESIDENT (the Hon. C. T. Edmunds)—The rules having been adopted, I am now prepared to receive proposals from honourable members with regard to members to be recommended for appointment to the Council of the Deakin University.

Mr WILKES (Minister for Housing)—I propose that:

Harley Rivers Dickinson, Esquire, MP, the Honourable Roger Murray Hallam, MLC, and the Honourable David Ernest Henshaw, MLC, be recommended for appointment to the Council of the Deakin University.

They are willing to be recommended for appointment if chosen.
Mr KENNETT (Leader of the Opposition)—It gives me much pleasure to second the proposal.

The PRESIDENT (the Hon. C. T. Edmunds)—Are there any further proposals?

As there are only three members proposed, I declare that Harley Rivers Dickinson, Esquire, MP, the Honourable Roger Murray Hallam, MLC, and the Honourable David Ernest Henshaw, MLC, have been chosen to be recommended for appointment to the Council of the Deakin University.

I now declare the joint sitting closed.

The proceedings terminated at 6.7 p.m.
Thursday, 28 November 1985

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 10.34 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

APPOINTMENT OF NEW GOVERNOR

Mr KENNETT (Leader of the Opposition)—Given the importance of the two positions of Governor of Victoria and Chief Justice of the Supreme Court, when will the Premier announce the appointment of the new Governor of Victoria?

Mr CAIN (Premier)—An announcement will be made when a decision has been taken and an appropriate recommendation has been made to Her Majesty the Queen.

DEPRECIATION OF AUSTRALIAN DOLLAR

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Treasurer to the depreciation of the Australian dollar and the loss of approximately $350 million by the State during the past year. In view of this serious capital loss and the continuing depreciation of the Australian dollar compared with virtually all the major currencies of the world, does the Government intend to alter its borrowing program for the rest of the financial year?

Mr JOLLY (Treasurer)—The figures referred to by the Leader of the National Party were published in the Budget Papers and made available to all honourable members this sessional period. With respect to Victoria’s overseas borrowings, the Government has endeavoured to ensure that it is able to borrow at the finest rates around the world. The Leader of the National Party would be aware that the State borrowed on the Japanese market, known as the Samurai market, at a rate of interest of 6.7 per cent, which means that there would need to be considerable movement in the exchange rate before one broke even compared with the interest rates available in Australia at that time.

The Leader of the National Party should be aware—and no doubt he is—that when one borrows from overseas one of the major reasons for doing so is the cash flow at the time because on many occasions it can be structured to the particular authority. More importantly, Victoria is able to borrow at lower interest rates than those prevailing in the Australian market at the time. One must take into account the benefits of the lowest interest rates, so one cannot simply look at the exchange rate movements.

There has been a relative improvement in the value of the Australian dollar against that of the American dollar since the figures on the effects of the most recent movements in the exchange rate in Australia were published in the Budget. However, there has been a relative deterioration in the value of the Australian dollar in terms of overseas currencies. My advice is that there has been only a slight worsening since the Government published its Budget program. The Government believes it has an effective and comprehensive borrowing policy and will continue to ensure that it borrows at rates that are the best for Victoria.

NATIONAL STUDY INTO LOCAL GOVERNMENT FINANCES

Miss CALLISTER (Morwell)—Can the Minister for Local Government inform the House of the result of the national study into local government finances and how it may affect Victorian municipalities?
Mr SIMMONDS (Minister for Local Government)—That study is known as the Self inquiry, and its main conclusion is that a system of general purpose support by the Commonwealth should continue. The committee sees the present legislation as desirable and having a beneficial impact on local government and democracy at the local level.

The major conclusions of the committee are based on three propositions: the first was the degree of imbalance in the general finance of local government because of the regressive nature of the rate base and the growth of human services. The second was the irregularities between local government revenue-raising capacity, and expenditure and equity of the system. The third was the ability of the Commonwealth Government to remedy these basic problems by virtue of its superior financial resources.

The Government’s submission to the inquiry was supportive of the above position and the results of it will enable a continuation of a program of restructuring and viability of local government which will be developed to reduce costs.

I shall illustrate the importance of those findings and the present position in a number of municipalities in Victoria, which was highlighted by a situation that was drawn to my attention yesterday with respect to the Shire of Euroa. That shire announced yesterday it was about to dismiss approximately sixteen of its staff, which represents about one-third of its workforce because it had underestimated its expenditure and was facing a deficit of $455,000 from a rate base of $1 million; that represents a 42 per cent error which was being inflicted on the workforce. Shires such as Euroa are typical of the imbalance in this area.

The Leader of the National Party might well interject, because this morning when I sought to contact the President of the Shire of Euroa I was told he was busy at a meeting in Shepparton dealing with the issue of restructure and, no doubt, the Goulburn group. The question of restructure is an important issue in the Shepparton area, as the Leader of the National Party is fully aware.

The Shire ought to get its priorities in order. In this case it was more concerned with chasing its investment of $1,500 in the program to combat the Government’s policy in respect of restructure than in dealing with its deficit of $455,000.

The breakdown of the problems of the shire would be worthy of comment. The economic services expenditure, according to the advice provided to me, exceeded estimates by $197,000. The economic services income was below estimates by $152,000, and bad debts of some $36,000 have been written off in the past years. I shall be looking closely to see who those beneficiaries are in respect of the bad debts, what work was done and who should have paid for it. The most interesting provision is that this year some $1,500 was provided for the restructure fighting fund. Last year it could contribute only $100 but this year in the face of its present situation, the Shire has been able to organize a 1500 per cent increase in that contribution.

That reflects the importance of the need for restructure in respect of some municipalities in Victoria, not only in respect of their management but also to the representation within their internal boundaries. The National Party, which is the beneficiary of this gerrymander in local government because it is its base, should look at the situation in the Shire of Euroa and its local representation, which it is supporting. If one considers the representation of the Euroa riding of 2331 ratepayers by comparison with the north riding with 731 and the south riding with 938, it represents a degree of imbalance—

Honourable members interjecting.

The SPEAKER—Order! Would the honourable members on the Opposition and the honourable members on the corner benches hear the Minister out with some decorum? I ask the Minister for Local Government to round off his reply to the question.

Mr SIMMONDS—I understand the concern of the Opposition about the disclosure and this is a situation which the Government is seeking to remedy. The Self inquiry—the
national inquiry—will assist the Victorian Government in a number of ways. I look forward to the national meeting of Ministers for local government, and the Victorian input to that inquiry will redress some of these problems.

I place before the House my concern about the priorities of some municipalities in respect of their responsibilities to their communities and their work force and the need to readjust. As Minister for Local Government I shall give a great degree of attention to these sorts of issues.

WORKCARE

Mr STOCKDALE (Brighton)—I direct a question to the Treasurer and refer to statements in the Government’s WorkCare booklet indicating that the Victorian Government will seek offsets from the Commonwealth for the hundreds of millions of dollars windfall to Commonwealth finance flowing from the introduction of WorkCare. Has the Victorian Government made a formal approach to the Commonwealth for such compensation? If so, what was the result; if not, why not?

Mr JOLLY (Treasurer)—The Victorian Government has certainly made representations to the Federal Government. At this stage the Federal Government has not given a final answer on the matter.

VICTORIA WOMEN’S TRUST

Mr HANN (Rodney)—In view of the large numbers of State Government funded bodies now engaged in left-wing political activities and which require their members to subscribe to left-wing philosophies, will the Premier give an assurance to this House that the Victoria Women’s Trust, in funding and supporting women’s projects, will not discriminate against women’s groups which do not subscribe to left-wing philosophies?

Mr CAIN (Premier)—I do not know what knowledge the honourable member for Rodney has of the terms of the deed of trust that has been undertaken by persons who are part of the body to which he refers, which is under the chairmanship of Mrs Justice Lusink, a Family Court judge. I have the utmost confidence in her capacity to ensure that the terms of that trust are carried out.

I remind the honourable member that the trust is an independent body and the $1 million represents moneys provided from Victoria’s 150th Anniversary Celebration Fund. All members of the trust who are responsible for considering requests and allocating funds are aware of their responsibilities.

I am also aware that they have sought consideration from the Deputy Commissioner of Taxation as to the tax status of donations that may be made from private individuals, organizations or corporations to increase the amount of the fund further. At this stage they are well aware of their obligations and all have a desire to ensure that the fund is applied as intended, for the advancement and general benefit of women in this State. As I have said, I have total confidence in Mrs Justice Lusink achieving that aim through her committee.

CONTROL OF COUNTRY RACING

Mr SHEEHAN (Ballarat South)—Will the Minister for Sport and Recreation advise the House of actions being taken to improve the control of racing in country Victoria?

Mr TREZISE (Minister for Sport and Recreation)—Because of the fact that approximately $2 billion each year is bet on racing in this State, of which a large proportion is invested on country Totalizator Agency Board meetings, the Government is keen to ensure that there is the upmost supervision of country racing in the same way that there is for city racing. Therefore, the Government intends this year to ensure all TAB meetings on country racecourses are serviced by patrol firms. To ensure that this happens an
amount of $237,000 has been recently allocated from the Racecourses Development Fund for the supply of 46 stands at 26 racecourses. Those stands will be used either by stewards or patrol firms, or both combined. The tender has been awarded to Train Engineering of Benalla. We, therefore, look forward to all TAB country racing having added supervision this year.

NUNAWADING BY-ELECTION

Mr Austin (Ripon)—I ask the Premier: have the police yet reported to the Chief Electoral Officer or the Director of Public Prosecutions regarding complaints surrounding the Nunawading by-election? If so, will any charges be laid and, in any case, will the Premier publicly release the report?

Mr Cain (Premier)—I am not aware of any report having been made to the Chief Electoral Officer at this stage. I have no doubt that he will, on receipt of any such information, take the action that he deems appropriate. He has a statutory function to fulfil and I do not intend either directly or through the Minister responsible to make any suggestion to the Chief Electoral Officer as to what he should do on the receipt of information from police. He has a duty to determine what further action, if any, should be taken. That is a matter for him, and I am totally confident that he will fulfil his duty.

HOSPITALITY INDUSTRY EMPLOYMENT

Mr Rowe (Essendon)—Will the Minister for Employment and Industrial Affairs inform the House of the impact on employment in the hospitality industry of the Federal Government's tax changes following the release of the October employment statistics?

Mr Crabb (Minister for Employment and Industrial Affairs)—Contrary to the dire predictions that were made in the House a couple of weeks ago by the Leader of the Opposition, who crowed about 10,000 jobs being lost according to his analysis of the situation, on a nation-wide basis, the Commonwealth Employment Service has recorded 9,726 vacancies in restaurant, hotel, club and entertainment services during the month of October, the first full month after the tax changes came in, and that is 20 per cent higher than the number of vacancies in October 1984. Throughout Australia there has been an increase in the number of job vacancies available to workers in the restaurant, hotel, club and entertainment services area.

Contrary to the claims of the Opposition that 10,000 jobs will be lost, there are more jobs available. Contrary to the predictions of the Opposition that there would be massive retrenchments and that people would be walking the streets, the Commonwealth Employment Service has had difficulty finding people to fill the vacancies available for skilled staff in the hospitality area.

In Victoria, there are so many apprentices in the hospitality area that Victorian establishments cannot find enough skilled teachers to teach them and Victoria has been looking overseas for qualified teachers to teach people these skills as a result of the great shortage.

I advise young people that the future of the hospitality industry is excellent and that it is a career that poses considerable security and growth for the future.

OAKLEIGH CITY COUNCIL

Mr Leigh (Malvern)—I refer the Minister for Local Government to correspondence that he has had from the six Australian Labor Party councillors of the City of Oakleigh on why they had refused to attend meetings of the council. Did all the councillors reply to this correspondence and did the answers completely satisfy the Minister? If not, what action does the Minister propose to take against those councillors?
The SPEAKER—Order! I ask the House to come to order. The honourable member has asked a series of questions and if the Minister for Local Government can capsulate his answer, I shall call him.

Mr SIMMONDS (Minister for Local Government)—Will you ask the honourable member to read his question again, please?

The SPEAKER—Order! I again ask the House to come to order. The honourable member for Malvern appeared to be reading the question.

Mr LEIGH (Malvern)—I refer the Minister for Local Government to correspondence that he has with the six Australian Labor Party councillors in the City of Oakleigh and I ask the Minister: did all the councillors respond to that correspondence? Was he satisfied with the response that he received? If not, what action does he propose to take against those councillors?

Mr SIMMONDS (Minister for Local Government)—A number of events culminated in six councillors not attending a meeting of the Oakleigh City Council. They were written to and asked for explanations. Each of them has responded with an explanation. Those explanations are being considered, and I shall advise the honourable member of the outcome.

V/LINE ACCOUNTS

Mr STEGGALL (Swan Hill)—Given the guarantee to Victorian businesses that all outstanding accounts would be met promptly, can the Minister for Transport explain why some V/Line creditors have been waiting several months for payment? Further, is he aware that one creditor has been advised that his account will not be paid until V/Line generates enough income to pay any creditors?

Mr ROPER (Minister for Transport)—One would have thought that, if a problem like that was being experienced, the honourable member might have brought it to my attention so that it could be dealt with expeditiously.

Honourable members interjecting.

The SPEAKER—Order! I should advise honourable members on the Opposition benches that they will not be able to hear the Minister’s reply if they all interject at once. I advise the Minister that he may not continue his reply while interjections are being shouted. I ask him to wait until the House comes to order before I call him. If the House is prepared to come to order, I shall call the Minister. I call the Minister for Transport.

Mr ROPER—If the honourable member can provide some specifics—something he has not done—I shall have the matter examined. I point out that V/Line frequently has considerable difficulty in obtaining payment from its debtors. I am not sure whether that is a problem in the area represented by the honourable member for Swan Hill, but I shall have the position in that electorate examined and rectified.

METROPOLITAN BUS SERVICES

Mr GAVIN (Coburg)—Will the Minister for Transport inform the House what steps the Government is taking to improve metropolitan bus services?

Mr ROPER (Minister for Transport)—A number of matters that are currently occurring will result in an improvement in bus services in the metropolitan area. Some honourable members will be aware that studies are occurring—particularly in the outer neighbourhoods—in respect of arrangements that can be made to ensure that the resources provided by the Government for bus services are used in the most effective manner and to determine areas where increases are required.
Under the current budgetary arrangements, any increase in services must be the result of a reallocation of resources in the transport area. We need to evaluate the effectiveness of each of the bus services to ascertain how we can provide better services, especially in the outer suburban areas where services are deficient.

The Government has just completed arrangements for some twenty articulated buses to service the outer areas.

Mr McNamara interjected.

Mr ROPER—They will not necessarily service the area represented by the honourable member for Benalla, but they will service a number of outer areas such as Melton and Sunbury, to name two.

Mr Williams—What about Doncaster?

Mr ROPER—Other areas such as Doncaster do require, and will be assisted by, the provision of these new buses that will carry up to 120 passengers.

The new buses arrived in Victoria last week from Tokyo and they will be put into operation once the changes that are required are made.

Honourable members interjecting.

Mr ROPER—Honourable members may guffaw about it—obviously they had a good night last night—but some changes are required. The Japanese passengers are obviously somewhat smaller than the average Australian passenger and new seating arrangements will have to be made. Discussions will also continue with the relevant unions on that matter, despite what some people might have believed this morning. Discussions first occurred with the tramways union on 1 August. It would appear that there was a bit of selective forgetfulness by officials of one of the unions on this matter.

It is expected that, as a result of this purchase and the co-operation we are getting from both the private bus industry and the public area through the tram and bus division, we will be able to significantly improve services, particularly for those comparatively long haul routes in the outer suburbs.

V/LINE ACCOUNTS

Mr KENNETT (Leader of the Opposition)—My question to the Minister for Transport follows the question asked by the honourable member for Swan Hill. Is the Minister aware of a creditor who is owed $12,000 by V/Line that has been outstanding for twelve months, who had the debt acknowledged by V/Line, and when seeking payment of it last week was told that V/Line had run out of money but that if the creditor applied personally to V/Line under the acute hardship provisions he may be paid?

Will the Minister inform the House whether he intends to accept the Premier’s directions that Government authorities pay their bills within the normal payment times prescribed and will the Minister report to the House all debts to creditors in his area that are outstanding over 60 days?

Mr ROPER (Minister for Transport)—As I understand it, the Leader of the Opposition is not a regular payer and has some difficulty with land tax and other matters, but that is a matter for the Leader of the Opposition.

Honourable members interjecting.

Mr ROPER—If the Leader of the Opposition could get a pair from the honourable member for Polwarth he might be able to go overseas.

If there are cases of outstanding accounts they will be dealt with. We certainly wish to ensure that the accounts are paid. If the Leader of the Opposition will provide the details, I will provide him with an answer later in the day.
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I also inform the Leader of the Opposition that we wish to avoid a situation—and this is the reason we are being so concerned about the Budget—where the railways as a whole are not able to pay any of their bills for a three-month period as occurred from April to June five years ago. The Budget strategy has been to ensure that we can pay both our staff and our creditors during the whole of the financial year.

I shall look forward to receiving the information from the Leader of the Opposition and after he comes back from overseas—if the honourable member for Polwarth allows him to go—I shall give him an answer.

CULTURAL ACTIVITIES

Mr NORRIS (Dandenong)—Can the Minister for the Arts inform the House what steps he is taking to encourage the Commonwealth to provide a better deal for cultural activities in Victoria?

Mr MATHEWS (Minister for the Arts)—I thank the honourable member for highlighting the grave disadvantage Victoria continues to suffer in the allocation by the Australia Council of Commonwealth funds for the arts. It should be recognized that under this Government there has been a massive revival in the arts in this State. The arts are playing a key part in the economic development strategy and, as a result, Victoria's performance, where tourism is concerned, is very much improved over that we previously experienced.

Victorian museums attracted in excess of 5 million visitors last year, including 3-5 million people who visited museums in country and regional Victoria.

For the twelve months ended June 1985 the Victorian Arts Centre, including the National Gallery, attracted approximately 2 million visitors. In the immediate future, the Spoleto festival will generate from $6 million to $7 million to the Victorian economy over and above that generated by ticket sales.

The extent to which Victoria has recovered its place as the capital of the Australian film industry is a matter of record which should be familiar to the honourable member for Forest Hill. In spite of those figures, Victoria continues to be treated with grave injustice by the Australia Council for the Arts where the allocation of Federal funds for the arts are concerned.

General grants to State companies—and I exclude those companies of a national character—show a dramatic weighing in favour of New South Wales. In the performing arts, New Souths Wales companies receive 38.1 per cent of the general grant allocated against only 19.2 per cent for Victorian companies.

The recent announcement by the Australian council of grants for 1986 strengthen my belief than an important equitable formula is needed in slicing up the national arts cake. Further to the announcement of those grants, the Australian council has also remained undecided about the opening of an office in Melbourne which has been so long promised. The situation is that funding agency is not represented in the State which is leading the nationwide arts boom.

On more national matters, in Brisbane I shall also be noting Victoria's concern at the continuing lack of resolution of funding responsibilities for the national companies such as the Australian Opera company and the Australian Ballet. The Government believes that this primary responsibility rests with the Commonwealth and that funding should be sufficient to allow these companies to tour interstate. All these matters will be traversed by the cultural Minister's council meeting in Brisbane and I am confident that considerable progress can be made in getting Victoria a fair deal.
PERSONAL EXPLANATION

Mr STOCKDALE (Brighton) (By leave)—Yesterday, during debate on the Superannuation Schemes Amendment Bill 1985, I sought and was granted leave to incorporate in Hansard a table setting out the cost in each of the first six years of the age 55 early retirement option proposed in the Bill. That table was supplied to me by the Department of Management and Budget. The table itself was accurate.

Note 2 to the table purported to set out the number of retirees assumed in the main table costings. Note 2 contained an inaccuracy.

I had originally prepared tables of costing and supporting tables. I submitted those tables to the Department of Management and Budget and requested the department's advice on the costings. My tables included members of the State Superannuation Fund and other State superannuation schemes. The figures returned by the Department of Management and Budget were confined to members of the State Superannuation Fund and did not set out the number of retirees assumed. I received the reworked costings from the Department of Management and Budget less than 1 hour before the House commenced sitting yesterday.

In rewriting the tables I transcribed my original figures in relation to the number of retirees assumed without removing retirees from funds other than the State Superannuation Fund.

Today, I have been provided by the Department of Management and Budget with the figures it used in reworking my tables and I seek leave to have those figures incorporated in Hansard. I understand the Treasurer has no objection.

The SPEAKER—Order! I have seen the table and it is suitable for incorporation in Hansard.

Leave was granted, and the table was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>10 per cent/2 per cent</th>
<th>30 per cent/2 per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>518</td>
<td>1556</td>
</tr>
<tr>
<td>2</td>
<td>198</td>
<td>422</td>
</tr>
<tr>
<td>3</td>
<td>204</td>
<td>436</td>
</tr>
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<td>4</td>
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<td>436</td>
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<tr>
<td>5</td>
<td>198</td>
<td>403</td>
</tr>
<tr>
<td>6</td>
<td>206</td>
<td>431</td>
</tr>
</tbody>
</table>

Mr STOCKDALE—I emphasize that the Department of Management and Budget officers concerned were not responsible for the error in the note incorporated in Hansard. I regret the error and apologize to the House.

PETITION

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

Submarine contract

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 showeth that should the Government of Victoria be successful in having the contract for the construction of six new submarines for the Australian Navy carried out in Victoria, that this work should be done at Western Port as it is an excellent location, and the carrying out of the work in that area will do much to assist in relieving unemployment on the Mornington Peninsula, which is the worst in Victoria, and the third worst in Australia.
And your petitioners, as in duty bound, will ever pray.

By Mr Cooper (101 signatures)

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

**PARLIAMENTARY CONTRIBUTORY SUPERANNUATION FUND AND COAL MINERS ACCIDENTS RELIEF BOARD**

Mr JOLLY (Treasurer)—By leave, I move:

That there be presented to this House the reports of the Parliamentary Contributory Superannuation Fund and the Coal Miners Accidents Relief Board.

The motion was agreed to.

Mr JOLLY (Treasurer) presented the reports in compliance with the foregoing order.

It was ordered that they be laid on the table, and that the Parliamentary Contributory Superannuation Fund report be printed.

**LEGAL AND CONSTITUTIONAL COMMITTEE**

**Burden of proof in criminal cases**

Mr WHITING (Mildura) presented a report from the Legal and Constitutional Committee on the burden of proof in criminal cases, together with an appendix and minutes of evidence.

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

**PAPERS**

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

Coal Mine Workers' Pension Tribunal—Report for the year 1984-85.

Consumer Affairs—Report of the Ministry for the year 1984-85—Ordered to be printed.

Education Act 1958—Resumption of land at Bendigo—Certificate of the Minister for Education.

Equal Opportunity Board—Report for the year 1984-85—Ordered to be printed.


Hospitals Superannuation Board—Report for the year 1984-85—Ordered to be printed.

Liquor Control Commission—Report for the year 1984-85—Ordered to be printed.

Post-Secondary Education Commission—Report for the year 1984-85—Ordered to be printed.

Rural Water Commission—Report for the year 1984-85—Ordered to be printed.


**VOTE OF THANKS**

Mr CAIN (Premier)—By leave, I move:

That the Legislative Assembly of Victoria, in Parliament assembled, express their deep appreciation of the gift of the Government of the Aichi Prefecture to the citizens of Victoria to mark the occasion of the 150th anniversary of settlement in the State of Victoria.
The motion seeks an expression of appreciation by the Legislative Assembly to the Government of the Aichi Prefecture for its generous gift to the citizens of Victoria on its 150th birthday celebration. The gift was a magnificent fireworks display which was a most spectacular conclusion to those celebrations.

It is appropriate that a motion of this kind, which I hope will be expressed in similar terms in another place, should be conveyed to our friends in Aichi with whom Victoria has a close relationship and which has been to the mutual benefit of the Prefecture and this State. I ask honourable members to support the motion.

Mr KENNETT (Leader of the Opposition)—I wish to join the Premier in conveying the appreciation of the State of Victoria, particularly of the Legislative Assembly, to the Government of the Prefecture of Aichi for the very close and developing relationship that Victoria has with this area of Japan and, on this occasion, its expression of goodwill to the people of Victoria by providing the fireworks at the close of Victoria's 150th anniversary celebrations.

With my wife and my four children, I had the pleasure of going to Albert Park Lake on that evening and sitting among the crowd at the end of the Lake looking back up to where the fireworks were being discharged. I can only say it was a night well appreciated by tens of thousands of Victorians of all ages. As the Premier has said before—and I say it again—of all the functions of the 150th anniversary celebrations, there is no doubt that this was one of the most successful—it was certainly the most spectacular.

I consider it to be most important that the fireworks were able to be enjoyed by family units who, thanks to the good weather, turned out in tens of thousands. I should like to thank our friends in the Aichi Prefecture for continuing that relationship. I have much pleasure in supporting the motion moved by the Premier of Victoria.

Mr ROSS-EDWARDS (Leader of the National Party)—I should like to support the motion of thanks to the people of Aichi Prefecture moved by the Premier and supported by the Leader of the Opposition. The outstanding feature of the fireworks display was that it was shared by so many people. Perhaps this gift by the Prefecture to the people of Victoria brought home to the People of Victoria more than any other association between the Prefecture and Victoria the very good and close relationship that exists.

It was a most magnificent gift and, naturally, all the people of Victoria were not able to enjoy it—geographically, of course, that was impossible. However, many people travelled great distances to see the fireworks. The display was held in a good spot and, if one was not worried about the ducks, it went off very successfully.

I take the opportunity of saying that those of us who have visited the Prefecture have enjoyed the experience. Ministers have visited it from time to time, but few others of us have the opportunity of doing so. I suggest to the Premier that perhaps each year a group of back-benchers from the other two parties should go along with a Minister or senior member of Parliament so that they are able to see it. It is all very well for Ministers to visit the Prefecture, but there needs to be an association of back-benchers, and I ask the Premier to give my suggestion some very deep thought from now on.

The SPEAKER—Order! Before putting the motion, I should like to make a comment. The fireworks display was brilliant and brought great pleasure to thousands of Victorians on the Saturday night of 9 November, and particularly to me, as a conclusion to Victoria's 150th anniversary celebrations.

It was a generous gift which was accompanied by a distinguished group of members of the Aichi Prefectural Diet, led by Vice-Governor Niimi. I express my thanks to Governor Suzukei of the Aichi Prefecture and the people of Aichi for providing Victorians with the opportunity of seeing this unique Japanese token of the esteem the sister State relationship between the Prefecture of Aichi and Victoria has achieved.

The motion was agreed to.
Mr KENNETT (Leader of the Opposition)—I move:

That this House deplores the failure of the Premier and Government to allow the processes of the Parliament to operate effectively and to properly dispose of the business of the Parliament, resulting in community uncertainty and economic and social detriment.

It has always been my understanding that a proper function of members of Parliament is collectively to ensure that Parliament acts in the public interest and, through its activities, to generate and provide security for the citizens and various interest groups within our society, through the provision of certainty and confidence.

Normally in this place Bills are able to be, and are, held over between sessions for very good reason—normally because they are deliberately introduced late in the session after a lot of work has been done by the Government, departmental advisers and the community; and, because of the extent of the proposed legislation, it is held over to enable wider public comment on it to ensure that what the Government is putting forward is practical and achievable.

As we go into this recess, there are a number of Bills that fall into that category. I am speaking specifically about the Aboriginal Land (Framlingham Forest) Bill; the three new Health Bills that were introduced yesterday after a great deal of revision, replacing the three that were previously on the Notice Paper; the Melbourne and Metropolitan Board of Works (Reconstruction) Bill; the Lotteries Gaming and Betting (Amendment) Bill; the Education (Miscellaneous Matters) Bill; and the Constitution Act Amendment (Electoral Material) Bill.

The last Bill has been held over not only for the political parties, but for people interested in the Constitution to have more time in which to consider its ramifications. That is a legitimate role and function of Parliament—to enable Bills to be held over for the purpose of greater understanding in the community.

However, this is the first time in many years that I can remember a Government, of its own volition, deciding not to proceed with certain Bills on which there has been sufficient time for public comment and with which the Opposition is quite obviously ready to proceed and which have been on the Notice Paper for some time. At present, there are several Bills to which that particular set of circumstances apply. In the opinion of the Opposition, these Bills greatly affect the lives of the citizens of Victoria but the Government, as a result of internal factional differences or sheer bloody mindedness, will not allow Parliament to finalize debate on them.

The Premier, who is the Leader of the Government and who must accept responsibility for the actions of the Government, is displaying a callous disregard for the social and economic damage that will take place within the community over the next three or four months because the Government has not had the decency to process the Bills through the Parliament during this sessional period.

I shall mention a few of those Bills because I do not think the Premier has given enough thought to the ramifications of deliberately delaying their debate or their passage.

The Bills to which I refer are the Dairy Industry (Amendment) Bill, the Transport (Victorian Ports Authority) Bill, the National Parks (Alpine National Park) Bill, the Industrial Relations (Amendment) Bill and, most importantly, the Residential Tenancies Bill. As honourable members know, the Dairy Industry (Amendment) Bill is designed to reconstruct the issuing process of dairy licences. It will also give the Minister the right to transfer a licence on the sale of a dairy farm. By failing to pass that measure, the Government
is creating a grave amount of uncertainty throughout the rural industry, especially among dairy farmers.

Dairy farmers are being forced out of the business. Because of the changing economic circumstances and the prices being paid for the product on overseas markets, many of them do not know whether to rush through a sale before the proposed legislation is passed, or whether to rely on an amendment being made or on the Government redrafting the Bill at some time in the future. Only recently the Premier expressed new concern about rural communities in Victoria.

Bankers and real estate agents are not able to advise their clients because they do not know what will happen to the proposed legislation. By delaying the passage of the Bill, the Government and the Premier are adding to the confusion and uncertainty in a period of already considerable turmoil in the dairy industry.

The second Bill to which I refer is the Transport (Victorian Ports Authority) Bill which came before Parliament before the last election. In general context it is not new. In the second term and the last term of the Government it has been trying to reintroduce the Bill, but the Opposition remains firm. In the public interest, the Opposition has decided, after considerable consultation, to reject that measure.

The Government will now not proceed with it. The social effects of not proceeding with the Bill—which do not seem of concern to the Government—are that many senior employees of the various ports authorities, the Board of Works and the Division of Ports and Harbors of the Public Works Department are uncertain about their future, their status and the locality in which they may or may not be working today or tomorrow. Most people accept that the Opposition had the numbers in the other place and has clearly identified its position. However, by leaving it on the Notice Paper, Parliament is doing a social disservice to people who work within the industry.

The Opposition argues that for social reasons it is better to have that uncertainty removed because of the economic effects on business people with new export or import propositions who have been unclear for some months now about to whom they should talk—whether it is the autonomous ports authority or Mr Ian Stoney, who was appointed by the Minister as the person to head the Victorian Ports Authority. Most businessmen have been consulting both with the port authority and Mr Ian Stoney and his advisers. In some cases they have different views and answers which has caused obvious frustration and confusion. In the interests of the efficiency and effectiveness not only of the ports but also of the industries using them, there is a need for clarity and certainty. Unfortunately, the Government deliberately decided not to provide that certainty and clarity.

The third Bill to which I refer is the National Parks (Alpine National Park) Bill. Discussion has taken place over many years between the Government and community interest groups. The Bill has passed through this House and now lies on the Notice Paper in the other Chamber. The Opposition, having considered the proposed legislation and consulted widely, has decided to oppose the proposed legislation. I understand the Government not agreeing with our decision, as we do not agree with the decision of the Government to introduce the measure. However, it is the function of this House that proposed legislation be introduced and it is the function of this House that it be properly considered. The Opposition has properly considered that Bill and decided to reject it.

What upsets and concerns the Opposition—the reason I moved the motion today—is that by not going on with the proposed legislation the Government continues to cause unnecessary uncertainty and hardships. It is unnecessary. By delaying the Bill the Government creates greater and further uncertainties in rural communities, particularly in timber areas. Problems associated with employment will be exacerbated. There will be family dislocation. It obviously affects education programs that have been disrupted in many rural communities. The economic impact of delays will ensure that there is no new capital expenditure in the timber industry until the proposed legislation has been resolved.
The draft timber industry strategy which is a major issue, remains unresolved. Two months of consultation has been allowed but inadequate time has been given and the National Parks (Alpine National Park) Bill is still lying in another place. Long-term planning is required in the timber industry and further uncertainty is created for the whole industry and subsidiary industries that provide timber for housing and furniture. That uncertainty is deliberately created by the Government. No new job opportunities will be created in the region as long as the uncertainty exists.

Small sawmilling operations are already under threat by the Government's draft strategy. I repeat, the timber industry needs long term planning. It is unnecessary and irresponsible for the Government to have this House rise in late November when we could have sat longer and resolved these matters. The public and the Opposition have had ample time to consider their position regarding these pieces of proposed legislation. Perhaps the conflicting views cannot be resolved but, surely, in the economic and social interest of the communities we are elected to serve, these matters should be resolved one way or another. There will be many social and economic effects for the cattlemen as well. The House should be dealing with this proposed legislation now.

The fourth piece of proposed legislation I deal with is the Industrial Relations (Amendment) Bill. Yesterday, in answer to a question I asked the Premier, he responded in a way that indicated that the Bill would be debated. Today, it is apparent that the Premier does not intend to proceed with that measure. We know why. The answer is that the Premier has been found out by the Opposition with regard to proposed new section 111. Another provision which deals with an attempt by the Government to remove the opportunity for small business men and women to establish, maintain and develop their own courier service or small trucking business should be debated. This piece of proposed legislation had its origins in the Pay-roll Tax (Amendment) Bill either last year or the year before. At that time, the Opposition knocked that clause out because it disagreed philosophically with what the Government was trying to do; it makes no apology for that. I do not in any way blame the Government for trying to reintroduce that provision in this form because that is its philosophical bent—it is against small business.

The Government has tried to remove the opportunity for men and women to have their own business. The Opposition has again decided to reject the provision in the Industrial Relations (Amendment) Bill. The Government has created economic hardships for many small businesses in the State. We should not kid ourselves. Small businesses are the biggest employer and they are having a hard enough time as it is without creating more uncertainty. The Government is creating uncertainty both economically and socially.

I am sure that the Premier and the members of the Government will fully appreciate from correspondence and telephone calls they have received in the past few weeks, the social hardships caused to the wives of the men who run these courier services or, in the reverse the husbands of the wives who run these services. Many courier services are now operated by members of both sexes.

If the Government is talking about introducing an economic plan for ten years, as it did two years ago, and it is genuinely concerned about the economy and the welfare of the citizens it is elected to govern and serve, how can it justify bringing about hardships and all the potential social ramifications that follow? Many of these people have invested very heavily in equipment and have borrowed up to the hilt.

The Victorian Government and its Federal colleagues are responsible for the high interest rates which have resulted from their economic management. They have already done enough damage to these small business men and women without refusing to have this issue clarified this week or next week. I cannot, in all conscience, accept the Premier's decision not to have these matters resolved. I am amazed that having attempted twice to bring the proposed legislation contained in proposed new section 111 to the attention of the public, it does not seem to have rated a mention publicly that while the Premier is being strong in his actions against the Builders Labourers Federation he is introducing legislation that will make his own actions illegal; that is, if he puts his threats into action.
The Premier says that he has advice, but that is not the case. The Premier says, by interjection, that is rubbish. If it is rubbish, why does he not proceed with the Bill? The answer is he will not proceed with the proposed legislation because he knows he is not prepared to run the risk of having a debate.

The Premier has been caught out trying to pump through Parliament massive numbers of Bills. On this occasion the Premier has been caught out, but a clause within that Bill greatly affects tens of thousands of Victorians, either directly or indirectly. That is not what the Parliament is all about. We should not be adding to the uncertainties and the difficulties of the citizens we are elected to serve.

The final piece of proposed legislation I wish to deal with is the Residential Tenancies Bill which has been in the making by the Labor Party for three and a half years. There have been rumours and whispers, and finally a Bill has been introduced and, again, because of philosophical differences which we can understand, the Opposition has decided, responsibly, as a community safeguard, after a great deal of negotiation and discussion, to reject the Bill.

After discussion, the Premier has decided that the proposed legislation will not proceed this sessional period. I say this not just as a member of Parliament—one does not have to be a Rhodes scholar to work it out—but as a previous Minister for Housing because I believe I understand the problems of many members of the community who look for the provision of housing. Firstly, while the Bill remains on the Notice Paper, there will be no investment in private rental accommodation for at least six months, because the Parliament will not resume until March. If the Bill is rejected or the House is prorogued, it will take people time to re-finance, and so there will be no new investment in private rental accommodation and that will mean a downturn in the housing industry. Secondly, less than 1 per cent of private rental accommodation is available for those currently seeking accommodation. Because of this Government and its Federal colleagues, interest rates are at an all time high.

Even though interest rates for housing loans are being pegged—and, socially, quite correctly—at 13.5 per cent, the funds for housing are drying up. That means that those people who want loans within the next twelve months will not be able to obtain them. In short, the tens of thousands of young Victorians who want to establish their own homes within the next twelve months will not be able to do so because of lack of finance.

Many of these young people will then need rental accommodation, and they will want to do that independent of Government accommodation. When they will not be able to get that accommodation in the private sector, they will be forced to go on the Ministry of Housing waiting list.

When I left the Ministry in 1982, the waiting list stood at approximately 16,000 families. Today it stands at just over 27,000 families. Victorians are waiting for accommodation through Government sponsored housing. It is a fact of life that neither the Opposition, when in office, nor the Government has the economic means to provide for the needs of all those people, let alone those who will be added to the waiting list if the provision of private rental stock is not promoted.

Socially and economically, the deferral of this residential tenancy Bill by a Government which, when it came to office, was expressing concern about high interest rates, is unforgivable. To the credit of the Government, it allocated much more of its resources to housing than the Liberal Government did in its final years in office. The Liberal Government was concerned, as I was during my term as Minister of Housing, to provide good housing which is the best health service any State can provide to its citizens. The provision of no housing or bad housing is without doubt an illness that is difficult to cure.

I do not believe I am breaking confidences—and I hope the Minister will not consider that is the case because we are both concerned about housing—but I have expressed to him several times my concern to have this Bill brought on and resolved in the Upper
It worries me that this Bill is being deferred for factional reasons in the Australian Labor Party. The Minister for Housing wants to have the Bill resolved because of the economic and social consequences that will arise if it is deferred, but other honourable members, especially on the left, see their role as supporting solely the tenants' point of view; they believe that tenants will be better served if the Bill is deferred. Both tenants, potential home owners and the community at large will be worse off because this Bill is being deferred.

I am disappointed that the Minister for Housing has not had his way. I am disappointed that the Government and the Premier, in the five Bills that I have referred to, have no understanding of the economic importance attached to the creation of uncertainty. One needs only to consider the threat of the introduction of a capital gains tax—and I do not want to argue the pros and cons of that except to say the Liberal Party is against it—which will affect people's investment decisions tremendously until legislation is put in place and they know what they are working.

The Premier has created not only economic uncertainty for this State but, by his refusal to have these matters resolved, much social hardship. That is an indictment on a party that has always prided itself on its ability to relate to people.

If he wishes, the Premier can indicate to Parliament now that each of those five Bills will be put through the Upper House this afternoon or tomorrow. They do not require much debate as they have already been discussed. I am prepared to ensure, so that the House can rise this week, that Opposition members will not speak at length because of the debates that have already occurred.

As a Parliament we owe it to the people of Victoria to legislate responsibly and not to create uncertainties. I ask the Premier to seriously consider what I am saying because not to do so is an indication that, as he sits in his bunker at 2 Treasury Place, he is becoming more isolated from the realities of life. That was one of the reasons for the downfall of the Liberal Government leading up to the 1982 election. Another factor was that the Liberal Party was not prepared at certain times to proceed with certain pieces of legislation that it considered too difficult. These same matters may cause difficulties within the Labor Party and among its supporters, but the Government owes it to the people of Victoria to act in all their interests regardless of politics.

The Premier must come out of his bunker and recognize that the delaying of the Bill will inflict enormous uncertainty on the community that is not warranted and not justified.

In moving this motion and asking for the support of the House, I do not want the Premier to take what I am saying as a victory for the Opposition. If the motion were passed it would be a victory for common sense and a clear illustration that the Premier is prepared to govern in the best interests of the community rather than pandering to the demands of factional differences within the same party or the community.

I trust that, when the Premier responds, he will have the decency to remember the commitment he made before 1982, that he would provide good strong government and that, even though at times he would have to act against the interests of some members of his team, more importantly he would bring to the Parliament and to his office a social conscience. We cannot believe that the Premier has a social conscience if he is prepared to destroy opportunities rather than to create them. This is what he is doing now; in terms of delaying legislation, he is destroying opportunity through creating uncertainty and this should not be a function of Parliament.

Mr ROSS-EDWARDS (Leader of the National Party)—I support the motion moved by the Leader of the Opposition and I commend him on the responsible wording of the motion and the responsible way in which he debated it. I pay tribute to Government members for the way they received it.
I trust that the Premier in due course will answer in a similarly responsible manner and in a different manner—I do not mean this offensively—to the way he has answered questions during the past months. This is a serious matter and I trust the Premier will treat it seriously.

I shall speak briefly because this is a motion that should receive maximum participation by members on both sides of the House. It is surprising that neither the Premier nor any member of the Government has given to the House or to the public any reason for Parliament not sitting for longer period into December.

Traditionally, during the time I have been in this place, Parliament has always sat until about mid-December, sometimes later. For some reason, the Premier has decided that his policy or the Government’s policy is not to sit in December. He has been consistent about that; a sessional period may have crept into the first couple of days in December, but no later. Whether he has some personal reason, I do not know and I do not intend to project what his reasons might be.

The only possible reason for the House rising today or tomorrow is that a heavy pencil has been applied and a number of Bills have been put aside. They have either been allocated to the too-hard basket for the time being or they have been abandoned. We do not know if these Bills will be brought on in the autumn sessional period or whether they will remain on the Notice Paper for the next two or three years or until the Government collapses.

Honourable members know, of course, that some of the Bills or some sections of the Bills, have been thrust on the Government by the extremist elements in the Australian Labor Party. Having lost its effective majority in another place, the Government is now placed in the happy position of being able to accept ridiculous measures or suggestions from the extremist groups in the ALP, place them in a Bill and then, in due course, blame the Liberal and National parties for not being able to get the proposed legislation through. It is a pretty convenient and satisfactory excuse for the Government to have when it has to report back to the annual conference.

I should especially like to comment on the point made by the Leader of the Opposition about the uncertainty that is being caused in the business community. In all fairness, the Government was elected to govern. It was given a censure at the Nunawading by-election when the votes changed significantly by 10,000 votes. One has to take both matters into consideration; the Government squeaked back by 1000 votes at the general election and suffered a major reverse at the Nunawading by-election.

Nevertheless, this is the elected Government, headed by the Premier, and the business community in particular—and for that matter the public—want to know where they stand with proposed legislation. They want to know what proposed legislation will be dealt with and what measures will be altered.

The Leader of the Opposition referred to the Residential Tenancies Bill, which is an important example. The National Party will not have a bar of many clauses of that Bill. It is up to the Government to decide whether it will negotiate with the Opposition and the National Party to try to reach compromise on the proposed legislation and the four or five other vital pieces of proposed legislation that were mentioned by the Leader of the Opposition, or get them off the Notice Paper.

I suppose it is all very well to leave the Bills on the Notice Paper and hope that someone might die and the Bills will be able to be passed. That is one view but it is not a responsible view. Here and now the Government should announce which Bills it will be proceeding with and which Bills it will abandon. Honourable members should not forget that there is room for compromise between the two.

Many Ministers are embarrassed about sections of certain Bills on the Notice Paper. That happens to any Government. All parties get principles thrust upon them which can be an embarrassment from time to time and one has to compromise and get rid of them.
A compromise was reached the other day on a small Bill dealing with the Newmarket sale-yards. To the discredit of the Minister for Agriculture and Rural Affairs in another place—for whom I have the highest regard—he eventually settled the matter but he should have done so six weeks before. Sir Arthur Rylah would have fixed the matter by ordering two bottles of beer and discussing the matter around the table. He would have settled it in no time. The Minister fiddled around for week after week and eventually the matter was settled without costing the Government anything so far as principles and inconvenience are concerned.

Ministers with drive and common sense are needed to speak to the Opposition, the National Party and the business community to work out these tough Bills. In its first three years of office, the Cain Government had the confidence to do so. However, it is beginning to shudder, as a machine, now. The Premier must lift his game. He has had magnificent discipline until now, but he is losing discipline. Unless the Premier reasserts discipline over some of those difficult back-benchers, the sort of nonsense with which the House is now faced will continue.

There are other reasons why the House should be sitting; we have a serious problem with the Builders Labourers Federation. To the Premier's credit, he has behaved responsibly. He must continue to do so and he needs the support of his party and both the opposition parties. He certainly has the support of the National Party in what he is doing with the BLF.

Honourable members interjecting.

Mr ROSS-EDWARDS—I received a telephone call from Shepparton 10 minutes ago and I shall take up the matter with the Minister and ask him to move in and take tough action on the BLF.

There are two other examples where similar tough action should be taken, namely, with the hospital employees and the transport unions. I regret that the same toughness has not been shown in those disputes. The sick and the aged have suffered because of the militancy of the Hospital Employees Federation. It is a disgrace. The Premier never ceases telling honourable members the amount days lost through strikes under the former Liberal Government. What he does not tell honourable members—and this has been evidenced in recent weeks when some of the worst industrial disputes in Victoria’s history have taken place—is that these days we have bans imposed by workers that are tolerated, and the workers are paid for doing no work. This has happened in the railways from time to time. People do not work and they are still paid. Those bans are not counted as strikes, even though there are thousands of them. The comparisons in the figures used by the Premier do not mean a thing.

The Premier has a good memory as he has proved on many occasions. When he was in opposition, he and many of the Labor Ministers never stopped criticizing the former Thompson and Hamer Governments for not allowing the House to sit long enough. They said that the House did not sit for enough hours in the week for enough weeks in the year.

Mr Mathews interjected.

Mr ROSS-EDWARDS—The Minister for Police and Emergency Services was one of the great campaigners; he was one of the great democrats from Canberra who wanted Parliament to be open and not shut down. It looks as though the House will now be shutting down for three and half months. There is no good reason why we should not be sitting for the next fortnight and the Minister for Police and Emergency Services knows this. He is embarrassed by it because it is contrary to the views he put forward when he was in opposition. It demonstrates the hypocrisy of the Government.

It is easy, when in opposition, to criticize the Government for not sitting. However, there is work to be done and members of my party are available and willing to sit for the next fortnight. The Government has industrial and factional problems and it wants to shut down Parliament. The only reason the Leader of the House—who is one of the most
experienced politicians in Victoria—is ensuring that the business on the Notice Paper gets cleaned up quickly—and he is doing a first-class job—is that the Premier said, “Let’s get rid of the half dozen tough ones that the lefties have inflicted on us; put them away and get away as fast as we can”.

In conclusion I emphasize that the House is looking for a clear-cut statement from the Premier about the Bills remaining on the Notice Paper and what he intends to do about them. Will they remain there indefinitely? Is the Premier sincere in wanting Bills passed? Is he prepared to compromise?

The Government is showing all the signs that were evident in the closing days of the Thompson Government. There is division in Government ranks and its members cannot make up their minds on proposed legislation. If they could make up their minds, the House would be sitting for the next fortnight. They would be able to work out which proposed legislation they want and the Bills on which they are prepared to reach compromise. I ask the Premier to answer the matters put to him in the same responsible way that the Leader of the Opposition and I have endeavoured to put our respective cases.

Mr CAIN (Premier)—The motion is a fairly simple illustration of just how far the Opposition is out of touch with the concerns of the Victorian people. I recall coming into this place early last month when the Opposition loudly announced to the media that it would destroy the Government in three weeks. I must say that I find the motion to be rather wimpish in the light of those assertions a short while ago.

It is laughable for the Opposition to move motions of this kind offering general criticism after its pathetic attempts to govern this State over a long time.

The last occasion on which a motion of this kind was moved was towards the end of the last Parliament—my recollection is that it was a general want-of-confidence motion—when there were three speakers who then adjourned to the bar, and that was the end of it. It has always been the same.

I believe it is the height of absurdity for the Opposition to now criticize the Government about its legislative program, because, let us face it, over a long period of time the Opposition, when in government, brought this State to its knees because of its incapacity to govern. When in government, the Opposition had no legislative program to speak of.

However, its members now bleat and complain because of this Government’s program and what they believe are certain Bills that are not being proceeded with. The Government is being told that because those Bills are not proceeding, there is some lack of confidence in the community.

Mr Ross-Edwards—That is right.

Mr CAIN—The Leader of the National Party says that that is right, but I believe that is utter rubbish. The electorate has great confidence in this Government, as it enunciated nine months ago. The Government is in the first nine months of a four-year term, a number of matters are in the process of preparation and some are before Parliament; the Government will bring them before Parliament as it sees fit.

I make it very clear that the Government of this State is not about the disposition of 4, 5 or 6 Bills.

Mr Ross-Edwards—It is at the moment.

Mr CAIN—It is not about that. What the Parliament is about is having a Government that enjoys its confidence to govern this State and lead and direct it. That is what Parliament is about. What the people of Victoria are concerned about are matters of substance, about issues and about a Government that has been prepared to tackle the hard ones. I remind honourable members opposite that it is not about four or five Bills.

However, there is a total lack of confidence in the Opposition and its capacity to govern. The people of Victoria look and contrast what this Government has done in the three
short years with what did not occur during the years of the previous Government. We have tackled the hard matters, and the Opposition knows it. We have tackled the issue of the Portland aluminium smelter and got it started. We have tackled business oncosts with WorkCare, which is something the Opposition ran away from for years. As the Leader of the National Party would be aware, for the first time the Government of this State can be seen as being responsible for effective action against the Builders Labourers Federation. We are tackling the third-party insurance area, which has been a running sore for twenty years—and everybody knows that. We are tackling the local government restructuring problem that the Opposition also ran away from and, above all, this Government is getting the economy moving.

Many of the things we have tackled are not popular. It would have been easier to run away from them. They are the things that the previous Liberal Government ran away from year after year.

What I am saying is that this Government now enjoys the confidence it does because it was prepared to tackle those issues and not to curry favour with any particular issue at any particular time. That is what certainty of the electorate is all about.

The motion now before the House is ill-conceived. There is certainty about this Government's capacity to govern, but there is total uncertainty about and lack of confidence in the capacity and fitness of the Opposition, particularly the Leader of the Opposition.

Over the past three years, Victoria has had an Opposition led by a Leader who is trying to score political points at every turn. Politics for him is just one continual game of Trivial Pursuit, because he does pursue the trivia.

Honourable members interjecting.

Mr Kennett—Discuss the issue.

Mr CAIN—I believe the Leader of the Opposition is an issue, because I believe he has lost any claim to be regarded seriously as an alternative Premier. As I say, John Howard being in trouble with 44 per cent of the popular vote would be regarded by this Leader of the Opposition as enjoying the dizzy heights of approval.

Mr Kennett—Why did you not win the Nunawading by-election?

Honourable members interjecting.

Mr CAIN—What the Opposition——

The SPEAKER—Order! The Leader of the Opposition and the Leader of the National Party were heard in relative silence and there were certainly no random interjections.

Mr Kennett—There will be, if he is going to get personal.

The SPEAKER—Order! During the course of the dissertation, the Premier is replying to what is a serious motion in this House, and I will have no hesitation, if members continue to defy the Chair, in taking action against them.

Mr CAIN—What I am saying is that the Opposition has to take stock of itself and consider where it is going after nine months. It is going nowhere.

An Honourable Member interjected.

The SPEAKER—Order! I have warned the honourable member for Mornington twice.

An Honourable Member—It was not him.

The SPEAKER—Somebody interjected and, from the chair, it sounded like the honourable member for Mornington. I now advise that I will not hesitate to take action against further interjectors.
Mr KENNETI (Leader of the Opposition)—Mr Speaker, I raise a point of order. Honourable members on this side of the House accept your ruling, but I would remind you, Sir, that if you want us to listen in accordance with your ruling and we are confronted with a personal vendetta on an issue we believe to be in the public interest, you must recognize this is a House of debate, and if the Premier is going to stoop to that level, the Opposition cannot remain silent.

The SPEAKER—Order! I do not uphold the point of order. It is not a point of order, but an attempt to make a personal explanation. Interjections are out of order under Standing Orders and, if this is to be a House of debate, I shall call honourable members in their turn to rise, but I will not allow snide interjections without taking some action against the individuals who made them.

Mr CAIN (Premier)—The motion is couched in terms of uncertainty about a number of things in the community. What I am saying is that I believe this Government has the confidence because of the certainty it has put into political decision making. The Opposition does not enjoy that confidence.

I believe the Opposition will have to make up its mind about how long it will tolerate its Leader, who has constantly disregarded proper standards of conduct and behaviour, in the public forum. He seems to have lost all perception of what is required.

Honourable members interjecting.

Mr CAIN—Those comments came from his own mouth, not mine. Whether he is out making sexually suggestive comments at an Italian community function—and he said it, I did not—whether he goes to some post-grand final social function at the Hawthorn Football Club or somewhere else, or whether he is bringing into question the office of Governor of Victoria for his own political motives, it is always the same. His performance in regard to what he said at the Italian beauty quest is still being talked about among the Italian community. I attended a function last night, and I know it is still being talked about.

What I am saying to the Opposition is that its Leader has gone too far. If he holds himself out as being a person who can fulfil the functions of leader of the State, members of the Opposition must have regard to what he is saying and how he is demeaning the office he holds; they must have regard to the fact that, for almost three years now, he has left the people of this State speechless and almost in disbelief at his loud-mouthed utterances.

Being the leader of the State is not an easy job. It takes some responsibility, and I suggest that members on the Opposition benches have to face up to the responsibilities they have, because they are responsible for their Leader. They elected him and they must have regard to what are their responsibilities, because the Leader of the Opposition has said whatever he has suited him over the past three years, and all honourable members opposite have to wear it.

Members of the Opposition should have regard to that fact, and that is where the confidence is lacking in this community, and nowhere else. That is why it is lacking. There is a concern about standards in public office, and if one allows somebody to just go on making those sorts of statements, one demeans this place and politics generally.

Mr Leigh interjected.

Mr CAIN—I shall come to broken promises in a moment. The honourable member for Malvern talks about rubbish. Let him go out and talk to the electors of Malvern to find out what they say regarding their expectations of standards from politicians and how they should present themselves in the electorate.

The Leader of the Opposition has never been slow to criticize others; he has never been slow to accuse—as the honourable member for Malvern says—people of broken promises. That is where there is uncertainty, because what does the Leader of the Opposition do on
broken promises? He does it on a grand scale! Forget not his assertion in 1982 about shop trading hours when he said that not just the prosperity but the health and welfare of the family in small business would be in jeopardy if hours were extended, and within weeks of becoming Leader of the Opposition he abandoned everything he had said on that subject and promised unrestricted trading hours.

Mr Kennett—Are you going to get back to the motion?

Mr CAIN—I am talking about the motion; I am talking about consistency and certainty. The electorate has consistency and certainty in the Government; it has none of those things in the Opposition or the pretenders to the throne in the Opposition.

Just before the last election, the Leader of the Opposition said that the coalition would be a recipe for disaster for Victoria; he said it would set Victoria back twenty years. The Leader of the National Party will prompt me if I am wrong, he did not want a bar of the Leader of the National Party, and yet he said with eyes blinded by the glittering prize—

Mr McNamara—He’s seen the light!

Mr CAIN—I take up the interjection of the honourable member for Benalla. The Leader of the Opposition, without turning a hair, said during the election campaign that the Liberal Party might have to form a coalition with the National Party to win the election.

Mr McNamara interjected.

Mr CAIN—That is the uncertainty that the electorate has; what is it to expect? The Leader of the Opposition said that the Liberal Party might have to form a coalition with the National Party to win the election.

Honourable members interjecting.

So far as the business community is concerned, which the Leader of the National Party mentioned, again the Leader of the Opposition has offended it day after day, week after week with remarks he has made about it. This motion is not just about certainty and predictability about five Bills because those five Bills are of little consequence in the greater scheme of things, the greater issue of running and governing the State as the people want.

Honourable members interjecting.

Mr CAIN—One can be obsessed by a single issue if one likes, and that is what has obsessed the Liberal and National parties for years.

Honourable members interjecting.

Mr CAIN—I shall take care of special State conferences or any other State conference in due course; they are no problem. The matter I wish to put before Parliament is the absurdity of the situation at the conclusion of this first sessional period of this Parliament for the Opposition comes along, and the worst it can say after nine months is that the Government has not put up five Bills for passing or rejecting. That shows the trivial approach to politics by the Leader of the Opposition; he says the things he does because he has no perception or understanding whatever of the greater picture.

Mr WILLIAMS (Doncaster)—On a point of order, I draw your attention, Mr Speaker, to Standing Order No. 108. I put it to you, Mr Speaker, there has been nothing but abuse of this Standing Order and I ask you to ask the Premier to debate the matter properly in this House.

The SPEAKER—Order! I do not uphold the point of order. Standing Order No. 108 is clear; I have just refreshed my memory. If any honourable member is under the impression he is being impugned by the Premier during this debate, there is a course that he or she
may follow and I shall hear him or her in turn. If the honourable member wishes to raise another point of order, I shall hear him.

Mr WILLIAMS—On a point of order, I take personal offence at the continued personal attacks on every member on this side of the House and I ask in relation to myself that his practice cease.

The SPEAKER—Order! The honourable member has been in this place long enough to realize that during the course of debate on a motion as serious as this emotions start to run a little high. It is not the position of the Chair to endeavour to prevent pure debate. The Leader of the Opposition said that the Opposition wished to debate the matter. I believe the Premier is debating the matter in the spirit of this place.

Mr CAIN (Premier)—It might be news to the honourable member for Doncaster that political life is not easy; it requires some dedication and some commitment. There is no instant gratification; but also it is not a circus for clowns. It is a serious place.

Government is too important to be considered in respect of the matters that are seen by the Opposition to be the substance of this motion; that is not what it is about. I should have thought if the Opposition was serious in saying that it is a credible alternative Government after nine months, it would have come up yesterday with a motion that would have sought to have some regard to an evaluation of the Government's performance in the past nine months, but what do we get? A motion about five Bills that the Opposition complains have not been passed.

The public expects something better and this shows the lack of understanding on the part of the Opposition. It shows the Opposition has no concern or understanding of the issues that are of concern to the electorate of this State, and the public expects an example to be set. The public expects industry from Government and it expects results. While the Opposition has been behaving this way for nine months, the Government has been getting on top of a number of problems and the State is now in better shape than it was when the Labor Party came to office. The improvement is progressive and it continues because in a little over three and a half years it has changed the administration of this State. The Government has introduced a program of considerable reform and moderation, empirical and careful that the changes in the past three and a half years are there for all to see. These are reforms that have affected the lives of the people of this State.

On the Notice Paper and in the pipeline for the remainder of this Parliament there are reforms that are far-reaching and among the most important in the history of the State. I refer to WorkCare legislation—the most important social reform in this State for more than 30 years. I believe a landmark also is the Occupational Health and Safety Bill that was passed, and I refer again to what the Government has achieved in respect of the derecognition of the Builders Labourers Federation. At the same time, the Government has framed a Budget for 1985-86 which is about a new wave of growth and prosperity for Victoria and one that is designed to ensure a secure future for all Victorians.

Mr McNamara interjected.

Mr CAIN—The honourable member for Benalla, the would-be Leader, talks about growth: there has been growth in every important index, but there has not been growth in unemployment. In this State there is 6.3 per cent unemployment, which is 2 per cent lower than in any other State and 2 per cent lower than in the rest of Australia.

The employment growth in 1984-85 was almost 3 per cent. That is an achievement of the Government. Economic growth in Victoria has been stronger than in any other State; and for our colleagues in the corner party, real non-farm output has increased by more than 9 per cent over two years and the trend is still continuing.

The Government's expenditure program has met the needs, met the priorities and thus enjoyed the confidence of the people of Victoria in the matters about which we have been
concerned such as employment, health services, the provision of extra police, education and housing; and at the same time it has introduced tax cuts in the order of $34 million.

Those economic vandals on the other side of the House—and that is what they were when in office—saw the Government's role in many of the things I have mentioned as being one of winding back and yet they come to us as local members wanting more, more, more, all the while. They have their hands out for everything, and I note that suddenly they have gone silent. They want more for themselves and yet they say that Governments should spend less right across the board. That is an example of the sort of hypocrisy and humbug they go on with.

Last week I challenged the Leader of the Opposition, who wants to sell off the State's assets. Privatization is the big call now. The Leader of the Opposition—the Rambo of privatization—wants to sell off the State Bank, the State Insurance Office, the Government Printer, the gaols and the courts. The fact is that the Opposition has learned nothing after three and a half years because it still goes on with the same bleats, the same calls for some philosophy—the details of which are unknown, it does not know how it will work, and it just goes on calling for it—and I think it is a mock concern if the truth were known—about four or five Bills. They want a Government to be concerned about their welfare and about introducing programs that will be in their interests.

In the past three and a half years, the Government has brought a new sense of purpose and commitment to Victoria. Not all the reforms have been popular. The Government could have walked away from many of them as did the Opposition year after year but it chose instead to tackle the hard ones. They are the issues that concern the electorate and that is why I am quite confident that the House will reject entirely a motion that is couched in these narrow terms and show its concern, as it has in the past, about a Government that concentrates on greater things.

Victoria is back on top. It is doing well, better than any other State, and everybody in Victoria and in the rest of Australia knows it also. It is a great record, as the Minister for Housing says, and the Government makes no apologies for ensuring that our legislative program is one that brings reforms and changes progressively in the way that they should be brought before the State, and we will continue to do it.

Mr MACLELLAN (Berwick)—The Premier will, of course, be judged by the remarks that he has just made and one can understand why he would not want the House to meet in December—presumably, he would wither and die if anyone were to wish him a happy Christmas! He has got rid of all the venom because it was obvious to Opposition members that the Premier was not responding with emotion to a debate that surprised him; he was making his remarks from a prepared text and the trouble was that the prepared text from which he made his remarks had nothing to do with the motion before the House.

He was replying to an attack he thought would be made but it was not made because what the Leader of the Opposition and the Leader of the National Party put to the House was that there was economic uncertainty for sections of the community in the failure of the Government to allow the Parliamentary process to be completed on a selected number of Bills about which there had been adequate consultation, about which the various political parties had made firm decisions that ought to be taken to their conclusion.

But, of course, the Premier did not want to debate that issue and so he tried, as a result of the venom that he has stored up over the past months, to divert the debate to a different subject, a subject on which he sought to abuse other people in the House.

We must concern ourselves with the fact that in 1980, both Houses managed to pass 167 Bills and the Premier, at one stage in his remarks, spoke in glowing terms about the performance of his Government. In 1981, 208 Bills were passed by both Houses; in 1982, 141 Bills were passed by both Houses; in 1983, 166 Bills were passed; in 1984, 142 Bills
were passed and, despite the good efforts of the acting Leader of the House, the Minister for Housing, in 1985 only 65 Bills have been passed.

Mr Shell interjected.

Mr MACLELLAN—The honourable member for Geelong gets upset; he does not like facts. Mention facts and one can be sure to get shouting from him because he does not like the facts, and he will not like some of the other facts either.

I shall now detail a comparison of the days of sitting over the past five years: in 1980, it was 61 days sitting. In 1981 it was 65 days sitting; in 1982 it was 51 days sitting; in 1983 it was 58 days sitting; in 1984 it was down to 44 days sitting and this year Parliament has sat for 46 days. I give the Government credit; it is two days better than it did last year!

If one takes the hours of sitting comparison, the average sitting day was 9 hours and 39 minutes of sitting in 1980; 9 hours and 57 minutes in 1981; 10 hours and 39 minutes was the average sitting day in 1982, 10 hours and 24 minutes was the average sitting day in 1983; 10 hours and 41 minutes in 1984 and 12 hours is the average sitting day this year.

The Government has been dealing with a range of Bills and we all understand that it is a range of Bills. There are those introduced and held over for community consultation and examination. There are those that have had that process and that ought to be brought to finality. The Leader of the Opposition particularly mentioned a number of Bills that ought to be brought to finality and he instanced the Dairy Industry (Milk Price) Bill, and gave very good reasons for it.

I can give an instance of a farm that has been cut in two by an acquisition by the Road Construction Authority. The person concerned did not know what compensation ought to be paid if he does not have a dairy licence for both parts of the farm left over. This citizen is in a situation of not knowing how to calculate the compensation, whether to calculate it on the basis of one dairy licence or one area being licensed for dairy farming and the other not. This is a good example of why that Bill ought to be brought on and ought to be concluded.

In regard to the Transport (Victorian Ports Authority) Bill, the Leader of the Opposition made it clear that members of the Opposition would be opposing the Bill. We opposed it before, it was defeated before and now it has been reintroduced by the Government, which merely must accept the decision of the Parliament.

In regard to the National Parks (Alpine National Park) Bill, nobody in the timber industry will be borrowing money at an interest rate of 20 per cent to invest in a new timber mill if he does not know whether he will have access to areas of timber for cutting; consequently another industry is in disarray.

As a result of the failure of the Government to pass the Industrial Relations (Amendment) Bill in the current sessional period, owner-drivers are writing to members of Parliament. Members of the Labor Party, the Liberal Party and the National Party are receiving dozens of letters from owner-drivers who want an answer, and the answer from the Government is, “We are going home for Christmas; we are going home early. We have not time to sit in Parliament”.

With the Residential Tenancies Bill hanging over our heads, no one in his right mind would borrow money at 20 per cent from lending institutions to invest either in the purchase or the construction of rental accommodation.

So we have the combination of the twin threats. I am grateful to my colleague, the honourable member for Gisborne, who reminds me of the Lotteries Gaming and Betting (Amendment) Bill which was introduced by the Minister now talking to you at your chair, Mr Speaker. The Minister for Sport and Recreation made a lot of noise about the Bill. I notice it is listed as Order of the Day, Government Business, No. 25, on today’s Notice Paper. Perhaps it will never be seen again.
The ringing challenge from the Minister when he introduced the Bill was that it would implement the recommendations of the Costigan Royal Commission, suppress SP bookmaking and bring illegal gambling in this State under control. However, the Premier and the management of this House and of another place have not got time to do that before Christmas. Apparently the Government will give SP bookmakers a Christmas bonus: “You can have Christmas 1985 to make a real killing because Parliament is not here; it is going home for Christmas; it has not time to deal with the Bill”. The slogan that guides the legislative program is, “Anyone for tennis?”

When anyone has the temerity to raise a sensible, reasoned and quietly debated motion that criticizes the performance of the Government in this area, the Premier rises and, with the spleen of a prepared speech, tries to divert the debate to other issues. You, Mr Speaker, have told honourable members time and again that if they want to blackguard somebody, they must do it by way of a substantive motion. Today honourable members have witnessed the Premier using a motion for that purpose, although it had nothing to do with the Opposition’s policies and nothing to do with the Opposition’s approach to legislation, but it had a lot to do with the Government's failure to bring on Bills for debate in this place and another place and to bring those matters to a conclusion in Parliamentary terms so that the community would not be left in a state of uncertainty and so that further growth and development and the improvement in employment in this State would not be put at risk simply because the Government will not face a December session and will not allow an extension of this session by a couple of days or even by a couple of hours to conclude the matters that are outlined in the motion. That is the significance of it.

The Leader of the Opposition said that the Opposition both here and in another place was willing to co-operate in terms of sitting for another half-day or another few hours to allow these matters to be resolved and completed. However, in response, the Premier sought to divert the debate on to a personal attack on members of the Opposition, to other matters and his usual crowing about the good performance of the Government. He was offered a chance to improve the performance of the Government and the Parliament by simply saying that, instead of this place rising at dinner time tonight and the other place rising at 9 o'clock—that is what I guess to be the situation—he would extend the sitting for half a day or a few hours more. That is the result of the co-operation of the Opposition. As the Acting Leader of the House well knows, the Opposition and the National Party have co-operated with the Government in its program. They have allowed every opportunity for the Government to bring these matters to a conclusion, but the Government wants to run away from them. It has not got time for these issues because “Anyone for tennis?” is the slogan and the policy of the Government. “We have to get out of here tonight,” is the Government's attitude, and Parliament will not resume until March. The Parliamentary process is to be put to bed.

Despite the “irrespectableness” of the consequences to the community, the Government is prepared to act in that way. Why cannot the dairy farmers know what the licensing system is to be? Why should they have to wait and have four or five months of uncertainty inflicted on them? Why must the timber industry continue to face the uncertainty of not knowing the outcome of the Parliamentary process in respect of the National Parks (Alpine National Park) Bill and the implications that it has for the timber industry?

Why should the Industrial Relations (Amendment) Bill not be proceeded with, apart from the fact that it contains a clause which, if one substitutes in it the expression “BLF” for “association” seems to be totally at odds with the Government’s other public statements in relation to the BLF. Indeed, if the Bill were debated and passed, it would be highly embarrassing to the Government and the Government party. I do not think the Government understands what the clause means, and the second-reading notes certainly did not give any explanation of it.

The Premier is wriggling and wriggling because it has been discovered and given publicity, and the media have now begun to ask him questions about it. It is the last Bill he wants to have debated in this place, and I have no doubt he will want to drop it like a red hot brick
because somebody in the Government structure has managed to winkle into it a clause that would be supportive of the Builders Labourers Federation and supportive of every renegade union action. It would prevent any employer from either sacking or standing down members, on the ground that they were acting in accordance with their ordinary decision-making processes. That is what is waiting in the Industrial Relations (Amendment) Bill, and that is why honourable members will not hear another word about it before this place rises, if the Government can help it, and that is why the Premier is running away from it.

It is interesting to note the automatic reaction of the Premier. If one asks him an embarrassing question, his reaction is not to explain; not to account; not to be responsible; not to give information, but to lash out. That is his guiding star. If one asks him about Portland, he says that the information is confidential so that one is not allowed to hear it, or he accuses one of not liking Portland anyway. If one asks him about a simple fact, his response is to lash out at the person who asked or at anybody else who happens to be around, but not to provide the answer.

The office of Premier is shrinking and shrinking and shrinking around him. Eventually it will be as small as the Premier is. Instead of the Premier enlarging to fill the office the office of Premier is shrinking like a wet suit around the Premier. Yesterday he provided honourable members with the characterization that we have all been looking for. It was a moment of inspiration when he mentioned the words “puritanical and penny-pinching”. It seemed to me that at that moment there was a flash of enlightenment, that the Premier had at last seen himself. When he said “puritanical and penny-pinching” he seemed so perfectly to describe himself when he gets on one of those flights!

He is capable of much better than that and I believe he demeans himself and the office of Premier when he does not join issue on the reality of the motion. The motion was that certain Bills listed on the Notice Paper, the failure to deal with which might cause economic uncertainty or adverse effects in the community, ought to progress through the Parliamentary process during the current sessional period and should not be held over. The Opposition and the National Party were willing to co-operate in that, but the Premier is persisting in threatening jobs. Consultations have long since been concluded; the parties have long since determined their attitudes to the measures concerned; the negotiations for possible amendments have long since been exhausted, and it is simply a matter of bringing those measures to a conclusion.

When debates run away in this fashion—when the Premier stands up with a carefully prepared, venomous little speech that has nothing to do with the motion, but deals with a speech that was never made and an implication that was never drawn from the motion—he demeans this place.

When one is in the unhappy position of having to allow it because of Standing Orders, we are all the poorer for it. When the Premier will not join issue on the Bills enumerated, when he simply pours scorn on others and lashes out, we are all the poorer for it, and the Premier in particular.

I end as I began by saying that the Premier will be judged by what he said and by what was not an emotional outburst but a carefully written attack, probably prepared for him by one of his less savoury advisers, but nevertheless adopted by him when he said it. It became his when he said it in the House. At that moment, he should have been instinctively warned to toss it aside and get on with the real issues.

Why cannot the Parliament be extended by a half day or a few more hours to finalize the matters raised by the Leader of the Opposition and the Leader of the National Party? Why cannot we complete the Parliamentary process of five or six Bills that have significance and economic impact on the community and which are retarding the decision making of ordinary members of our community who should have the right to make employment, investment and business decisions that are the fundamental basis of rebirth, regrowth and development of new opportunities in our State.
The timber industry deserves to know whether a new mill can be opened, a new contract engaged in or new employees taken on. The building industry deserves to know whether investors will be in the market for rental housing. That is how the Opposition sees it, but the Government sees it differently. With interest rates at 20 per cent, no one could be blamed for being doubly unsure about investment when the Residential Tenancies Bill is hanging over one's head and the answer to it is unclear. One knows the attitude of the parties because they have been expressed. However, the Bill is sitting waiting.

I extended the list of Bills to include the Lotteries Gaming and Betting (Amendment) Bill. I did that to show that the Premier is not the only Minister involved. The Government trumpets that it will do this or that. People read about it in the papers as if it happened last week or yesterday. They do not realize that the process still must be completed. The Lotteries Gaming and Betting (Amendment) Bill is a good example of why the Government will not answer the issue. Why should SP bookmakers have a happy Christmas of SP bookmaking in defiance of the existing law? Why should all the matters under consideration not be sensibly negotiated by the Leader of the House? It could all be organized if the Minister for Housing, and the Leaders of the opposition parties sat down for a cup of tea and a 5-minute talk. The Premier knows that.

The Premier has had to let out the venom and spite of November. I hope, in December, he will reconsider what his attitude will be to Parliament in the weeks, months and years ahead because his present attitude diminishes the office of Premier rather than expands it and it diminishes our appreciation of him. He is prepared to stand up and read a venomous little speech that has nothing to do with the motion that was moved or the way it was debated. He should join issue with the people who raise matters in Parliament, rather than lashing out with an end of year venomous message. He should have said why the Parliament, from the Government's point of view, would not process the Dairy Industry (Amendment) Bill, the Transport (Victorian Ports Authority) Bill, the National Parks (Alpine National Park) Bill, the Industrial Relations (Amendment) Bill and the Residential Tenancies Bill. I throw in the Lotteries Gaming and Betting (Amendment) Bill. These are all important Bills. Honourable members have long since made up their minds that the Bills should be finalized if not today then tomorrow.

It is no great sacrifice for members on any side of the House to have a half-day sitting tomorrow or a further couple of hours tonight to complete those matters.

Mr MATHEWS (Minister for the Arts)—I hope my contribution to the debate can be made without the venom which the honourable member for Berwick set out to deplore but then imparted to so many of his remarks. I for one have not despaired of the Opposition's capacity to learn, to revise opinions that it may have reached too hastily and to respond to the genuine concerns that exist in the community about many of the pieces of legislation that honourable members opposite have currently indicated they intend to block.

I believe, similarly, there is a capacity on the part of the Government and Parliament to correct many of the misapprehensions about these items of legislation that honourable members opposite have fostered so assiduously. The fact with which honourable members opposite can never adequately come to terms is that, when the Government introduces legislation, it is after careful consideration. It is legislation in conformity with deeply held principles in the Labor movement. It is introduced with a wholehearted determination to ensure that that legislation will ultimately reach the statute-book of this State.

To bring about that goal, the Government is prepared to go on campaigning out in the community and to gather support for these measures. We are prepared to go on knocking down each strawman that the Opposition puts up against them. We are prepared to go on arguing in this place and elsewhere until stubborn minds are changed and reform of evident advantage to this State secures the widespread acceptance to which it is entitled.

I thought that the Opposition was singularly ill-advised to bring in this motion this morning because it is not the Premier but the Leader of the Opposition who has failed to
allow the processes of Parliament to operate effectively throughout the spring sessional period of Parliament. It is not the Premier but the Leader of the Opposition who, as a result, finds himself under bitter attack from those who sit behind him for the blundering ineptness and total inadequacy of his Parliamentary performance.

It is not the Premier but the Leader of the Opposition who will breathe a sigh of relief when later this day he can crawl away from the Parliament and the knives which currently are poised behind his back. The spring sessional period of Parliament has been a total disaster for the Leader of the Opposition. Question time in Parliament has been a case in point. Day after day, the Leader of the Opposition has mouthed mindless interjections at the top of his voice. Australia has not seen the like of the performance of the Leader of the Opposition since Billy Snedden took up barking like a dog at question time in another place. The Leader of the Opposition has matched Billy Snedden in the mindlessness of his contributions. He might as well have been barking for all the sense his contributions at question time have made. The feeling of those behind him at question time has been painfully obvious. They sit there silent and ashamed, without a murmur of support for him.

Only this week the Leader of the Opposition was reprimanded in the party room for his performance at question time. He was reprimanded by the honourable member for Benambra. What sort of a humiliation is that, Mr Speaker!

As a result, the Leader of the Opposition sat mute throughout question time on Tuesday while the running, such as it was, was made by the honourable member for Polwarth and the honourable member for Benambra. It was all reminiscent of another arch Conservative, a former Prime Minister of Britain, Andrew Bonar Law, who said on a celebrated occasion—and I was reminded of that occasion—"I must follow them; I am their Leader".

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Speaker, the Minister for the Arts is reading his speech from a typewritten document, similar to that of the Premier. I ask that the Minister make the document available for Opposition members.

The SPEAKER—Order! The Minister does not appear to me to be reading from typewritten notes. However, I ask the Minister whether he is referring to notes or reading a speech. If the Minister is reading a speech, I am sure he will make it available to the House when he has concluded his speech.

Mr MATHEWS (Minister for the Arts)—As always, your perception, Mr Speaker, is absolutely accurate. I am in fact, quoting from copious notes. I was reminding the House of the remarks of a former Prime Minister of Britain on a celebrated occasion in British history. I was reminded of those remarks vividly when watching the Leader of the Opposition yesterday. Andrew Bonar Law said, "I must follow them; I am their Leader". I do not envy honourable members opposite who must follow their Leader. The Leader of the Opposition himself is no more to be envied for those who follow him.

Take the honourable member for Polwarth—if members of the Opposition do indeed choose to take him in the long run; he now barely bothers to cover up his ambitions or his impatience. The honourable member for Polwarth has already once played Brutus on an occasion in the past.

Honourable members interjecting.

Mr I. W. SMITH (Polwarth)—On a point of order, Mr Speaker, the House is well accustomed to the periodic menstrual cycle of the Minister for the Arts, but the Minister is impugning me against Standing Order No. 108 and I ask him to withdraw.

The SPEAKER—Order! The honourable member for Polwarth finds the word "Brutus" I believe, to be unparliamentary and I ask the Minister for the Arts, to withdraw.

Honourable members interjecting.
Mr MATHEWS (Minister for the Arts)—I withdraw. It may well be that Brutus was too noble a character to be compared with the honourable member for Polwarth.

Honourable members interjecting.

The SPEAKER—Order! I ask the Minister for the Arts to withdraw without qualification.

Mr MATHEWS (Minister for the Arts)—I was going on to describe——

Honourable members interjecting.

Mr MATHEWS—I have withdrawn.

Honourable members interjecting.

The SPEAKER—Order! Amongst the uproar I understood the Minister for the Arts to say that he has withdrawn. Would the Minister for the Arts withdraw for the second time?

Mr MATHEWS (Minister for the Arts)—As on the previous occasion, Mr Speaker, your perception is far more accurate than that of the Leader of the Opposition. I was illustrating, perhaps too dramatically, the occasion, which is now history, when the honourable member for Polwarth brought down the Leader to whom he owed loyalty, Sir Rupert Hamer, the former Liberal Premier of the State. This time, all the honourable member has to strike at is an utterly discredited Leader of the Opposition. Why should he hesitate this time? The honourable member is not going to miss out this time on the leadership, as he did on the previous occasion.

I am reminded vividly how it was said of Prime Minister Harold Macmillan that every time he came back from abroad his heir apparent, Rab Butler, came out to the airport and gripped him warmly by the throat. The honourable member for Polwarth has similar warm feelings for the Leader of the Opposition.

It has been noticed, and I noticed it again today, that the honourable member for Hawthorn is not looking his usual happy self back there. I hope the honourable member for Hawthorn will not be as touchy about this matter as the honourable member for Polwarth. The honourable member had hoped to play Cassius to the Brutus of the honourable member for Polwarth. He has been disappointed. The honourable member was black-balled by the Western District squattocracy and the Melbourne Club.

Honourable members interjecting.

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, the Minister for the Arts appears to be quoting from a document. I ask the Minister to make the document available or, if the Minister is reading a speech, I ask you, Mr Speaker, to rule that he is out of order in doing so since the Minister is not giving a second-reading speech, when it is tolerated for a Minister to read his speech, but the Minister for the Arts is reading from a speech or document calculatedly prepared for him to deliver in this House.

The SPEAKER—Order! The honourable member for Berwick raises a point of order with the Chair. I ask the Minister whether he is reading from a prepared statement.

Ms Sibree interjected.

The SPEAKER—Order! Obviously the honourable member for Kew has more perception in this matter than the Chair. I ask the Minister whether he is reading from a prepared speech or referring to copious notes.

Mr MATHEWS (Minister for the Arts)—I am referring to notes, not particularly copious, and if I were reading a speech I would scarcely be so well able to respond to the provocations from the Opposition. I was about to note that the honourable member for Portland was smiling. He is well aware of the way that power is still exercised in the Liberal Party by the Western District squattocracy and the Melbourne Club. The Leader of
Opposition and the honourable member for Hawthorn have this much in common, if
nothing else: they both find themselves in the sights of the butchers from the bush.

It is said that a politician is a statesman who approaches every question with an open
mouth. That definition exactly fits the Leader of the Opposition as the House has seen
him in action over recent weeks. The mouth of the Leader of the Opposition was wide
open throughout the interview that he gave to Richard Farmer of the Bulletin. What was
the response of the Leader of the Opposition, when he realized that that interview had
been recorded on his press secretary’s tape recorder? It was to slap a writ on everyone in
sight so that every mouth except his own could be muzzled. Fortunately, the Leader of the
Opposition failed utterly in the attempts that he made to muzzle this place, to his great
embarrassment. The Leader of the Opposition similarly failed to mask much of the media
at the same time. The whole world knows now—and this was perhaps the greatest single
disaster of the Leader of the Opposition in a totally disastrous spring sessional period—
that the Kennett tapes are evidence of the involvement of the Leader of the Opposition in
dishonest and corrupt dealings of the most grave kind.

In accordance with Sessional Orders, the debate was interrupted.

The SPEAKER—Order! The time allotted under Sessional Orders for Government
Business to take precedence has now arrived. I shall resume the chair at 2 p.m.

The sitting was suspended at 1 p.m. until 2.4 p.m.

EVIDENCE (AMENDMENT) BILL

The debate (adjourned from November 21) on the motion of Mr Mathews (Minister for
the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—This is a small Bill, containing only eleven clauses, to
amend the Evidence Act 1958, so my comments will be brief. Clause 5 provides that
family mediation centres, such as the one conducted at 35 Buckley Street, Noble Park, will
receive the same protection under the Evidence Act as currently supplied to people
operating under the Federal Family Law Act. The clause will cover all communications
that are confidential, and will give the same protection currently extended to parties,
marriage counsellors and other staff under the Family Law Act.

Many disputes involve de facto spouses, brothers, sisters, grandparents and others not
strictly involved with the closer matrimonial relationship. These disputes are governed by
State laws, hence the necessity for clause 5. At all costs confidentiality must be protected.

Clause 6 relates to the admissibility in evidence of certain documents without further
proof and provides for the people who may certify them. The clause will reduce unnecessary
paperwork and administrative action.

Clause 7 relates to where original documents, books of accounts and so on are lost or
mislaid. In future, following the enactment of this clause, copies of those documents will
be admissible in evidence. Clause 7 was recommended by eminent lawyers, Mr Robert
Redlich, QC and Mr Douglas Meagher, QC, both of whom have had extensive experience
in the corporate or commercial crime area. The Government has proposed the clause as a
means of attacking this area of criminality.

Clause 8 allows the Surveyor-General to certify certain documents which can be admitted
in evidence rather than having it done by the Minister for Conservation, Forests and
Lands. This will again reduce paperwork, administrative action and the time wasting of
the Minister for Conservation, Forests and Lands who at present has to sign such documents
before they can be admitted in evidence. In future, the Surveyor-General will be allowed
to do that.

Clauses 9 and 10 are technical and are intended to reduce the paperwork, administrative
action and time wasting involved in various processes. The Opposition supports the Bill.
Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports this amendment to the Evidence Act. One could refer to the measure as a Committee Bill in the normal sense, but none of its provisions is contentious. One that interests me particularly is the protection given to discussions regarded as confidential at family mediation conferences.

As has been stated in another place, it is vital that these discussions should be treated in confidence because this is an extremely delicate area. Three other major provisions are involved in the Bill, but I shall not debate them because they have been discussed in the other place and were explained by the Minister in his second-reading speech.

The motion was agreed to.

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

CORONERS BILL

The debate (adjourned from November 21) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Bill is a most significant piece of legislation. It is the culmination of a decade's work of reform in this area of law and is an attempt to codify the law relating to coroners. It codifies and consolidates existing statute law and existing common law. It further establishes the new office of the State Coroner, and he or she, when appointed, will have been a County Court judge, a stipendiary magistrate or a practising barrister and solicitor.

As honourable members would be aware, the original office of the coroner is an ancient office dating back to about the twelfth century. The powers of the coroner are set out in the Bill, and no other powers are in future to be permitted to the coroner, as is at present the case under common law, which is a mishmash of powers that the coroner exercises at common law and statute law.

The primary duty of the coroner is to find out the cause of death. As a practising solicitor for almost twenty years before being elected to Parliament, I always found it amazing that in our system of law and justice the coroner should exercise two sorts of power; that is, that he or she should in the past have exercised the role of the inquisitor in finding the cause of death and then, having found the cause of death, had to commit someone for trial for culpability. The Bill will cease to allow that to happen. In other words, we are moving away from the inquisitorial role of the coroner when he or she had to revert to a prosecuting role, so that in future the role of the coroner will be only that of inquisitor. He or she will have to find the cause of death. The question of guilt will no longer be within the province of the coroner.

It is also foreshadowed that the Victorian Institute of Forensic Pathology will be established and the person appointed as the director to this institute will hold the chair of forensic medicine at Monash University, which position will be funded by the Government. It is also proposed to establish a new Coronial Service Centre which will be modern, will have good access for visitors and their vehicles and, most importantly, discreet access for the loading and storage of bodies.

All honourable members would realize that it is extremely traumatic for families and friends who visit the morgue to identify the bodies of deceased persons who have been killed as a result of road accidents or whatever. It is commendable that better facilities will be provided for this purpose.

There have been two major inquiries in the past decade dealing with this area of the law. They were the report of the Thompson committee of 1977 and the Norris report of 1980. Both reports made important recommendations, and the Bill has implemented a substantial number of them.
The Bill has the support of the Victorian Bar Council, the Law Institute of Victoria and the legal profession generally and of stipendiary magistrates in Victoria. The Opposition is pleased to support the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Coroners Bill. It is interesting that it brings into being the office of the State Coroner, which has definite advantages because on occasions one wants a specific person to act as the coroner under a particular set of circumstances.

I do not think many people understand what happens at a coroner’s inquiry. When I first started as a lawyer many years ago, the senior partner of the firm for which I worked gave me this advice, which is relevant; he said, “When you are acting at an inquest for a particular party, if you can get through that inquest without saying one solitary word and end up with a satisfactory result, you have done well by your client”. That advice could be taken by some member of this House!

The number of words one speaks does not necessarily bring about the best results one can achieve. In a coroner’s inquiry, if it is going well, the fewer questions asked perhaps the better. That is a passing comment.

The honourable member for Bendigo East said that the Bill codifies and consolidates the Coroners Act. A tremendous amount of work has gone into the preparation of the Bill over the past ten years and it has the support of the National Party.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:

I. Clause I.

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:

I. Clause I. after line 8, insert—

“(d) establish the Victorian Institute of Forensic Pathology.”.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 2.
Clause 3

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
2. Clause 3, after line 4, insert—
   "'Council' means the Council of the Institute.'.
3. Clause 3, after line 5, insert—
   "'Director' means Director of the Institute and includes a person appointed to act as Director.'.
4. Clause 3, after line 8, insert—
   "'Institute' means the Victorian Institute of Forensic Pathology.'.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 4 to 26.

Clause 27

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
5. Clause 27, line 16, after "27." insert "(1)".
6. Clause 27, line 17, after "direct" insert "the Institute.".
7. Clause 27, after line 19, insert—
   "(2) A coroner may direct the Institute, a pathologist or a doctor performing an autopsy to cause to be
   preserved for such period as the coroner directs any material which appears to the Institute, pathologist or
   doctor to bear upon the cause of death.".

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

Clause 28

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
8. Clause 28, line 31, after "require" insert "the Institute,".

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

Clause 29

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
9. Clause 29, after line 24, insert—
   
   "or
   (e) if a spouse, son, daughter, parent brother or sister is not available—an executor named in the will of
   the deceased or a person who, immediately before the death, was a personal representative of the
   deceased.".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 30 to 52.

Clause 53

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
10. Clause 53, line 31, omit "other than Part VII,".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 54 to 63.

Clause 64

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:
11. Heading to Part 9, page 19, line 14, omit "9" and insert "10".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 65 to 82.
New clauses

Mr MACLELLAN (Berwick)—I realize that I might be thought to be rocking the cozy boat that has been evident. I dare say that I will be thought to be even-minded if I say to the Minister how lucky he is that I am not interested in the details of the amendments that he has moved but I consider that the Minister’s comments about the privilege of the Legislative Assembly should not go without comment. It is important that the Assembly should retain the privilege of controlling money matters. It is important that that privilege should also be the tradition by way of a message from the Executive Committee that it is not open to a temporary majority here or in another place to force the appropriation without the consent of the Government. This makes for responsible government. The Government has a responsibility to Parliament and once it is put in place it is responsible for many matters in the Legislative Assembly, although the other place has its own powers for rejecting new Bills in respect of appropriations or new Bills in respect of taxation.

The principle is important. A rather careless challenge to that principle has occurred in the provision of the new clauses. It is symbolic that the Assembly is doing this and merely putting back in what was advertised for all the world to see in another place. I understand the frustration of the Attorney-General in another place as the privileges of the Assembly forced the Council to leave these matters to be debated and initiated here. I know that is troublesome to Ministers who do a lot of work on a Bill, but who must have the second reading introduced by someone in the Assembly, but a larger principle is at stake than the personal frustrations of people in those circumstances.

If members of the Council want the comfort of eight-year terms of Parliament and membership of another place, that is one of the penalties they have to pay. On occasions it will be necessary for them to hand over matters for Ministers such as the Minister for Housing to take up on their behalf in this place. The principle that this place has the privilege of initiation of new money matters is important and ought to be maintained. It ought to be acknowledged that, although this is symbolic of that principle, we are merely putting in what was removed elsewhere. The point needs to be made and the point needs to be vigilantly policed.

The Clerks of the Assembly examine Bills and advise Mr Speaker and all of us, since they are available for all members in the Assembly, as to when a proposal in a Bill might force an appropriation. It is not an easy matter to decide. It is not an easy matter to judge. If by some chance a matter should slip past, that emphasizes the urgency and the need for vigilance by the Assembly to ensure the principle is clearly established and enunciated on every occasion.

I believe the Minister has done so. He has done so with considerable grace and style, but the point needs to be made that the Opposition supports the view that privileges of the House ought to be maintained. That may be to the disadvantage of the Opposition, but it is part of the balance of Parliament. It is not something that ought to be disturbed by carelessness or an overweening ambition to deal with one’s own matters in another place, as opposed to dealing with them in the Legislative Assembly where they ought to be initiated.

If one wants to change that principle, there ought to be discussions between the parties. There ought to be a conference between the Leader of the Government, the Leader of the National Party and the Leader of the Opposition; perhaps we could review the principle and change it but, if we do, we want to know what it means. It means that both Houses would be equal, both Houses could initiate new legislation, both Houses could initiate new taxes and could call upon the Consolidated Fund, and the privileges of this House in money matters would no longer be pre-eminent. That pre-eminence is important until we make a conscious decision to change it. I do not consider that we will make a conscious decision to change it because to do so would upset the balance of responsible government in this House.
As to the merits of the new clauses, the Opposition will support them, but the point needs to be made on behalf of the Opposition and the other parties. I am sure the National Party would regard the matter in the same terms and I invite the Leader of the National Party merely to indicate his support. I do not expect him to make a song and dance about the matter as I might, but nevertheless it is advisable for all three parties in Parliament to speak with one voice on this subject until a conscious decision is made to do otherwise.

Mr WILKES (Minister for Housing)—On behalf of the Minister for the Arts, I move:

After clause 63, insert the following heading and new clauses:

"PART 9—VICTORIAN INSTITUTE OF FORENSIC PATHOLOGY"

Establishment and objects of the Institute.

AA. (1) The Victorian Institute of Forensic Pathology is established.

(2) The objects of the Institute are as follows:

(a) To provide, promote and assist in the provision of forensic pathology and related services in Victoria and, as far as practicable, oversee and co-ordinate those services in Victoria;

(b) To promote, provide and assist in the post-graduate instruction and training of trainee specialist pathologists in the field of forensic pathology in Victoria;

(c) To promote, provide and assist in the post-graduate instruction and training of persons qualified in biological science in the field of toxicological and forensic science in Victoria;

(d) To provide training facilities for doctors, medical undergraduates and such other persons as may be considered appropriate by the Council to assist in the proper functioning of the Institute;

(e) To conduct research in the field of forensic pathology, forensic science and associated fields as approved by the Council.

The Institute to be a body corporate.

BB. (1) The Institute—

(a) is a body corporate with perpetual succession; and

(b) has a seal; and

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its own name; and

(e) may seek and accept funds from the University of Melbourne, Monash University or any other person for the purposes of carrying out the objects of the Institute.

(2) All courts, judges and persons acting judicially are to take judicial notice of the Institute.

Functions of the Institute.

CC. (1) Subject to the directions of the State Coroner, the functions of the Institute are as follows:

(a) To provide facilities and staff for the conduct of examinations in relation to deaths investigated under this Act;

(b) To conduct chemical, microscopic, serological, toxicological and other examinations of organs, tissues and fluids taken from deceased persons coming under the jurisdiction of coroners in Victoria;

(c) To identify by radiological or odontological examination or other means the remains of deceased persons whose deaths are being investigated under this Act;

(d) To conduct other appropriate investigations or examinations in relation to the cause of death of any person;

(e) To properly document and record findings and results of investigations and examinations;

(f) To provide reports to coroners about the medical causes of deaths and the findings and results of investigations and examinations.

The Council.

DD. (1) The governing body of the Institute is the Victorian Institute of Forensic Pathology Council.

(2) The Council consists of—

(a) the State Coroner; and

(b) the Director of the Institute; and

(c) a nominee of the Council of the University of Melbourne; and
(d) a nominee of the Council of Monash University; and
(e) a nominee of the Minister for Health; and
(f) a nominee of the Minister for Police and Emergency Services; and
(g) a nominee of the Chief Justice; and
(h) two nominees of the Attorney-General, at least one of whom is to be a Fellow of the Royal College of Pathologists of Australia.

(3) The Attorney-General must appoint one of the members as Chairperson.

**Director.**

EE. (1) The person who holds the Chair of Forensic Medicine at Monash University is the Director of the Institute.

(2) If no-one holds the Chair, the Governor in Council may appoint a person to act as Director on the terms and conditions in the instrument of appointment.

(3) The Director must carry out the objects of the Institute under the direction of the Council.

(4) An Acting Director may be re-appointed.

**Members of the Council.**

FF. (1) The members of the Council, other than the Director and the State Coroner, are to be appointed by the Governor in Council on the terms and conditions in the instrument of appointment.

(2) A member, other than the Director or the State Coroner, holds office for three years or for the shorter period stated in the instrument of appointment.

(3) A member is not subject to the Public Service Act 1974 in respect of the office as a member.

**Procedure of the Council.**

GG. (1) The Chairperson has a deliberative vote and, in the case of a tie, has a second or casting vote.

(2) The Council may regulate its own proceedings.

**Officers of the Institute.**

HH. (1) The Institute may employ any person it considers necessary to carry out the objects of the Institute.

(2) An employee of the Institute who, immediately before appointment, was an officer or employee of the Public Service continues to be such an officer or employee while an employee of the Institute for the purposes of Division 4 of Part IV. of the Public Service Act 1974.

(3) An employee of the Institute who, immediately before appointment, was an officer within the meaning of the Superannuation Act 1958 continues subject to that Act, to be such an officer while an employee of the Institute.

**Director may act as consultant.**

II. With consent of the Council, the Director may act as a consultant in relation to any matter which has not been investigated and which a coroner is unlikely to investigate.

**Director's duties relating to autopsies.**

JJ. If a coroner directs the Institute to perform an autopsy on a body under section 27, or the Supreme Court orders the State Coroner to require the Institute to perform an autopsy on a body under section 29, the Director must—

- (a) ensure that an autopsy is performed; and
- (b) report the results of the autopsy to the coroner or State Coroner; and
- (c) keep a record of the autopsy.

**Accounts and records.**

KK. (1) The Institute must ensure that there are kept proper accounts and records of the transactions and affairs of the Institute and such other records as will sufficiently explain the financial operations and financial position of the Institute.

(2) The Institute must do all things necessary to—

- (a) ensure that all money payable to the Institute is properly collected; and
- (b) ensure that all money expended by the Institute is correctly expended and properly authorized; and
- (c) ensure that adequate control is maintained over assets owned by or in the custody of the Institute; and
(d) ensure that all liabilities incurred by the Institute are properly authorized; and
(e) ensure efficiency and economy of operations and the avoidance of waste and extravagance; and
(f) develop and maintain an adequate budgeting and accounting system; and
(g) develop and maintain an adequate internal control system.

(3) The Institute must in respect of financial year prepare financial statements which must—
(a) contain such information as is determined by the Treasurer; and
(b) be prepared in a manner and form approved by the Treasurer;
(c) present fairly the results of the financial transactions of the Institute during the financial year to which
they relate and the financial position of the Institute as at the end of that year; and
(d) be signed by the principal accounting officer (by whatever name called) of the Institute and by the
Director who must—
(i) state whether in their opinion the financial statements present fairly the results of the financial
transactions of the Institute during the financial year to which they relate and whether they
sufficiently explain the financial position of the Institute as at the end of that year; and
(ii) state whether at the date of signing the financial statements they were aware of any circumstances
that would render any particulars included in the statements misleading or inaccurate and, if so,
(particulars of the circumstances.

(4) The financial statements must be audited by the Auditor-General who shall have in respect of the accounts
and records of the Institute all the powers conferred on the Auditor-General by any law now or hereafter in force
relating to the audit of the public accounts.

(5) The Institute must as soon as practicable after the end of each financial year and not later than the
following 30 September submit to the Minister a report of its operations during the financial year together with
the audited financial statements.

(6) The Minister must cause the report and the audited financial statements submitted to the Minister under
this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the
fourteenth sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after the report
and the audited financial statements have been received by the Minister.

(7) The Institute must pay in each year to the Consolidated Fund an amount to be determined by the Auditor­
General to defray the costs and expenses of the audit under sub-section (4).

(8) The financial year of the Institute is the year ending on 30 June.”.

I thank the honourable member for Berwick for his restatement of the principal tenet of
this Chamber.

Mr Ross-Edwards (Leader of the National Party)—I take this opportunity of
accepting the invitation of the honourable member for Berwick in expressing the support
of my party for what he said and also to express my appreciation on behalf of all honourable
members for the point he has made. The point has been well received by the Minister for
Housing who is in charge of this Bill at present. I am sure the point will be taken up and
that what has happened will not occur again.

The new clauses were agreed to.

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

JURIES (AMENDMENT) BILL

The debate (adjourned from November 21) on the motion of Mr Mathews (Minister for
the Arts) for the second reading of this Bill was resumed.

Mr John (Bendigo East)—The Opposition supports the Bill. The suggestion and
initiative for this major amendment to the Juries Act was that of my colleague, the
honourable member for Western Province in the other place, Mr Chamberlain. A fair trial
by jury is one of the fundamental tenets of the legal system. The jury must be supported,
protected and encouraged to believe and participate in the jury system. Jurors must not
be sought out after a trial has been completed and should not be harassed or cajoled and
paid money for media statements and interviews and for exclusive stories of jury room deliberations, and must not be asked what occurred in the jury room.

Recently, public comments from jurors of at least two trials have been reported in the media—coincidentally, one of those trials is a news item on the front page of today’s Herald. Both trials were sensational and controversial. They were controversial enough without public comments from jurors after the event, further inflaming the situation and fuelling lack of confidence in the administration of justice and in the judicial system.

Highly publicized juror comments can cause serious difficulties and can damage the case of an accused person, particularly on appeal or if perchance a new trial is ordered. Full disclosure of jury comments after a trial will cause the end of freedom of speech in the jury room and a lack of freedom of speech in jury deliberations. It will put jurors at risk of harassment from relatives of offenders and from disappointed litigants.

I am cognizant of the careful balance that must be maintained between freedom of speech and the rights of members of the media to report news and that a careful balance must be maintained between those rights and the rights of defendants in criminal cases.

The aims of the proposed legislation are threefold: firstly, the Bill prohibits publication to the public of jury room deliberations or proceedings; secondly, it prohibits any person from soliciting or obtaining such information from jurors; and, thirdly, it prohibits a juror disclosing jury deliberations if a juror has reason to believe the disclosure is likely to be made public. I direct the attention of honourable members particularly to clause 4, which inserts proposed section 69A, and I refer to sub-sections (4) and (5). Sub-section (4) states:

Nothing in this section prevents the publication or disclosure by any person of any information about the deliberations of a jury if that publication or disclosure does not identify a juror or the relevant legal proceedings.

I am uneasy about the drafting and the import of the sub-section because an experienced and clever journalist could indicate quite clearly to the public the name of the person in the proceedings to which reference is made without actually naming the person or the proceedings.

Sub-sections (4) and (5) in general do not cover the situation regarding publication of such material that is intended to be used for public or educational research, or whether in the significant public interest the material should be published. The Bill in its present form does not prevent political interference intruding into the jury room in some circumstances.

Nevertheless, the proposed legislation is a significant reform and it relates to fundamentally important matters. It is supported by the Law Institute of Victoria, the Victorian Bar Council, the legal profession generally and academics of the law, and the Opposition is pleased to support the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the amendment to the Juries Act. The honourable member for Bendigo East has explained the three purposes of the Bill. It prohibits a person from publishing what happens in the deliberations of a jury; it enables action to be taken against someone soliciting or obtaining the disclosure by a person who has been a member of the jury; and it makes it an offence for a member of the jury to disclose what has gone on in a jury room.

It has become obvious recently that this action has to be taken, otherwise the whole jury system will collapse. Two trials that have occurred in Australia, neither in Victoria, have created public interest, the Murphy trial and the Chamberlain trial, both very difficult and both very basic to the administration of justice. There has been embarrassment and, without saying any more on those two trials, legal action which is still continuing. Those trials have been instrumental in bringing about this measure. If the proposed legislation is not passed, a trial of a person could well be prejudiced.

That is the last thing any of us wants to see happen, because most of us take it for granted that what goes on in a jury room will be confidential. Regretfully, it has become valuable knowledge to some people and there has been a temptation either for material
gain or to further a particular cause that these matters which were once regarded as confidential, should become public.

For those reasons, I commend the Government for introducing the Bill which, of necessity, should be passed at the earliest possible time. I am delighted that the Bill is being passed in this sessional period.

Mr MACLELLAN (Berwick)—I am indebted to my colleague in another place, Mr Chamberlain, for passing to me some correspondence he has received, dated 21 November, which will disclose to you, Mr Speaker, and the House, the recent arrival of the letter from Professor Blackshield, who is the Professor of Legal Studies at La Trobe University.

Professor Blackshield is a critic of the proposed legislation and, although all parties support it, I do not think we should be party to suppressing the views of those people who are concerned about it. The letter is long and I do not propose to read it in its entirety. However, in view of the remarks which were so clearly put by the Leader of the National Party, I should quote a couple of sections of the letter where Professor Blackshield says in effect that, if a juror's freedom of speech and opinion is to be invaded, the Bill and the five words that he describes as being a criticism of the jury system or reference to a particular case become important as limiting the area of invasion to the smallest possible scope. But this would still not solve Professor Blackshield’s problem. In his letter, he states:

The jurors who spoke out publicly in the Murphy and Gallagher cases were not seeking to express disquiet about the system in general; they were specifically (rightly or wrongly) seeking to express disquiet about the respective outcomes of those two cases.

That is what the Bill is directed at suppressing. Professor Blackshield goes on to state:

Moreover, if the end result is that dissemination is prohibited only in relation to the outcomes of particular cases, the main supposed argument for such legislation seems to disappear. The argument, as I understand it, is that juror discussion is dangerous because it will lead to public disquiet about the jury system in general. (Why such disquiet should be suppressed, if disquiet is warranted, no one has been able to explain). To say, in the end, that the public can be told that the system has worked unjustly in particular cases, but that they are not allowed to know which cases, would seem to me to ensure the very maximum of public disquiet. It would also reinforce the suspicion, already entertained in some quarters, that the real purpose of this legislation is not to protect the jury system, but merely to suppress the public questioning of jury verdicts in particular cases with political overtones.

Professor Blackshield underlines the word “merely”. I do not adopt his view, but those views ought to be recorded and taken into account because it may be that the proposed legislation is so earnestly agreed to by all political parties represented in the Parliament that it may yet come back to haunt us. Until it does, we should proceed on a deliberate basis knowing there are some people in the academic legal areas who have contrary views.

Professor Blackshield goes on in his letter to recommend to Mr Chamberlain that the best outline of the views that he holds—apart from the fact that he has written in the Law Institute Journal at some length—is a letter to the editor which appeared in the Age, which he recommends to Mr Chamberlain as being one of the best statements of the view that he would wish to have. As it is a short letter to the editor, I shall trespass on your tolerance, Mr Speaker, and read it. The letter is under the headline, “Let Jurors Speak” and is from Penny Gordon of Armadale. The letter states:

I would like to criticize current moves that will have the effect of silencing jurors who wish to publicly express their dissatisfaction about cases in which they have participated.

Cases where jurors seek to speak out are those where, to them, it seems as if there has been a grave miscarriage of justice. These cases do not occur often. Recent unusual cases have produced other than the normal jury silence and there is now a legislative knee-jerk reaction.

Silencing juries will remove a challenge to remedy injustices. Where juries have been confused, misled, or forced to agree when they have been unhappy to do so, their revelations are an indication that something has gone wrong in a particular trial or that something is wrong with the judicial system.

Those who wish to retain trial by jury (those same people who support this proposed legislation) should ensure that the system is working properly and that there is public confidence in juries. This will not occur by creating a veil of silence.
It is not good enough to say that the legislation will provide for academic research. Access to such research is limited. The judiciary should take up the challenge and ensure that juries fully understand the issues before them. If we are to be controlled by laws we should be able to understand them.

I suggest that the legislation proposed is the worst form of censorship. It stops individuals voicing their views about their unsatisfactory participation in the legal process. It hinders public debate and brings the entire system of trial by jury into disrepute.

PENNY GORDON, Armadale.

Professor Blackshield recommends that as being the best statement on jurors in relation to those who would criticize the Bill.

In the November issue of the *Law Institute Journal*, Volume 59, No. 11, Professor Blackshield wrote an article which was prepared some time before the Bill was introduced into the Parliamentary process. That article was slightly revised immediately prior to publication but was not based on a complete update of the Bill or on the remarks made in the course of Parliamentary debate.

Mr Chamberlain, in another place, wrote to Professor Blackshield as a result of the postscript to that article and received a four page letter which recommended that attention be directed to the letter to the editor of the *Age*.

Professor Blackshield is concerned about the civil liberties of a former juror. He says that a former juror has served his service to the community, which is an arduous, difficult and demanding role at considerable sacrifice and why should his civil liberties be less than any other citizen at the end of the matter. Why should he not be able to comment when other citizens can comment? Why should we be legislating against him, when other citizens can speak out?

That is the nub of the difficulty we face. I suppose it is easy to be scandalized by recent outbursts and media publicity about juries and how they operate. If I were locked up for eight weeks on a jury and was told I had to come to a verdict, I would not be too happy about it. I might be inclined to say something rather rough on the subject if I found that one juror, who would not join with the rest, simply left and we were locked up day after day rather than being allowed to come back and say that we could not agree on a verdict.

In the Gallagher case, that was one of the key issues that led to the quashing of the conviction. We can have sympathy for the jurors who served on that case and with the jurors who, in their frustration, believed they should speak out. After all, they spoke out in strange circumstances. We have lived here most of our lives and we have never heard of a juror speaking out after jury service. It is a rare occasion. Two swallows do not make a summer. The mere fact that jurors in the case of Mr Justice Murphy's trial, and a juror in the case of Mr Gallagher's trial spoke out, does not mean that there will be an avalanche of jurors touting their jury room stories for every Sunday newspaper that might care to publish them.

On the basis of two disturbing, annoying, unsettling and questioning statements as a result of two highly publicized trials, Parliament is now legislating to ensure that all jurors will be silenced in respect of identifying themselves or a specific case. Parliament is nodding in the direction of academic freedom and research by indicating that it does not intend to inhibit that but, in the course of the research, if one identifies a case or a juror, that would be an offence under the proposed legislation.

It is rather like saying that one can conduct research but cannot say whether they are white mice and certainly cannot indicate what are the circumstances. It is difficult to have useful and workable research on the future operation of juries, their success and our belief in them if the provisions of the Bill are enforced. It appears as though the community has decided to declare jurors as a type of religious cult—the community will honour them with protection but will not honour them with public support and examination on a strictly academic basis to re-establish public confidence in juries.
In the past, such efforts have failed: Sunday observance laws degraded Sunday rather than reinforced it; censorship laws merely encourage people to read books they would not otherwise read. The censorship of the jury will simply produce an underground industry where jurors who wish to speak out will do so in defiance of the law by using code names or anonymous names, but, nevertheless, identifying the circumstances.

If I indicated that I was interested in the trial of a High Court judge, one could hardly mistake the fact that I would be referring to the trial of His Honour Mr Justice Murphy. I would only have to say that I was on the jury of "Big Norm's" trial and everyone would know exactly to what case I was referring. When that is done, one triggers off the types of procedures the Bill is trying to suppress.

The Bill provides that one can talk about the system in general but cannot refer to a specific case and cannot identify a juror. It is hoped that the Bill will bluff jurors into silence and that it will bluff the media into not reporting the remarks of jurors in such a colourful manner. The subterranean media will try to find a way around the provisions and the academics will have a new cause for complaint about the stuffy, out of touch Victorian Parliament suppressing the opportunities for students to get to the real inside knowledge of what goes on inside a jury room.

Many people in the community, especially young people, are prepared to believe the worst of society. They believe trials are initiated and conducted on a political basis. They refuse to accept that it is a politically neutral prosecution system. They believe the law is merely another part of the machinery of the class system and the suppression of people. Those people will not be convinced by legislation such as this Bill that we have a free and open society where jurors are freely and openly chosen to perform the onerous task of deciding the guilt or innocence of other members of society.

On balance, the existing political parties in Parliament favour the Bill. I hesitate to say it, but I predict that the Bill will have to come before Parliament on a future occasion for amendment and that this will not be the last that is said about it. The Bill is already the subject of criticism by academic lawyers. As they continue to lecture their students, the Bill will increasingly become the subject of criticism and concern of students graduating from law institutions and faculties around the State.

At present, we can hold the line and state that the jury system is the best possible system that we can devise and that we know of no better. That could be said loudly and strongly with deep conviction. However, we will not make the task easier of convincing the critics that the jury system performs well by resorting to proposed legislation, such as this Bill, to defend it.

Mr WILLIAMS (Doncaster)—I shall not delay the House, but I do congratulate the honourable member for Berwick on what he said.

Mr Ross-Edwards—You have done it every week you have been here!

Mr WILLIAMS—This is a Parliament for debate. Parliament is not for rule by lawyers! Lawyers ought to be in the courts, not here in the Parliament. I know something of my own knowledge about the jury on the Gallagher case that leaves me with great disquiet. A number of my colleagues heard me say something about the jury long before the case was ever decided, and that is all I wish to say.

The motion was agreed to.

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

**PENALTIES AND SENTENCES BILL**

The debate (adjourned from November 21) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition supports the Bill. It is a welcome consolidation of laws relating to penalties and sentences imposed in the Magistrates Court,
County Court and Supreme Court. The Attorney-General in another place foreshadowed a further Bill relating to the consolidation of laws in respect of the Office of Corrections and the administration of prisons within that office. This Bill and the foreshadowed legislation will, I hope, go a long way towards restoring public confidence in the court sentencing system.

Currently the public is angry about the early release scheme, especially when applied to dangerous criminals, people convicted of crimes such as murder, rape, bank robbery, drug-related offences and so on. In the electorate which I represent, which is a microcosm of Victoria, members of the community were outraged when, a few months ago, a person convicted of killing former footballer Fred Swift, was released after serving only approximately two and a half years of the sentence imposed on him. That was a fraction of the sentence imposed by the court. The public in my community were at a loss to understand how that could occur. The tragedy of the Fred Swift case highlights what has been occurring in Victoria for some time.

The public does not like the revolving door type of sentences and demands more power be given to the courts and less power to the administrative officers in the probation, parole and social work areas.

The Bill will more tightly define prerelease programs that will apply only to prisoners serving sentences of at least three years. Then it will apply only during the last six months before there is eligibility for release on parole. The Bill will provide for sentences to commence on the day on which they are imposed by the courts. Hitherto this has always been the case. The old distinction between attendance centres, community service orders and probation orders will be abolished. The Bill will also improve the fine collection procedures.

The Bill retains the principle that courts must take into account financial circumstances of an offender where the court is going to impose a major penalty. That is a good thing. The Bill provides useful reforms and consolidation and I hope it will restore, when enacted, public confidence in the court sentencing system. The Opposition supports the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. I do not intend to delay the passage of the Bill, but one of the interesting things which came to my attention, and which I did not know about—and I have been a lawyer for a long time—and about which perhaps no one else knew, is that if a session of the Supreme Court starts in February, and one happens to be sentenced in May, one’s sentence starts from when the Supreme Court starts in February. In other words, one attains a three months’ bonus. That is an incredible state of affairs. It is a matter of the luck of the draw as to when one is convicted.

I have thought about this matter a great deal and I have a few remarks to make to the Minister for Housing, who is handling the Bill on behalf of the Attorney-General. I feel the time has come when the Law Department and the Attorney-General should issue a paper that sets out the details of sentencing indicating, for instance, what remissions are available, details of early release programs, when a sentence begins and so on. For instance, if one is in prison on remand, that counts towards one’s sentence. Up to now one would be credited with the time one had not done in gaol.

There is disquiet when members of the public hear that a person sentenced to imprisonment for five years is released in fifteen months. They ask how that can be. Lawyers and politicians do not know the answer.

I do not make these comments in a sense of criticism, but it would be helpful if the Attorney-General could prepare and distribute a paper so that if persons are sentenced to goal, they are aware of their rights, privileges and obligations about the serving of sentences. This could straighten out a lot of misunderstanding in the community at large. It would
also be useful to know what power the Crown has in the provision of remissions to
sentences.

Mr WILLIAMS (Doncaster)—Unlike the Leader of the National Party, I want to speak
at some length on the Bill. I do not want to speak on behalf of those who have been let out
too early. I want to speak out on behalf of someone who, in my opinion, was unjustly
sentenced to nine years, imprisonment. There is no way that poor man is being let out. He
is largely there because of political and other activities.

The DEPUTY SPEAKER (Mr Fogarty)—I sincerely hope the honourable member is
speaking about the Bill.

Mr WILLIAMS—I remind you, Mr Acting Speaker, that clause 1 (c) states that the
purposes of the Bill are, among other things:

... to enable courts to suspend wholly or partly sentences of imprisonment passed by them.

It is, next to Parliament, the right of courts to adjudicate on anything put before them for
alleged or actual breaches of the law. Parliament makes the laws and the courts adjudicate
on them.

I applaud what was said by the Attorney-General in the second-reading speech in
another place and by his counterpart in this place, that the sentencing is the most difficult
task that courts are required to carry out. It is absolutely vital that Parliament provide the
courts with a wide range of sentencing options and the community at large must find these
sentencing options agreeable to it. We must not have rapists and sexual perverts let out
after a month’s imprisonment when people, for a combination of political and criminal
activities, get nine years’ gaol with a minimum sentence of seven years.

I applaud the establishment of the small expert committee to conduct a detailed
examination into the operation of sentencing laws in Victoria, including the impact of
remissions. If anything, that is where our laws are deficient at present.

I have nothing but praise for Mr John Van Gronigen, the Minister’s special adviser on
these matters, who is probably one of Australia’s leading experts in the field of sentencing
laws, as a former superintendent of Pentridge Prison. There is no doubt about the history
of these matters. Australia was originally settled because of the wicked savagery of the
sentencing laws in the United Kingdom. Down the years, every now and again, a wicked
sentence is imposed on a man. Only recently, in the past couple of years, in my opinion a
wicked sentence was meted out to a man, Charles Stanley Wyatt.

As I said, Parliament is supreme in the protection of our rights and privileges and our
courts have an obligation to guarantee people’s equality before the law. Conspiracies to
pervert the course of justice in the matter of sentencing by the courts must rank among
the most heinous of crimes. Therefore, I am bitterly disappointed that the Attorney-
General and the Premier appear to have rejected claims of a conspiracy to increase the
term of imprisonment of Charles Stanley Wyatt.

The DEPUTY SPEAKER (Mr Fogarty)—Order! Is Charles Stanley Wyatt in the Bill?

I realize honourable members have a bit of elasticity in the second-reading debate.

Mr WILLIAMS—I am endeavouring to persuade you, Mr Deputy Acting Speaker, that
the Bill is long overdue in enabling the courts to review the sentence of this man. This
man got nine years’ goal because he was involved in the possession of documents designed
to get a false passport for another person. He was not convicted of forging the passport.
All he was convicted of was being in possession and he got nine years.

On 1 November last, the Assistant Director of the Justice Branch of the Department of
the Premier and Cabinet wrote to Mr Wyatt stating that he did not propose to take any
action regarding Mr Wyatt’s allegations of wrongdoing in connection with his heavy
sentence. I have a statutory declaration prepared by Mr Wyatt before Marjorie Finlay, JP
at Won Wron prison. Any honourable member can inspect it. It refers to remarks about
the Supreme Court of Victoria in the cafeteria section of Owen Dixon Chambers during August 1982. It names a judge, a Queen's Counsel a prominent criminal barrister and other barristers who protested at remarks made by a certain person in Owen Dixon Chambers about the sentence meted out to Mr Wyatt.

The DEPUTY SPEAKER (Mr Fogarty)—Order! I am trying to be tolerant. I realize the honourable member is trying to amplify a point, but he is dwelling too much on a certain individual. I ask that he generalize.

Mr WILLIAMS—As you well know, Mr Deputy Speaker, this man has been associated with me since 1977, when he was chairman of the master butchers' association. He was the man who brought down the Richmond City Council and who gave the most evidence about the meat substitution racket. I believe he was set upon for political purposes by a top legal firm in this city that has a lot to do with Labor Party politics. If you wish me to be academic, Mr Deputy Speaker—

The DEPUTY SPEAKER (Mr Fogarty)—Order! I want the honourable member to confine his remarks to the specifics of the Bill.

Mr WILLIAMS—Perhaps I can elaborate on why this Bill is before the House.

The DEPUTY SPEAKER—I believe I have allowed the honourable member to speak on wider issues, but I shall allow him to elaborate.

Mr WILLIAMS—in September, John Van Gronigen, writing in Police Life, concluded that there were few rules, principles or guidelines by which the process of imprisonment and sentencing reform could be charted.

He stated:

There is no doubt that sentences of undue leniency, as well as those of excessive severity are repugnant to society.

There is no doubt in the mind of the Leader of the National Party that sentences of one month for wicked crimes are repugnant. I am seeking to tell the House that the sentencing of this man, to whom I have referred, to nine years is equally repugnant to the community, particularly since the allegations in the statutory declaration which this man has sworn are in the hands of the Attorney-General—and yet nothing is being done about it. It is up to the Attorney-General to do something about the matter and find out why this man is in prison for nine years.

The DEPUTY SPEAKER (Mr Fogarty)—Order! I have given the honourable member too much scope. I now ask him to return to the Bill. He should not dwell on a specific person; if he generalizes more, he will convey his point in a similar manner.

Mr WILLIAMS—It is essential to the reform of our sentencing laws to understand the remarks of John Van Gronigen, who also stated:

After all it is the offence that puts the perpetrator of a crime in the hands of the judge, and it is in response to the offence that measures of punishment and/or treatment are imposed. The sentence must be warranted by the crime, and it is because of this principle that scales of penalties allowed by law for offences of varying gravity exist.

I have spoken for 8 minutes. I stand in this House and say that I shall keep fighting on behalf of this man. I believe the Government of Victoria has wreaked wicked punishment on this man because of political influence, because he brought down the Richmond City Council and because he exposed the meat rackets.

Ms SIBREE (Kew)—I am reluctant to take up the time of the House when everyone is anxious to get away, but I believe it is an important Bill and there are some significant matters that should be raised with the Minister for Housing, who is in charge of the Bill in this place, which have certainly come to my attention since the Bill was initially debated in another place.
As the Opposition spokesman on the Bill indicated, this is a codification and bringing together of sentencing options in Victoria and is part of a package of sentencing options that will culminate in a community corrections Bill, which will apparently be presented to the House next session.

I wish to make two comments about the Bill, the first of which is that it is important that we have some continuity and acceptability of the sentences that are given out by courts in this State. I join with my other colleagues who have expressed doubts and concerns about the credibility of our legal system, where sentences currently do not seem to fit the crimes.

Certainly, in recent times, I have taken a particular interest in the problem of child sexual abuse, and I know how angry parents and other concerned persons in the community have been that a molester recently received a fine of $1000 for molesting a young child aged six years, and yet a man who apparently was guilty of cruelty to dingo dogs was fined $6000. I just do not believe the community is prepared to accept that the judicial system and sentencing arrangements are operating properly when, apparently, dingo dogs are worth more than a child's future or a child's life.

It is hoped this Bill will go some way towards addressing these problems. If it does not, honourable members ought to examine carefully what is happening with the sentences and what sorts of options and maximum sentences are contained in the various statutes that have been passed through Parliament. Perhaps we should consider increasing the minimum amounts in relation to some crimes about which we are particularly concerned as a community.

I know just how angry the parents I have talked to are about the case of the molester, and I am also angry on their behalf.

The other area I wish to discuss, and which I ask the Minister to take on board, relates to how the Bill affects the probationary system. Since this Bill was first debated in another place, it has come to my notice that there is grave concern among the probationary service in Victoria about the implications of the Bill and of the forthcoming Bill. It has been put to me that this Bill should have waited and been put together with the forthcoming Bill as a package so that the two could be debated together.

I wish to spend some time commenting on the concerns of the probationary service in Victoria about the Bill. In particular, I direct to the attention of the Minister handling the Bill that earlier this year a review was commissioned on the probationary service in Victoria, which had a long and honourable history of assisting people who have been convicted of crimes and, to a certain extent, has been important in the rehabilitation process.

The Probationary Review Committee issued a report some time ago, but, to my knowledge, that report has not been publicly released. I understand it had some comment to make about this Bill and also the Bill that will be debated later. However, to my knowledge, and from my reading of the Bill, those comments have not been taken up by the Government.

The probationary officers are concerned about funding for their organization. Perhaps it would help the House if I indicated that there have been two branches of the probationary service in Victoria. One branch, which was established in 1906, was involved in the Children's Court jurisdiction, and it was not until the late 1950s that it expanded to the adult area. That was basically the start of what honourable members now talk about when referring to community service options in sentencing procedures, which could be open to the courts.

In the developing time of the probationary service, it has been subject to the control and discipline of various departments. Until recently, it was subject to the control of the former Department of Community Welfare Services. At present, because of this Bill, because of changes to Ministerial arrangements and the development of setting up the
Office of Corrections, the children's part of the service remains with the Department of Community Services, and the adult supervisory area is under the responsibility of the Office of Corrections.

The concerns that have been expressed to me—and they have only recently been expressed, so I am not fully versed in all the concerns—is that since July 1983, the administrative responsibility for probationary people in the adult area has gone to the Office of Corrections. However, from 1983, the funding for the part-time co-ordinators, who are operating through the Probation Officers Association of Victoria, has ceased.

The association has had a proud record. It has 1800 volunteers who are supervising some 1600 new probationary clients each year, and it operates through 36 branches. In many ways, the association is really operating like a union would operate for the volunteer labour that works for it. It advocates for them, it looks after peer group review, training, and all the things that volunteer organizations dealing with this very specialized area need to look after.

I hope the Minister will take up my concerns with the Attorney-General in another place and indicate to him that this service needs to be funded. Apparently, because of the uncertainty of about where this area is heading, the community corrections Bill has not been introduced.

The Minister who is currently responsible for the correctional services area, the Attorney-General, the Honourable Jim Kennan, is reluctant to fund the Probation Officers Association. Honourable members should be gravely concerned, as members of Parliament, about the many people in that organization who are serving in our electorates and helping younger and older offenders to go back into the community, and about the Attorney-General apparently having a very parsimonious and narrow-minded attitude to the role of these volunteers in the system.

If we are talking more and more about community-based options for offenders, it seems absolutely ludicrous to remove the support for an excellent volunteer organization which for many years has supplied an excellent service for Victorians.

I understand the Minister for Community Services takes the opposite attitude from that of the Attorney-General on this matter and she is anxious that the association be supported. As I mentioned earlier, the Minister has the responsibility for the children's probationary area, which is now separate. I believe the House should be aware of the unresolved current problems in this area while it is debating the Bill and the uncertainty of the probationary service, because the Bill will set up new community service orders and change the old arrangements under sections 507 through to 520 of the Crimes Act, which apply to probationary orders and officers.

Honourable members ought to be concerned and take those matters on board. I hope the Minister for Housing will take up my serious concerns with the Attorney-General and the Minister for Community Services because if we are not careful there will be a situation in Victoria where community service options will not be available because there will not be anybody around to supervise them. If the Government plans to do this from the regional offices it should consider the matter carefully, because those offices will not be open 24 hours a day as they are operated by public servants who are not available at all times to people who require to see their supervising probationary officers, and the reality may be that the whole idea of community service orders may be under threat.

The Attorney-General in the other place in his second-reading speech referred to the fact that the Bill also allowed the courts to impose "shandy sentences": that is, a combination of a custodial sentence of not more than three months with a community-based order extending not over two years.

In a paper prepared by two scholars at the Monash University Law School, Richard Fox and Arie Freiberg, they commented on this provision, and again it goes back to my concern about what may happen to the probationary service if it is not properly funded by
the Government. They queried whether that option was workable in a number of ways in that the courts may not be aware or sure that the person being given a "shandy" option would be in a situation to be supervised when the time elapsed to change over to the other part of the "shandy" sentence.

They ask in their paper on page 18: how, for example, will the community-based order fit into the existing sentencing structure? How will it relate to the suspended sentence or to the fine and to immediate imprisonment? They comment also in respect of courts being sure of where that offender may be able to go and whether the offender would be suitable at the time to go into a community service situation.

I urge the House to take serious consideration of the matters that I have raised and look seriously at the fact that the Government, although it has commissioned a review of the probationary service, which has now been completed, has failed to release that report prior to the debate on the Bill. That review points to a number of areas where the probationary service has certainly proven its worth. The review covers the effectiveness of the probationary service and draws a conclusion that for every ten probation orders received during a year one order was breached and an additional sentence was received. So its effectiveness is sound—one in ten breaches an order—so the supervision and care given by the probationary officers is of very high quality.

The report also refers to the comparative costs of the probation orders and community orders as compared to sentencing and parole. In the comparative costs based on 1982-83 figures probation costs $934 a year a person compared with parole, at over $2000 a year, compared with more than $18 000 a year a person for imprisonment, so where probation or a similar situation can be an alternative, it is much more cost effective.

The conclusions reached by the Probation Review Committee which reviewed the system were:

In conclusion therefore, the Committee takes the view that while probation is currently the cheapest of the supervised sentencing alternatives to operate, the costs of upgrading the service—including the allocation of additional resources—must be balanced against the benefits of a program which operates efficiently and effectively. In terms of the enhanced community confidence in the justice system alone, the additional expense is justified.

This report has been given to the Government, which has kept silent on it. In the meantime the Attorney-General apparently wishes to quietly undermine the work of the Probationary Officers Association. He will be cutting off his nose to spite his face.

I plead with the Minister for Housing to take back to the Attorney-General the message from this House that he should consider carefully before reducing the resources to the Probationary Officers Association so that a good alternative process that is currently available remains of the high quality it is and that the work of volunteers can continue as an important part of sentencing and the rehabilitation system in Victoria.

Mr WILKES (Minister for Housing)—I take this opportunity of thanking the honourable member for Bendigo East and congratulate him on the way he has handled the twelve Bills over the past day and a half. As a new member he has shown a professional skill that is rare in this place and I congratulate him on his effort and thank him for the co-operation he has given the Government along with that of the Leader of the National Party, who, like me, is an old stager, who is always prepared to co-operate—apart from politics—and I thank him, too.

The motion was agreed to.

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

FORESTS (WOOD PULP AGREEMENT) (AMENDMENT) BILL

The debate (adjourned from November 21) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The Forests (Wood Pulp Agreement) (Amendment) Bill highlights the double standards that have been applied by the Government, particularly
in the way in which it has handled some matters under the administration of the Department of Conservation, Forests and Lands. What is embodied in the Bill was put in place by the Liberal Government back in 1961. If one compares the provisions of the Bill with those that currently apply in some of the other timber-getting industries in this State one will realize why I make the comment that a double standard has been applied.

The Bill extends the agreement of time for the supply of wood pulp to APM Ltd by the Forests Commission until the year 2024, and doubles the commitment of the State for 100,000 cubic metres to 200,000 cubic metres. Obviously the other signatory to the agreement, APM Ltd, is able to plan its operations accordingly and certainly the Forests Commission which supplies the product to this agreement can plan accordingly, and I am sure that will lead to satisfactory working conditions.

I compare that satisfactory situation with the report of the board of inquiry into the timber industry, known as the Ferguson Report, which made the following comments in relation to the removal of impediments and the way in which the sawlog and milling timber industry is expected to operate.

One industry submission to the inquiry states "that the Inquiry demonstrates to Government that Government policies themselves are the greatest single obstacle to obtaining this (cost competitiveness) objective". This view was repeatedly expressed during the case study visits.

The reason why the industry holds this view is obvious. It is a resource-based industry with only limited direct control over the resource. Many in the industry appear to hold the view that resource issues have become important influences on industry prospects and plans only in recent years. This clearly reflects the growing community awareness of environmental issues and the growing and competing pressures between those who seek the economic benefits of using the forest or plantation as a productive resource and those who would rather have the benefits of a total absence of entrepreneurial activity. The evolution and implementation of compromise solutions to these competing objectives is taking considerable time and creating a lot of uncertainty and apprehension within the industry about the future.

The next paragraph is the important one in comparing this legislation with what exists in the milling industry. It states:

The case studies associated with this project were conducted at the end of August 1984. At that time, none of the sawmills visited had a licence allocating logs for the coming year or knew precisely what royalty rates they would be paying on logs which they had been receiving since 1 July 1984. This is a most undesirable situation, particularly in an industry where much of the investment must be amortized over a ten to twenty year working life for the plant and equipment.

That is the situation in which the milling industry finds itself and the industry is one that finds it is virtually running on a twelve-month basis whereas APM Ltd and its predecessors have been able to put themselves in a position where they have supplies that run until 2024. That is a considerable part of the requirement that APM Ltd needs to operate the Maryvale mill.

The original pulpwood agreement was signed by the Colonial Sugar Refinery that operated a chipboard mill at Bacchus Marsh. There have been two subsequent amendments to that agreement, one of which was in 1961 and then in 1974 when the softwood agreement was promulgated. That agreement was incorporated in the Forests (Wood Pulp Agreements) Act.

The amendment extends the period of that agreement from 2004 to 2024. Obviously, the proper planning processes are to be engaged in both by APM Ltd and the successor to the Forests Commission, which will become committed to the supply of 200,000 cubic metres of woodpulp material during that period.

Two mills in Victoria produce packaging paper, which is the destiny of the product under this agreement. One of the mills is the APM Ltd mill at Maryvale and the other is Smorgons Consolidated Industries Mill at Footscray. This Bill deals with the agreement with APM Ltd which, at present supplies approximately 70 per cent of the Australian market and which in 1982-83 sold 595,000 tonnes of paper and paperboard throughout Australia.
The Maryvale mill is the APM Ltd's principal mill. It also has a mill at Petrie in Queensland and at Millicent in South Australia. The raw materials used at Maryvale include both eucalypt, pulpwood and softwood pulpwood and in 1983–84 APM Ltd used 443,000 cubic metres of eucalypt pulpwood, 78 per cent of which came from the State forests as residues of sawlog harvesting operations and 21 per cent from saw log residues.

The 1974 agreement provided for up to 100,000 cubic metres of softwood from the State plantations, and this agreement doubles that commitment.

Softwood pulpwood is principally drawn from the State forests either as thinnings or as residue material from the saw log operations conducted by contractors to the Forests Commission.

APM Ltd has relied not only on the Forests Commission for the supply; it has a total of 42,000 hectares of plantation within the Latrobe Valley, which is devoted to its operations. The Forests Commission, to supplement its plantings, is planting in the order of 700 hectares a year to ensure that the contract agreed to under the Bill is met.

The Maryvale mill has recently been the subject of some expansion. Up until 1983–84, it used 355,000 cubic metres of pine pulpwood which came from the following sources: the State contribution was approximately 10 per cent, the company's contribution was 69 per cent, from private foresters encouraged to commit land to private forests was 5 per cent contribution and from sawmill residue there was 16 per cent.

With the opening of this new pine Kraft mill which has been a significant part of the development of the Latrobe Valley at Maryvale, the requirement for 1984–85 will be 580,000 cubic metres. It is highlighted, perhaps, in the 1985 annual report of the company when it indicated that the number of people employed by the company in the paper and pulp division totalled 2860 for 1984–85, approximately 800 of whom were directly involved in the mill operations.

As well as handling pulpwood, APM Ltd recycles waste and cardboard, and also utilizes imported pulp. The recycled wastepaper and cardboard accounts for 52 per cent of the raw material. The pulp produced by the Maryvale mill accounts for 30 per cent, the imported pulp accounts for 12 per cent and the other mill productions that are utilized account for 6 per cent.

By anyone's measure, this is a significant operation and I am sure that for those people who live and work in the Latrobe Valley, it offers them a secure position; and, so far as the company is concerned, it will welcome the extension of this agreement.

In that 1985–86 annual report, under the heading of “Pulp and Forestry”, the following comments are made:

All pulping facilities operated well in 1984–85 and record production was achieved. Overall output rose 27 per cent.

That figure, I understand, reflects the bringing into production of the additional Maryvale mill. The report goes on:

...the division is now largely independent of imported pulp.

As I indicated, of the total requirement for pulping material, the company has its overseas pulp figure down to 12 per cent and in terms of this country's international trading balance, that is a significant contribution. Further on in the report it says:

The Maryvale pulp mill expansion was closely geared to pulpwood availability: Thus the Division's investment in forestry resources is used effectively at the present rate of pulp production. APM has negotiated with the Victorian Government for a significant supply of wood from Government sources after the year 2000 to supplement internal supply and meet projected pulp demand. Our own continuing forestry program will include the planting of 1250 hectares of predominantly pinus radiata in Gippsland during 1985.

That means that between the Forests Commission and the company's own plantings; within the area designated in this amendment, there will be a planting of approximately
2000 hectares of pines in this coming year, and presumably when maintained at about that planting area will ensure that the source of 200,000 cubic metres is maintained up until the year 2024.

The area of supply has been considerably extended and now includes most of Gippsland, running from the Bunyip River in the closer parts to Melbourne to the Mitchell River at Bairnsdale and virtually from the coast to the present boundaries of the Alpine National Park. Obviously, in that significantly increased area, an opportunity will be available for both the State Forests and Lands Service and private foresters to expand their plantings and to participate in the benefits of the pulpwood industry as it is stimulated in the Gippsland area by the Maryvale mill.

A map is mentioned in the agreement in the schedule but is not included in the schedule to the Bill; however, it is registered at the Central Plan Office. It probably would have assisted the discussion if the map had been included in the schedule.

The Opposition supports the Bill. It is an initiative that was taken by the former Liberal Government some years ago. The comments that I make highlight the dilemma facing sawlog operators in this State who are able to negotiate only a very limited tenure of their source of supply whereas, under this agreement, APM Ltd has been able to negotiate a very lengthy period of supply.

Mr B. J. EVANS (Gippsland East)—I endorse enthusiastically the comments of the honourable member for Syndal who has given an effective summary of the Bill and the history behind it. I was especially impressed by the contrast he drew between the manner in which APM Ltd has achieved an assured source of supply over a long period, enabling it to justify the investment of large sums in the industry—I have no quarrel with that—and the treatment meted out to the sawmilling section of the industry which, as the honourable member pointed out, is forced to make its arrangements virtually on an annual basis.

The only point on which I join issue with the honourable member for Syndal is why, when he was a member of the former Liberal Government, he did not do something about it. Over the years, Liberal Governments consistently ignored the pleas of the sawmilling industry. As a member representing an area that depends heavily on that industry and on improved security of tenure for the industry which needs security of supply over a long period to justify the investment of money in the industry, I have been well aware of the situation.

Security of tenure leads to the sort of stability that APM Ltd has undoubtedly brought to the Latrobe Valley with its main centre of operation there over many years.

Another pertinent aspect is the fact that, over many years, both the former Liberal Government and, more recently, the Labor Government have rejected the very principle on which APM Ltd has so successfully operated in the Latrobe Valley; that is, the fact that it is part and parcel of the company's operation to engage in the practice of wood chipping. Everywhere else in Australia wood chipping is regarded as wrong and "conservationist". Organizations have consistently attacked wood chipping as a process. Never once have those organizations alleged that the effects of wood chipping as carried out by APM Ltd in the Gippsland area for nearly 50 years have been detrimental.

The procedures that have been carried out over those years by APM Ltd under the overall jurisdiction of the then Forests Commission have proven time and again that the proposals can be carried out to the benefit of the forests; yet that fact has been completely ignored by both Liberal and Labor Governments. Every inquiry that has been made into forestry operations in the far eastern portion of this State has, to my knowledge, found that integrated logging—indeed, the practice of wood chipping linked with the extraction of sawlogs—is an essential ingredient in the ultimate development of improved forests.

It is interesting to note in the Minister's second-reading speech that he points out the advantages of enabling the utilization of softwood thinnings in improved softwood forests.
Forests (Amendment) Bill

Exactly the same principles apply to hardwood forests. If the surplus material—trees that are deformed and are virtually rubbish trees—is removed, that allows the remainder to grow bigger and better. That principle is known to everybody who has ever grown a vegetable in his garden. Let them grow too thickly and the best results will not be achieved.

I believe there are very few areas where nature has not been improved by man, and it is quite absurd to say that our forests will be better for future generations if we lock them up and refuse them to allow sensible utilization of this valuable resource. That is not to say that some areas of special significance should not be set aside. Nobody disputes that contention; but, to set aside vast areas—areas representing, for example, 15 or 20 per cent of a municipality, as is occurring in the Shire of Orbost—is absurd and, in the long term, will mean poorer forests for future generations rather than better forests. APM Ltd has demonstrated over many years that this practice of forestry can be carried out to the benefit of the whole community and to the benefit of our forests. They can provide plenty of illustrations of its effects.

The National Party supports the Bill and believes it is necessary to support long-term security of tenure and security of supply for a company that is prepared to invest large sums in a project of this nature. The company has demonstrated its confidence in the industry's future and, in the absence of such an industry in this country, the nation's balance of payments would be a great deal worse.

It is tragic that, at this time, when an assault is being made on the forests of the world and academics are constantly warning about the dangers of the felling of large areas of rainforests in other parts of the world, we do not utilize our resources to the maximum and that we continue to insist—not just to allow, but to insist—that large quantities of a valuable resource are burned instead of being utilized to offset the need to import so much material from other countries. I submit, as I have done on many occasions, that we in this country have an awareness of the environmental problems that can arise from over-utilization of a resource of this kind.

When Australia fails to utilize what can be utilized effectively and reasonably, a demand on the already sadly over utilized resources of other parts of the world is created.

The National Party supports the Bill and welcomes the program of APM Ltd to continue its operations.

Mr PLOWMAN (Evelyn)—I had no intention of entering into the debate because the honourable members for Syndal and Gippsland East summed up the situation adequately. However, I wish to remark on something that was mentioned by the honourable member for Gippsland East. He said that it was a pity that the honourable member for Syndal, in handling the Bill for the Opposition, had not done something about this when he was part of a Liberal Government.

It should be placed on record that, although the honourable member for Syndal represents a suburban electorate, he has always been a fighter for the timber industry and a man who has had considerable influence within the Liberal Party Government and now in the Opposition party in seeking a sensible balance between utilization and conservation of resources. Perhaps it is a credit to his efforts that there may have been a change of heart by the Liberal Party.

The honourable member for Gippsland East represents an area in which sawmilling is extremely important, as it is in the electorate I represent and in the electorate of Benambra. I am always happy to support a Bill of this kind and the point of view put forward by the two honourable members who have spoken.

It should be placed on record that the honourable member for Syndal has always been a fighter for this industry and had considerable influence within the former Liberal Government and now the Liberal Opposition.

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

**TOWN AND COUNTRY PLANNING (PLANNING SCHEMES) BILL**

The debate (adjourned from November 21) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—This is a machinery Bill which validates the planning schemes and permits issued under the planning schemes of 50 metropolitan councils. It closes a loophole which became apparent under those planning schemes and which was contested in the Supreme Court recently. The provisions of the Bill are retrospective but they will not in any way jeopardize the court's decision on this anomaly or loophole. The Opposition welcomes the new measure and supports it.

The motion was agreed to.

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

**BUILDING CONTROL (PLUMBERS, GASFITTERS AND DRAINERS) BILL**

The debate (adjourned from November 21) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—The Bill streamlines the procedure for registration of plumbers, gasfitters and drainers and brings in a requirement for registration of contractors working in those areas. Previously, plumbers, gasfitters and drainers, after receiving qualifications in their trades and licences to practise, were required to be registered by a multiplicity of draining, gasfitting and sewerage boards around the State and, in the metropolitan area, by the Melbourne and Metropolitan Board of Works, before they could work in their trades.

The Bill simplifies these procedures and, instead of having to be registered and licensed by all the bodies mentioned, they are to be registered under the Plumbers, Gasfitters and Drainers Registration Board.

The measure has been well debated in another place and the Opposition supports it.

However, I wish to touch on two points, one that is of concern to the Opposition and one that irritates me. Clause 8 of the Bill specifically refers to the change of the word “chairman” to “chairperson”. I expressed concern about this matter in another Bill recently. I believe it is following the plain English policy of the present Government and I consider that to be an absolute nonsense. In fact, the substitution of the word “chairperson” for the word “chairman” is not plain English, it is a bastardization of the English language and achieves absolutely nothing.

I quote the comments of two authorities who are held in high regard on the matter of the address to the chair. The comments of one are set out in a recent and up-to-date publication on meeting procedures and miscellaneous aspects of the “Guide for Meetings and Organizations”. I quote from the section, “Forms of Address” and I comment that Parliament follows much the same procedures as are laid down in this document:

Remarks should always be addressed to the chair. The chair’s title (Mr President, Mr Mayor, Mr Acting President, etc.),

If I can interpose, also, “Mr Speaker, Mr Acting Speaker, or Mr Chairman” in this place.

... or the expression “Mr Chair” should be used, and not his name; remarks are addressed to him as Chair of the meeting and not in his personal capacity as “Mr Smith”. A woman in the chair is addressed using “Madam” instead of “Mister”, for example Madam President, Madam Mayor, Madam Acting President, Madam Chairman, etc.; “Miss” and “Mrs” (for example, Miss President) are quite incorrect,
And the following is the important aspect of this:

... but the expression "Madam Chair" can be used. The terms "Chairwoman" and "Chairperson" are also to be avoided.

I completely concur with that.

That was a male commenting on that matter, a Mr N. Renton. I quote also from a female source, a Guide to Meeting Procedure, Ceremonial Procedures and Forms of Addresses, with Specimen Meetings and Standing Orders. It is titled Mr Chairman and written by Marjorie Puregger, who states:

Whatever position he otherwise holds, the man who takes the chair is addressed as Mr Chairman, though Mr President is sometimes heard. When a woman is in the chair the correct form of address is generally considered to be Madam Chairman.

The requirement to have "Chairperson" in the plain English provisions introduced by the Government is absolute nonsense and has simply been introduced to placate the lunatic left of the Government party or the feminist movement.

If a secret ballot was held in this Chamber I am sure almost 100 per cent would be in favour of dropping such nonsense language from legislation. I hope the Government rethinks this plain English nonsense and the title "Chairperson" as distinct from "Chairman" or "Madam Chairman".

Some time ago concern was expressed that the regulations under the principal Act could affect the operation of the home handyman or the man who wants to mend a spout or patch a hole in his roof that has been damaged by a thunderstorm. Similarly, it may affect an individual who wants to erect a Myer's garden shed or a prefabricated garage. It may affect the farmer carrying out repairs to a hayshed or a farm building. If officials wanted to be technical, those people could be charged with contravening the regulations. I am delighted that the Minister for Housing has indicated that is not the intention of the Bill.

The Minister for Planning and Environment in another place, gave an absolute assurance that it was not the intent of the Bill for this situation to occur. Not only did the Minister give those assurances, but he indicated that although he did not wish standards to be reduced, and honourable members in this Chamber take the same view. The Minister undertook to examine the regulations carefully to ensure that where the intention of the proposed legislation is not being followed and where the regulations prove to be other than the original intent of the Bill, he will examine those regulations with a view to ensuring that handymen who are erecting a Myer's garden shed or doing repairs on the farm will not be contravening those regulations. I thank the Minister for his assurances and on behalf of the Opposition, I thank the Minister in another place for his assurances in that regard. Apart from that personal irritation to which I referred and the provisions relating to home handymen, the Opposition supports the Bill.

Mr WHITING (Mildura)—Most honourable members agree with the provisions in the Bill, given that it is an attempt to standardize the standard of plumbing, gasfitting and drainage work in this State in line with other States.

As a person who has lived in a border area for some time I have had considerable trouble with plumbers who reside in Victoria, but who wish to operate in New South Wales, where a different set of standards apply, particularly regarding gasfitting. Consequently, most of the plumbers or tradesmen in border areas of the State require a licence to operate in both States to cope with the different regulations. That has been a problem for those tradesmen because they have had to journey to Sydney to undertake an examination similar to that in Victoria, just because of the slight difference in rules that apply in those States. If the Bill can correct that problem, the National Party supports it.

The National Party believes as high a standard as possible in tradesmanship should apply in most areas. It is hoped that the amendments made in the Bill will help that process.
I support the honourable member for Evelyn in his remarks so far as his complaint is concerned, because at some time in the future the honourable member may be referred to as the Honourable James Plowperson. The honourable member for Syndal would have to be Mr Coleperson. One shudders to think where that sort of thing would end. It is interesting to note that until recently, and I am unsure what occurs now, the person who occupies the relevant position in the Equal Opportunity Board refers to herself as the “Chairman”. Obviously she has not been swayed by the moves that are taking place to change the terminology to “Chairperson”. This to me immediately indicates that a female person is occupying a chair that would normally be occupied by a male. It does not promote the spirit of equal opportunity or the use of non-sexist or non-specific language. I hope common sense prevails in this area.

The Minister for Housing, in his second-reading speech, gave the impression that he did not fully understand the Bill. The Minister did not actually refer to any clauses in the Bill, although the Bill contains 27 clauses and he did not refer to any clause in detail. The Bill changes a number of provisions in the plumbers, gasfitters and drainage areas, but the Minister has assured the House that the measure does have the support of the Master Plumbers Association of Victoria and other trade organizations. If that is the case, the National Party is satisfied with that explanation.

The National Party does not oppose the Bill but it is concerned about the slapstick approach that some Ministers take to legislation that comes before Parliament. I refer especially to legislation during the past few weeks.

The motion was agreed to.

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

**MELBOURNE CRICKET GROUND (AMENDMENT) BILL**

The debate (adjourned from November 21) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The purpose of the Bill is to change the operations of the Melbourne Cricket Ground floodlights and also the composition of the trustees of the Melbourne Cricket Ground.

Many issues surrounding the operation of the lights were raised when the 1984 Bill was introduced into Parliament. I have read the *Hansard* report of the debate that occurred at that time and the matters covered by the Bill relating to the use of lights outside permitted times were raised in that debate.

It is interesting that in the short time since the lights have been used, these matters have had to be addressed. The Bill provides an opportunity for the lights to be tested during normal daylight hours and also to be used in deteriorating light conditions during a day game.

Mr Whiting—Football or cricket?

Mr COLEMAN—The McDonald’s Cup is currently being played and Jones is out for a duck. The Bill proposes to remove the requirement for an order by the Governor in Council to approve the use of lighting and to transfer that responsibility to the trustees of the Melbourne Cricket Ground. It is not clear whether a meeting of the trustees must be held to determine when the lights will be able to operate or whether a designated person will have the responsibility of determining when they can be used.

That position has not been made clear in the debate that occurred in the other place. Perhaps the Minister for Housing can advise this House what the method of operation will be.

Another purpose of the Bill is to remove the position formerly occupied by the President of the Victorian Football League on the trust and to change the name of what was
previously the representative of the Minister for Youth, Sport and Recreation to the representative of the Minister for Sport and Recreation.

The Opposition supports the Bill because many of its provisions have already been highlighted in the previous debate in another place.

**Mr ROSS-EDWARDS** (Leader of the National Party)—The National Party supports the Bill, although it contains one piece of nonsense. The trustees must agree to the lights being turned on between 10 a.m. and 6 p.m. I do not understand why anyone would have to agree to turning on these lights in daylight hours. It is obviously a square-off to the Honourable James Guest and anyone else living in East Melbourne. It is ridiculous to require approval to turn on the lights between 5.30 p.m. and 6 p.m. if the lights would assist players even to a minor degree.

The trustees will certainly delegate their responsibility to someone else, because if, during a game, an umpire decides that the lights should be on, a meeting of the trustees would not be able to take place. This is a greatest piece of rubbish introduced by the Labor Government, but the National Party will agree to it because the Bill must be passed before the end of the cricket season.

**Mr Austin**—Tonight!

**Mr ROSS-EDWARDS**—The National Party agrees to pass the Bill today because the lights are required for the current cricket season. Honourable members do some stupid things at times, but this is one of the most stupid.

The motion was agreed to.

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

**MARKETING OF PRIMARY PRODUCTS AND EGG INDUSTRY STABILIZATION (AMENDMENT) BILL**

The debate (adjourned from November 21) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

**Mr AUSTIN** (Ripon)—The Bill is about eggs and it is pleasing to see the Minister for Housing at the table because he is the only member of the Government who knows something about these matters. The Bill will amend the Marketing of Primary Products Act 1958 and the Egg Industry Stabilization Act 1983.

Honourable members would be aware that in Victoria the responsibility for eggs is vested in the Victorian Egg Marketing Board and the board makes deductions from payments made to growers to meet the board’s costs of marketing and administration. Under the present provisions, the board makes those deductions based on the number of dozens of eggs delivered by a grower to the board.

The system is administratively inefficient and expensive and, therefore, some streamlining is necessary. The Bill proposes that deductions will be based on the number of quotas held by a grower rather than the number of eggs delivered by that grower to the board. The justification for that change can be demonstrated by the fact that approximately $200,000 a year in administrative costs will be saved.

The Opposition supports the change because it is sensible. Although it is difficult to obtain a widespread reply from the industry, it appears that the industry generally is in favour. I am sure some of the smaller growers, particularly in the Bendigo district, could be slightly disadvantaged. This is not a criticism of small growers but because of economies of scale their efficiency is not as high as that of larger growers. That means for each thousand hens these growers will probably produce fewer eggs. Therefore, a smaller number of eggs will be produced for the number of quotas held by less efficient growers who have lesser economies of scale.
The Victorian egg industry produces more arguments and controversies than any other rural industry. Many different opinions exist about what should occur. One of the real concerns of Victorian producers is that there is a danger the industry will be held back by restriction and controls imposed by the Government. That has been the case for a long time. Originally the Liberal Party was responsible for the quota system, which I have always criticized. The opposition parties recognize the shortcomings of that system and are concerned about the degree of regulation in the industry.

The Opposition supports the encouragement of family farms, but Parliament should never control and regulate an industry in a way that prevents it from being efficient. Since coming into office this Labor Government has imposed further controls and quota restrictions on the industry which have limited the size of farms ridiculously and which will mean an unnecessary increase in the cost of production.

In spite of the Labor Government that has been in office in New South Wales for a long time, the hen quota there for any one farmer has been increased. An individual farmer in New South Wales may hold approximately 150,000 hens. The Victorian Government has placed a ridiculous restriction on poultry farmers by limiting their individual hen quotas to 10,000, and to 40,000 for any one farm. In other words, if a husband, wife, a son and a daughter are all part of a family business, they may hold a maximum of 40,000 hens but in many cases Victorian poultry farms are equipped to handle far more hens than that number. The hen quota restriction will make the industry more inefficient.

The Government is making the industry in Victoria a laughing-stock when it is compared to the New South Wales egg industry. It will not be long before cheaper eggs are imported from New South Wales, which will further ruin the existing poultry industry. The Minister and the Treasurer ought to express concern to Cabinet about the proposal because the New South Wales product will overrun the Victorian egg industry and the Victorian egg producers will gradually be put out of business.

Part 3 of the Bill allows the Poultry Farmer Licensing Committee to issue a licence to someone who is not a bona fide poultry farmer. This licence can be issued in the case of a person who received a licence after 1 July 1984. The thinking behind this provision is that the Egg Industry Stabilization Act in its present form prevents anyone who is not a bona fide farmer from being issued with a licence. The amendment contained in Part 3 will allow a person who has been given a licence to renew that licence. Clause 6 allows the Poultry Farmer Licensing Committee to issue a licence to a person who is the nominee of the Crown, or a statutory body or an educational institution; or a nominee for a company or public company.

When considering the industry generally we should be critical of the Victorian Egg Marketing Board and question the necessity for it in its present role. Perhaps the board should not be carrying out its present functions and should be playing a merely administrative role. The figures for that industry indicate some serious trends. Last year there was a drop of 2·2 per cent in the sale of shell eggs and a further drop of 4·8 per cent in sales this year. Each week 50,000 dozen eggs are exported to Hong Kong and those eggs represent a $1 a dozen loss to the board and, of course, to the industry.

The 4 per cent reduction in the sale of shell eggs is equal to 1 million dozen eggs a year. Because of the fall-off in the total consumption of eggs, the board has been forced to reduce egg production by imposing a 6 per cent across-the-board cut in the quota, which represents a reduction of 150,000 hens. In other words, throughout Victoria that represents a $3 million loss to Victorian egg producers.

On top of that the Victorian Egg Marketing Board has increased the levy by 2 per cent, which has cost farmers $1 million a year. It was suggested to me that the $2 million spent by the board on advertising is not effective and considerable dissatisfaction has been expressed within the industry about the way in which the farmers' money was expended. Generally it is thought that the advertising is a waste of time and money.
One is led to ask why there has been a reduction in the consumption of eggs. The reason given to me was that one of the most detrimental effects on the industry was the decision of the board to increase the yolk colour standard. The adverse publicity that this decision received has had a detrimental effect on the industry. At the time the board was advised by members of the industry not to increase the yolk colour content, yet the board has taken no notice of the advice.

The Minister may be able to advise me why the board is losing large amounts of money on its egg products, particularly the crepes. Having said that, the industry generally accepts the proposed legislation and, therefore, the Opposition does not oppose it.

Mr STEGGALL (Swan Hill)—The National Party supports the Bill. As the honourable member for Ripon mentioned, the main thrust of this measure is to change the approach taken by the Victorian Egg Marketing Board to collecting its levy from a per dozen basis to a quota system. In the long term that will be very sensible.

The honourable member for Ripon mentioned the role of the Victorian Egg Marketing Board. That board is one of seventeen rural primary products boards which will be reviewed by the Public Bodies Review Committee next year. That inquiry will be able to determine whether the provisions contained in the measure are working and whether the board is operating efficiently.

I know the egg industry is looking forward to that review, to be able to put forward its case and for the different sectors of the industry to be given a voice and the opportunity of expressing ideas of change. I am not sure whether this will come out or the review of the industry itself. This matter has been thoroughly discussed in the other place where amendments were made. The National Party supports the proposed legislation and wishes it a speedy passage.

The motion was agreed to.

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

LAND (MISCELLANEOUS MATTERS) BILL

The debate (adjourned from November 21) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—This Bill concerns a topic that arises with fairly regular occurrence as movements of land under the control of the Land Management Group within the Department of Conservation, Forests and Lands require formal authority for those transactions to proceed. The Bill embodies many clauses relating to the proposed closure of the Newmarket sale-yards and other separate matters in the schedule. I propose to deal with those matters and then return to the Newmarket issue at the conclusion of my remarks.

The first item concerns the closure of Moorabool Street, Geelong. It appears there was an oversight when some land was transferred recently in what was termed the “Geelong City by the Bay” project. The Bill will overcome a difficulty that has been created and will help ensure that the Port of Geelong Authority will be able to complete the development of a site for that project.

The next item relates to the Sandhurst Water Supply Reserve and the road realignment project there. After contacting the Sandhurst water board I indicate that it appears the board is in agreement with the proposal. I understand that the removal of trees envisaged in that project has been addressed and that other trees will be replaced on the land held by the Sandhurst water board. The Opposition welcomes that matter being addressed.

The third part relates to the Riviera Harbours Development, Paynesville. I understand some tidal land is preventing the project from proceeding. The Bill will allow the developer in that instance to gain access from the water to the land proposed to be subdivided. It
would seem that the access to the water will enhance that project, which will obviously provide many people with recreational opportunities in that lake system.

The next item, of which you, Mr Acting Speaker, have some knowledge from your association with the Mortuary Industry and Cemeteries Administration Committee, is the sale of land at the Fawkner Crematorium and Memorial Park. I understand that following the sale of this land, which is deemed to be unsuitable for cemetery purposes, the released money will be made available for the development of replacement burial land in some other areas of the northern suburbs. I understand the committee supports that concept, and the Opposition will not raise any objection to that proceeding.

The ACTING SPEAKER (Mr Kirkwood)—Order! I am sure our committee is pleased by your support.

Mr COLEMAN—The fifth part of the schedule deals with the Centre for Contemporary Art, South Yarra. It is educative to refer to the debate on 2 June 1983 when the excision of part of what is the public park in the area close to the shrine took place. The second-reading speech of the Revocation and Excision of Crown Reservations Bill (No. 2) stated:

The garden setting of the residence makes it attractive for the purpose of a contemporary arts centre. Although the enclosed area of the residence and surrounding service area might, by arrangement with the Melbourne City Council, be available for contemporary sculpture exhibitions and other outdoor art forms which require outdoor settings, it is proposed that only that part of the reserve occupied by the building itself, and having an area of 216 square metres, be excised from the reserve and then re-reserved for the purposes of the proposed arts centre.

That proposal was introduced in Parliament at the time. Two years later, in what one must describe as a park creek, one finds that the land surrounding that house is now required for inclusion into the Centre for Contemporary Art and that an extension is proposed for the building. The proposed extension is neither complimentary to the building nor is it complimentary to the area in which it is being placed. There has been some conjecture, particularly in areas immediately surrounding the building, as to whether it ought to be proceeded with. That, together with a number of other Melbourne City Council buildings in the immediate area, has been subject to considerable criticism.

However, the Opposition is prepared to support the transfer of the additional piece of land, which comprises the gardens surrounding the house. That land has not been subject to public use for an extensive period. Had it been open to the public, the case would have been weakened. The existing building utilized by the Centre for Contemporary Art has been open to the public at certain times and there is now a sound reason for the surrounding land being incorporated in the centre.

Because the land is now being used by the centre, and the centre will be open to the public at certain times, the Opposition is prepared to support that excision from the park.

A further matter dealt with by the Bill is the creation of an information centre at Werribee on land adjacent to the Princes Highway which forms part of the State Research Farm. The arguments put forward relate to the excision of 1.467 hectares out of the considerable area that comprises the State Research Farm. In view of the fact that the area concerned is attracting continuing numbers of people and that the information that will be made available through this centre will obviously assist them to utilize the area concerned, the Opposition offers no objection. The area is obviously to be used as part of the directional system in which people may find their way into Werribee Park, a system that is to be put in place by the Shire of Werribee.

I turn now to the closure of the Newmarket sale-yards and indicate that that causes a certain nostalgia to me personally. In 1956 I left school and, together with a little dog, worked there night after night for a number of years. My association with it goes back to 1956, and the yards were in existence 100 years before that. I compliment the Minister for Planning and Environment and the Minister for Conservation, Forests and Lands on meeting with agents recently to satisfy the wishes of the Government, the agents and the city council.
The Melbourne City Council has operated the sale-yards ever since the Crown grant was made. It claims that it has operated the yards at a loss for a number of years, because of falling number of stock sold through that centre, and now wishes to be relieved of the cost of servicing the sale-yards.

The Government promulgated the Lynch's Bridge project, which is one of the main aims of its policy, and wishes to clear the sale-yards and the adjacent abattoirs so that the land can be made available for a caravan park and other purposes.

The agents, knowing that the closure was imminent, entered into arrangements with a private developer to build another sale-yard at Craigieburn. Naturally, they want the continuity of selling through Melbourne, be it at the existing site or at Craigieburn.

Newmarket has always been a determinant of livestock prices right along the eastern seaboard. The railways along the eastern seaboard of Australia all find their way into the Victorian system. In indifferent seasonal conditions in past times, stock from the eastern States were moved south towards the safer rainfall areas, and Newmarket has played an important part in determining the price for stock along the eastern seaboard.

The development of regional markets has meant that the prices commanded in those regional markets have been strongly influenced by the averaging situation at Newmarket. Many regional markets today are successful only because there is an alternative outlet for stock in periods of overproduction in the flush of the spring, should owners wish to take the option of another venue to offer stock for sale.

It is important that there be a central market. I am sure the Government recognizes that and has been able to provide the agents with the opportunity of continuing to trade at Newmarket. On my own behalf and, I am sure, on behalf of the associated stock and station agents of Melbourne, I thank the Government for its assistance in this matter. The Opposition supports the Bill.

Mr J. F. McGRATH (Warrnambool)—The National Party supports the Bill, which deals with several matters. Its primary purpose is to close a portion of a road in Geelong; but it will also repeal Act 21 Victoria No. 11 and the Newmarket Sheep Sales Act 1974; amend the Local Government Acts of 1958 and 1890, and revoke the permanent reservation of certain lands.

A section of roadway adjacent to the foreshore in Moorabool Street, Geelong, has been closed for some time as part of the foreshore development area at the end of the main street of Geelong. It would be an attractive development for people who come into Geelong from the western side and drive straight through the city to the foreshore area. The area concerned was once an access road to the former steamboat pier and was vested in the former Geelong Harbour Trust Commissioners—now, of course, the Port of Geelong Authority. It is proposed that the land be redeveloped as part of the “Geelong City by the Bay” project, which has generated interest and enthusiasm. The land has been inaccessible for road purposes for approximately a year. The advice of the Crown Solicitor is that the existing legislation does not render it possible to transfer the land, so this Bill is necessary. The National Party is happy with that aspect of the Bill. It is also important to mention that the Geelong City Council, the Geelong Regional Commission and the Port of Geelong Authority have agreed to the closure of the road.

The next portion of the Bill deals with the Newmarket sale-yards. The land in question was granted to the City of Melbourne in 1856, as ratified by Act 21 Victoria No. 11, now known as the Melbourne Markets Act 1857. The sale-yards grant restricted the use of the site to a cattle market and the abattoirs grant restricted that land to be used for the slaughtering of cattle, so that the grants under that Act were quite specific. It is now proposed to redevelop the land for public open space, including a riverfront park, which will be a valuable acquisition for residents of metropolitan Melbourne. The development will include community facilities and even housing in a redevelopment to be known as the Lynch’s Bridge project. The National Party has no objection to that part of the Bill.
The Bill also deals with the excision of part of the Sandhurst Water Supply Reserve, for road safety purposes. It is to assist in the upgrading of the Calder Highway between Melbourne and Bendigo by the Road Construction Authority. I understand that the improvements planned include the duplication of that road between Big Hill and Kangaroo Flat.

The importance of that duplication is that it will remove a lot of the curves and improve the alignment of the road. In this day and age we are all very conscious of improving road safety. That is a commendable project to be undertaken by the Government. In the Big Hill–Kangaroo Flat section of the road, the existing 3-chain wide State highway passes between Crown land which is permanently reserved and known as the Sandhurst Water Supply Reserve. The reserve has an area of some 1700 hectares. Four small strip portions of the reserve having a total area of 1.33 hectares are required for this new road. We have no opposition to that.

The Bill also covers the Riviera Harbours Development, Paynesville, and seeks to allow the exclusion of land from that important development in the Gippsland Lakes area. I commend the Riviera Harbours project which is under way. Some houses have already been built and some are already occupied. As a member of the National Party I consider that that type of development in country Victoria is very good. More developments of this nature should be undertaken in country areas.

These parcels of land join a large area of freehold land that is owned by the developer and, upon the excision from the reservation, this land will be sold to the developer to continue with the development. The National Party does not oppose that proposition.

The next area with which the Bill deals is the Fawkner Crematorium and Memorial Park which deals with the part of the property under the control of that body that is no longer needed because it is unsuitable for burials. The land is very rocky, therefore, the trustees have decided to sell it and use the money from the sale for the further development of other areas for the crematorium and memorial park development program. The trust has a northern park annexe of the cemetery in Box Forest Road, Glenroy, and a major new cemetery at Bundoora, so the funds will be used to develop those areas.

Another matter dealt with is the Centre for Contemporary Art in South Yarra which needs the excision of an area of about 390 square metres from the permanent reservation for public park and gardens at Dallas Brooks Drive, South Yarra. The centre is currently using a former gardener's cottage and occupies 216 square metres of land excised for this purpose. The National Party has no opposition to that proposition.

The final matter is the State Research Farm at Werribee. The Shire of Werribee desires to establish a tourist information centre, park and convenience centre in the interest of tourists. That is also a valuable project. The National Party supports the Bill.

Mr HEFFERNAN (Ivanhoe)—I put on record my objection to and disagreement with the provision that refers to the Centre for Contemporary Art in the Domain. I believe the Government is bypassing a principle which should be considered seriously, that is, using public open space, which ought to be kept for the public, and for specialist groups.

Following the direction that the Government is taking, 6 hectares are to be used for a stadium and there are plans to extend the herbarium area by 3 or 4 hectares at a future date. There is a further extension of public open space being removed. When is the Government going to stop slowly removing public parkland for development such as this?

I point out that not only in the National Tennis Centre situation have no car parking spaces been supplied, but there is no allocation for car parking spaces in the development of the Centre for Contemporary Art. It seems that there are two standards. Anyone in the private sector who wanted to carry out this development would be held to ransom to supply the necessary car parking as part of the development and as part of the planning process which the Minister for Planning and Environment fully supports, and yet, once again, that is being put aside for this development.
Recently the Minister was reported in the newspaper as stating that the extension of this area for the Centre for Contemporary Art may only be temporary for the next ten years. In the long term, the indication is that the centre will be moved to a more centralized part of the city. In my view of the statement, why is $500 000 being wasted on an extension of the Centre for Contemporary Art? Either the Minister has not done his homework or the taxpayers' money is being used without any care or responsible attitude.

I record my personal objection to any further excision of parkland. That must stop. It has gone too far.

The motion was agreed to.

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

TRANSPORT (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 11, line 30, omit “along a fixed route”.
2. Clause 11, line 31, after “basis” insert “along a route”.
3. Clause 11, page 7, lines 7 and 8, omit “along a fixed route”.
4. Clause 11, page 7, lines 16 and 17, omit “along a fixed route”.
5. Clause 11, page 7, line 17, after “basis” insert “along a route”.
6. Clause 11, page 7, line 21, omit all words and expressions on this line.
7. Clause 11, page 7, line 22, omit “(b)”.
8. Clause 14, line 9, omit “(1)”.
9. Clause 14, line 10, omit “section” and insert “sections”.
10. Clause 14, after line 19 insert—
   Chairman of associated authorities.
   '26A. Notwithstanding anything to the contrary in any Act, a person who is the Chairman of an associated authority referred to in paragraph (b), (c) or (d) of the definition of “associated authority” in section 2 (1) is not eligible to be appointed as Chairman of another such associated authority.'.
11. Clause 14, lines 20 to 28, omit all words and expressions on these lines.

On the motion of Mr ROPER (Minister for Transport), the amendments were agreed to.

WATER ACTS (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council’s amendments:
1. Clause 1, line 11, omit “and”.
2. Clause 1, lines 12 and 13, omit all words and expressions on these lines.
3. Clause 2, line 3, omit “6 and 8” and insert “5 and 7”.
4. Clause 5, omit this clause.

Mr McCUTCHEON (Minister for Water Resources)—I move:
That the amendments be agreed to.

Mr WHITING (Mildura)—I do not know whether the Minister for Water Resources is aware of what he is doing in this situation. As I understand it, proposed amendments Nos
1 and 2 remove clause 1 (c) from the Bill. Clause 1 refers to the purposes of the Bill and sub-clause (c) ensures that the Rural Water Commission has the power to do works. With that sub-clause removed, it appears that, in its efforts to try to improve the situation, the other place has thrown the baby out with the bathwater. I wonder whether anyone has considered the proposed amendments. If clause 1 (c) is not in the Bill, the Rural Water Commission has no power to do any works, and it will be in trouble on a legal basis.

Clause 5 refers to construction works of water supply, and proposed amendment No. 4 omits that clause. It appears that the Bill has been emasculated from when it was debated in this place. One of the problems with that clause was that it was thought that any rights to damages or costs to parties in law proceedings that are currently taking place should not be endangered and that if a case had begun prior to the Bill being introduced into Parliament, the rights of the people involved should be preserved. All that would have been necessary to preserve the rights of people involved would have been to remove the words "damages or costs" from the Bill. However, in its wisdom, the other place has totally removed the clause from the Bill. The Minister should explain what has happened.

The Minister should also explain why the burden of the $68 million has been imposed on the water users of the State when it was money borrowed by the Government for Government works. Why has not that amount been transferred to equity in the same way as the other borrowings of the former State Rivers and Water Supply Commission and the Rural Water Supply have been.

It is unfortunate that members of the Liberal Party saw fit to vote with the Government on that matter. Consequently, the water users of this State will have to pay interest on $68 million for ever after. I would hate to be a back-bench member of the Liberal Party at the time of the next State election!

Mr McCUTCHEON (Minister for Water Resources) (By leave)—Amendments Nos 1 to 4 all deal with clause 5. They are consequential amendments for the deletion of that clause. The debate about clause 5 and the special provision that was the subject of a number of draft amendments to deal with the mineral reserve basins scheme resulted in clause 5 being withdrawn. It leaves the rights of plaintiffs in the Supreme Court action dealing with the mineral reserve basins scheme exactly as they were. Rather than get into the complexities of the wording and the different views on that, it was agreed yesterday before the Bill was debated in another place that this was the cleanest way of proceeding.

Mr Whiting—Can the Rural Water Commission do any works?

Mr McCUTCHEON—The commission has traditionally performed works under the wording in the Appropriation Bill. This year, the Appropriation Bill was appropriately worded. Although the Department of Management and Budget requested the amendment to the Act so that the appropriate wording would no longer be required each year in the Appropriation Bill, that will now be necessary for next year’s Appropriation Bill.

The motion was agreed to.

SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL

Mr CATHIE (Minister for Education)—I move:

That this Bill be now read a second time.

Its purpose is to make a number of amendments to the Small Business Development Corporation Act 1976, including the establishment of a clear statement of the objectives and functions of the corporation, the inclusion of co-operatives in the definition of "small business", and to make provision for the appointment of the Auditor-General as auditor of the corporation.
In December 1983 the Public Bodies Review Committee report on the corporation, tabled in this House in February 1984, recommended that fundamental objectives should be established and included in the Act. When the corporation was established in 1976 its functions were only loosely described to allow a flexible approach to its tasks during the establishment of the corporation. The board of the corporation has reviewed its policies regularly and agreed with the Public Bodies Review Committee that the full statement of objectives and functions should be incorporated in the Act.

As explanatory notes outlining these objectives and functions are attached to the Bill, I do not intend to go through them all in detail.

The majority of them relate specifically to the five functions of the Small Business Advisory Agency as listed in the 1976 Act. Other functions include those relating to the addition of co-operatives in the definition of "small business" which can be assisted by the corporation, and the provision of additional powers to assist small businesses. These additional powers would allow the corporation to become more actively involved in assisting small business people to establish business and to survive in existing businesses.

Section 13 (1) of the principal Act is to be repealed and substituted by a section outlining the objectives of the corporation. The original section related to the establishment of the Small Business Advisory Agency. Although the agency was established, all of its functions were carried out under the name of the Small Business Development Corporation and it is, therefore, unnecessary for this section to be retained.

The objectives listed demonstrate the corporation's intention to develop and support small business in Victoria and to ensure that major difficulties can be identified and remedied where possible.

Further reference to the agency is to be deleted from section 13 (2) of the principal Act wherein the existing functions are listed and the new ones will be added.

The existing functions have been expanded to increase the ability of the corporation to become actively involved in assisting small businesses to become established. These powers will provide the flexibility for the corporation to meet the changing needs of the small business owner and operator.

As the services of the corporation become more well known and utilized, it is recognized that there is a need for information to be available in a number of different languages and this has already been initiated and is listed as one of the new functions.

The second main amendment is the change in the definition of "small business" in section 2 (1) (a) of the principal Act to include co-operatives registered under the Co-operation Act 1981. It has long been Government policy to support the development of co-operatives and to assist them where possible.

The corporation, both through its representation on the Ministry of Employment and Industrial Affairs Co-operative Development Program Funding Committee, and by direct contact with co-operatives, has been involved in providing advice but has not been able to provide other services. The amendment will allow the full range of services to become available to co-operatives.

Considerable activity has been taking place relating to co-operatives and there is currently a Ministerial committee on co-operation reviewing the Co-operation Act and identifying mechanisms for developing the co-operative sector.

It is, therefore, appropriate that the full services of the corporation be made available to the co-operative types of small business. The corporation has requested the Auditor-General to appoint an auditor and the amendment contained in clause 6 will formalize that request.

These amendments will provide for an Act which more clearly states the objectives of the corporation and one which reflects the current operations of the corporation.
Small businesses form over 97 per cent of the number of enterprises in Victoria and employ over 30 per cent of the State's work force. It is important that the corporation is able to provide an effective service to this sector.

The Government fully supports a vigorous and healthy small business sector in our economy and is determined to promote its growth. I am sure that this is an objective which is shared by all honourable members on both sides of the House. I commend the Bill to the House.

On the motion of Mr GUDE (Hawthorn), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

**COURTS (AMENDMENT) BILL**

Mr MATHEWS (Minister for the Arts)—I move:

That this Bill be now read a second time.

The principal purpose of the Courts (Amendment) Bill is to make a number of significant changes to the operation and structure of the courts. It adopts and develops the seminal work undertaken by the Civil Justice Committee. The Bill will profoundly affect the operation of Victoria's courts.

The Bill is designed to continue the Government's unparallelled efforts towards creating a far more responsive and effective judicial system in this State. It also includes amendments dealing with the Instruments Act, the Charities Act and several designed to improve the administrative processes of Government, each of which are conveniently and appropriately located in the current Bill.

The Bill focuses upon the two primary elements of court operation: firstly, matters related to the administration of all courts and, secondly, matters related to County Court jurisdiction when taken with the 1983 quadrupling of County Court jurisdiction, the improvements being made as part of the Courts Management Change Program and the changes contained in the Bill the court system of this State will be regarded as a model of its kind.

The Civil Justice Committee was established in 1982 to undertake a full scale review of the administration of civil justice in Victoria”. It was chaired by the Chief Justice, Sir John Young, and comprised members of the judiciary, legal profession, Public Service and two non-lawyers. The committee was supported by a sizeable research staff under the auspices of an expert on court administration, Professor Ian Scott. The committee's report set out 120 recommendations. It was delivered in September 1984 and has been widely distributed. Response to the report has been uniformly favourable although some of its recommendations remain the subject of consultation.

Many of its recommendations do not require implementation by legislation, and are appropriately the subject of administrative action. For example, a Courts Advisory Council has recently been established, to monitor implementation of the Civil Justice Committee Report and to report from time to time on the better operation of the court system. Furthermore, the major task of computerization of the Court Information System has been commenced and will be completed within five years. Other recommendations which have broad support will be dealt with by separate legislation. Some others are being actively considered as part of broader Government policy objectives.

There are a number of initiatives contained in the Bill, many arising out of the committee's work, but it is impossible to deal with them all in detail at this time. The two principal areas are, however, dealt with in turn, followed by consideration of the other amendments which are conveniently attached to this Bill.

First, matters which relate to case management and the general operation of the courts.
RESERVE JUDGES

One of the continuing problems of judicial administration has been coping with unexpected demands upon a judge's time. For example, when a judge is ill or required to sit in a complex criminal or civil trial for months, it can seriously affect the workload of the remaining judges and ultimately may increase delays in the court. It may mean that, as the judge is engaged on one matter for so long, a significant number of civil cases which otherwise would have been heard may not be able to be listed for trial during that period. The usual response has either been to allow delays to accumulate or to appoint additional judges. In such circumstances it is often inappropriate to appoint a full-time judge as the problem might only be of short duration.

The Bill implements the Civil Justice Committee's recommendation of the means to overcome such problems. It allows a judge to elect to retire from full-time duties after reaching the age of 60 and serving for ten years. A judge who does so retains the rank of judge and may be recalled to full-time duty for periods of up to six months as the need arises. This will allow members of the judiciary to enjoy an active semi-retirement and also allow the State to continue to benefit from their judicial expertise.

RETIRING AGE OF JUDGES

At present the retiring age for judges of the Supreme Court and County Court is 72. It is 65 for magistrates. The retiring age for most judicial appointees throughout the country is 70—for example, judges of the High Court and the Federal Court. It is, as a matter of principle, desirable to achieve uniformity in such matters and, therefore, with the agreement of the judiciary, the Bill reduces the retiring age for judges and masters of the Supreme Court and County Court to 70 years. This will only apply to judges who were appointed after the provision comes into operation: all existing members of the judiciary who do not elect to become reserve judges would not therefore be required to retire until they reach the age of 72.

THE COUNCIL OF COUNTY COURT JUDGES AND OF MAGISTRATES

Sound internal administration of the courts is an essential ingredient in the administration of justice. The Council of Judges of the Supreme Court is constituted by all judges, and required to report annually to the Governor. It considers and comments upon matters related to its administration and the operation of the court, and is able to take a significant role in the planning and development of the court. There is no such council for county court judges nor for magistrates. Although both groups meet informally, there is no formal responsibility upon them to take an active role in the administration of their courts nor to prepare informative annual reports which may be of use both to the Executive and to the public.

The Civil Justice Committee recognized the significant potential benefits in recommending the establishment of a council of County Court judges established with similar responsibilities to those of the Council of Supreme Court judges. This Bill will also ensure that these obvious benefits are passed on to the Magistrates Court. Ultimately, the role of the councils will enhance the partnership between the Executive and judicial branch of Government.

INDEPENDENCE OF COUNTY COURT AND MAGISTRATES COURT

The Bill contains several measures designed to reinforce the independence of the courts. For the County Court this has meant removing the requirement for the Attorney-General's approval for County Court rules. For the Magistrates Court, the Bill confers a rule-making power upon magistrates, and removes the word "stipendiary" from their existing title of stipendiary magistrate.

Secondly, matters more directly related to the administration of justice.
The jurisdiction of the Supreme Court is unlimited but that of the County Court is limited by statute. There have never been acceptable guidelines for the distribution of work between the Supreme Court and the County Court. Currently the distinction is made upon two grounds: a maximum amount which may be awarded by the County Court—$100,000 in personal injury matters and $50,000 in other matters—and a limitation upon the type of proceedings with which it is competent to deal; for example, there are very significant restrictions upon the extent to which it can make any order affecting land.

The Civil Justice Committee recognized the desirability of harmonizing the jurisdiction of the two courts. It made a number of specific recommendations for conferring additional jurisdiction upon the County Court. These were designed to assist in reducing delays and improving access to justice, especially as it is usually less expensive to conduct a case in the County Court than in the Supreme Court. It recommended that the County Court be given a variety of additional jurisdictions, principally in matters related to land and equity, up to the value of existing monetary limits.

The Bill adopts and develops these recommendations. As a result of widespread consultation, it has been decided to provide a more complete, and therefore more certain, conferral of jurisdiction in equitable matters than was recommended. The County Court will now, therefore, be able to deal with such matters as equitable fraud, and relief against forfeiture of interests other than deposits.

In order to complement these changes and continue the existing interrelationship, a number of specific related Acts which once conferred jurisdiction exclusively upon the Supreme Court have been also amended to confer jurisdiction upon the County Court. In addition, jurisdiction is also given to determine disputes under the Administration and Probate Act 1958 concerning testators, family maintenance and witness beneficiaries.

The County Court will now have concurrent jurisdiction with the Supreme Court in a significant range of matters. The limitations placed upon it will be in the form of the "jurisdictional limit". This limit will be based upon the amount claimed, or where this is not an appropriate measure—for example, where only an injunction is sought—upon the value of the subject property. To ensure that disputes are kept to a minimum a simplified method of proving the value of land has been included: a certificate giving the most recent valuation under the Local Government Act will be sufficient.

The net effect of these changes will be to give litigants a greater range of choice between courts. The Supreme Court will continue to hear the important and difficult cases even where these may be within the monetary limit of the County Court. Case transfer provisions will ensure that flexibility is retained and matters can be transferred to either court after the action has commenced.

The committee also recommended that existing monetary limits be kept under review. As indicated, those limits are $100,000 in personal injury matters but $50,000 in other matters. The broadening of jurisdiction is an appropriate occasion for removing the two-tiered monetary limit and setting a limit of $100,000 in all matters. The distinction arose simply out of historical convenience. Until 1952, the same monetary limit applied to all actions, but in that year, in an effort to relieve the Supreme Court of a backlog of personal injury actions, the distinction was introduced.

The Government, however, recognizes the fundamental nature of the changes which are being made by this Bill. Therefore, to assist the smooth transition, it will introduce these changes in two stages: first, by proclaiming the general changes, but applying the existing financial limits; and, secondly, by proclaiming the general jurisdictional limit of $100,000, only when the judges have indicated that case release procedures are satisfactorily operating.
CONTEMPT POWER OF COUNTY COURTS

The power of a court to punish for contempt of its own proceedings is considered fundamental to the administration of justice. The Supreme Court has unlimited power to do so. The County Court is restricted by its statute to punishing contempts committed in its face or refusal to obey a summons. Other contempts must be dealt with by the Supreme Court. The increasingly important role which the court is expected to carry out in the administration of justice requires it to have a more extensive power to punish for contempt. It should be the same as that of the Supreme Court. The Bill confers this power.

AWARDING COSTS AGAINST LEGAL PRACTITIONERS

In some cases, extra costs are incurred in litigation owing to a lawyer's mismanagement of a case. At present the court does not have any power to take this into account when awarding costs—and thus to require the lawyer at fault to personally pay those costs. Consequently, the litigant may be required to pay such additional costs without any fault on his or her behalf. The Bill enables the court to award costs personally against a legal practitioner in the limited situations where it is appropriate to do so.

MISCELLANEOUS AMENDMENTS

(A) AMENDMENTS TO THE INSTRUMENTS ACT

The Instruments Act deals in part with enforcing the payment of a bill of exchange or promissory note. Once a summons to do this is issued under section 5, a defendant must seek leave of the court to defend the action. Strict time limits are imposed. Currently it is open to doubt that the section requires the defendant to have entered an appearance to the summons as well as seeking and obtaining leave to defend within those time limits. The replacement clause contained in the Bill removes that doubt.

An amendment to the Second Schedule of the Act simply removes an anomaly which arose when the time limits were altered in 1983 without amendment to the form of endorsement of the writ.

(B) ADMINISTRATIVE PROCEDURES

The Government has taken a number of decisions to improve the efficiency of the administrative process of government including the enactment of the Subordinate Legislation (Review and Revocation) Act and has instituted several inquiries into ways of reducing the number of regulations.

The Attorney-General has responsibility for a large number of statutes, many of which contain antiquated procedures which require Executive Council approval for what are routine administrative decisions. These requirements result in the Executive Council being unnecessarily burdened with matters which could be satisfactorily dealt with at a departmental level. The Bill effects several changes which will relieve unnecessary burdens and assist in rendering government ultimately more efficient. It is likely that other amendments may be included following public consideration of these provisions.

(C) CHARITIES ACT 1978

These amendments increase the value, from $25 000 to $50 000, of the trust estates for which the Attorney-General is empowered to grant an application under the doctrine of cy pres. This doctrine operates in cases where a charitable trust may fail because it cannot be carried out in the particular manner required. An order can then be given which will ensure that the trust is carried out as nearly as possible. Further increases may be prescribed by regulation to ensure that the limit keeps pace with inflation. I commend the Bill to the House.

On the motion of Mr JOHN (Bendigo East), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.
Mr MATHEWS (Minister for the Arts)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to introduce several amendments to the Legal Aid Commission Act 1978. This Act established the Legal Aid Commission of Victoria, which has been in formal operation since September 1981.

The commission finances the provision of legal assistance according to stringent financial guidelines for those people unable to afford the cost of a private practitioner. Private lawyers are funded to act on behalf of most Legal Aid Commission clients. Commission employees offer legal services to a minority of applicants.

No major amendments have been made to the Legal Aid Commission Act 1978. During the past four years a number of problems have arisen. The Bill is designed to overcome those problems by enabling the commission to gain more effective control over the distribution of legal aid funds ensuring that more people can be legally assisted and enhancing the smooth administration of the commission.

LUMP SUM FEE PAYMENTS TO PRIVATE PRACTITIONERS

Part of the Shorter Trials Committee report deals with the introduction of lump sum fees payments to lawyers. The Government is implementing many of the recommendations contained within the report and these amendments form a part of this process.

The commission currently pays lump sum fees to lawyers for criminal work in the Magistrates Court. However, the current provision implies that the lump sum paid should equate to 80 per cent of the normal fee in the particular case. This defeats the purpose of lump sum fees, which is to provide reasonable remuneration, that is, 80 per cent of normal fees, for an average case of a particular class. A lump sum fee will provide less than full remuneration in a case of above-average complexity and more than adequate payment in less complex cases. In this way reasonable remuneration will be provided over a number of cases at considerably reduced administration cost to the commission.

The benefits of lump sum fees are convenience and speed of payments. These benefits are only apparent in cases of a similar nature occurring in considerable volume. The lump sum fees in operation at present were negotiated with representatives of the Law Institute of Victoria and a similar process of consultation and negotiation with the relevant professional bodies will precede the introduction of any new lump sum fees.

INCLUDING VALUE OF HOMES IN MEANS TEST

Legal aid is granted only to applicants who satisfy a means test. At present the value of an applicant’s home is not included in that test. In some cases the value of the home may be so great that it is appropriate for it to be taken into account when assessing an application for aid. Consequently, the commission should be able to consider the value of an applicant’s home and refuse to grant aid where the home is of great value.

STRENGTHENING PROHIBITION AGAINST LAWYERS CHARGING ADDITIONAL FEES

The Legal Aid Commission Act provides that lawyers accepting legal aid assignments are not entitled to accept fees other than those provided by the commission. Contrary to the Act some lawyers require legal aid clients to pay “top-up” fees. Clients can ill afford to do so. The Bill strengthens the current provision by making it an offence for lawyers to demand or accept such fees.

INTERIM FUNDING PRIOR TO DISTRIBUTION OF SOLICITORS GUARANTEE FUND

The two main sources of commission funding from the State are amounts received from the Solicitors Guarantee Fund and the amount provided by the State Government in the Appropriation Act.
The amount provided by the State is that amount by which other sources of revenue, including the Solicitors Guarantee Fund, falls short of the total operating expenses of the commission for the financial year.

The amount received from the Solicitors Guarantee Fund is not determined until September and received by the commission in October. Consequently the commission requires interim funding from 1 July to 30 September. In the past this has been provided by payments from the Supply Act which is subsequently covered by the amount provided in the Appropriation Act for the year.

There is a concern that in future years the amount required to be provided under the Appropriation Act may, by reason of an unexpectedly large distribution from the Solicitors Guarantee Fund, prove to be less than the payments made to the commission under the Supply Act during the first three months of the financial year. There is no provision by which any surplus payments can be refunded to the Consolidated Fund. This situation could be avoided by the Treasurer providing the commission with an advance from the Public Account to be repaid when funds are received from the Solicitors Guarantee Fund. The Bill enables this arrangement to proceed.

DELEGATIONS

It is Public Service Board policy to delegate as many functions as possible to Government agencies. The board does not have power to delegate to the commission. The Bill enables the Public Service Board to delegate to the commission powers to regulate the conditions of employment and remuneration of its staff. This will create a less cumbersome administrative structure within the commission.

IMPOSING CHARGES ON APPLICANTS TO SECURE PAYMENT OF CONTRIBUTIONS TOWARDS LEGAL AID

Legal aid authorities have traditionally secured the payment of any proportion of the costs which the applicant is assessed as capable of bearing by imposing a charge.

EQUITABLE CHARGE

The Legal Aid Commission has imposed equitable charges upon property of applicants to ensure that whenever possible some contribution is made towards the cost of their representation. Substantial revenue is raised by the imposition of these charges. The amendment contained in the Bill seeks to put the commission's power to impose such charges beyond question.

STATUTORY CHARGE

In addition the Bill creates a power to impose a statutory charge. Under the Legal Aid Act 1969, which preceded the present Act, legal aid authorities were entitled to impose by statute a charge on any property of the applicant recovered or preserved as a result of the assistance given in the proceedings. Experience since 1978 has shown that this power should be reinstated in legislation.

Difficulties often arise where an assisted person is requested to execute an equitable charge at the conclusion of a case and the person refuses. Also, either deliberately or inadvertently solicitors may fail to retain moneys received in trust sufficient to cover costs. The commission then has the choice of writing off a contribution or suing an assisted person. Such proceedings are costly and unpredictable. The commission consequently suffers a loss of revenue which affects the total number of cases in which the commission may grant aid.

The imposition of a statutory charge would overcome such difficulties and place all assisted persons in comparable positions regardless of whether their assets are real or liquid.
MISCELLANEOUS AMENDMENTS

Other amendments contained in the Bill pick up technical problems in the Act and matters affecting the internal operation of the commission. The amendments will enhance the smooth administration of the commission by clarifying internal appeal structures and membership of committees, allowing alternate members for Legal Aid Commissioners and enabling a staff representative to be appointed to the commission.

The operation of the referral panel containing names of practitioners who wish to act for legal aid clients is addressed. Another recommendation of the Shorter Trials Committee is implemented by giving the commission power to remove from this panel any practitioner who habitually takes too long to defend criminal charges. The Bill makes it an offence for practitioners to fail to disclose matters relevant to a grant of aid.

In accordance with Government policy, accounting and auditing provisions are made more specific. A number of other technical matters are also dealt with in the Bill.

The Legal Aid Fund must be accessible to those in the community who, because they lack the means, cannot pay the costs of private lawyers. The Bill seeks to preserve this fund for those who are eligible by ensuring that financial and structural problems which have arisen in the course of the operation of the commission are remedied. I commend the Bill to the House.

On the motion of Mr JOHN (Bendigo East), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

TRANSFER OF LAND (SHARE INTERESTS) BILL

Mr McCUTCHEON (Minister for Property and Services)—I move:

That this Bill be now read a second time.

The Transfer of Land (Share Interests) Bill is a Bill to amend the Transfer of Land Act 1958 to more readily facilitate recent developments in sale of land transactions known commonly as "time sharing". The Bill facilitates this type of transaction and others involving "share interests" in a property.

These amendments will allow share interest titles to be issued in advance of dealing as currently occurs in the cases of allotments created by physical subdivision of land.

The present procedure for share interest dealings in properties is laborious, involves delays and can have unfortunate consequences.

The Transfer of Land Act does not provide for individual titles for share interests to be issued at the outset in one block. Thus every time a share interest is disposed of, the parent Certificate of Title must be endorsed, and a new Certificate of Title prepared and issued for the share interest.

Hence, the parent original Certificate of Title must become available each time a dealing with a share interest is to be registered. Successful promotions of share interests such as time-sharing schemes result in numerous dealings being lodged for registration at virtually the same time. The accumulation of dealings causes delays in the registration system and problems for anyone searching the register.

In order to illustrate the scale of the problems which may be experienced, I shall give an example. A recent promotion of a time-sharing scheme at Eildon called for the creation of share interests consisting of one or more of 1300 shares in the land concerned.

These problems are compounded by the processes for the transfer of land. For instance, any caveat lodged by a purchaser of a share interest can make its claim only to an undivided share in the land in the parent Certificate of Title and must be endorsed on it.

The provisions of the Transfer of Land Act concerning caveats then require that a notice be sent to the registered proprietor of the land in the parent title every time a transfer of
interest to a purchaser is lodged. The statutory period of 30 days must then be allowed to run before the caveat lapses as to the interest sought to be transferred, and before the transfer can be registered.

Honourable members can appreciate the delays and difficulties which may as a consequence of the procedure be encountered by the parties to a transaction and the Titles Office.

The creation of share interests in a title would allow the parties to a transaction to deal with each other in the terms of a specific Certificate of Title. The new procedure will be of significant benefit to the Titles Office. In order to encourage potential applicants, no fee is to be charged for an application by a registered proprietor for the issue of the separate share interest Certificates of Title.

This proposed legislation should also be seen as a significant assistance to the promoters of share interest schemes such as time-sharing, sellers, buyers and those responsible for the conveyance of titles alike. It will be readily recognized by the estate agent and developer community as a significant assistance to their proposals by simplifying what can be an unnecessary tedious procedure. It will assist the community as a whole by providing more ready access to titled leisure and resort accommodation for which a demand already exists. I commend the Bill to the House.

On the motion of Mr JOHN (Bendigo East), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

Mental Health Bill (No. 2)

The SPEAKER—Order! I call on the Minister for Transport.

Mr WEIDEMAN (Frankston South) (By leave)—Mr Speaker, an earlier Bill and two related Bills have been before the House and the second reading has been given on these three Bills. They have been withdrawn and now are re-presented. I put before you, Sir, that they were lengthy second-reading speeches, they were very comprehensive and the explanation of this Bill will incorporate what has already been said. I should like your ruling on the fact that we could take them as being read and incorporated in Hansard because they have already been presented and this would save a lengthy recitation by the Minister for Transport; and the Opposition would accept that they be taken as read.

The SPEAKER—Order! I advise the honourable member for Frankston South that I attempted to make a slight change of an innovatory nature in respect of putting questions in relation to Bills at this stage. I did it through the Standing Orders Committee and I understood that I had the support of all members who attended the meetings of that committee, but leave of the House was refused in respect of that very simple proposition.

This, of course, is an entirely different matter. It may be innovatory, but it should be examined by the Standing Orders Committee and, therefore, I do not intend to make any ruling on it. I shall ensure that it is referred to the Standing Orders Committee for its consideration.

Mr ROPER (Minister for Transport)—I move:

That this Bill be now read a second time.

Both the objectives and the fundamental principles of this Bill are the same as those embodied in the Mental Health Bill introduced into this House last May, and allowed to lay over for public comment. However, the new Bill incorporates a number of amendments which take into account matters raised in submissions received during the Parliamentary recess.

On behalf of the Minister for Health, I thank the various organizations and interested members of the public for their contributions, and for their suggestions for improvement of this important Bill.
These submissions, as well as the submissions received in respect of the companion Intellectually Disabled Persons Services Bill, and Guardian and Administration Board Bill, have been examined by a working party chaired by Dr J. L. Evans. The revised Bills adopt those suggestions for amendment recommended by the working party to the Government.

To assist honourable members, it is my intention to outline some of the more significant changes which have been incorporated into the revised Mental Health Bill.

ADMISSIONS

Unlike the Mental Health Act 1959, the Mental Health Bill does not attempt to define "mental illness". Rather, it sets out a serious criteria under which a person may be admitted involuntarily to a psychiatric service.

The criteria in the new Bill omits the capacity to admit or detain a person "for the protection of members of the public".

The Government has accepted the view that "protection of members of the public" is not an appropriate test to determine whether a person requires admission to, and treatment from, a psychiatric service.

Clauses 13 and 14 of the revised Bill are new, and do not have equivalent provisions in the earlier legislation.

Clause 13 is designed to deal with the situation where a person is receiving medical treatment at a general hospital and becomes mentally ill. Provided the patient otherwise meets the criteria for involuntary admission, the clause will enable such a patient to be admitted as an involuntary patient to that general hospital without the need for his or her actual admission to a psychiatric service.

Clause 14 will introduce into the Bill a concept of "community treatment orders". The option of a community treatment order would be available to the authorized psychiatrist of a psychiatric service in those cases where a patient is admissible as an involuntary patient. It is designed to enable as many people as possible, such as a demented patient in a nursing home, to be cared for in a community setting rather than becoming a patient in a psychiatric hospital.

Some concern was expressed by several organizations at the powers to be vested in the police in clause 10 of the earlier Bill. The aim of this clause is to give the police a capacity to take an apparently mentally ill person into custody in an emergency situation. The Government accepts that the earlier clause may have been too broadly worded, especially to the extent that it would give police more powers to apprehend apparently mentally ill persons than they currently have under the criminal law. The revised clause 10 will limit police powers of entry without warrant to those situations where an apparently mentally ill person is in danger of suiciding, or doing serious harm to himself.

Clause 12, and related clauses in the earlier Bill, envisaged that an involuntary patient would be admitted initially for observation for a period of up to 72 hours. While this proposal received some support, the consensus view was that an observation period would, in many cases, only result in unnecessary or undesirable delays in providing treatment.

The revised Bill does not carry forward the concept of observation orders and new clause 12 now requires that a recommended patient be admitted to a psychiatric service on the recommendation of a doctor. It goes on to provide that the patient must be examined within 24 hours by the authorized psychiatrist.

PATIENTS' RIGHTS

Several changes have been made to the Bill as it applies to patients' rights. As in the case of the earlier Bill, every patient must be given a printed statement explaining his or her legal rights. However, it should be noted that clause 18 of the new Bill omits the requirement that a copy of the statement must also be sent or given to the nearest relative available.
A strong view put to the Government was that this involves a breach of confidentiality as some patients may not wish relatives to know that they have been admitted to a psychiatric service.

Clauses 55 (1) and 72 (2) of the revised Bill have also been amended to require a statement of rights to be given to a person on whom it is proposed to perform psychosurgery, or electroconvulsive therapy, as part of the process of obtaining informed consent.

MENTAL HEALTH REVIEW TRIBUNAL

The establishment of a Mental Health Review Tribunal is one of the key initiatives proposed in the Mental Health Bill. The Government is pleased by the almost universal support for this proposal expressed in submissions received by the Minister for Health. In the revised Bill, the Mental Health Review Tribunal is called the Mental Health Review Board. The major role of the board will be to hear appeals against the detention of a person as an involuntary patient and to undertake periodic reviews of all patients detained involuntarily.

The issues which aroused most comment in submissions received by the Minister were whether proceedings before the board should be open to the public, or closed, and the periodicity of the reviews required to be undertaken by the board.

Clause 24 of the earlier Bill envisaged that proceedings would be open unless the proposed tribunal determined that proceedings should be closed. After weighing the arguments, the Government has accepted the recommendation of the working party that it would be more advantageous to patients specifically, and to the community generally, that this should be reversed.

Clause 33 of the revised Bill, therefore, provides that proceedings before the Mental Health Review Board are to be closed, unless the board directs that they are to be open to the public.

The second point at issue is the periodicity of reviews by the Mental Health Review Board. Under clauses 33 of the earlier Bill, a patient admitted involuntarily was entitled to appeal within 60 days against the detention order.

Clause 34 went on to require the proposed tribunal to review the case of each involuntary patient within one month, six months and twelve months of admission, and thence annually. Submissions on this aspect of the Bill ranged from suggesting an immediate review on admission to requiring the tribunal to only undertake random reviews. The majority of patients are discharged within six weeks of admission. On this basis, the Government has accepted the advice of the working party that the initial review should be between four and six weeks, rather than before four weeks.

The revised Bill will also give an involuntary patient a right of appeal to the board at any time, rather than limiting such right to one appeal within 60 days of admission. However, the board will be precluded from conducting a review within 28 days of an appeal, and from conducting an appeal within 28 days of hearing a review.

I would add that the earlier Bill has also been changed to provide for appeals to be determined by the administrative appeals tribunals rather than by the Supreme Court.

PROCEEDINGS

A number of changes regarding proceedings before the Mental Health Review Board have been incorporated in the revised Bill which I will mention for the information of the House. Clause 27 of the earlier Bill required that the patient in respect of whom a hearing is conducted appear before the board in person.

This provision may prove unnecessarily onerous on a patient. Clause 26 of the present Bill now provides that the patient has a right to appear and that, if the patient decides not
to appear, the board must satisfy itself that the decision has been made of the patient's free will.

Clause 34 (2) of the earlier Bill had the effect of excluding involuntary patients on leave of absence from the jurisdiction of the board. The revised Bill does not continue this exclusion. The effect is that such patients will be subject to the same reviews as any other involuntary patient.

Clause 37 of the earlier Bill provided, in part, that where the board was not satisfied that the continued detention of a person is necessary it may:

(a) order that the person be discharged; or
(b) order that the person be discharged as an involuntary patient but with the person's consent continue to receive treatment as a voluntary patient.

The essential question before the board is whether or not the continued detention of a patient is warranted having regard to the criteria for involuntary admission. Several submissions argued that the only decision which the board could, and should, be able to make, is whether or not the patient should be detained as an involuntary patient.

The point is taken and clause 36 of the revised Bill and related provisions will now make clear that, if the board is not satisfied that detention is necessary, its sole function is to order that the person be discharged as an involuntary patient.

SECURITY PATIENTS

The revised Bill does not replicate a number of the provisions in the earlier Bill relating to security patients. A security patient, by definition, is a person admitted as a security patient by order of the Minister administering the Office of Corrections, or a Governor's pleasure patient.

The earlier Bill would have vested in the Mental Health Review Tribunal and the chief psychiatrist a capacity to make recommendations as to the fitness to plead of a patient subject to a determination that the person is unfit to plead, or as to the release of a person who has been acquitted of an offence on the ground of insanity. Some concern was expressed in submissions whether these were appropriate functions of the tribunal and the chief psychiatrist under a Mental Health Act.

On the advice of the working party the new Bill does not contain provisions equivalent to clauses 49 and 50 of the earlier Bill. Instead, new clauses 44 and 45 will put security patients on a similar footing to other involuntary patients with the proviso that instead of being able to recommend the release of a security patient, the role of the Mental Health Review Board and the chief psychiatrist, as the case may be, will be, if the continued detention of the person as a security patient is not necessary, to recommend that the patient be discharged from security status and returned to prison.

The new Bill does not contain a provision similar to clause 16 of the earlier Bill. This provided that where a person had been transferred from a prison to a psychiatric service, the period of detention in the psychiatric service counted as if it was a period of imprisonment for the purpose of any law relating to the sentencing detention or release of that person. While the Government, and a number of submissions, supports the basic principle of the clause, it has accepted the advice of the mental health working party that it would be more appropriate for an equivalent to be reintroduced in penalties and sentences legislation rather than expressed in the law dealing with mental illness.

ELECTROCONVULSIVE THERAPY

Clause 76 of the earlier Bill empowered the authorized psychiatrist to give consent in prescribed circumstances to the administration of electroconvulsive therapy where an involuntary or security patient was incapable of given informed consent. A number of submissions in this clause expressed reservations at this approach and argued that, at the least, some third party should also be involved.
In clause 73 of the revised Bill, this point is taken up by requiring that, whenever possible, the content of the primary carer must be sought and obtained. "Primary carer" is a new concept in the Bill and means a relative, guardian, or other person who is primarily responsible for providing support or care to a person.

NEW SCHEDULE

An additional schedule has been incorporated into the revised Bill.

New Schedule 7 sets out various consequential amendments which are required to other Acts and which would otherwise have been introduced as a separate Bill.

In the main, these substitute references are to the Mental Health Act 1959 in the body of the statute law with references to the Mental Health Act 1985, or in the Intellectually Disabled Person's Services Act 1958 as the case requires.

SUMMARY

It is the intention of the Government to progressively introduce the important reforms contained in this legislative package within the framework of budgetary considerations and constraints.

In the meantime, I again convey the thanks of the Minister to the various organizations and members of the public who took the time and trouble to comment on the earlier mental health and related Bills.

There is no doubt that the Bill is a marked improvement on the proposals previously introduced into the House and epitomizes the benefits of consultation and community involvement in the legislative process. I commend the Bill to the House.

On the motion of Mr WEIDEMAN (Frankston South), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

**INTELLECTUALLY DISABLED PERSONS' SERVICES BILL (No. 2)**

Mr ROPER (Minister for Transport)—I move:

That this Bill be now read a second time.

The Intellectually Disabled Persons' Services Bill, to the extent that it has a common ancestor in the Mental Health Act 1959, is the twin of the Mental Health Bill.

As in the case of the Mental Health Bill, it incorporates a number of recommendations of the mental health working party following its consideration of submissions received from interested organizations and members of the public.

Many changes, of course, reflect the transfer of services to the intellectually disabled from the health portfolio to that of the Minister for Community Services. However, the essential character of the proposed legislation has been preserved notwithstanding the changes which have been made on the advice of the working party.

I now propose to outline for the assistance of the House the more significant amendments which have been made in the revised Bill.

One of the major proposals of the Bill introduced earlier this year was the establishment of the Office of Director of Intellectual Disability Services as a Crown appointee. This is no longer appropriate in a departmental setting and the proposal has been overtaken by the decision of the Government to transfer the Mental Retardation Division of the Department of Health to the Department of Community Services.

With this in mind, the powers and duties of the Director of Intellectual Disability Services will be vested in the new Bill in the Director-General of Community Services.
The emphasis in both the earlier and the present Bills is on the rights and entitlements of the intellectually disabled and a number of provisions are devoted to eligibility, assessment and case planning.

It is clear from submissions received on the Bill that there has been some uncertainty in the community on the meaning of the terms "general service plan" and "individual program plan". The earlier Bill intended that the content of such plans be prescribed by regulation but, in view of the comments received, the opportunity has been taken to include comprehensive definitions of these terms in clause 3 of the Bill.

Clause 8 of both Bills deals with the method by which an assessment is to be made of the eligibility of a person for services under the Act.

In the case of intellectual disability, which has been substituted by "in the case of persons over the age of five" in the new Bill, the method of assessment was by "the use of one or more standardized measurements of intelligence and an assessment of the effectiveness with which the person meets standards of personal independence and social responsibility expected of persons of that age and cultural group". The revised Bill permits the use of either of these tests or both. In other words, it does not make intelligence testing compulsory as would the earlier Bill, but does allow such testing to be used if considered appropriate.

Clause 9 of the earlier Bill required that a general service plan must be prepared within 60 days of a person being admitted, inter alia, to a residential institution, a registered residential service or a registered non-residential service. Clause 10, among other things, required the preparation of an individual program plan within 60 days of the admission of such person to a residential institution or a registered non-residential service.

Two changes to these clauses should be highlighted to honourable members. The first is that the requirement that general service plans be prepared has been extended to include admission to residential programs and to non-residential programs, and the requirement with respect to the preparation of individual program plans has been broadened to include registered residential services. Residential programs and non-residential programs are not referred to in the earlier Bill.

In the present Bill, "residential program" has been defined as meaning "residential services provided by the Department of Community Services or any other Government organization which is not a residential institution for eligible persons". This definition encompasses such services as Government operated community residential units.

"Non-residential program" is defined to mean "a service other than a residential service provided by the department or any other Government organization for eligible persons". Early intervention is typical of the services which would come within the ambit of this definition.

As a number of consequent amendments have been made through the Bill relating to residential and non-residential programs, it is important that honourable members have an appreciation of the type of service which comes within the meaning of these terms. The second change to these clauses makes provision for emergency situations. It would be expected that in normal circumstances a client would not be admitted to any of the services I have mentioned without the preparation of a general service plan. However, the revised provisions take account of the fact that an admission may be necessary in an emergency and permit a general service plan to be prepared after such admission.

It is important before finalizing my comments on general service plans and individual program plans that I invite the attention of the House to the fact that the requirement in clauses 9 and 11 that existing clients are entitled to have such plans prepared within twelve months of the commencement of the Act has been extended to 24 months.

The only other point that needs to be made is that the requirement in clause 10 that a general service plan must be reviewed at least once every year has been amended to
require a review at least every five years unless there has been a significant change in the circumstances, needs or development of an eligible person.

Similarly, the requirement in clause 12 that an individual program plan be reviewed at least once each year has been altered to require an individual program plan to be reviewed as specified in the individual program plan.

Clause 18 of the earlier Bill set out the criteria for the admission of an eligible person to a residential institution. In that Bill all of the criteria had to be met for the eligible person to qualify for admission. This has been rephrased in the revised Bill to make clear that a number of the criteria in the earlier Bill are alternatives.

Some submissions have interpreted clause 18 (2) of the earlier Bill as meaning that an eligible person could be admitted to a residential institution for a maximum period of only six months. It was intended that such admission would be renewable and this has been expressly provided for in the revised Bill.

Clause 19 of the earlier Bill enabled "security units" to be proclaimed. Subsequent clauses provided for the admission and detention of eligible persons in security units either as a result of a court order, or by transfer from the prison system.

Some concern has been expressed at the concept of establishing separate "security units" for intellectually disabled persons, and on the advice of the mental health working party, the revised Bill now talks in terms of "security residents". In other words, rather than providing for the establishment of security units, the revised Bill will permit "security residents" to be detained in an appropriate residential institution, or to be admitted to an appropriate residential or non-residential service.

Clause 23 provides for the registration of an association or organization providing services for intellectually disabled persons as a residential or non-residential service as a prerequisite to entering into a funding and service agreement with the director-general. The revised Bill recognizes that, at the commencement of the Act, there will be some organizations which will be providing both residential and non-residential services.

One of the fundamental principles stated in the Bill is that it is in the best interests of intellectually disabled persons and their families that no single organization providing services to such persons exercises control over all or most aspects of an individual's life.

Accordingly, although the Bill will entitle any association or organization providing both residential and non-residential services to be registered, this will be for a maximum period of five years after the commencement of the Act. The Government expects that any such organization which wishes to continue to qualify for financing under the funding and service agreement provisions of the Bill will divest itself of one of those services within that period.

New clause 23 also contains a transitional provision relating to any school section of a facility registered as a day training centre or private training centre under the Mental Health Act for the purposes of legislation enabling the transfer of school sections to special development school status. Clause 27 of both the earlier and the present Bills constitutes an intellectual disability review panel. Clause 30 of the earlier Bill provided that all proceedings before the panel must be open to the public. The revised Bill provides that proceedings before the panel are to be closed to the public unless the panel otherwise directs. This change will bring the Intellectually Disabled Persons' Services Bill into line with similar changes proposed to the Mental Health Bill.

As in the case of the Mental Health Bill, the Intellectually Disabled Persons' Services Bill includes clauses dealing with the use of restraint and seclusion. These also have been brought into line with changes being made to the Mental Health Bill but with two notable exceptions. The first is that, unlike the Mental Health Bill, the Intellectually Disabled Persons' Services Bill will regulate the use of chemical restraint.
Advice given to the Government by the mental health working party is that in the mental health area it is virtually impossible to distinguish between the use of drugs for the bona fide treatment of a mental illness, and for their use in restraining a patient. However, the working party believed that the situation was far more clear cut in the area of mental retardation and, on this basis, recommended that the provisions in the Bill relating to restraint should include both mechanical and chemical restraint.

The new Bill includes a number of new sub-clauses in clause 44 relating to the use of aversive therapy. In essence, these prohibit the use of aversive therapy except if as part of a person’s individual program plan the person, or his or her parent or guardian if the person is incapable of giving consent, has consented to its use and its use has been approved by the authorized program officer. Clause 45 of the earlier Bill required that a resident’s trust account, a resident’s amenities account and an interest account be opened at, inter alia, each residential institution and registered residential service. The working party has advised the Government that such a variety of accounts would be inappropriate at a smaller institution and, accordingly, the complementary provision in the revised Bill only requires the designated officer of a registered residential service or a registered non-residential service, and the senior officer of a residential program or a non-residential program to open a resident’s trust account. It should be added that the revised Bill does not use the term “chief executive officer” in the context of residential institutions but adopts the more appropriate title, “senior officer”.

The Bill will establish a sound base for the future development of services to intellectually disabled people, and will give legislative effect to its policies aimed at enhancing the rights and lifestyles of those who qualify for services under the legislation. As in the case of the companion Bills, the important reforms contained in the Intellectually Disabled Persons’ Services Bill will be introduced progressively in the context of budgetary considerations and constraints. I commend the Bill to the House.

On the motion of Mr WEIDEMAN (Frankston South), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

GUARDIANSHIP AND ADMINISTRATION BOARD BILL (No. 2)

Mr ROPER (Minister for Transport)—I move:

That this Bill be now read a second time.

The principles of the Bill now before the House remain unaltered from those contained in the Guardianship and Administration Board Bill introduced earlier this year.

As in the case of the Mental Health Bill and the Intellectually Disabled Persons’ Services Bill, a number of changes have been incorporated into the new Bill to take account of suggestions made in submissions received from the public. It is not my intention to unduly delay the House by restating the aims of the earlier legislation but, rather, to outline the most significant changes which have been made in the revised Bill.

GUARDIANSHIP AND ADMINISTRATION BOARD

Among other things, the Bill will establish a Guardianship and Administration Board which, as its name suggests, will be empowered to appoint guardians with respect to disabled persons, and to appoint administrators of their estates. Clause 7 of the earlier Bill provided that all proceedings before the board shall be open to the public unless the board determines they should be closed.

I mention, in passing, that in the case of the Mental Health Review Board, Psychosurgery Review Board and the Intellectual Disability Review Board to be constituted under the companion Bills, the recommendation of the mental health working party was that proceedings should be closed to the public. However, in view of the different nature of the proceedings before the Guardianship and Administration Board, the working party considered that it would be in the greater public interest if such proceedings were open.
The Government has accepted this recommendation and, on this basis, clause 7 of the revised Bill largely mirrors the earlier provision. In the earlier Bill, the clause also vested in the board a discretionary power to close proceedings if it determined that closure would be in the best interests of the person who was the subject of the proceedings. This power has been replaced in the new Bill by a requirement that the board must close the proceedings if so requested by a person who is directly interested in any proceedings before the board.

Clause 75 of the earlier Bill prohibited the publication of a report of any proceedings before the board containing any particular calculated to lead to the identification of any person concerned in the proceedings. This has been modified in clause 8, the equivalent clause in the revised Bill, to the extent that while prohibiting the publication of any report of proceedings before the board, the board may authorize the report of such proceedings providing the report contains no identifying material.

Clause 9 of the revised Bill is a new provision. In effect, it prohibits any member or any person present at any proceedings before the board from disclosing any information obtained or acquired by reason of being a member of the board or being present at the proceedings. This prohibition does not extend to disclosure for the purpose of court proceedings or where the person to whom the document or information relates consents to its disclosure.

Clause 22 of the earlier Bill empowered the board to appoint a guardian if it was satisfied that the person in respect of whom the application is made is a person with a disability, has attained the age of eighteen years, and is unable because of the disability to care for herself or himself and to make reasonable judgments in respect of all or any of the matters relating to her or his person and is in need of a guardian. It has been put to the Government that the test of not being able to care for oneself is not an appropriate criterion for the appointment of a guardian, as it goes more towards establishing whether such a person needs someone to care for him or her. The view has been accepted by the Government and the expression I have mentioned is not repeated in clause 22 of the revised Bill.

Clause 30 of the earlier Bill enabled a guardian to report to the board or apply for the advice of the board upon any matter relating to the represented person or the exercise of any power by the guardian. Clause 30 omits the references to reporting to the board and to any matter relating to the represented person on the basis that such advice would be more appropriately obtained from the public advocate. The over-all effect is that the revised provision will now enable a guardian to apply for the advice of the board of any matter relating to the scope of the guardianship order, or the exercise of any power by the guardian.

Similar amendments have been made to the clauses relating to estate administration. Clause 32 of the earlier Bill permitted the board to appoint itself as a temporary guardian. Some concern was expressed to the Government that a situation could arise where the exercise of this power could put the board in a position of conflict of interest.

This is accepted by the Government and in clause 32 of the present Bill reference to the appointment of the board as a temporary guardian has been replaced by a reference to the public advocate. It should be noted that in clause 33 of the revised Bill, the maximum period for which a temporary guardian may be appointed has been increased from 21 to 30 days.

Clause 37 of both the earlier, and the present Bills, require the consent of the Guardianship and Administration Board and the guardian before certain medical procedures are carried out on a represented person. This clause has been amended in line with similar amendments made in the Mental Health Bill to provide that any medical practitioner who carries out such a procedure without these consents is guilty of infamous conduct in a professional respect.

Clause 40 of both Bills requires that notice of the hearing of an application by the board be sent by the executive officer to certain persons. This list has been foreshortened in the revised Bill by encompassing a number of persons who may or may not necessarily be
interested in a particular proceeding in an ambit provision by requiring that notice must be given to the represented person, the guardian of the represented person and "any other person that the board directs".

Clause 44 of the earlier Bill enabled any person to apply to the board appointing an administrator of the estate of a person with a disability who has attained the age of eighteen years. Clause 43 of the present Bill has been revised so that an application may be made in anticipation of a person reaching eighteen years of age. Clause 44 of the revised Bill, which is the equivalent of clause 45 of the previous Bill, has been amended to also require that notice of an application for the appointment of an administrator must also be forwarded to the public advocate.

Clause 49 of the earlier Bill, in part, prohibited the board from appointing anyone other than the public trustee as an administrator of the estate of a represented person unless there were special reasons why some other person should be appointed in preference to the public trustee. Clause 47 of the present Bill takes a more flexible approach.

It has been put to the Government and the mental health working party that the board should be able to vest the administration of smaller estates in a relative or friend, particularly if the only asset was a pension. It has also been put to the Government that it should be possible for the board to agree to the payment of fees to persons other than the public trustee for the administration of an estate. This would take account of the fact that there are already a number of instances where the whole of a family's assets are being managed by a solicitor or an accountant and that it would be unreasonable not to permit these arrangements to continue under the new legislation. The Government accepts the views expressed by the working party. The substituted clause, while expressing preference for the public trustee, will give the board the flexibility it needs to deal in an appropriate manner with a diversity of situations.

Clause 54 of the earlier Bill prohibited an administrator from selling any freehold or leasehold lands forming part of the estate without the consent of the board. On the recommendation of the working party, this clause has not been retained in the revised Bill. This has been done on the basis that it is unrealistic to differentiate between real and personal property which may have even greater value than real estate forming part of the estate of the represented person.

Clauses 69 and 70 of the earlier Bill required the board to reassess the circumstances of a represented person within six months after making a guardianship order or administration order, and to review the order within twelve months and then annually. The advice of the working party is that such a large number of reviews impose a large, and often unnecessary, workload on the board.

With this in mind, clause 65 of the revised Bill enables the board to review the order within twelve months, and requires the board to review the order within three years.

Clause 69 of the revised Bill has no equivalent in the earlier Bill but does have a precedent in clause 135 of the earlier and clause 131 of the revised Mental Health Bill. The clause will make it an offence to insult members, or to repeatedly interrupt the proceedings, of the board.

PUBLIC ADVOCATE

The other main feature of the Bill is the proposed establishment of an office of public advocate. Among other things, the public advocate will have the function of acting as guardian or administrator of last resort, promoting community involvement in decision making and the provision of services to disabled people, general advocacy on behalf of disabled people and advising the Minister on the operation of the Act.

I report to the House that the revised Bill contains no significant changes in relation to the public advocate, other than those I mentioned in my comments on the Guardianship and Administration Board.
PUBLIC TRUSTEE ACT

Honourable members will note that the revised Bill contains a number of additional clauses which will amend the Public Trustee Act 1958. At present, the Public Trustee Act expresses the law, as it applies in Victoria, to the control of the estates of the mentally ill. Persons whose estates are taken out of their hands on the grounds of mental illness or associated conditions are termed under that Act "protected persons".

The mechanics of the operation of the Public Trustee Act are set out in some detail in the Report of the Ministers Committee of Rights and Protective Legislation for Intellectually Handicapped Persons whose recommendations form the basis of the Guardianship and Administration Board Bill.

The enactment of the Guardianship and Administration Board Bill will make the relevant provisions of the Public Trustee Act redundant. The object of these amendments is to bring the provisions of the Public Trustee Act into line with the proposals contained in the Guardianship and Administration Board Bill. In essence the main changes to the Public Trustee Act are designed:

(a) to repeal those provisions under which the public trustee is required to assume responsibility for the administration of the estates of protected persons;
(b) to repeal those provisions empowering the courts to order the appointment of guardians or estate administrators with respect to persons who are mentally ill or intellectually disabled and incapable of managing their affairs; and
(c) to make such amendments as required to enable the Public Trustee to act as an estate administrator when so appointed under the Guardianship and Administration Board Acts.

It should be noted that in relation to persons who are already "protected persons" within the meaning of the Public Trustee Act, clause 85 of the revised Bill will require the Guardianship and Administration Board to hold a hearing to determine whether a guardianship or an administration order should be made.

The Government expects that it will some years before the board completes a review of every protected person and with this in mind the clause will enable applications for hearings to be made to the board by individual protected persons with respect to a particular case. I commend the Bill to the House.

On the motion of Mr WEIDEMAN (Frankston South), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

Mr SIMMONDS (Minister for Local Government)—I move:

That this Bill be now read a second time.

The Bill has three main purposes:

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

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

As honourable members will be aware, draft proposals for a Local Government (General Amendment) Bill were earlier circulated amongst municipalities. On the whole, councils have indicated their general support for the matters contained in the draft proposals.
In addition, I established a representative working party to consider the draft proposals and submissions received on them and as a result of its considerations a number of amendments have been made and are contained in the Bill.

I now turn to the Bill.

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

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

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

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

Clause 5 brings them together in a new part and permits councils to become involved in a wide range of services, if they wish to do so. The provisions will permit the operation of schemes such as the baby safety bassinet loan scheme, and puts beyond doubt a council's ability to take part in such schemes. If the council does not wish to undertake a service, new powers have been inserted in clause 6 to enable councils to delegate any of their functions under the recreation and the new health, welfare and human services provisions.

Clause 7 inserts a new section 241B to enable councils to enter into an agreement with a body corporate for the carrying out of a function under the abovementioned parts of the Act. Clause 8 enables a council to purchase goods and materials or provide machinery or equipment to and on behalf of other municipalities.

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

Clause 10 provides a two-tier system for the hearing of disciplinary matters by municipal boards. These boards deal with complaints against municipal officers holding certain certificates. The provisions will provide a more effective and updated procedure for investigating the performance, conduct, character and abilities of a certificate holder.

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

Clause 11 provides for transitional arrangements to be made in relation to certain matters where the boundaries of municipal districts are altered.

Other amendments of note relate to the following matters. Clause 12 increases the amount of councillors' allowances from $1500 to $2000 and enables an increased amount to be fixed from time to time by the Governor in Council. Clause 19 clarifies the power of councils to make by-laws to control the use of domestic incinerators and fires in the open.

Clause 21 extends the maximum period of a lease that may be given by a municipal council from 30 years to 50 years. Many councils have found the existing 30-year period too limiting. Clause 23 allows councils a discretion in the levying of back rates on charitable property which has been exempted from the payment of rates but is subsequently sold.
Clause 24 allows councils to apply a special valuation in respect of buildings which have been specified as being of architectural, historical or scientific interest thereby restricting the use that may be made of those properties. Other provisions in the Bill relate to a council's finances and methods of keeping accounts and records.

The amendments are, in the main, designed to provide greater flexibility and follow on from amendments made in 1983 which applied more modern accounting practices to council operations.

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

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

The Bill is another step along the way towards implementing the Government's policy of providing more autonomy for local government. On the whole, the proposals in the Bill will provide councils with scope to operate with more flexibility and efficiency, which will benefit the residents of the municipality. Although most of the provisions in this Bill have been considered by municipal councils, it is proposed that the Bill should receive further public consideration and, therefore, should lie over until the autumn sitting in 1986. I commend the Bill to the House.

On the motion of Mr COOPER (Mornington), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, March 1, 1986.

DAIRY INDUSTRY (MILK PRICES) BILL

Mr WILKES (Minister for Housing)—I move:

That this Bill be now read a second time.

The Bill makes several amendments to the milk price-fixing arrangements in the Dairy Industry Act 1984. At the present time, the Act contains extensive provisions requiring the Victorian Dairy Industry Authority to fix the price of milk at all levels from farm gate to retail. These provisions were developed over a number of years to serve a tightly regulated industry.

As Mr Justice Robinson pointed out in the milk price arbitration report to the Premier last April, the existing legislation means that an extraordinary number of individual prices have to be considered and approved by the Government for this one basic product.

The Australian Capital Territory and all the other States, except South Australia, either set maximum retail prices only, or maximum and minimum retail prices. They do not have fixed prices at the retail level. At the dairy farmer level, prices established in these States are either minimum prices or fixed prices.

Mr Justice Robinson also pointed out that the current fixed pricing arrangements mean that the Victorian dairy industry would be ill equipped to combat competitive prices for milk from other States, especially if there were to be frequent changes in the price. The legislative requirement to determine fixed prices means that Victoria could not compete effectively. In addition, the price-fixing procedures laid down in the Act are very time consuming.

In other words, the provisions of the Victorian Act do not allow the Victorian Dairy Industry Authority to fix milk prices in a flexible manner that would allow Victorian processors, distributors and retailers to react quickly to market influences and to price their product in a competitive manner.

Greater flexibility would be available in the Act provided a number of options, such as the option to determine fixed prices, or the maximum price, or the minimum price, or alternatively, both the maximum and minimum prices. However, I should mention that
it is the Government's intention that there should continue to be a fixed price for milk at the farm gate level, for milk supplied by dairy farmers to the Victorian Dairy Industry Authority.

Mr Justice Robinson, in his determination on milk pricing earlier this year, recommended that the Act be changed as soon as possible to give the full capacity for the price flexibility I have discussed. The Victorian Dairy Industry Authority has sought this flexibility and it is supported by the United Dairymen of Victoria.

I make it clear to the House that the intent and purpose of this Bill is to add to the capacity of the Victorian Dairy Industry Authority to make recommendations to the Government in the interests of Victoria's dairy industry on milk prices in order to deal with price competition from interstate milk. It is the Government's intention that this statement of intent and purpose shall be legally significant for interpretation of the Bill. I commend the Bill to the House.

The sitting was suspended at 6.25 p.m. until 7.37 p.m.

Mr AUSTIN (Ripon)—This is a small but important Bill. It has caused some controversy that should never have occurred because the Minister was not prepared to have consultations with those people who are involved in this important industry. In the first instance, proposed legislation appeared before another place which was not appropriate to carry out the wishes of the United Dairymen of Victoria and to perform in the best interests of the dairy industry.

All that was asked for by the United Dairymen of Victoria was that the Minister should legislate to amend the Dairy Industry Act in a way which would allow price flexibility for milk products so that if there was a milk price war, Victoria would be in a position to adjust to the price of any particular milk product appropriately and according to the price of milk entering Victoria from New South Wales.

It is anticipated that there could be a milk war at any time in the future and if that occurs, Victoria must compete with New South Wales. It could well happen that if New South Wales wishes to bring milk into this State it will lower the price. Currently the price of milk in Victoria is 74 cents a litre, and if New South Wales could bring it in at approximately 70 cents a litre, Victoria would have its hands tied and not be able to compete with that price. That would be an unacceptable situation and it would not work in the interests of the dairy industry.

The Victorian Dairy Industry Authority presently fixes the price of milk for all members. It fixes the price at the farm gate and at retail levels. It is true that the industry is very tightly regulated and there is a multitude of different prices not only for different milk products but also for different sized cartons and containers.

Until recently, if there had been a problem of interstate milk coming into Victoria it would have been possible to have adjusted the price of Victorian milk accordingly. It would have been a matter only of a decision by the Governor in Council and the maximum time taken would have been seven days. Now, with milk prices under the jurisdiction of the Prices Commissioner, that process will take longer as lengthier processes will need to be entered into and, probably, it will take a matter of months rather than less than a week, and this will be unsatisfactory.

For that reason, the United Dairymen of Victoria sought from the Government legislative change to give it flexibility to allow the industry to be competitive if a trading war developed. However, for whatever reason, the Government decided, when it had the opportunity, to go much further than requested by the United Dairymen of Victoria. The Opposition was suspicious of the motives of the Government in trying to make the other changes over and above those which the dairy industry required. The Government has a philosophy that is biased towards the consumer and the industry has every right to be suspicious about some of the changes to the legislation that are consumer-oriented in the longer term and which may well work against the interests of dairy farmers.
Special mention was made in the second-reading speech that the farm gate price would continue to be fixed. That is somewhat misleading because honourable members and dairy farmers should be well aware that it could be fixed at a price much lower than that which exists today. Honourable members should recognize that many people are engaged in the industry other than dairy farmers and I am sure that all honourable members would have received many letters from milk distributors. There are 169 milk distributors across Victoria and they envisage already that their slender margin will be eroded even further than it is today. They work on one margin, compared with supermarkets which work on three margins.

It could be suggested that if an industry is rationalized and if it is to be deregulated, a particular section could be expendable but, before agreeing to measures and to moves that may bring that about, the role played by that section and the benefits it might have for the industry at both consumer and producer levels should be examined.

Honourable members should understand that supermarkets are able to process their own milk and that they can build up a large business and, therefore, it is easier for them to cut prices; they can run milk as a loss leader and balance that by jacking up the price of other commodities. That is a real fear of sections of the industry. The supermarkets would then take business away from distributors and not only adversely affect the distributor but also remove a service from the customer.

I believe, as do many honourable members, given that situation, the corner shop will not be able to compete. Even today it is no longer economical to deliver milk at the door and the result of that is less milk consumed. That is an important aspect of the whole industry. It is interesting to note that the consumption of milk has fallen substantially in the metropolitan area, yet it has increased in the country because in the country there is still a reasonably good delivery service.

The Liberal Party believes in the longer term it will be necessary to free up the dairy industry. There ought to be some deregulation over a period. The Liberal Party also recognizes that changes cannot be made overnight. Cows are not machines; they cannot be turned off like a tap. A long lead time is needed. That is the criticism of the Kerio plan, because the drastic changes under that plan were to occur almost tomorrow. If the dairy industry is to be drastically altered and if there are to be radical changes, it is necessary for those changes to occur over time with proper planning and a reasonable lead time to allow the industry to adjust.

I reiterate that milk distributors are very disturbed at the changes taking place in the industry that will affect them adversely. An Englishman, after attending a dairy industry seminar in America, wrote an article on the American view. He wrote:

After a final drink at the airport, one of the dairymen, who had been 40 years in the industry, summed up all I had learned in the following words: “You came here to learn—what you have learned is that whatever we did wrong—don’t do it. In particular, no matter how difficult the problem is, don’t interfere with the service—that’s what we did. That’s why our sales are down 10 per cent this year and home delivery now only accounts for 15 per cent of milk sold.”

I emphasize that it is important to be aware that if legislation is implemented which is detrimental to that service, everyone along the chain will suffer, particularly the dairy farmer, because less milk will be consumed.

In the end, the Minister for Agriculture and Rural Affairs took a real and honest attitude in an attempt to come to terms with what the industry and the United Dairyfarmers of Victoria recommended and what was trying to be achieved. If the Minister had had that consultation earlier, many hassles with the proposed legislation could have been avoided. This aspect was discussed earlier today. That consultation could have overcome a great many problems. I am sure that the Government and Ministers will learn from that experience. The milk distributors were not consulted, and on their behalf I make that complaint to the Government. Much of the Government’s proposed legislation would
have been unnecessary if consultation had been sought on many of these matters. No doubt legislation would have been needed but it would have been minor.

It could well have saved many people both time and money had everyone got together to work out what was needed and simple legislative measures could have been drafted to overcome these problems without the need to go through the arguments after the event and without the need for the National Party, supported by the Liberal Party, to move amendments to proposed legislation in the other place. The Liberal Party does not oppose the Bill.

Mr HANN (Rodney)—The National Party strongly supports the Bill but I must say that, when it was first introduced in another place, the National Party was strongly opposed to it. The only reason why it now supports the Bill is that my colleague, the National Party spokesman for Agriculture and Rural Affairs in another place, Mr Dunn, was successful in his negotiations with the Government and, with the support of the Liberal Party—we could not have done it without their support—the Minister corrected a number of major and serious anomalies in the Bill that would have provided the mechanism to completely deregulate the market milk structure in Victoria as we presently know it.

That was one of the reasons why members of the National and Liberal parties were receiving numerous letters from milk distributors all over the State expressing grave concern about their future livelihoods. Not only did they express grave concern about their own livelihoods, but they also expressed that concern about the future of the dairy industry and the future supply of market milk to consumers in Victoria. A similar concern was expressed to the National Party by dairy farmers, by the United Dairyfarmers of Victoria who indicated that the Bill was not in line with what they had asked for because the organization had asked for a Bill that would enable the Victorian Dairy Industry Authority to have the ability, in the event of undercutting of market milk from interstate, to compete on that market.

The Bill that the Minister for Agriculture and Rural Affairs produced effectively provided a mechanism that could have completely deregulated the current market milk structure and it could have done away with the regulated prices that we have at present. Ultimately it could have effectively reduced the price at the farm gate at a time when dairy farmers in Victoria are facing a serious and substantial cut in income.

To give honourable members an example, the reduction in net cash returns to Victorian dairy farmers over the past three years are interesting. In 1982–83, the annual dairy farm net cash return was $21,287. That figure increased to $21,999 in 1983–84 and it dropped back drastically and dramatically in 1984–85 to $11,979, almost a 50 per cent cut, and certainly more than a 40 per cent drop in the net cash return.

At the same time, the Government, through the proposed legislation, was setting up a mechanism that could have effectively weakened the position of those dairy farmers even further. One needs to remind the House of the reasons why the Government had to introduce the Bill in the first place. The only reason—and it is well known to members of the Government—is because of a challenge in the Supreme Court of New South Wales to marketing arrangements in that State by Midland Milk, by the company in Shepparton—a major milk processing company, that has been attempting for many months to break down the orderly milk marketing arrangements that exist not only in Victoria but also in New South Wales.

Eighteen months ago, that company entered into an arrangement with the Jewell supermarket chain to dump milk in New South Wales at a figure below the price that prevailed in that State at the time. They forced the New South Wales dairy authority to alter the pricing structure in that State so that the local authority could compete. I do not think I need to remind the House—because I think honourable members are well aware of this fact—that that same company employs the Premier’s son-in-law.

I should have thought that if the Government had been serious about trying to protect the milk industry in Victoria, the Premier might have used some of his influence on his
son-in-law and the company with which he is involved to stop that company from attempting to break down the whole marketing structure for our liquid milk industry, not only in Victoria, but across Australia, because if this company is successful in its endeavours to break down the present orderly marketing arrangements, and the regulated pricing structure, the whole market milk system could collapse.

We ought to be moving towards a situation where companies that have had the protection of a regulated price system over the years, where they attempt to break down that system, should have their licences to process milk withdrawn by the Government because they are out to wreck the whole system. If we allow that to continue and the system is under pressure from the large supermarket chains which would like to get control of the industry, a situation could develop where many of the small milk distributors, processors and retailers could literally be wiped out of business and the total market milk system would be locked into the big supermarket chains.

Already, if one examines the large supermarkets involved in processing, one finds that they get all the margins. They receive the processors margin, the distributors margin, the wholesalers margin and the retailers margin; so they have it locked up almost into a complete vertical integration and, in the long term, a real threat exists that unless the Government acts—and it has the capacity within the Parliament to act tonight—to place a restriction on the area of new dairy licences, in the long term those same supermarket chains could attempt to set up large feedlock dairies and then receive the farm gate margin as well. That is a matter of concern to the National Party.

We would not need a Bill to give the Victorian Dairy Industry Authority and the Government the ability to respond to undercutting from interstate if there were not this threat from that particular milk company in conjunction with those supermarkets in New South Wales. It is a matter of grave concern to the National Party that the Government is implicated in that the Premier's son-in-law is an employee of that company.

Mr Cain—Son-in-law!

Mr HANN—Yes, son-in-law. It is very explicit, very clear—son-in-law. I should have thought the honourable gentleman would have used influence on him, if he has any influence.

The milk distributors have expressed grave concern about what would happen if the system were deregulated. Victorians are fortunate that we still have a fairly significant milk distribution system. There are home deliveries in many parts of the State and in the smaller country areas the service is growing.

The real threat we are facing in a dezonning situation within the milk industry is that the supermarkets would deliver to their own supermarket outlets throughout the State and ignore the small corner stores, the small milk bars which, of course, play a prominent part in our milk distribution system.

It has been put to the National Party that in a situation where the housewife knows that she can readily obtain milk the next day, if the milk is being used by the family, she knows that she can go down to the corner store and purchase milk. Accordingly, she is nowhere near so worried about the children using that milk as she is in a situation where she would have to go to the supermarket and purchase the milk. Of course, one cannot do that every day of the week.

I am disappointed that in many areas the home delivery service has been phased out, because it provided a benefit to the industry and to the individual. It provided a service to homeowners and it provided them with a product that is heavy. It is heavy to handle, and heavy for the housewife if she has to handle large quantities of it, and many families do use large quantities of milk.

As one person who has been a dairy farmer all his life up until the time that he came to Parliament, and who had never purchased milk before but who suddenly found that he
must purchase all of his milk at the shops because it was not as convenient to go down to the family farm to get it—and I do not purchase it now because my wife purchases the household groceries, as she reminds me all the time—I know that it is a bulky and heavy item to handle.

It is disappointing that we have seen that system phased out and it is something that one would hope could be encouraged to return in the future. Fortunately, the Government did agree to the National Party amendments. I am glad of that because the proposal that was put to the Minister by the United Dairyfarmers of Victoria was accepted and the Victorian Dairy Industry Authority was equally anxious to have the power to respond if and when there is undercutting from interstate. However, the National Party believes there ought to be a restriction on that provision to a situation only when there is actual undercutting from another State.

My colleague, the Leader of the National Party in another place, put together constructive amendments, and that has resulted in a Bill with which the whole industry is happy. If the Bill had been introduced in its original form without the prospect of amendment, the National Party would have opposed it. Under the Bill as now drafted, the Minister has the flexibility to issue a certificate if, in his opinion, in the whole of Victoria or in any part of the State, there is milk price undercutting, and the authority can respond to that by varying the prices accordingly to enable it to compete with the particular processor or authority from the other State. Equally, if the price undercutting stops, the capacity is there for the power to be withdrawn quickly. The National Party would not want it to continue for any length of time.

This is where the National Party and the Liberal Party are at odds on the question. Although the National Party is grateful for the support of the Liberal Party on the passage of the amendments and in the negotiations on the issue with the Government, the shadow Minister for Agriculture and Rural Affairs indicated earlier that it is the philosophy of the Liberal Party to deregulate; I agree that he used the word "slowly". Deregulation is fine if it is possible to deregulate the wage and price structure and everything else, but it is useless deregulating the market milk sector and affecting the returns to dairy farmers without deregulating everything else. There is no way that that can be done under the present system.

The alternative is to ensure that not only the dairy farmer, but also the processor, the distributor, the wholesaler and the retailer get their share out of the product. The simplest way of doing that is to regulate pricing arrangements, and it is of benefit to people when they purchase milk anywhere in Victoria to know that there is a schedule of prices and that they are not being charged extra for their milk. One could also say that they are not getting a discount.

I understand that in other States—for example, Queensland—where there is no regulation, no maximum price is fixed for flavoured milk. The retailer who decides that it is better to receive a larger margin than to handle a larger volume increases the price to the consumer rather than trying to encourage consumers to buy more. The consequence is that less milk is sold. At a time of a milk surplus, I believe the industry should encourage milk sales rather than discouraging them.

As I said, the National Party sought the views of all sectors of the industry—dairy companies, processing companies and manufacturing companies—and all agreed that the Government and the Victorian Dairy Industry Association should have the power referred to, but only in the event of price undercutting from interstate.

I am pleased that the Bill has the support of all parties. All parties co-operated, and that is what should happen. Everybody is happy with the measure. The Bill allows some flexibility in the event of undercutting. I hope undercutting will not occur, because if it does, Victorian farmers will have to go interstate and undercut prices, and that is not in the long-term interests of this State. The National Party supports the Bill.
Mr J. F. McGrath (Warrnambool)—Because of the hour of the day and the day of the week, I shall be brief, but it is important to say a few words on the Bill and to support the views put by the Deputy Leader of the National Party.

One of the valuable lessons that came from the Bill is that it is now the result of fairly broad consultation—not consultation that occurred prior to the compilation of the original draft, but consultation as a result particularly, as the Deputy Leader of the National Party said, of calling in people from the United Dairyfarmers of Victoria and the Victorian Milk Distributors Association and talking to them about their concern about the Bill.

Having been in this place only a short time, I believe it is vital that all bodies and persons who will be affected by a Bill should be consulted and their views ascertained. Irrespective of whether we agree with them, we should be prepared to listen to them and to see what constructive comments they wish to put forward. Talking with the United Dairyfarmers of Victoria and the Victorian Milk Distributors Association about the original draft of the Bill, the National Party found that the measure did not address the problems in a way that was in the best interests of Victorian dairy farmers, who should be our No. 1 priority when considering a Bill that deals with dairy farm produce.

Having spoken with representatives of those two organizations, the National Party was able to prepare some amendments to the Bill and have them presented by the Leader of the National Party in another place, Mr Dunn, with the result that honourable members now have before them in this House a Bill that will serve adequately the purpose that was the original intent of the Minister.

A couple of clauses provide that the authority must not exercise its powers under proposed section 42 (2A) and (2B) unless the Minister issues the authority with a certificate that, in his opinion, in the whole of Victoria or in a particular locality, place, milk district or part of a milk district in which milk is to be sold, milk price undercutting is occurring.

The power to fix maximum and minimum prices has now been fairly well determined. Earlier, the Bill contained an extra clause that moved towards complete deregulation which, as my Deputy Leader has said, is not in the best interests of the dairy farmers of this State. Indeed, as we know, supermarkets now have the facilities and the ability to process, distribute and retail milk to the consumer market so that the small private enterprise operator—the small milk producer and the corner milk bar owner—will suffer if supermarkets take over the total distribution and handling of milk.

It is interesting to recount an experience that was relayed to the National Party during the consultative process on what happened in the bread industry. That industry did a nice, cosy deal with the supermarket chains, and that deal was to the detriment of the local corner store, which was no longer able to handle the quantity of bread that it formerly handled. Today the problem is that bread sales have declined, and the bread industry is concerned about that downturn. No doubt it is thinking seriously about the merchandising methods that should be implemented to bring about a change in that direction.

The United Dairyfarmers of Victoria, the Victorian Milk Distributors Association and the National Party were not keen to see that kind of result within the milk industry. We believe the Bill will prevent that from happening.

As the member representing the electorate of Warrnambool, which is largely a dairy farming community, I have received consistent and insistent requests from my constituents for information as to what has happened to the Bill dealing with dairy licensing. It is a pity that the Government did not move on that Bill with the same speed as it has moved on the Bill now before the House. The Bill to restrict the issue of future dairy licences must surely be of vital importance to an industry that is going through a torrid period.

The Government should consider this with a view to exercising some control in having the Bill pass through the House posthaste.

The motion was agreed to.
Mr WILKES (Minister for Housing)—I move:

That this Bill be now read a second time.

Its aim is to make those changes to the statute law necessary as a consequence of the establishment of the Department of Health by Administrative Arrangements Order on 26 August last. In addition, the opportunity of the Bill is being taken to make a number of other amendments to the Health Act.

As honourable members are aware, the former Health Commission has been replaced by a State Department of Health. The Government has recognized the need to improve the delivery of health services in Victoria and the measures introduced to the House today provide the framework for fundamental reform.

A central thrust is the development of a clearly defined general management capability throughout the Department of Health. The first step in this process is the creation of the position of chief general manager, who will be responsible for developing and implementing:

a policy, planning and resource management framework for health care in Victoria; and

a system of objectives, priorities and performance standards for health care providers.

The department itself and its many parts will work out its objectives, priorities and targets as will health service delivery organizations. Management objectives should include, but not be restricted to, a statement of objectives developed for program budgeting.

The Department of Health is currently engaged in a process of developing a draft mission statement on goals and objectives. Hospitals and other parts of the health system will be able to comment on those later this year before they are finally adopted.

The role of the central core and its relationship to the field is being developed and it is intended that regional administration will provide substantial operational autonomy. Regional administration will be responsible and accountable for the health service delivery role and the operating management of relationships between health care providers and the department.

A central management task is the need to involve medical, nursing, administrators and other health professionals in decision making to ensure that priorities are set and that those who commit resources are accountable for their decisions. A review of all health laws is also about to be undertaken to make them less restrictive and easier to understand.

It is intended to eventually repeal legislation and regulations which are outdated and replace them with modern management legislation which will reflect Government policy on health care. The review will consider the effectiveness of major programs financed by the State Government, look at institutional arrangements in the health industry and develop standards for accountability and performance of agencies in the health sector.

The Bill abolishes the Health Commission of Victoria and transfers the powers and functions of the commission to the chief general manager. It transfers property assets, debts and liabilities of the commission to the chief general manager and amends other legislation to recognize these transfers. It provides wide powers of delegation to the Minister and chief general manager thus allowing greater flexibility in the management of the Acts in the health portfolio.

The Bill makes a number of changes to the Health Act as it applies to special accommodation houses. Legislation to require the registration of special accommodation houses as a special type of boarding house was first enacted in 1973. However, although the relevant provisions were strengthened in 1980, the question of defining precisely what is meant by "special accommodation house" has never been satisfactorily resolved by the
law. In particular, the Bill will have the effect of distinguishing a special accommodation house from a boarding house or lodging house by its function of providing special care or personal care rather than in terms of the age or infirmities of its residents.

It will also vest in the Chief General Manager of the Department of Health a power to require that the proprietor register premises as a special accommodation house and provide a capacity in the Act for a special accommodation house to be exempted from a particular regulation.

The Bill repeals the Venereal Diseases Act, and makes the amendments necessary to the Health Act to enable sexually transmitted diseases to be brought under the umbrella of its infectious, and notifiable infectious, disease provisions. The aim of this clause is to put sexually transmitted disease, so far as the law is concerned, on the same footing as every other infectious disease.

Detailed clause notes have been printed with the Bill itself for the assistance of honourable members. Accordingly, I do not intend to take up the time of the House by recapitulating the information which is already set out in the clause notes. I commend the Bill to the House.

Mr WEIDEMAN (Frankston South)—I can understand why the Government would want this to be the last Bill to be passed for the year and the anxiety of the House to close down so that honourable members can go about their business. A Bill of this kind would normally attract many speakers and much debate. It would probably attract as much debate as the five Bills mentioned earlier today.

Health administration in 1985 faces an unprecedented crisis. One needs only to examine the many reports that have been issued in recent months. One report was from the Victorian Hospitals Association which, in a critical appraisal of the health industry, stated that Victoria is in a severe bout of recession.

We are all aware of the comments made by the previous Minister when taking over this portfolio. He made it clear to the whole of Victoria, Australia and probably the world—he has the ability to promote himself—that he inherited the best health system not only in Australia but possibly in the world.

Mr Tanner—He said it on television.

Mr WEIDEMAN—He said it everywhere, and I thank the honourable member for his interjection.

This Bill is retrospective. It goes back to the development of the Health Commission. I was a member of a committee that spent some 80 hours going through the sections of the principal Act and I remember the then Minister, the Honourable Vasey Houghton, taking 3 hours and 20 minutes—no doubt a record—to go through the history of health in this State. He was followed by the shadow Minister who spoke for more than 2 hours.

There was much interest in the establishment of the Health Commission. It is now being replaced by the Department of Health. As a former assistant Minister of Health, I understand that the Minister needs the opportunity to have more control and more access to development planning within the health structure. I believe it is like the fire in Wuthering Heights, with someone trying to get to a door but not being able to find it. The building where the Health Commission was situated was 22 storeys high, and I do not think anyone, from the 21st floor down, wanted to speak to anyone on the 22nd floor.

As a former Minister for Tourism, I had a staff of approximately 200. I took the opportunity of visiting one floor of the building every morning to speak to the staff. That was a pleasant way to achieve productivity and friendship. However, that is not the way in which the former Health Commission worked. It did not encourage people to visit the commission and look around.
The Bill creates the position of Chief General Manager of the Department of Health and gives him the responsibility for developing and implementing policy and resource management. The Minister for Health has had experience in the water industry and formed ideas in his approach to that portfolio. He had a great grasp of the water industry. The health portfolio has now been thrust upon him and he is using a modern approach to its administration. The Minister made a statement to the effect that he would push bureaucrats down the lift well and keep pushing them until he got some reaction from them. I understood what he meant by that, although some people took it the wrong way.

The Bill gets regional administration off the ground. I am in favour of regionalization on the basis of the concept of a $1 million hospital with facilities that are available for a specific population and providing services according to the population.

Unfortunately in the health area, there is a tendency to find everyone a position, which can cause over-administration. I hope the Minister and the chief general manager have the capacity to keep regionalization under control. I am sure the Minister realizes the cost involved in establishing the regions.

The Bill provides that more administrative vacancies will be filled by medical, nursing and other professionals. In the health field, it is better to make all administrators doctors and all doctors administrators; that would be the perfect situation. However, that is not the case and we must do the best with what we have. The Bill encourages health professionals to become administrators and to take an active role in administration.

Another area that requires dramatic change is the area of regulations. The Bill will repeal many of the regulations that now exist. When I was the Minister assisting the Minister of Health, the then Minister of Health gave me the job of reviewing regulations. The best way of doing that was to inquire from all departments controlled by the then Health Commission to ascertain what regulations they had. I wanted to know when the last review was done, what regulations existed and how old were they. I found that information most difficult to obtain because the information was not made freely available.

On one occasion, I received a curt letter indicating that, as I was the Minister for Tourism, I would know that the then Health Commission had just reviewed the regulations for caravan parks. I received a copy of those regulations and they were the only ones I received in six to eight months. It was extremely difficult to get information.

The earliest regulations I came across dated back to 1895 and had been made under the Act that dealt with milkmaids. Those honourable members who have had cow pox would understand why that Act was necessary. I shall not go into what cow pox is. All honourable members would know what a milkmaid is, and perhaps over the Christmas holidays some honourable members will be introduced to some milkmaids!

The second-reading speech refers to developing standards for accountability and performance. With his actuarial and accounting background, the Minister for Health referred to program budgeting. The honourable member for Polwarth, when he was the Minister of Agriculture, introduced program budgeting in the agriculture area, and he was most successful. I would imagine that a former Minister of Housing, the present Leader of the Opposition, had the same opportunity.

I am sure the Treasurer took note of the Canadian experience with comprehensive auditing. That has changed the face of the public sector in that country. Auditing has to do with value for money. Comprehensive auditing and program budgeting is the future for modern auditing procedures. The private sector is also looking into that approach to accountability and comprehensive auditing.

The Bill deals with special accommodation houses, which are distinguished from boarding houses and lodging homes. They have caused enormous problems to many members of Parliament. When I was first a member of this place, I remember receiving telephone calls from concerned people who wished to establish a special accommodation house. It was not until they had purchased a building that they were informed what
improvements had to be made. That was putting the cart before the horse. If the former Health Commission had informed them of the improvements before they purchased the building, they would have known what they were up for.

The Bill repeals the Venereal Diseases Act. Honourable members could reflect on the debate that occurred in this Chamber on AIDS. I shall not broach that subject again. If any honourable member is interested, he should read Hansard and he would realize that it was an excellent debate. All those honourable members who participated in the debate demonstrated knowledge of the subject.

The problems in the health industry are highlighted by the strikes of the Hospital Employees Federation, the introduction of the thirty-seven and a half hour week and the cost of that, and the transfer of nursing education to the tertiary level. Yesterday, I took the opportunity of voicing an opinion on that subject. I warned the Government to consider the need for reviewing the situation. The National Party has expressed similar concern.

The Opposition believes more consideration should be given to the alternatives that have been experienced in the United States of America and New South Wales in recent times. One can only benefit by taking the experience of others into consideration.

Demarcation disputes are undesirable in the health area. I refer specifically to the medical records area where barriers and shelving have been erected between unionists and non-unionists.

The House has just heard the second-reading speeches of the Minister with respect to three Bills dealing with mental health and psychiatric services. With respect to this Bill, this is the sixth draft and the second Bill to be introduced. Extensive consultations have taken place and the health committee of the Opposition will further examine the Bill.

Demarcation disputes have also affected the nursing field. In the Frankston area, we are keen to obtain 40 to 50 beds for psychiatric patients. Most of the people who live in the eastern and southern suburbs of Frankston and beyond would be aware that patients with mental problems must attend the Mont Park hospital, which is on the other side of the city. The Frankston area seems to have an inordinately high percentage of patients who have to travel that distance to seek the necessary treatment. However, the peninsula area is well known for the services it currently provides.

A recent survey showed that 10 per cent of the residents of the area claim to be disadvantaged or to have a disability with respect to psychiatric problems. I have been involved with a group dealing with people with schizophrenic problems. A young man I knew could not obtain assistance because treatment was not available and unfortunately he committed suicide. This has made me more aware of the problems that arise.

I make the pledge that in my time in Parliament I shall encourage the Frankston Hospital, the Minister for Health and practising psychiatrists, to seek State and Federal funding to obtain 40 beds so that patients with psychiatric problems can be treated in Frankston. A group dealing with these problems already exists in Dandenong, but it is already working to capacity. I refer to Chatsworth House Clinic, which does not have access to any further beds.

I am involved with the alcohol and drug rehabilitation group at the Frankston Hospital which has one or two beds available for patients suffering from those problems, but there are no beds available for psychiatric patients.

I discussed the problem at a meeting of the Australian Medical Association and a prominent psychiatrist said that he was so concerned about the problem that he was prepared to take industrial action. Honourable members would agree that it is unusual for doctors to resort to that action, and I hope it does not come to that. If these problems are not tackled in a bipartisan way in the next decade, it will be a problem that is beyond the State and the country.
I have a high regard for the views of Professor Sir Gustaf Nossel who is a well-respected scientist and administrator of the Walter and Eliza Hall Institute of Medical Research. In a recent interview on 3LO he said that recognition must be given to the fact that the life expectancy has increased from 70 to 77 years and that people who are in that age group and beyond must be given the right to die with dignity when the time comes.

We have seen the development of hospices. Those organizations must be given the capacity to provide appropriate medical treatment and patients should be allowed to refuse treatment if they so desire. The development of life preserving techniques has become a high cost, high technology area. In the next few years we will have to come to terms with the problem of what a life is worth. We must also come to terms with the associated social problems. One has to start somewhere and I am sure that the views of Professor Sir Gustaf Nossel can assist in developing public awareness of this problem.

There are now 27,000 people on hospital waiting lists. The waiting lists for public hospitals have doubled since the Labor Government came in to power. However, a large number of unused beds exist in the public and private sectors. I believe there are 1000 unused beds in the private sector and a total of 2000 unused beds in both sectors.

The prospect of closure of public hospitals is worrying. Nine hospitals are to close, according to the recommendations of the McClelland report and 22 could lose their current status. Many of those hospitals are in country areas and I have sympathy for my colleagues and for honourable members on the other side of the House who represent country areas. In times gone by a horse and buggy travelled 30 kilometres in a day to reach the local hospital, but now one can travel many hundreds of kilometres by aeroplane or motor car.

There is a desperate shortage of nurses in this State. Some 1500 nurses are required in the State, including 700 clinical nurses.

The health field is entering a new era with respect to industrial disputation. There are problems with health professionals and the need to make doctors administrators and administrative doctors. This would remove some of the bureaucratic problems.

There are many areas in which the Government needs advice and sometimes it accepts advice that is given to it. Recently, when reading some health literature I came across a speech that was made by Richard Handley, who is the Director of Health Care Policy and Program at Owens-Illinois Inc. at a conference of the Texas Medical Association. Owens-Illinois is a large glass and plastic packaging company in the United States of America. Mr Handley outlined a cost containment program in which his company provided health care benefits for some 90,000 people. Like everyone else in the world, the company found that its capacity to pay had been eaten away by rapidly rising costs.

In 1982 the company's total health bill reached $120 million, an increase of 46 per cent in a five-year period. In that time its work force had decreased by 30 per cent and on a per-employee basis, the company's health costs were increasing at a compound annual growth rate of 18 per cent. The rate of increase was doubling every four years, so a program was established to help growth.

The study contained three basic steps and nine points. Firstly, the company involved itself in increasing the deductibles and employee contributions which had remained static for more than a decade. Secondly, it redesigned the group coverage to provide incentives for cost-effective practices, whereas before it had encouraged its employees to go out and seek more expensive services. The company then turned that around. Previously, it was paying 100 per cent for diagnostic testing if it was carried out at hospitals and some 80 per cent when that was carried out in out-patient clinics.

Thirdly—this is the most important point, and I want the Minister to take note of it—a mandatory second-opinion requirement was established for certain surgical procedures. I am sure if I go through all the different procedures, some honourable members will find that they have a special disease—and I hope they will have it diagnosed. There could be...
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all manner of conditions, such as a hernia, bunionectomy, kness, hysterectomy, prostrate—and I am sure there would be a few cases of that in this Chamber—cataract removal, nose surgery, varicose vein surgery, tonsils and adenoids, and back surgery. I am sure if I keep listing these procedures, most honourable members will find they require some sort of surgery.

The importance of the second-opinion program was that it established three major benefits. Firstly, it eliminated unnecessary surgery. That was avoided, because the second opinion meant that a person went to one doctor first and then visited another doctor to obtain a second opinion to determine whether surgery was necessary. Secondly, the company provided co-ordinators who counselled the patients in order to avoid unnecessary hospital costs and with other alternatives, such as home care, to shorten hospital stays.

Thirdly, the second opinion gives patients a better understanding of their conditions. In other words, the patients are given that understanding by co-ordinators rather than by medical doctors. It also gives them greater confidence and capacity for recovery, which is all to the benefit of the patients.

It is important for the Minister to appreciate the results of the program, which were that, in a total of 564 second-opinion cases, 72, or 13 per cent, disagreed with the original recommendations of surgery. In 59 of those cases, or 82 per cent, the patients elected to avoid surgery. Therefore, they were not forced to have surgery. They were given the choice, and one would expect that.

The program also shifted 23 cases to out-patient surgery and reduced the length of stay in a hospital by a total of 655 days. This was all accomplished in one year.

I am sure the Treasurer would be interested in the comments I am about to make, because they relate to an enormous saving, particularly if one relates them to Victorian medical costs, which amount to more than $2200 million.

The extra costs for the second-opinion program amounted to $137,000, and the company saved $4 for every $1 spent, with net savings of more than $400,000.

Schemes were introduced, such as the “Life. Be In It” program in Victoria, to promote exercise and deter people from smoking and so on. The net results were that in 1983, the company’s health costs amounted to $114 million, which were $6 million down on the $120 million in 1982, which represents a reversal from the 46 per cent increase over the previous five years.

On a per-employee basis, a group insurance cost actually declined on the previous year by 8 per cent. That compared with a 24 per cent increase for the previous year, and a total increase of 112 per cent over the previous five years.

If one translates these figures to the Victorian health costs of public hospitals and nursing homes, which are of the order of some $1400 million with, say, a cost containment of $130 million, which represents some 8 per cent, and when one realizes that this State incurs expenditure of about $2200 million, one should appreciate what has been accomplished by the company in Illinois. If the Treasurer were able to accomplish those sorts of figures in other years, Victoria could well benefit from the experience overseas.

I am sure it is necessary for the Bill to be passed so that the former Health Commission, now the Department of Health, can continue to act in the best interests of Victorians. I am sure the Government and the Opposition are both anxious that the people in this State receive the best of health services, particularly in the forthcoming Christmas period.

All honourable members are aware of the trauma that occurs on Victorian roads during holiday periods, and my final message is that I hope there is less road trauma, so that our hospitals are not used in the way in which they have been used in previous years. If hospital facilities and beds are not used, there are certainly cost savings, and I am sure the hospital administrations would be delighted if they were used at only half the capacity compared with previous years. Let us make this a safer Christmas.
Mr WHITING (Mildura)—The Bill contains a number of virtually unrelated provisions. Perhaps it would be better to debate the individual provisions during the Committee stage because there is more opportunity of doing so at that stage.

This is an interesting piece of proposed legislation, because a Chief General Manager of the Department of Health has already been appointed and honourable members are still debating proposed legislation that establishes the Department of Health where the newly appointed person will perform his duties.

I believe there has been a certain amount of contempt of Parliament by the Minister and the Government in making changes regarding the abolition of the Health Commission in this State. However, the opposition parties are becoming used to that sort of change.

What really worries me about the Bill—and I had to examine it very closely before I was prepared to give it my support—is that, as with many pieces of proposed legislation that have been introduced recently on which we have all agreed, or on which we have sometimes disagreed with the principles involved, the real teeth of the measure will come by way of regulation, and there is no way of knowing exactly what are those regulations.

I cite as an example a matter relating to the Dangerous Goods Bill, which was debated in Parliament a short time ago. In order to find out the requirements of that Bill relating to marking premises that contain hazardous chemicals, it was necessary to examine the Bill relating to occupational health and safety. No regulations existed before that legislation was introduced providing that a farm or property in this State was required to display a sign stating that hazardous chemicals were stored there.

The Government has been less than honest in many of those areas by not bringing forward those points when the Bill was first debated. Fortunately, I find no reference to regulations in the Bill, but I am still hesitant to give it my full support. It refers to regulations in the Hospitals and Charities Act and that is not just a minor part of the Bill.

My main concern relates to the changes that are being made to the special accommodation provisions in Victoria. Part of the definition of a boarding house is being removed. It is the part that related to the number of persons involved in requiring that a boarding house has to be registered as a special accommodation house if the people using the premises have to receive nursing care of any kind. That had been interpreted by officers of the Health Commission to mean that if a boarding house proprietor was even allocating medication to the residents, strictly speaking, the house came within the provisions of a special accommodation house.

The requirements under those conditions were much greater than they were under the boarding house provisions. I commend the Government on the changes it is making. It is not making a reference to the age of the residents in a boarding house or a special accommodation house. It does not refer to their disabilities in any way, which is probably a good thing because persons who are disabled in some way should not be condemned to being residents of a special accommodation house if they are able to cope with most of their daily functions of their own accord.

The only concern I have is that it appears under the definition of a special accommodation house that there is no number of persons under which the premises need to be registered. Therefore, a person with one or two boarders in his or her home may be able to register the home as a special accommodation house and, by doing so, be able to circumvent all their requirements on health standards that may have applied under previous provisions. I do not know whether that is a serious problem but it will need to be kept in mind when any further changes are made to the Health Act in future years.

It is probably well that the reference in clause 12 to the Venereal Diseases Act is being repealed so that all infectious diseases and sexually transmitted diseases will come under the same provisions in this area. With the removal of the stigma that has applied in many areas with notifiable diseases in the past, that change will improve the situation. It is designed to include provision for acquired immune deficiency syndrome, which has become
so prevalent in the community in recent years. All infectious diseases will come under the provision, regardless of type and how they are transmitted.

The National Party does not oppose the proposed legislation. It considers the measure to be a little late in repealing the Health Commission provisions, but the Government will have to live with that situation and do the best it can and continue to experience the problems that are present within the health services in this State. Unfortunately the scant recognition that is being given to the private health sector is something that will haunt the Government in years to come because it is doing all it can to run down health services in the private sector. Obviously the public sector is so overloaded that it cannot possibly cope with the demands that are placed on its services at present.

I hope the proposed legislation will prove to be better than it appears on the surface, but in the meantime the Chief General Manager of the Department of Health will probably be the busiest person in Melbourne if he is to manage effectively the new system set up by this Bill.

Mr KENNETT (Leader of the Opposition)—I shall briefly address myself to the part of the proposed legislation relating to the major change of changing the Health Commission to the Department of Health. The Minister who should have control of the Bill in this House has now returned. We are grateful that he is only an hour and a half late!

I make one simple point: change for change's sake does not always bring about greater efficiency and greater delivery of services. If this change is to be of value to the people of Victoria in return for the taxes and charges that they are currently paying, the Government and, in particular, the Minister, who has responsibility for health, must understand that the biggest problems in the delivery of basic health services are not tied up in the organizational structure but are tied up in morale and the way in which the Government and the previous Minister in particular mishandled the health portfolio.

As the honourable member for Frankston South has said so ably tonight and the honourable member for Mildura said, we on the Opposition side of the House will wear this change, but we wear it not for change's sake but in some forlorn hope, not based on the past experience of the Minister for Transport when he was Minister for Health, that the Government will start to recognize that its first responsibility is to return to the taxpayers of this State a basic standard of health care, which has been denied them in the past three and a half years.

There is nothing more disturbing than to take either a senior relative or a young child to a hospital anywhere in the State and find that, because of administrative incompetence, the basic services that you, Mr Speaker, and I would expect are either not available or are delayed in their delivery. If this change is to work it will need much more than proposed legislation just to change the structure. It will need a fresh approach and will require—I believe the current Minister for Health has already done it—an admission that the former Minister for Health was an abject disaster for this State, a Minister who could not recognize the major differences between being a Minister responsible for health and being a Minister who also wanted to be chief manager.

Every day in the day-to-day procedures of the health portfolio under the current Minister there has been interference. The Opposition will support the change, but change itself does not lead to greater efficiency and effectiveness. The Opposition hopes that the Government will recognize the failings of the previous Minister and understand fully that the people of this State deserve a reasonable and reliable health service.

Mr Crabb—What about Lieberman? He's a good guy!

Mr KENNETT—I feel a major speech coming on now! I am sure the Minister for Employment and Industrial Relations has witnessed many changes and whims of the Government, but as a father and a husband he has experienced the same concerns most of us have experienced when we have required health services. They are not required on a day-to-day basis, but when required urgently, we expect health services to be provided
Mr ROPER (Minister for Transport)—I thank the honourable members for Frankston South and Mildura for their contributions to the debate and the support that both parties are prepared to give to these major changes to the health system. We have now heard what is probably the last speech to be made in this House by the Leader of the Opposition in that capacity. It will be interesting to see whether he comes back here after he ceases to occupy that position.

In developing the measure, the Government has been concerned to make more accountable the health bureaucracy of this State and to make it directly responsible in the same way that other Government departments are responsible. The Health Commission experiment, which was widely supported in the community when it was proposed in the 1970s—and it was supported by all parties in this Parliament—was not the success it might have been and the result is the proposed changes that are being discussed by Parliament. In the view of the Government, these changes will result in a far more direct relationship between the bureaucracy and Ministerial responsibility.

Although one would have to say that during the past few years the Health Commission became increasingly like a Government department, there was nonetheless the legal difference between having a commission and having a normal Government department.

I should like to thank the many officers of the Health Commission and the part-time commissioners who worked very hard for health services in this State. A number of people gave up a great deal of their time and energy without any regard for recompense to themselves, to try to make the Health Commission work. The part-time commissioners came from all important areas of business and health care in the State and they certainly did their best to deal with major problems.

One of the effects we now have as a result of the work done over the past few years is that for the first time an effective health capital works program is being undertaken so that hospitals and service facilities are in the areas where they are required. Far greater attention is also being given to areas such as mental health, which had previously been neglected.

The Bill will allow improvements and changes to continue and, particularly through the reorganization aspects of the Bill, my colleague, the Minister for Health will have a capacity to ensure that the people of this State get the health services they require.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

Mr ROPER (Minister for Transport)—I move:
1. Clause 2, line 8, omit “15” and insert “14”.
2. Clause 2, line 10, omit “15” and insert “14”.
3. Clause 2, line 12, omit “15” and insert “14”.
4. Clause 2, line 14, omit “15” and insert “14”.

I thank the Committee for the opportunity of moving the four amendments together. They will correct typographical errors in the proposed legislation. As honourable members would be aware, there is no clause 15 in the Bill so it is necessary to alter the references to
clause 15 and insert the expression "14" as is proposed in the amendments. The House of review, in its detailed consideration of the measure ignored that fact and, for once, the Legislative Assembly is doing the tidying up.

Mr KENNETT (Leader of the Opposition)—It should, of course, have been the Government that did the tidying up before the Bill was presented. I have never seen such a lazy, miserable and incompetent Government as this Government, but, to assist the Minister, it gives the Opposition great pleasure to help the Government in remedying its incompetence.

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

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

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES (AMENDMENT) BILL

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

Council's amendments:
1. Clause 4, line 19, after "which is not a" insert "Christian or".
2. Clause 4, line 20, omit "Given name" and insert "Christian or given name".
3. Clause 4, line 23, after "(a) the" insert "Christian or".
4. Clause 4, line 25, after "of the" insert "Christian or".
5. Clause 4, line 26, omit "given" and insert "Christian or given".
6. Clause 6, page 5, line 3, omit "given name" (where twice occurring) and insert "Christian or given name".
7. Clause 6, page 3, line 4, after "registered with a" insert "Christian or".
8. Clause 6, page 5, line 5, after "an additional" insert "Christian or".
9. Clause 6, page 5, line 6, omit "given name" and insert "Christian or given name".
10. Clause 6, page 7, line 8, after this line insert the following:

'(m) After section 27 there is substituted the following section:

"27A. Within one month after a still-birth has been registered by the Registrar the Registrar shall upon request notify the person by whom the particulars relating to the still-birth were furnished that the still-birth has been duly registered by posting to him a certificate in the prescribed form relating to the still-birth."

11. Clause 8, page 12, lines 8 to 10, omit all words and expressions on these lines and insert:

'(3) The Registrar must not give any other person a copy of a cancelled entry in a register unless that person—

(a) is the personal representative of the person to whom the cancelled entry relates; or

(b) has obtained an order of a judge of the County Court directing the Registrar to give that person a copy of the cancelled entry."

On the motion of Mr WILKES (Minister for Housing), the amendments were agreed to.

ENVIRONMENT PROTECTION (INDUSTRIAL WASTE) BILL

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

Council's amendments:
1. Clause 5, page 2, line 24, omit "waste" and insert "matter or substance".
2. Clause 5, page 3, lines 4 to 8, omit all words and expressions on these lines and insert:

'(iv) before the definition of "Occupier" insert:

"Notifiable chemical" means a chemical—

(a) for which the Authority has certified that there is not available and accessible in Victoria a satisfactory facility for the destruction or disposal of the chemical; and

(b) which is prescribed to be a notifiable chemical.';

3. Clause 5, page 3, line 37, at the end of this line insert: '; and

(c) In sub-section (1) the definition of "Noise control officer" is repealed.';

4. Clause 6, page 4, line 3, after "permits", insert and after "segment of the environment" insert "and the generation, storage, treatment, transport and disposal of industrial waste".

5. Clause 7, page 4, line 19, after "disposal" insert "and generally the handling".

6. Clause 7, page 5, line 34, omit "considers" and insert "certifies".

7. Clause 7, page 5, after line 36 insert—

"(8) An industrial waste management policy in respect of which sub-section (7) applies remains in force for a period not exceeding four months from the time it is declared.”;

8. Clause 7, page 5, after line 36 insert—

"(9) When sub-section (7) is invoked the Minister shall publish his reasons for so doing.”;

9. Clause 8, page 6, lines 15 to 21, omit all words and expressions on these lines and insert—

'(b) In sub-section (4) after "schedule two premises" insert "or a schedule four premises";

(c) After sub-section (5) insert—

"(5A) The Authority may by notice in writing upon the application of the occupier of a schedule four premises in respect of which a licence is in force under this Act exempt the occupier from compliance with sub-section (3A) if the Authority is satisfied that the exemption will not result in the reprocessing, treatment, storage or disposal of prescribed industrial waste which by reason of volume, location, constituency or manner—

(a) is likely to cause an environmental hazard; or

(b) affects adversely the interests of any person other than the applicant.”;

(d) In sub-section (6) after "(5)" insert "or (5A)"; and

(e) In sub-section (7)—

(i) for "sub-section (5) and section 190" substitute "sub-sections (5) and (5A)"; and

(ii) after "(2)" insert "or (3A) as the case may be".

(2) Section 19c of the Principal Act is amended as follows:

(a) In sub-section (1) for "sub-section (2)", substitute "sub-sections (2) and (3)";

(b) In sub-section (2) after "a works approval" insert "(other than a works approval required by section 19A (3A))"; and

(c) After sub-section (2) insert:

"(3) The Authority may only amend a works approval required by section 19A (3A) under sub-section (1) if the Authority is satisfied that the amendment will not result in the reprocessing, treatment, storage or disposal of prescribed industrial waste which by reason of volume, location, constituency or manner—

(a) is likely to cause an environmental hazard; or

(b) affects adversely to a substantial degree the interests of any person other than the holder of the works approval.”;

(3) Sections 19c and 20 (3) of the Principal Act are repealed.”;

10. Clause 9, page 6, line 23, omit "After section 20 (3)" and insert "Before section 20 (4)".

11. Clause 9, page 6, after line 31, insert:

"(4) In section 20A (4) (b) of the Principal Act after "19A (5)" insert "or 19A (5A)"."
12. Clause 10, page 6, lines 38 to 41, and page 7, lines 1 to 3, omit all words and expressions on these lines and insert:

"(b) For sub-section (2) substitute:

"(2) The Authority may refuse to issue or transfer a works approval or a licence or to amend a licence where the Authority considers that the issue, transfer or amendment would be—

(a) contrary to policy;
(b) inconsistent with policy;
(c) likely to cause or contribute to pollution; or
(d) likely to cause an environmental hazard.

13. Clause 10, page 7, line 12, omit “may” and insert “must if requested”.

14. Clause 11, omit this clause.

15. Clause 13, page 7, lines 31 and 32, omit all words and expressions on these lines and insert:

"13. (1) Section 25 of the Principal Act is amended as follows:

(a) In sub-section (3)—

(i) omit “schedule one premises or schedule two”; and

(ii) after “waste” insert “or the reprocessing, treatment, storage or disposal of prescribed industrial waste”; and

(b) In sub-section (4) after “premises” insert “or to use the premises for the reprocessing, treatment, storage or disposal of prescribed industrial waste”.

16. Clause 13, page 8, line 18, omit “at a site”.

17. Clause 13, page 8, line 19, omit “which is not” and insert “at a place not being a site”.

18. Clause 13, page 8, line 21, after “(b)” insert “at a site”.

19. Clause 14, page 8, line 38, omit “omit” and insert “emit”.

20. Clause 15, page 9, line 14, after “waste” insert “within the time specified by the Authority in writing”.

21. Clause 16, page 10, line 15, after “measures” insert “including the installation, alteration, maintenance or operation of any apparatus, plant or structures as may be”.

22. Clause 19, page 11, after line 14 insert:

"“Habitable room” means any room other than a kitchen, storage area, bathroom, laundry, toilet or pantry.”.

23. Clause 19, page 11, lines 33 to 36, omit all words and expressions on these lines and insert:

"(5) Without limiting the generality of sub-section (3), any noise from a prescribed item which—

(a) is emitted from residential premises at any time which is prescribed as a prohibited time in respect of that prescribed item; and

(b) can be heard in a habitable room in any other residential premises, regardless of whether any door or window giving access to that room is open—

is deemed to be unreasonable noise unless it is emitted in the case of an emergency.”.

24. Clause 19, page 12, line 13, omit “59” and insert “53. (1)”.

25. Clause 20, page 13, line 4, omit “unit” and insert “until”.

26. Clause 20, page 13, line 8, omit “59” and insert “63 (1)”.

27. Clause 23, page 16, line 14, omit “10” and insert “100”.

28. Clause 24, page 16, line 21, omit “type” and insert “category”.

29. Clause 25, page 16, line 32, after “waste” insert “and omit” providing information as to waste discharges, emissions, or deposits or the emission of noise”.

30. Clause 25, page 16, line 35, omit “(3)” and insert “(30)”.

31. Clause 29, page 20, line 5, after “48b (3)” insert “48c (3)”.

32. Clause 31, page 20, line 19, after “31.” insert “(1)”.

33. Clause 31, page 20, line 32, omit “20” and insert “100”.
34. Clause 31, page 20, after line 32 insert:

'(2) In the penalty to section 59c of the Principal Act for “20” substitute “100”.

35. Clause 32, page 21, line 43, after “pollution” insert “, industrial waste or substance”.

36. Clause 36, page 23, lines 13 to 18, omit all words and expressions on these lines and insert:

"668. (1) If a corporation contravenes, whether by act or omission, any provision of this Act or a notice or a licence or permit under this Act, each person who is a director or is concerned in the management of the corporation is also guilty of the offence which relates to the contravention and liable to the penalty for that offence.

(1A) It is a defence to a charge brought under sub-section (1) against a person who is a director or is concerned in the management of a corporation if that person proves that—

(a) the contravention by the corporation occurred without the knowledge of the person;

(b) the person was not in a position to influence the conduct of the corporation in relation to the contravention;

(c) the person, being in such a position, used all due diligence to prevent the contravention by the corporation; or

(d) the corporation would not have been found guilty of the offence by reason of its being able to establish a defence available to it under this Act.

(18) A person who is a director of a corporation or who is concerned in the management of a corporation may, by virtue of sub-section (1), be proceeded against and be convicted of an offence in respect of a contravention referred to in that sub-section, whether or not the corporation has been proceeded against or been convicted in respect of the contravention.”.

37. Clause 37, page 24, line 11, after “function” insert “(where secondly occurring)”.

38. Clause 43, page 29, line 22, omit “Loan” and insert “Consolidated”.

39. Insert the following new clause to follow clause 10:

‘AA. (1) In section 21 (1) (e) of the Principal Act after “that environment” insert “or relating to the characteristics, volume and effects of prescribed industrial waste being reprocessed, treated, stored or disposed of on the premises”.

(2) In section 22 (1) (b) of the Principal Act after “the environment” insert “or of the reprocessing, treatment, storage or disposal of prescribed industrial waste on the environment”.

On the motion of Mr WILKES (Minister for Housing), the amendments were agreed to.

EMPLOYMENT AND TRAINING (REBATES) BILL

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

Council’s amendments:

1. Clause 5, line 2, after “17A” insert “of the Principal Act”.

2. Clause 5, line 18, after “1985” insert “in respect of remuneration paid or payable”.

3. Clause 8, page 6, after line 20, insert:

‘(4) In section 125 (6) of the Accident Compensation Act 1985 for “, (i) or (j)” substitute “or (i)”.

On the motion of Mr WILKES (Minister for Housing), the amendments were agreed to.

FIREARMS (AMENDMENT) BILL

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

Council’s amendments:

1. Clause 10, sub-paragraph (a) (ii), omit this sub-paragraph and insert—

‘(ii) for sub-section (3) there is substituted the following sub-section:

“(2) Sub-section (1) does not apply—

(a) to a member of a shooting club whilst engaged as such a member in target practice on the occasion of a shoot approved in writing (whether generally or in any particular case) by the Minister; or
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(b) to any person employed or engaged by or on behalf of the owner or occupier of private property to control or destroy vermin within the meaning of and in accordance with the Vermin and Noxious Weeds Act 1958 on that property whilst that person is acting under the direction of the owner or occupier; or

c) to any person who hunts game within the meaning of and in accordance with the Wildlife Act 1975 on private property with the consent of the owner or occupier of the property."

2. Clause 10, sub-paragraph (b) (iii), omit this sub-paragraph and insert:

"(iii) after sub-section (2) (e) there is inserted the following:

"; or

(f) any person—

(i) employed or engaged by or on behalf of the owner or occupier of private property to control or destroy vermin within the meaning of and in accordance with the Vermin and Noxious Weeds Act 1958 on that property whilst that person is acting under the direction of the owner or occupier; or

(ii) who hunts game within the meaning of and in accordance with the Wildlife Act 1975 on private property with the consent of the owner or occupier of the property."

On the motion of Mr WILKES (Minister for Housing), the amendments were agreed to.

CO-OPERATION (AMENDMENT) BILL

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

Council's amendments:

1. Insert the following new clauses to follow clause 2: Principal Act.

"AA. In this Act the Co-operation Act 1981 is called the Principal Act."

Repeal of Table of Provisions.

"BB. Section 3 of the Principal Act is repealed."

2. Clause 11, page 4, lines 16 and 17, omit "after consultation by the Minister with" and insert "from a panel of persons nominated by".

On the motion of Mr WILKES (Minister for Housing), the amendments were agreed to.

STAMPS AND BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL

This Bill was returned from the Council with a message intimating that on consideration of the Bill in Committee they suggested that the Assembly should make a certain amendment in the Bill.

Council's suggested amendment:

Clause 10, omit this clause.

Mr JOLLY (Treasurer)—I move:

That this House make the amendment suggested by the Council.

I wish to issue a word of warning. The effect of the amendment which has been posed by the Legislative Council will be to foster tax avoidance in this State. Obviously a great deal of consultation needs to take place in future with the Liberal Party and the National Party on the tax avoidance issue and I intend to ensure that that consultation takes place.

The proposition that has come from the other place in this area means that the large-scale tax avoidance that is going on with respect to stamp duty and land conveyance will continue as a result of this amendment. As I have indicated, I will be having consultations with the Liberal Party and the National Party to reduce tax avoidance in future.

Mr STOCKDALE (Brighton)—The Treasurer ought perhaps to consult with those who represent the Government in another place. This is not the amendment that was proposed by the Liberal Party, which would have had the effect of moderating the adverse effects of
the clause but would have maintained the intention of the Government. The amendment was brought about by virtue of an arrangement with the Government, not by the opposition parties between themselves.

The motion was agreed to.

Mr JOLLY (Treasurer)—I move:
That the House make the following further amendments in the Bill:
1. Clause 2, line 10, omit “12” and insert “11”.
2. Clause 2, line 12, omit “16” and insert “15”.
3. Clause 2, line 12, omit “18 and 19” and insert “17 and 18”.
4. Clause 11, line 36, omit “11” and insert “10”.

The amendments were agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

APPROPRIATION MESSAGES

The SPEAKER announced that he had received messages from His Excellency the Lieutenant-Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills:

Legal Aid Commission (Amendment) Bill
Mental Health Bill (No. 2)
Intellectually Disabled Persons’ Services Bill (No. 2)
Guardianship and Administrative Board Bill (No. 2)
Courts Amendment Bill

COMMAND PAPER

Mr MATHEWS (Minister for Police and Emergency Services) presented, by command of His Excellency the Lieutenant-Governor, the report of the Police Department for the year 1984-85.

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:
Conservation, Forests and Lands—Report of the department for the year 1984-85—Ordered to be printed.
Statutory Rules under the following Acts:
Town and Country Planning Act 1961:
Melbourne Metropolitan Planning Scheme—Amendment Nos—
157 Part 5x (in lieu of Planning Scheme tabled on 23 October 1985).
282 Part 5.
283 Part 2 (in lieu of Planning Scheme tabled on 23 October 1985).
Mr WILKES (Minister for Housing)—I move:
That the House, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, which time of meeting shall be notified to each member of the House by telegram or letter.

Mr CAIN (Premier)—I take this opportunity of extending the customary felicitations to all those associated with this long and important year in our Parliament. It is the 50th Parliament and it has been a significant year, being Victoria’s 150th anniversary year. From the many reports that continue to come in, the year has been seen as a great success by all Victorians—a celebration year that all will recall.

The sitting of the House has been memorable. Despite the election earlier this year, there were some 46 sitting days for an average period of 12 hours a day, which is a considerable contribution by honourable members. I take this opportunity of thanking all those people who have contributed so much to the House and its workings to ensure that the business of Parliament is conducted expeditiously and harmoniously, as I believe it has been.

I thank you, Mr Speaker, for your contribution in chairing the proceedings of the House. You seem to be able to do it with great charm and wit in what, on many occasions, are difficult circumstances. I commend you for your tolerance and forbearance and your capacity to ensure that all sides of the House are heard, as should be the case in the Westminster system of Parliament.

I extend my thanks to the Deputy Speaker and Chairman of Committees, the honourable member for Sunshine, and the various Acting Speakers and Temporary Chairpersons of Committees.

I extend my thanks to the Clerks, who show great tolerance. I pay tribute to all of the Clerks and Mr John Campbell, who retired during this sessional period as Clerk of the Parliaments and Clerk of the Legislative Assembly after a long period of public service. Honourable members will recall when we paid our respects to Mr Campbell, that he had a career spanning 43 years as a public servant and 36 of those as an officer of the House. I am sure all honourable members, both past and present, appreciated the contribution made by Mr Campbell to Parliament. On behalf of Parliament, I again wish him a long and happy retirement.

I also congratulate Mr Campbell’s successor as Clerk of the Legislative Assembly, Mr Ray Boyes, who, as has been the practice, has risen to the occasion of filling the top job magnificently. Our thanks and congratulations go to him on the way he has acquitted himself so quickly in that position.

Likewise, the Deputy Clerk, Mr John Little, has adapted well, and thanks go to him, the Second-Assistant Clerk and Clerk of Committees, Mr Phil Mithen, the Serjeant-at-Arms, Peter Bramley, the Procedure Officer, Mr Neville Holt, the Reader, Mr Mark Roberts and the Clerk of Papers, Mr Ray Purdey and other Papers Room staff.
Despite the trepidation or concern of some honourable members about such matters, the Government notes with pleasure the appointment of Ms Elke Barbian as Second-Assistant Clerk (Resource-Management). She is the first female Clerk to be appointed to this Parliament. That is entirely satisfactory.

I extend thanks and good wishes to the staff of Hansard. We perhaps have not been as tough on Les Johns and his staff late in the sessional period as we have in the past. Regardless of whether we are tough, the Hansard staff are always good and always work without complaint. We thank them for their devotion to a job that is well done.

Enormous pressure is put on the Government Printer during the end of a sessional period. I extend the thanks of all to the Government Printer, Mr Frank Atkinson, and his staff.

The Library, like the bar, remains open so long as Parliament sits. I extend our thanks and best wishes to the Librarian, Miss McGovern, and staff. I also express the thanks of all to the Parliamentary Refreshment Rooms manager, Hank Van Houten; the assistant manager, Mr Sid Koehrer, and the chef, Henry Rief, and all the dining-room staff.

I do not forget the staff of attendants—Colin Howarth and the orderlies and those who work with him. Our thanks go to them for the way in which they take care of honourable members during the sessional period and when we are here in non-sitting periods. I pay my personal respects and thanks to my orderly, Bill Jarrett, for taking care of me during my time in this place. He is always mindful of my wishes and I thank him for his courtesy to those who visit me from time to time by providing them with refreshments as he did today, among other occasions.

I thank the Secretary of the much maligned House Committee, which has a difficult task to perform. I express the thanks of all to Mr Bob Duguid and the committee for the liaison work it has undertaken with the Public Works Department in the renovations that have occurred in Parliament House. There has been much criticism of the accommodation provided for honourable members, and that is not only from the lobby group for the extension of the north wing. A magnificent job has been completed downstairs in providing additional accommodation from a part of the building that most honourable members would not have anticipated could have been applied in the way that it has. I am certain that those honourable members who are fortunate enough to have one of the new rooms appreciate the work that has been done.

I add my thanks to the gardener, Sharon Knight. Those of us who like to take a walk in the gardens take great pleasure in the magnificent display. I thank the engineer Allan Beaton, the post office staff, Neil Foster and those assisting; Priscilla Reynolds, who operates the switchboard; and the House policeman, Merv Mummery, and other members of the Police Force who serve in the House during the sessional period.

I thank members of the Press Gallery for their hospitality last night. I understand that there were some who enjoyed that hospitality until the early hours of the morning. I express the thanks of all members to them, not just for that hospitality but also for their courtesy and assistance to us during the year. All honourable members have occasions where we wish to criticize the press. They perform their role superbly in my view, and I thank them for the contribution they make to the workings of Parliament. I especially thank the office bearers of the Press Gallery—the president, Dan Webb, and the conscript secretary and treasurer Simon Clarke. Graeme World is the present vice-president.

To pick up the interjection of the honourable member for Malvern, I express my thanks to the Leaders of the House for the contributions they have made in facilitating the dispatch of business in the House. I have enormous respect and admiration for the Minister for Industry, Technology and Resources, the Deputy Premier, who leads the Government in the House. The Minister does a superb job in managing that role in the most efficient way possible. His role has been taken over by the Minister for Housing this week, who also has done a magnificent job, as all honourable members would agree.
Ensuring that honourable members leave this Chamber at 10 p.m. tonight, a considerable achievement, can only be brought about by co-operation from the other Leaders in the opposition parties. I thank the honourable member for Ripon and the honourable member for Rodney for their co-operation with the Minister for Industry, Technology and Resources and the Minister for Housing. Their Tuesday morning meetings ensure that the House is able to dispatch business effectively and efficiently. I thank also the Whips, the honourable member for Richmond, the honourable member for Malvern and the honourable member for Gippsland East. Those honourable members have contributed to the satisfactory running of Parliament.

I lastly thank all honourable members on all sides for their presence and their contributions to the workings of Parliament during both the autumn and spring sessions this year. The sittings this year were shorter because of the election. Parliament had a winter sitting, which is not to the liking of honourable members who have to come here in July. For whatever the reasons, Parliament sat during that time and it has been a year of considerable achievement for which honourable members on all sides can derive some satisfaction.

On behalf of the Government, I extend Christmas greetings and seasonal good wishes to all, and I, as my predecessors have done each year, urge and wish that all will have a safe holiday period, especially on our roads. Victorians, this year, experienced a road toll marginally higher than last year, and that is regrettable. It is something that all political Leaders from all sides, as the Minister for Transport said in answer to a question in the House this week, regret.

The State and political parties of all persuasions can feel satisfaction and pride in what has been achieved regarding the road toll over many years. Let us hope that can continue. I wish all honourable members a safe, happy Christmas, one they can enjoy with their families so that they can return to the House, some time in March or thereabouts next year, refreshed and ready to continue with the business of governing the State. I extend Christmas greetings to all I have mentioned in those few remarks.

Mr KENNETT (Leader of the Opposition)—I join with the Premier, as is our tradition at this time of the year on the last sitting of the House for this year, to recognize the contribution of those who really do enable honourable members to do the work expected of them.

For those in Opposition with offices in this building their rooms obviously need a great deal of attention and renovation. I first extend our thanks to Colin Howarth and his team. It does not matter what time of day it is, Colin Howarth and his staff are always frank, honest and supportive in assisting and meeting the requirements of the Opposition.

To the staff of the Parliament, and by that I mean the Clerks, I join with the Premier in recognizing the long service of John Campbell to the working of Parliament and, in doing so, I also recognize the work of those who have now taken over the reins of administration, Mr Boyes and his colleagues.

Again, throughout the Parliamentary year, honourable members have to rely on those who are steeped in the traditions and customs of the House to enable us to proceed in the interests of the public at large. I do not want the Premier to take this the wrong way or to release any videotapes, and there is a connotation that he can read into this which he may find offensive, but I have a soft spot for the dining-room staff. Honourable members do not fully appreciate the trials and tribulations we put that staff through when Parliamentary sessions commence on any particular day and finish at any particular time, with the staff not knowing when we will finish. This is particularly so towards the end of the session, as honourable members have experienced during the last two or three weeks. Some members of that staff have been at Parliament for a number of years and are, what I would call, senior female staff, without whom there is no way honourable members could carry out their functions as well as they do. To those in the dining room from the managers down
to the senior staff and those who have just joined them—there has been a significant change in the number of people who have been assisting in that room this year—I give our particular thanks.

For Bob Duguid and his staff, challenges always exist and the House staff have to react to the particular demands of honourable members ranging from accommodation and other needs. Bob Duguid is well suited to the position and he bends over backwards to assist honourable members.

Although I am sure the Premier goes for more walks in the gardens than I, in looking out my window and witnessing the gardens I have no doubt they are a credit to our ground staff and provide tremendous satisfaction for honourable members. Some honourable members had a social drink tonight with their staff. Many honourable members enjoy the gardens and bring guests into Parliament so they too can enjoy them.

On behalf of the Opposition I also thank the Library staff; they make a great effort to provide honourable members with information. I understand that early next year the Librarian, Miss McGovern, will be retiring after 28 years' service, fifteen as Librarian. No doubt, Miss McGovern, I think I am right in saying, out serves all members of Parliament except the Minister for Housing. Twenty-eight years' service is a long period in one location and having served fifteen years in the top position is a credit to her ability. I am sure that all honourable members will miss her real, frank and friendly contribution.

I wish to thank Hansard. I not only thank them for what they have done in the past, but I thank them in anticipation for the hospitality that honourable members all expect later on this evening. Honourable members often hear a Minister proceed through a second-reading speech as quickly as possible and the speed of delivery varies considerably but Hansard, particularly those with responsibility in Hansard, have to adjust to that. I do not think any honourable member would have a criticism of the work they have done.

As the Premier said, from time to time, all honourable members have grouches with various sections of the media, just as the community have grouches with politicians, be they representatives of political parties or individuals. The press is an important unit within the Parliamentary system, and I and my colleagues thank them for the work they have been doing in covering Parliamentary sessions, particularly the one or two members of the press who have gone to extreme lengths to ensure that the Opposition, from time to time, has received a considerable amount of coverage.

I also thank the honourable member for Ballarat North, Mr Tom Evans. Although he is not in the Chamber at present, only a couple of weeks ago he celebrated 25 years as a member of Parliament, and that is a considerable contribution to the workings of this House. Honourable members on this side of the House, as would honourable members on the other side, recognize the sort of pace at which we need to work and the changes that take place.

The Minister for Housing has also served Parliament over a long period and I look forward to seeing him here over the next 25 years. The honourable member for Ballarat North has served this Parliament well, and I believe we should recognize his 25 years' service.

I thank the Opposition staff. As the Premier knows, the Opposition has few members on its staff, but they work extremely hard. I make no complaint about that, but I put on record—and Government members would fully appreciate this, as does the Premier—that the accommodation in which we work is sub-standard. I appreciate that when the Labor Party was in opposition for 27 years, it had to work under similar conditions. I have said to the Premier on numerous occasions that when the Government is prepared to move to improve this building—and I hope it will be done quickly in the interests of staff and honourable members—he will have the total support of the Opposition in progressing with an overdue development, partly the fault of the Liberal Party when it was in government and partly the fault of this Government. I thank members of the Opposition
staff for working under trying circumstances. I am sure they receive and deal with just as much mail as Government staff members, but they have fewer resources.

Mr Speaker, I have tried to think how best to express my appreciation to you. Given that we are coming to the festive season, I state that the Opposition has enjoyed your rulings and your presiding over this Chamber. It is not an easy task, as Opposition members and the honourable member for Evelyn, who served in your capacity, would be aware. It is difficult at times not only to control the House but also to ensure, as the Premier said, within a democracy that all people are listened to and that the favours of the Chair are handed out equitably. As Leader of the Opposition, I must say that your favours have been handed out equitably over the past year.

I draw the attention of honourable members to the fact that 1985 has been a busy year for Parliamentary officers, staff of political parties and honourable members, including those who either resigned or lost their seats at the last election in March and those who were elected to Parliament. I have stated in this place on numerous occasions that I am very much aware that although the public must think each of us is at each other's throat every day of the week, that is not the way in which we work as a group of individuals.

I further emphasize that point by relating an incident that occurred earlier this year when I attended the Constitutional Convention in Brisbane, which you attended for a short time, Mr Speaker. As I was walking into that convention on the first day, with the Premier, and talking to him, as is our custom, I was approached by a Liberal member of the New South Wales delegation who said, “Goodness, do you often speak to the Premier?” I answered, “Yes, we often talk; there is no animosity between us, regardless of what is said in Parliament as part of the cut and thrust of political life”. He then said something to me which was frightening and disturbed me. He told me that in New South Wales one would never see Mr Wran speaking to Mr Greiner. That is certainly a poor reflection on the way Parliament should function.

In this place, regardless of their political persuasion, all honourable members suffer and enjoy the same experience in their electorates. Although many people like to describe Parliament as an exclusive club, it does bring together a range of men and women from many walks of life. On our side of the Chamber we have what some would call the “arch conservative” and on the other side we have the “red socialist”. However, even a red socialist such as the honourable member for Springvale becomes a conservative over a period. I also make a similar claim regarding the honourable member for Malvern. When the honourable member for Springvale and the honourable member for Malvern first came into this place, they thought it was incorrect to speak to people on the other side of the House. However, it is important to recognize that the deliberations of honourable members in this place are achieved through a great deal of co-operation and goodwill, although the public image may be different.

The most important thing in a place and environment such as this is that, regardless of what is said and done inside or outside this Chamber, one should never lose sight of the fact that ultimately we are all destined to the same end—death. It does not matter whether one is a Liberal Party or Labor Party member. The most important thing about life is living.

On behalf of the Opposition I extend to all staff who have made our deliberations easier the very best for Christmas and the New Year. I extend to honourable members on both sides of Parliament, and even to the Treasurer, the very best for Christmas. I shall go out of my way by extending a special reflection of goodwill and greeting to the Premier because although in the political cut and thrust of life, things are said which people regret, I understand the burden placed on the Leader of the State, regardless of his politics. I fully appreciate the burden placed upon Mrs Cain and her family. It is certainly not an easy job.
Although many honourable members for philosophical reasons might criticize the Premier, I return to my over-all tenet on how I approach life because we all ultimately have to live together.

Mr Premier, I hope that over the Christmas break you can divorce yourself from this place and take sufficient time off to enjoy your family. This place is an institution; it is part of the whole fabric of our democratic way of life. Regardless of what is said inside this Chamber, even with our philosophical differences we have one interest at heart: to serve the community of this State.

I wish the Speaker, the Premier and all honourable members a safe Christmas and, more importantly, a very healthy Christmas.

Mr ROSS-EDWARDS (Leader of the National Party)—I join with the Premier and the Leader of the Opposition in wishing honourable members, Parliamentary staff and their families a very happy Christmas and every good wish for the New Year. As everyone whom I would have covered in general terms has been covered individually, I shall not repeat their names except for two people. The first is John Campbell, our former Clerk, who has now retired, and the second is Miss McGovern, who will retire shortly. I note the appreciation of members of my party for their outstanding service to this institution.

This has been a dramatic year and I shall sum it up by mentioning three events: the State general election; the Nunawading by-election; and the 150th anniversary celebrations. One could write a book about those three events. Parliament is well served by its staff at all levels. The point that always comes home to me is how well they work as a team.

Without being particularly critical of the Government, because this also applies to the Liberal Party, I point out that honourable members and Parliamentary staff in this place work under the worst conditions of any Parliament in Australia, and that is a matter of history.

The other States have made dramatic moves to improve the working conditions of their members and Victoria lags sadly behind. Ironically, Victoria has the most beautiful Parliament House because our forebears showed the most imagination, but we have drifted over the years, which is a fault of successive Governments. I trust that this Government does not delay any longer because a lot of ground needs to be made up.

I should like to give some advice to all honourable members; whether they take it is up to them. There is no better time for a member of Parliament than late December and early January. If members of Parliament organize themselves well that will be the most pleasant time of the year for them. If they cannot organize themselves to spend considerable time with family and friends, they are remarkably slow. I pass on that piece of advice, from my experience, because I also look forward to that time.

Christmas is the time to put aside animosities which arise in this place from time to time and perhaps we should all make a new start. I uphold the philosophy in this place, which I have mentioned outside many times, that when I am asked how I get on with the Premier, the Leader of the Opposition and certain other people, I invariably make this statement: after having a bad row with someone in this place, if I am still bitter towards that person after 48 hours, the time has come to look at myself.

I see stupid examples of people who remain bitter for weeks, months and years. Honourable members have to accept the fact that they will spend a few hours in this place and the quicker they are out of that mood the better it will be for themselves, Parliament and the people who have to put up with them!

Mr Kennett—Like your family.

Mr ROSS-EDWARDS—Yes, like one’s family. Mr Speaker, I like the way in which you have carried out your duties. Having known you longer than most people in this Parliament—I arrived here at the same time as you did—it is fair to say that, with you, all honourable members know where they stand. They all know when you, Sir, have had
enough and consequently change the way in which they conduct themselves. Mr Speaker, you have been able to achieve that response from us without having to take honourable members the extra yard. Let us hope we are not taken the extra yard at some time in the future!

I endorse the remarks of the Leader of the Opposition and the Premier in wishing everyone a happy Christmas. Parliament has good standards of behaviour and good standards of comradeship, and all honourable members have a responsibility to ensure that those standards are maintained.

The SPEAKER—Order! I know all honourable members are excited about getting away, but I should like to make a few remarks myself before putting that motion.

I thank the Premier, the Leader of the Opposition and the Leader of the National Party for their remarks about me. On behalf of the Clerks, I should also like to thank the Leaders for the compliments made about their contributions to the management of this place. It was said with modesty but I was confident of their ability when I made the recommendations to the Governor in Council and I have not been disappointed with those recommendations.

I should also like to mention Mr Campbell, the recently retired Clerk of the Parliaments, and the long years of service he gave Parliament. I wish him and his family every success and hope he will have a long and happy retirement. To the Clerks and their staff, to my personal staff, Mr Max Beckman and Margaret Moy—particularly Max Beckman, who is so kind to everyone who comes in and out of the doors of this place; to the Chairman of Committees, my friend and colleague, the honourable member for Sunshine; to the Temporary Chairmen of Committees; to the doorketers; to the technical staff; to the refreshment rooms staff; to Hansard; and to the Library staff, I also extend my thanks.

I advise the House that I was on the committee that appointed Miss McGovern to the position of Parliamentary Librarian on 11 January 1970 and it was a decision that I have never regretted. I wish her a very happy retirement.

To the gardeners, House Committee, Public Works Department, the police and the firemen; particularly our watchdog at the back door who ensures we are not attacked by intruders at any time and who is able to keep up to date with what is going on in the country at any given time; to the members elected at that memorable election in March this year—a most interesting crop of individuals have arrived—and it is certainly a pleasure to know that such capable people are still available to take our places when we go to wherever we shall finish and they shall continue on! I wish each and every one a happy and long period as a member of this place.

I wish all members of Parliament and their families and all the people I have mentioned a happy Christmas and a prosperous New Year.

The motion was agreed to.

Mr WILKES (Minister for Housing)—I move:

That the House do now adjourn.

Mr MACLELLAN (Berwick)—I raise a matter for the attention of the Premier. On 26 November 1984 the Premier approved the appointment of a consultant to the Department of the Premier and Cabinet. The appointment was made at a rate of $600 a day for consultancy. The appointment was for twelve months and the total expenditure approved was $70 000.

I ask the Premier whether the consultant made regular status reports on his work with the Department of the Premier and Cabinet; whether the amount of $70 000 was exceeded; and whether $80 000 was spent on advice from that person who was appointed as consultant.

I further ask the Premier whether it is now true that three senior public servants from the Public Service Board have been appointed as consultants and, without any
announcement or publicity, have been brought into the Department of Property and Services to prepare a report on the creation of a media unit in that department, which would be in addition to the media unit currently established by the Government.

Did the consultants who undertook that study which followed from the original consultancy include two members of the Australian Labor Party together with a journalist who is paid to assist in the work? Were market research, public relations tenders or contracts issued and taken up by the Government and recommended to the Government by the original consultant? In addition to that, was the original consultant associated with two companies that were selected to provide such advice for the Government and, therefore, appear to produce a likelihood of a conflict of interest?

I should also be interested to know whether the Premier can give the House information on what other committees or affiliations the people who are undertaking the work of expanding the media unit empire in the Department of Property and Services have, whether they are conducting independent studies or whether those studies are part of the original consultancy or a continuation of the work of the original consultants.

I direct the Premier's attention to the fact that in making the appointment, which was signed on 26 September 1984, the document was not countersigned by the permanent head of the Department of the Premier and Cabinet as it should have been, but was signed only by the Premier. It was signed by the Premier on 24 September and was approved by the Tender Board on 26 September. I refer to a stores document which was appropriate for the purchase of stores. It states:

Appointment of Mr G. G. Chaplin as consultant to the Publicity Unit of the Department of the Premier and Cabinet for the period 25 October 1984 to 24 October 1985. Mr Chaplin will provide assistance as required on particular projects during the period.

The document indicates that the rate of pay is $600 a day including expenses, except for vouched personal travel and essential hospitality incurred in undertaking approved projects. The total cost is $72,000 listed under funds to be sought. This is a document for the original consultancy. I ask the Premier whether he can explain to the House the outworkings of the particular consultancy in the areas I have indicated.

Mr W. D. McGrath (Lowan)—The matter I raise for the attention of the Minister for Water Resources is the proposed piping of the Wimmera-Mallee water supply system. The proposal has been mooted for some time in different concepts. The time is approaching when I know the former Minister of Water Supply, David White in another place, is supportive of the proposal. Unfortunately, the Federal Government has not seen fit to provide loan moneys to get the project under way, even though it was a top priority under the previous Federal Liberal-National Party coalition Government. It is a State development project that would be of considerable benefit to the north-western part of the State.

The annual releases from the Wimmera-Mallee system in reservoirs in the Grampians are approximately 190,000 megalitres a year, which are approximately 18,000 megalitres more than what is termed a safe yield. After a couple of dry years we would find ourselves short of water for stock and domestic purposes in north-western Victoria with that sort of release. The increase is annually 1.5 per cent to 2 per cent. It is time that we came to terms with this matter, bearing in mind the fact that the Wimmera-Mallee and northern Mallee are using approximately 3 per cent of the actual water that is delivered from the open channel and open dam system; 97 per cent of that water is lost through seepage, evaporation and so on. Much of that water would be saved in a piping system.

The Wimmera-Mallee stock and domestic supply covers an area of 28,880 square kilometres. It supplies 22,000 farm dams and 15,000 holdings. There are about 16,000 kilometres of open channel. The saving anticipated by piping just the northern end of the Mallee supply is approximately 70,000 megalitres a year. The Minister for Water Resources has had a win this week on proposed legislation requiring that $68 million still be debited against irrigators of the State with irrigators being responsible for the interest burden on
that $68 million. In real money terms that will make available to the Minister for Water Resources additional resources of $68 million.

On behalf of the Wimmera-Mallee water supply the Minister should be taking up the pipeline proposal and running with it as fast as he can to get it under way. It is anticipated that pipelining the northern end will cost the State approximately $28.4 million and the on-farm costs would be $8.45 million over ten years. In other words the State would be up for approximately $3 million a year in ongoing costs. It is feasible for the State Government to take up the proposal and provide a real State development project because water conservation should be one of the high priorities of any Government.

Mr SHEEHAN (Ballarat South)—The matter I direct to the attention of the Minister for Local Government relates specifically to the much discussed local government restructuring that has been stated in recent months. I refer especially to discussions in country areas which are quite rampant as the issues come to the forefront. I seek from the Minister for Local Government an undertaking of consideration of the concerns that have been expressed not only in my area but also across the State, particularly about the size of the areas that may result from the local government restructuring.

Honourable members interjecting.

Mr SHEEHAN—Honourable members who are interjecting would be specifically interested in city areas and have no idea of what is happening in the country. I am aware that much discussion is taking place on the size of the local government districts. I ask the Minister to consider the matter, as I am sure he will. In recent times he has taken time to spend many hours in country areas and has developed what I believe to be a real understanding in a short time of the areas of concern to a number of people.

The matter revolves around services and rate increases which, in some areas, are of real concern to people. It also revolves around personal contact as it relates to the contact between local councillors and their constituents. Those particular aspects are the subject of arguments the Minister would have heard in discussions with country people. I congratulate him for indicating his concern in recent months. I also direct his attention to a recent development in the Western District.

I believe it has been reported in the Shire of Terang that residents in the town of Camperdown in the Shire of Hampden have taken the initiative of expressing an interest in the amalgamation of those two municipalities. I have a personal interest in the town of Skipton, which is part of the Shire of Hampden or has been part of the shire. It seems those two areas have expressed interest in amalgamating. I ask the Minister whether he will pay particular attention to that expression of interest. I understand the president of the Shire of Hampden has taken the initiative of expressing the view that an amalgamation is the most viable way in which those two municipalities can proceed.

I express the concern of many areas, I suppose, because a change in established institutions that have existed for more than 120 years must bring about some concern, and any change brings uncertainty. This change will cause concern about the possibility of rate increases.

I direct the attention of the Minister again to the view that has been expressed by a number of people—obviously by the people of Terang—Hampden area—that they see amalgamation as being the most viable way of moving forward. Whichever way we go, there will be some cost to that district, but I ask the Minister to take note of the view expressed by those residents and the residents of many other country areas, and to consider the view that the level of established services should be continued and improved in the restructuring process.

Mr GUDE (Hawthorn)—I raise a matter for the attention of the Treasurer. During the course of the year one matter heralded by the Government as major pacesetting legislation was in the area of WorkCare. Workers compensation was introduced about the turn of the century and at the time of the return of Halley's comet. WorkCare has been flashing
around the heavens like Halley's comet, showering sparks and creating apprehension generally throughout the business community of this State, creating false expectations in the minds of the business community and employees alike.

Even today employers are not registered; they have not received their levy payment booklets; workers are still awaiting compensation payments; compensation is being paid for by their employers, who are subsidizing the State's social experiment.

One would expect teething problems with matters like distribution of information about the new system, new forms, registration of employers and classification of employees. All are matters of some relevance.

Frequently during the past year honourable members have heard from the Premier, the Treasurer and others about the Government's close co-operation with the business community. I am aware of remarks made on Monday this week by the legal officer of the Australian Chamber of Manufactures at the Australian Institute of Management meeting. I shall quote some of the matters of concern that he expressed on behalf of the business community.

Employers are concerned that the system is already failing. Workers who have suffered under the system are also concerned that the system is failing.

At that meeting on Monday night the Chamber of Manufactures had these sorts of things to say. It pointed out the need for major legislative change, and the ink on the legislation has barely had time to dry! The problems mentioned include the provision relating to the deeming of certain independent contractors to be workers. Honourable members have come to understand the Government's preoccupation with deeming provisions in respect of long service leave. In that connection, I note that the Government has now shamefully withdrawn the Industrial Relations (Amendment) Bill. It has a preoccupation with those sorts of things.

Concern was expressed about the determination of pre-injury average weekly earning. That matter is not covered adequately by the legislation or by WorkCare officers. There are problems about the calculation of compensation payments; problems about the payment of compensation by an employer and reimbursement by the commission, but without interest. Honourable members frequently hear, as they heard at question time today, problems arising from the Government's slowness in the payment of accounts. Today we heard evidence of that in the transport area. Already the same thing is occurring in the WorkCare system: employers are underwriting the inefficiencies and deficiencies of the Government.

Concern was expressed about the notification of injuries and the registering of injuries; about the notification of claims; about the calculation of employer liability for the first five days of compensation; about the definition of "recurrent injury" for which the employer is not liable for the first amount of compensation; about the determination of workers in receipt of compensation; about the definition of "establishment". The list is never ending.

All of these problems are being experienced in the business community and by workers who are at the receiving end of compensation payments after being injured in the workplace.

I could mention many other problems, but I direct the attention of the Treasurer to a letter that was forwarded to Mr Gary Sebo of his department referring to the classification of L. Wirski Nominees Pty Ltd.

The situation is that the premium rate quoted is something like 2.66 per cent, whereas the company previously enjoyed a premium of considerably less. Notwithstanding the fact that the matter has been brought to the attention of WorkCare officers, the company is being forced through the delaying tactics of the system, by way of trying to attract payments from the company and thereby setting a precedent in that connection.
Adjournment

The Government should take note of the concern that is being expressed generally by employees and employers alike. I have little doubt that the Treasurer will find it necessary to—

Mr SPEAKER—Order! The honourable member’s time has expired.

Mr JASPER (Murray Valley)—I raise for the attention of the Minister for Employment and Industrial Affairs and, in his absence, for the attention of the Premier, a matter concerning the proclamation in the Government Gazette of 20 November 1985 of 27 December as a holiday for public servants and bank employees.

I wonder whether the Premier is at all concerned at the pressure that this will impose on private employers to provide an additional holiday and whether he has considered the pressure that it will apply to people generally in the work force. The Government, obviously as a result of pressure from the Public Service, has provided this additional holiday that should not be provided. I should like the Premier to inform the House of the reasoning behind the Government’s decision to provide an additional holiday on 27 December. It will give a five-day break to public servants and bank employees, but not across the general work force.

I point out to the Government the additional cost that will be imposed on the Government, putting aside the pressure that I mentioned earlier that will be imposed on private enterprise to fall into line in providing an additional holiday.

I hope the Premier will respond to the matters I have raised because this subject is of concern to private employers.

Mr NORRIS (Dandenong)—I address my remarks through the Minister at the table to the Minister for Health in another place and refer to a letter in today’s Age from Mr Healey of Balaclava. It is headed “Bash booze first”. With the Christmas season approaching, this is probably an appropriate time to raise the matter.

Mr Healey highlights the hypocrisy of the double standards that prevail in our community in respect of alcohol and tobacco advertising on television and the warnings that must be carried on tobacco products while alcohol products are not compelled to carry warnings. As honourable members are aware, this has been something of a hobbyhorse of mine for some time, but it has yet to be addressed by the community.

No one could disagree that the double standards are quite amazing in that one can flog alcohol products on television for all one is worth and, no doubt, we will have an absolute plethora of alcohol advertising with the festive season close upon us, but one is not allowed to advertise tobacco products on the same medium. Television is the most pervasive and influential means of getting one’s message across.

I congratulate the Minister in the other place on the increased allocation to medical services in respect of drug and alcohol abuse. In my own electorate of Dandenong, the funding for the Westernport Drug and Alcohol Service has been doubled this year, but we must address the real drug problem in society. To me it remains, without any shadow of a doubt, that of alcohol abuse. I congratulate the present Minister and the previous Minister on their splendid attempt to reduce tobacco consumption. The Smoke Out campaign and the No Buts campaign were laudable and are to be commended. They are the soft options. One meets reformed smokers every day of the week.

We must now address the enormous problem of alcohol abuse. No proper campaign has been instigated. I hope that letters such as that published under the name of Mr Healey of Balaclava will influence legislators to mount a proper campaign, especially on television, aimed at alcohol abuse among the young and will encourage them to persuade their counterparts in other States to apply pressure to the Federal Government. If it is fair enough to ban tobacco advertising on television, it is fair enough to ban alcohol advertising on television.
An article came to my notice recently that underlines the problem as it affects country areas. It is a fourteen year study of a country town in Gippsland by Dr John Murtagh of Monash University. That study found a high rate of alcoholism and a virtually unshakeable belief that drinking was a way of life in that country town. Almost 10 per cent of a population of 2500 was found to be dependent on alcohol. That is nearly double the official national figure but is in line with unofficial estimates of alcoholism in Australia. Without doubt, every set of figures one cares to examine shows that the devastation caused by alcohol is absolutely indisputable. It causes 70 per cent of road deaths, 25 per cent of road injuries and 75 per cent of single vehicle fatalities.

During this last week, a host of Bills have been brought into the House and we have debated matters such as child abuse, rape in marriage and violence. Seventy-five per cent of criminal assaults are committed by people who are under the influence of alcohol.

I ask the Minister for Water Resources, who is at the table, to direct my remarks to the Minister for Health in another place, to consider the possibility of mounting a proper campaign aimed at the greatest drug menace this country faces, especially the youth of this country, and to address the double standards where it is prohibited to advertise tobacco on television yet people can go for their life in advertising grog.

Mr E. R. SMITH (Glen Waverley)—I direct a matter to the Minister for Education and I am sorry he could not wait in the Chamber a little longer. It concerns the lack of integration teachers at the Brentwood High School where there are 24 physically handicapped children who come from a nearby special school. The headmaster, who recently contacted me on this matter, telephoned again tonight and asked me to get a message to the Minister that next year for these 24 children whose future is in the hands of an agreement between the Victorian Secondary Teachers Association and the new Ministry of Education, three integration teachers would be required at the school. Presently there is only one integration teacher at the school but she does not teach within the ambit of integration. One teaching aide only is provided for these 24 children.

Last year the Government gave a lot of publicity to the integration scheme but many people had doubts about the ability of the Government to provide the special teachers needed to operate the scheme. It is something that has now been accepted and is expected by both the schools and the community.

The duties of an integration teacher are to co-ordinate the over-all program for these children. If one were to visit a school where handicapped children attend, one would see their wheelchairs darting hither and thither. On rainy days it is a sight to be seen. Without integration teachers to draw up programs for the children, the Brentwood school will in no way come within cooee of fulfilling its obligations to these children next year.

The headmaster, Mr Beaver, has indicated at least one specialist teacher to be provided. It is possible that the school may obtain the services of a second aide, but a third qualified teacher is desperately needed. Will the Minister assure Mr Beaver within the next few days, before school breaks up, that he will provide this vital link in the education of these special children. The only way they can be integrated into the community is with the help of qualified integration teachers on the staff.

The SPEAKER—Order! I call the honourable member for Warrnambool but advise him that he has less than 1 minute to raise a matter.

Mr J. F. McGRATH (Warrnambool)—I wish to raise a matter with the Minister for Housing. It relates to the Marysville Primary School and a problem that has existed since 1974.

The SPEAKER—Order! The honourable member's time has expired and the time for raising matters on the adjournment has expired.

Mr CAIN (Premier)—The honourable member for Berwick raised a question of the consultancy of Mr Chaplin and others in regard to public relations matters. I presume the
information to which he referred was obtained following a freedom of information application.

I shall not take it on myself, and I do not believe Ministers should take it on themselves, to be expected to come into the House and answer a series of detailed assertions or questions, such as the contribution made by the honourable member for Berwick, based upon a detailed document obtained in that way.

There are those who argue that freedom of information applications superimposed on a Westminster system is a difficult matter to handle.

Honourable members interjecting.

Mr CAIN—As I say, one cannot come in here and expect Ministers under a Westminster system to be expected to answer detailed questions that are presented based upon documents obtained through inquiries. If the honourable members want to pursue these inquiries, the remedy is to pursue them in the way the freedom of information provides.

In my recollection on the matter, the previous Government had engaged a number of quite trendy public relations firms that were charged with the responsibility of selling the previous Government's programs. Both the previous Government and the present Government believed that the firms had not been an outstanding success in some cases—without naming them—and the results were far from satisfactory.

The Government is looking for better results. It has been suggested that some $26 million has been expended by all departments and agencies in various public relations exercises. It was suggested that Mr Chaplin and others have considerable experience and expertise that could be used in this field in an endeavour to make known Government programs and services.

There is a good case for saying that many Governments failed in adequately publicizing what is available in public services to the public. That operation should be seen as being entirely distinct and separate from the media office to which reference was made.

The media office has done a good job in the sense that it is costing this State far less than the separate media office that every Minister had under the previous Government. That is the fact.

My recollection is that the Chaplin consultancy is now concluded. The Government will still pursue what it regards as being a proper program and proper course of action designed to ensure that the public are aware of the program and services that are available.

The honourable member for Murray Valley raised the question of the holiday for 27 December, which falls on the Friday. The practice, going back to the early 1970s, has been to provide for such a holiday when Christmas Day falls on the Wednesday. The Leader of the Opposition frowns in wonderment, but I have looked back at the files and found that former Governments started the precedent that whenever Christmas Day fell on a Wednesday the following Friday has been declared a public holiday. That precedent was established by conservative Governments before the Labor Party took office. If there are any doubts about that, honourable members can check the records. That check was done and it was found that the Hamer Government, on two occasions, as I recollect, established the precedent for this to occur. That is the explanation for it. The practice of the Government has been to follow that precedent.

Mr McCUTCHEON (Minister for Water Resources)—The honourable member for Lowan raised the question of the Wimmera-Mallee pipeline, the stock and domestic system operating in the north-western part of the State. It is a project that was the subject of a report to me soon after I took over my portfolio. However, my interest in it dates back to my last year at school when I went to the Mallee on holidays. I drove a horse and scoop and scooped out the sand from a channel to allow the water to flow down the system 11 miles out of Walpeup. I have enjoyed my discussions with members of that community who have discussed that project with me.
The Government supported the project for the Federal water resources assistance program this year, but unfortunately funds were not allocated for that project. The basis of the Federal funding, if granted, is that the scheme will not only save water, but will provide additional water for the Wimmera River and, therefore, provide an environmental effect as well as servicing stock and domestic needs of the Mallee area.

The Government has been interested in the project and has applied for Federal funding. This year $200,000 is being spent on design and development of some aspects of the scheme and the project will require funds in future years.

The honourable member for Dandenong raised with the Minister for Health in another place the question of a Government campaign aimed at alcohol abuse, particularly among the young. The honourable member's reputation and sincerity on this issue is well known in Parliament. I inform the honourable member that I will pass on his request to the Minister for Health in another place and I am sure the honourable member will receive a serious response.

The honourable member for Glen Waverley raised a matter for the attention of the Minister for Education regarding Brentwood High School and the problem of a lack of integration teachers, a concept this Government has introduced, and I will refer that matter to the Minister.

The honourable member for Warrnambool raised a matter for the Minister for Housing and if the honourable member acquaints me with the details I will pass them on to the Minister.

Mr SIMMONDS (Minister for Local Government)—The honourable member for Ballarat South raised a number of matters regarding the restructure of local government, particularly as it applies to country areas. The honourable member referred to wide-ranging discussions taking place in the Camperdown area. Hundreds of people have attended public meetings that have ultimately produced proposals for restructure that will provide beneficial results for local government.

No doubt the Local Government Commission will be assisted in that response and I hope, when the final arrangements are made, that they will reflect the sort of result achieved in respect of the first amalgamation to occur in twenty years when the Shire of Koroit amalgamated with the Shire of Warrnambool. The rate that was announced recently means that the ratepayers of the former Shire of Koroit are paying approximately 30 per cent less in rates this year in comparison with rates last year. The rate level for the new municipality reflects a lower rate of increase this year and compares favourably with the average over the last ten years. That illustrates the sort of saving that can occur when adopting a proper approach to the restructure of local government.

The honourable member for Malvern wants a classic example of the failure in that area. The honourable member should reflect on the figures that were disclosed in Euroa where approximately 42 per cent of the excess of rate revenue was the deficit. That municipality found it had a deficit of approximately $450,000 and proposed to sack approximately sixteen of its work force because of that financial situation. It is the result of a relatively small inefficient municipality being unable to organize itself in a manner that will provide service for its community and proper conditions for its employees.

I do not pretend that the Government will solve these problems overnight. Certainly the constructive approach of the citizens of the Western District and throughout Victoria, where public response is now occurring, will be of tremendous assistance to the commission.

I have travelled around Victoria since becoming the Minister for Local Government and have visited approximately 120 municipalities during that time. In the last week I have had discussions with a representative from Sherbrooke and have received representations from Geelong. They are areas where considerable interest is occurring. If the honourable member examined the Fitzroy Council, he would find that the financial situation that existed in that council has been rectified. That council would benefit
significantly if amalgamation occurred with other nearby municipalities so that a larger unit was formed as has occurred with the Koroit–Warrnambool merger.

I commend the honourable member for Ballarat South for raising the issue and I look forward to further responses from other areas.

Mr JOLLY (Treasurer)—The honourable member for Hawthorn once again has demonstrated that he is the Bruce Goodluck of Spring Street and goes off half-cocked on every occasion. The honourable member has not got a feather to throw and often is quite foul.

Honourable members interjecting.

Mr JOLLY—The honourable member is more likely to be a feather duster than a rooster the way he is going, even though he is in competition in the leadership stakes.

My preference is for the current Leader of the Opposition! The honourable member for Hawthorn made it clear that he does not understand the WorkCare issue. It is well accepted by employer groups generally that, on average, there has been a 50 per cent reduction in workers compensation premiums as a result of the introduction of WorkCare. If the honourable member for Hawthorn had cared to consult with the Metal Trades Industry Association——

Mr Gude interjected.

Mr JOLLY—If the honourable member for Hawthorn does not like hearing the facts, I can assume only that he must have left his feathers at home and he is not prepared to listen.

The Metal Trades Industry Association has undertaken a detailed survey of members and has shown that more than 95 per cent of employers have experienced reductions in workers compensation premiums. In terms of coverage, already some 85 per cent of employees are covered by employer registrations and I repeat that, on average, there has been a 50 per cent reduction in workers compensation premiums. Also, the new administrative arrangements have resulted in a significant reduction in cost and also the fund’s management, that has been put in place, certainly generates high levels of returns that will go towards reducing costs in the future.

The Government has taken on WorkCare as an initiative, not only for social and economic reasons, it is one of the basic factors why Victoria will continue to lead the economic recovery both in economic growth and management and will continue to have the lowest unemployment rate. It is about time the honourable member for Hawthorn supported the Government for its initiatives, especially those that make Victoria the leading State in Australia.

Mr KENNEDY (Leader of the Opposition)—On a point of order, I realize my comments might be somewhat out of line. However, the House is about to adjourn and normally staff do not qualify for taxis to their homes until 11 p.m. Since it is almost that time, I ask whether you, Mr Speaker, could see fit to allow staff to order taxis.

The SPEAKER—that is not a point of order. I am not sure that the carrying out of that order is within my responsibility. If the Leader of the Opposition is prepared to pay for the taxis that are provided, I shall be prepared to approve of the matter. I cannot approve of the matter myself; it is a long-standing arrangement.

Mr Kennett—Where is your Christmas spirit?

The SPEAKER—Order! The Leader of the Opposition asked for a ruling and I am giving him one. I do not have that authority at this point in time.

Mr KENNEDY—I raise a point of order about the running of the House. It could take a considerable amount of time.
The SPEAKER—I do not intend to sit here and allow the proceedings of the House to be turned into a farce. If the honourable member wants to raise a legitimate point of order on the procedures of the House, I shall hear him. If he does not, the question is:

That the House do now adjourn.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes 27
Noes 17

Majority for the motion 10

AYES
Mr Cain
Dr Coghill
Mr Crabb
Mr Cunningham
Mr Fogarty
Mr Gavin
Mrs Hill
Mrs Hirsh
Mr Jasper
Mr Jolly
Mr McCutcheon
Mr McGrath
(Lowan)
Mr Micallef
Mr Norris
Mr Roper
Mr Ross-Edwards
Mr Scitz
Mrs Setches
Mr Sheehan
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Whiting
Mr Wilkes

Tellers:
Mr Andrianopoulos
Mrs Gieson

NOES
Mr Austin
Mr Coleman
Mr Delzoppo
Mr Gude
Mr Kennett
Mr Leigh
Mr Lieberman
Mr Perrin
Mr Reynolds
Mr Richardson
Ms Sibree
Mr Smith

(Glen Waverley)
Mr Smith
(Powarh)
Mr Weideman
Mr Williams

Tellers:
Mr Heffernan
Mr Lea

The House adjourned at 10.52 p.m.
The following answers to questions on notice were circulated—

APPLICATIONS FOR HOUSING ACCOMMODATION

(Question No. 426)

Mr BROWN (Gippsland West) asked the Minister for Housing:

1. How many persons have made application to the Ministry of Housing for accommodation as at 30 June 1982, 1983, 1984 and 1985, respectively, giving a breakdown on a regional basis in the categories of—(a) family accommodation; (b) elderly persons accommodation; (c) granny flat accommodation; and (d) large family accommodation in excess of five children indicating a breakdown of single and two-parent families?

2. How many applications made were by—(a) single; and (b) two-parent families on a regional basis?

Mr WILKES (Minister for Housing)—The answer is:

<table>
<thead>
<tr>
<th>Period</th>
<th>Region</th>
<th>(a) Family accommodation</th>
<th>(b) Elderly persons' accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.6.82</td>
<td>Ballarat</td>
<td>843</td>
<td>498</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>847</td>
<td>489</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>1014</td>
<td>581</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Benalla</td>
<td>620</td>
<td>394</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>788</td>
<td>387</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>974</td>
<td>397</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Bendigo</td>
<td>786</td>
<td>616</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>902</td>
<td>667</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>1302</td>
<td>690</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Geelong</td>
<td>640</td>
<td>249</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>892</td>
<td>281</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>1087</td>
<td>416</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Morwell</td>
<td>671</td>
<td>470</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>847</td>
<td>365</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>978</td>
<td>399</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Warrnambool</td>
<td>247</td>
<td>181</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>271</td>
<td>213</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>356</td>
<td>133</td>
</tr>
<tr>
<td>30.6.82</td>
<td>Metropolitan (including Westernport Region)</td>
<td>5669</td>
<td>1892</td>
</tr>
<tr>
<td>30.6.83</td>
<td></td>
<td>9253</td>
<td>2494</td>
</tr>
<tr>
<td>30.6.84</td>
<td></td>
<td>9622</td>
<td>2292</td>
</tr>
</tbody>
</table>

As at 30 June 1985 a total of 27,288 applicants were awaiting Ministry of Housing accommodation including 3,559 tenants who applied to transfer to alternative accommodation. Unfortunately a break up of the statistics on a regional basis is not available because of the conversion of the waiting list to the new data base computer system.
(c) The number of applicants on the waiting list awaiting granny flat accommodation for the following years was as follows:

As at 30.6.82— 629
30.6.83— 929
30.6.84—1007
30.6.85— 819

Regional details are not available.

(d) Figures on large families are unfortunately not available as these figures are incorporated in family-type accommodation in (a) above.

2. The number of one-parent and two-parent families on the waiting list is as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>(a) One-parent families</th>
<th>(b) Two-parent families</th>
</tr>
</thead>
<tbody>
<tr>
<td>As at 30.6.82</td>
<td>4732</td>
<td>4744</td>
</tr>
<tr>
<td>As at 30.6.83</td>
<td>6963</td>
<td>6837</td>
</tr>
<tr>
<td>As at 30.6.84</td>
<td>7418</td>
<td>7483</td>
</tr>
</tbody>
</table>

NB: Figures on a regional basis and a break up into one-parent and two-parent families are not available because of the conversion of the present waiting list on to the new data base computer system.

WAITING LISTS FOR RENTAL ACCOMMODATION
(Question No. 437)

Mr COOPER (Mornington) asked the Minister for Housing:

1. How many individuals in Victoria under nineteen years of age are currently on the Ministry of Housing waiting list for rental accommodation, indicating how many have given as their current addresses places in the shires of Hastings, Mornington, Cranbourne and Flinders.

2. How many couples in Victoria under nineteen years of age are currently on the Ministry of Housing waiting list for rental accommodation, indicating how many are married and how many have given as their current addresses places in the shires of Hastings, Mornington, Cranbourne and Flinders.

Mr WILKES (Minister for Housing)—The answer is:

Because Ministry of Housing waiting list records are not held on a municipality by municipality basis, it is considered that the time and resources necessary to answer this question cannot be justified.
The following answers to questions on notice were circulated—

**ANIMAL HEALTH PROGRAMS**

(Question No. 184)

Mr AUSTIN (Ripon) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

1. What ongoing programs are conducted in Victoria by veterinary and field officers of the Animal Health Division of the Department of Agriculture and Rural Affairs?

2. What programs and other duties are carried out by laboratory staff at veterinary laboratories controlled by the department?

3. Whether the Minister will identify new programs undertaken since 1981 by—(a) field staff; and (b) laboratory staff of the division?

4. How many additional—(a) veterinary; and (b) other staff, have been appointed to cope with additional services provided by the division?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

1. The Division of Animal Health no longer exists. The field activities of this division are now performed by the Division of Veterinary Field Services, the major specific activities of which are:

   (a) Prevention, investigation and control of economically and commercially important disease in Victoria’s herds and flocks.

   (b) Disease surveillance and certification of livestock in qualifying Victorian animals for interstate–overseas movement.


   (d) Other current major disease control programs:

   - Footrot in sheep
   - Johne’s disease in cattle
   - Sheep lice
   - Ovine brucellosis
   - Leptospirosis

   (e) Animal Welfare—Field investigations—farm animals.

   (f) Exotic disease control, viz., fowl plague.

   (g) Disaster relief, e.g., bush fires.

2. The following programs and other duties carried out by laboratory staff at veterinary laboratories controlled by the department include:

   (a) The provision of accurate, relevant veterinary laboratory research investigation, diagnosis and extension into animal diseases.

   (b) Research to improve the economic and marketing performance of the State’s flocks and herds by undertaking work into key aspects of animal nutrition, physiology, product type, quality and safety as well as interactions of management and disease.

3. Field and laboratory staff are involved in the department’s initiatives in animal welfare, the major new program undertaken since 1981.

4. No additional staff have been appointed to cope with the additional services. Staff for new initiatives have been made available by redevelopment from work of lower priority or disease risk.

If the honourable member requires more detailed information on these activities, I should be happy to arrange for him to have access to the computer listings of the activities.
REDUCTION OF ANIMAL HEALTH SERVICES
(Question No. 185)

Mr AUSTIN (Ripon)—asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

1. Which animal health services or programs hitherto carried out by the Animal Health Division will be—(a) dropped; or (b) reduced as a result of the loss of 120 personnel in that division?

2. In view of the acknowledged importance of Victoria's animal industries to the State's economy, how the Minister justifies the reduced services to be provided by the department?

3. To what extent the forecasting of outbreaks of exotic and other animal diseases will be affected by the reduced services to be provided by the department?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

1. No single division of the Department of Agriculture and Rural Affairs lost 120 personnel in the last financial year. The reduction in staff numbers across the whole department for that period amounts to 105. Staff losses in the Division of Veterinary Field Services, amounted to five positions funded from the State vote and three positions funded from other sources. The figure for the veterinary laboratories of the Division of Animal Research and Development was 24 positions funded from the State vote.

Activities which have been reduced fall into the following major categories:

(a) Reduced input into the Brucellosis and Tuberculosis Eradication Campaign as the campaign enters the mopping up stages.

(b) Reduced services to individual stock owners.

(c) Reduced services at the central veterinary laboratory in Melbourne.

2. In the face of budget restrictions, choices have to be made and every effort has been made to order changes on the basis of priorities. On becoming Minister, I directed that changes should be made across various activities on this basis. The outcome for 1984-85 was not selective against Victoria's animal industries so far as the reduction in staff is concerned.

3. The recent successful early identification, quarantine and eradication of the Bendigo outbreak of fowl plague clearly demonstrates that the animal health staff of the department had the capacity and experience to deal with major outbreaks of exotic diseases.

ADMINISTRATIVE COSTS OF FREEDOM OF INFORMATION ACT 1982
(Question No. 220)

Mr PERRIN (Bulleen) asked the Minister for the Arts, for the Attorney-General:

How many staff were employed in administering the Freedom of Information Act 1982 as at 30 June 1983 and 1984, respectively, including the total cost of salaries and other administrative costs for those staff?

Mr MATHEWS (Minister for the Arts)—The answer supplied by the Attorney-General is:

The information requested is now being compiled and will be incorporated in the report of the Public Service Board to the Attorney-General on the operation of the Freedom of Information Act for the year ended 30 June 1984.

When that report is received by the Attorney-General it will be tabled in Parliament in accordance with the provisions of the Freedom of Information Act.

USE OF VEHICLES BY DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS
(Question No. 358)

Mr BROWN (Gippsland West) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

In respect of motor vehicles operated by each department, agency or authority within his administration, how many travelled on either the South Gippsland or Bass highways, or both, on Saturday, 1 June 1985, indicating—(a) the registration number of each vehicle; (b) how many officers travelled in each vehicle; and (c) the purpose of the trip in each case?
Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

(a) According to records available on vehicle usage, no vehicles of the Department of Agriculture and Rural Affairs or agencies within my administration travelled on the South Gippsland or Bass highways on Saturday, 1 June 1985.

(b) Not applicable.

(c) Not applicable.

PUBLICATIONS BY DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS

(Question No. 384)

MR BROWN (Gippsland West) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

1. What is the name of each book, brochure, pamphlet or publication produced by each department, agency or authority within his administration in the three-year period ended 2 March 1985?

2. What was the approximate date of publication of each book, brochure, pamphlet or publication?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

The time and resources required to answer this question in detail cannot be justified. The information may, however, be gained from available reference material.

The annual reports of the following agencies contain lists of major publications produced during the year. Publications that are still in print are available from the addresses shown below:

Department of Agriculture and Rural Affairs, 166 Wellington Parade, East Melbourne 3002.

Rural Finance Commission, 325 Collins Street, Melbourne 3000.

Victorian Dairy Industry Authority, Domville Avenue, Hawthorn 3122.


FINANCIAL RECORDS OF DEPARTMENT OF SPORT AND RECREATION

(Question No. 460)

Mr WILLIAMS (Doncaster) asked the Minister for Sport and Recreation:

1. Which departments, agencies or authorities within his administration maintain—(a) an assets register, (b) accounting records on an accrual basis; or (c) records showing sources and application of funds?

2. In cases where assets registers are maintained, whether provision is made for depreciation of such assets in accordance with accepted accounting principles; if not, why?

3. Which bodies do not maintain such records, indicating when they will be requested to do so?

Mr TREZISE (Minister for Sport and Recreation)—The answer is:

The Treasurer will answer this question on behalf of all Ministers.

FINANCIAL RECORDS OF DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS

(Question No. 465)

Mr WILLIAMS (Doncaster) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

1. Which departments, agencies or authorities within his administration maintain—(a) an assets register, (b) accounting records on an accrual basis; or (c) records showing sources and application of funds?
2. In cases where assets registers are maintained, whether provision is made for depreciation of such assets in accordance with accepted accounting principles; if not, why?
3. Which bodies do not maintain such records, indicating when they will be requested to do so?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:
The Treasurer will answer this question on behalf of all Ministers.

STAFF OF DEPARTMENT OF SPORT AND RECREATION
(Question No. 492)

Mr I. W. SMITH (Polwarth) asked the Minister for Sport and Recreation:
1. How many members comprise the Minister's personal staff, indicating the position, classification and salary of each?
2. Whether their costs are provided for in the Budget; if so, under what item; if not, what other organization or body, partly or wholly, funds their cost?

Mr TREZISE (Minister for Sport and Recreation)—The answer is:
(1) I have three members on my personal staff.
1 x Ministerial Adviser, Grade 3—Salary range $39,544-$42,381 plus 15 per cent commuted allowance.
1 x Private Secretary, Grade 3—Salary range $25,037-$26,310 plus 20 per cent commuted allowance.
1 x Secretary, Grade 3—Salary range $22,245-$23,031.
(2) Their costs are fully provided for in the Budget under corporate services salaries.

STAFF OF DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS
(Question No. 497)

Mr I. W. SMITH (Polwarth) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:
1. How many members comprise the Minister's personal staff, indicating the position, classification and salary of each?
2. Whether their costs are provided for in the Budget; if so, under what item; if not, what other organization or body, partly or wholly, funds their cost?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:
1. Four staff comprising:
   (a) Ministerial Adviser, Grade III, $41,047 per annum.
   (b) Private Secretary, Grade III, $26,527-$27,310 per annum.
   (c) Private Secretary, Grade II, $24,867-$25,656 per annum.
   (d) Secretary, Grade III, $23,090-$23,495 per annum.
2. The costs of the four staff are provided for in the Budget under the Department of Agriculture and Rural Affairs corporate services salary vote.

WORKERS COMPENSATION COSTS OF DEPARTMENT OF SPORT AND RECREATION
(Question No. 514)

Mr STOCKDALE (Brighton) asked the Minister for Sport and Recreation:
Questions on Notice 26 November 1985 ASSEMBLY 2667

In relation to each department, statutory authority or other body within his administration:

1. In respect of each of the years ended 30 June 1984 and 1985, whether he will provide details of—(a) the total amount of workers compensation premiums incurred; (b) other workers compensation costs incurred; (c) the estimated cost of workers compensation incurred, including claims incurred but not reported; and (d) any other expense associated with injuries subject to workers compensation claims?

2. What is the amount of accident compensation levy expected to be incurred in relation to the year ending 30 June 1986?

3. What is the total amount of other workers compensation costs expected to be incurred in relation to the year ending 30 June 1986?

Mr TREZISE (Minister for Sports and Recreation)—The answer is:
The Treasurer will answer this question on behalf of all Ministers.

WORKERS COMPENSATION COSTS OF DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS
(Question No. 517)

Mr STOCKDALE (Brighton) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

In relation to each department, statutory authority or other body within his administration:

1. In respect of each of the years ended 30 June 1984 and 1985, whether he will provide details of—(a) the total amount of workers compensation premiums incurred; (b) other workers compensation costs incurred; (c) the estimated cost of workers compensation incurred, including claims incurred but not reported; and (d) any other expense associated with injuries subject to workers compensation claims.

2. What is the amount of accident compensation levy expected to be incurred in relation to the year ending 30 June 1986?

3. What is the total amount of other workers compensation costs expected to be incurred in relation to the year ending 30 June 1986?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:
The Treasurer will answer this question on behalf of all Ministers.
The following answers to questions on notice were circulated—

RESIDENCES OWNED BY DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS
(Question No. 251)

Mr BROWN (Gippsland West) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

In respect of all residences owned by departments, agencies and authorities within his administration as at 1 April 1985, and which have been vacant for two months or longer, what is the length of time each has been vacant, the location and the reason?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

Residences on Crown land cannot be owned by a Government department.

None of the residences of the agencies under my administration as at 1 April 1985 has been vacant for two months or longer.

VICTORIAN COURTS
(Question No. 393)

Mr GUDE (Hawthorn) asked the Minister for the Arts, for the Attorney-General:

1. What is the location of each court in the State of Victoria?
2. What property or land is held for future use by the Law Department?
3. Whether he will provide details of any priority list for upgrade of the Victorian courts?

Mr MATHEWS (Minister for the Arts)—The answer supplied by the Attorney-General is:

1. Location of Suburban Courts

| Bacchus Marsh | Eltham          | Pakenham       |
| Berwick      | Ferntree Gully  | Port Melbourne |
| Box Hill     | Fitzroy         | Prahran        |
| Brighton     | Footscray       | Preston        |
| Broadmeadows | Frankston       | Ringwood       |
| Brunswick    | Hastings        | St Kilda       |
| Camberwell   | Hawthorn        | Sandringham    |
| Carlton      | Healesville     | Sorrento       |
| Chelsea      | Heidelberg      | South Melbourne|
| Cheltenham   | Lilydale        | Springvale     |
| Coburg       | Melton          | Sunbury        |
| Collingwood  | Moonee Ponds    | Sunshine       |
| Cranbourne   | Morialloc       | Warburton      |
| Dandenong    | Mornington      | Werribee       |
| Dromana      | Northcote       | Williamstown   |
| Elsternwick  | Oakleigh        | Whittlesea     |
### Location of Country Courts

<table>
<thead>
<tr>
<th>Location</th>
<th>Location</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandra</td>
<td>Horsham</td>
<td>Robinvale</td>
</tr>
<tr>
<td>Ararat</td>
<td>Kerang</td>
<td>Rochester</td>
</tr>
<tr>
<td>Bairnsdale</td>
<td>Kilmore</td>
<td>Rushworth</td>
</tr>
<tr>
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<td>Korumburra</td>
<td>Rutherford</td>
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<tr>
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<td>St Arnaud</td>
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<td>Warraumbool</td>
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### Location of Closed Courts

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<thead>
<tr>
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<td>Yackandandah</td>
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<tr>
<td>Erica</td>
<td>Nagambie</td>
<td>Yallourn</td>
</tr>
</tbody>
</table>
2. The Department of Conservation, Forests and Lands maintains the records in relation to property or land held for future use by the Law Department. Those records are currently being researched as part of Project 8 of the Courts Change Program, and will be incorporated in the final report to be issued in 1986.

3. As part of the Courts Management Change Program a series of public consultations were held throughout Victoria. An important objective of these consultations was to gain community views on proposals for upgrading existing buildings and for constructing new court complexes. These views will be translated into a detailed list of priorities for an ongoing works and services program to be implemented progressively as resources become available.

In the metropolitan area priority will be given to developing the central business district courts. These include the Supreme Court, the County Court and the Melbourne Magistrates Court.

The long strategy for the metropolitan area is to provide:
- Court complexes to facilitate the hearing functions of courts.
- Localized services at venues other than court complexes.

The consultation document proposed the location of court complexes at:
- Box Hill
- Collingwood
- Cheltenham
- Footscray
- Prahran
- Preston
- Ringwood
- Sunshine

A firm decision in respect of these proposals will not be made until I consider the report of the consultation which will summarize the community's views on these proposals.

The development of rural courts proposed in the consultation that priorities be determined according to the category within which courts were allocated.

- Headquarters courts or multi-jurisdictional courts: Category A
- Mention courts: Category B
- Hearing courts: Category C

It was suggested that generally priority would be given to Category A courts then Category B, then Category C.

<table>
<thead>
<tr>
<th>Court</th>
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<th>Court</th>
<th>Category</th>
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<td>B</td>
<td>Morwell</td>
<td>B</td>
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<td>C</td>
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<td>A</td>
<td>Nathalia</td>
<td>C</td>
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<td>Omeo</td>
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</tr>
<tr>
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<td>Castlemaine</td>
<td>B</td>
<td>Port Fairy</td>
<td>C</td>
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<td>Cobram</td>
<td>C</td>
<td>Portland</td>
<td>B</td>
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<td>Red Cliffs</td>
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<td>Shepparton</td>
<td>A</td>
</tr>
<tr>
<td>Hamilton</td>
<td>A</td>
<td>Stawell</td>
<td>C</td>
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<tr>
<td>Heathcote</td>
<td>C</td>
<td>Swan Hill</td>
<td>B</td>
</tr>
</tbody>
</table>
No firm decisions will be made on any of these proposals until I have considered a report, currently being prepared, which summarizes the community's views on these priorities submitted during the consultation process.

TRAVELLING DETAILS OF THE DEPARTMENT OF CONSERVATION, FORESTS AND LANDS
(Question No. 539)

Mr WILLIAMS (Doncaster) asked the Minister for Education, for the Minister for Conservation, Forests and Lands:

In respect of each department, agency and authority within her administration:

1. What number of senior public servants have used—(a) overseas; and (b) domestic air travel since April 1982?

2. What various travel guidelines and procedures applied during the period in respect of the relevant ticketing arrangements?

3. What flight expenses were—(a) incurred; and (b) reimbursed?

4. Which individuals and/or organizations acted as—(a) agents; or (b) were consulted in connection with overseas and domestic flight travel, respectively, indicating why?

Mr CATHIE (Minister for Education)—The answer supplied by the Minister for Conservation, Forests and Lands is:

1. (a) Six officers used overseas air travel during 1984–85 which is the only year for which composite records are available.

   (b) The number of officers using domestic air travel is not available because details of individual flights are not kept in a separate file.

2. The guideline and procedures are set by the Protocol Branch of the Department of the Premier and Cabinet and the Overseas Visits Committee.

3. Overseas flights for 1984–85 cost approximately $11,592. This department reimbursed the Victorian Tourism Commission for the cost of the flights.

4. The Victorian Tourism Commission acted as agents.
QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

STAFF OF DEPARTMENT OF MANAGEMENT AND BUDGET
(Question No. 483)

Mr I. W. SMITH (Polwarth) asked the Treasurer:

1. How many members comprise the Minister's personal staff, indicating the position, classification and salary of each?
2. Whether their costs are provided for in the Budget; if so, under what item; if not, what other organization or body, partly or wholly, funds their cost?

Mr JOLLY (Treasurer)—The answer is:

1.

<table>
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<tr>
<th>Position</th>
<th>Classification</th>
<th>Salary Range ($ per annum)</th>
</tr>
</thead>
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<tr>
<td>Ministerial Adviser</td>
<td>Grade 3</td>
<td>39 544—no range +15 per cent commuted allowance</td>
</tr>
<tr>
<td>Ministerial Adviser</td>
<td>Grade 2</td>
<td>34 512–36 132 +15 per cent commuted allowance</td>
</tr>
<tr>
<td>Private Secretary</td>
<td>Grade 2</td>
<td>23 957–24 717 +20 per cent commuted allowance</td>
</tr>
<tr>
<td>Confidential Secretary</td>
<td>Grade 3</td>
<td>22 245–23 031</td>
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2. Funded from Department of Management and Budget. Budget allocation (Item 722-1-1102) = (prog. 722)

LOCAL GOVERNMENT INVESTMENT SERVICE
(Question No. 567)

Mr ANDRIANOPoulos (St Albans) asked the Minister for Local Government:

In respect of the operations of the Municipal Association of Victoria's investment service whether he will ascertain and advise:

1. What is the present management structure?
2. Whether the association fully advises municipal councils of relevant risk factors?
3. How much each council has—(a) invested in each year of the service's operation; and (b) received in dividends in each year?
4. Whether any inquiry has been conducted or is proposed; if so, whether the findings will be made public?

Mr SIMMONDS (Minister for Local Government)—The answer is:

1. The Municipal Association of Victoria's investment service (known as MAVIS) recently ran into financial difficulty and the association decided that the service should cease operating. This occurred on 1 November, 1985.

The previous management structure of the investment service was—

Chairman, Cr W. Thwaites, OBE, JP, Treasurer, Municipal Association of Victoria
Mr J. R. Pawsey, Secretary, MAV
Mr D. N. Bethke, Town Clerk, City of Melbourne
Mr Alan Cowen, Consultant
Mr P. J. Northeast, Institute of Municipal Management
The on-site management was—

Mr Alan Cowen, Finance and Investment Consultant
Mr Ronald Bunton, Joint General Manager, Funds Management
Mr Daniel Ho, Joint General Manager, Security and Investment Management
Mr David Hauser, Securities Dealer.

2. I am not aware of the extent to which the municipal association advised municipal councils of the relevant risk factors. One would expect that the association acted prudently and fully informed its member councils of how the association expected the investment service to operate.

3. (a) As at 31 October 1985 the following is a list of investment with MAVIS—

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<td>Shire of Ballan</td>
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<td>Shire of Bellarine</td>
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<td>City of Bendigo</td>
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3. (b) The annual report of MAVIS, which was tabled in this House recently, states that since the commencement of operation of the investment service nearly $1·5 million was paid to contributors as bonuses.

4. The Treasurer, on 28 October 1985, instructed chartered accountants, Coopers and Lybrand, to report on the financial position of MAVIS.

The Coopers and Lybrand report, a copy of which is being made available to the municipal association, revealed a deficit of $2·9 million, the apparent reason for which lay in the misreading by the MAVIS securities dealers of the interest rate market. MAVIS had purchased and held on to long-term, low interest rate bonds at a time when market rates were rising. As the rate of interest offered to depositors rose, stocks were held creating the potential for loss. MAVIS had clearly failed to develop sufficient reserves to withstand the results of its poor trading decisions.

Despite the statements reportedly made by the Secretary of the MAV, a member also of the Committee of Management of MAVIS, that the Government had not been prepared to help MAVIS through a difficult trading period leaving it no choice but to close the operation, honourable members should be acquainted with the true facts of the matter.

The Government did in fact consider providing funds to allow MAVIS to cover its trading losses but it was concerned that if it covered the $3 million loss identified by Coopers and Lybrand, neither MAVIS nor the MAV had the capital resources necessary to cover any similar situation in the future.
Indeed it would have been quite foolhardy of the Government to commit public funds to assist the continued operation of MAVIS. As things turned out, at current interest rates councils would have been facing an even greater loss of approximately $4 million had MAVIS been allowed to continue operating.

MAVIS had in fact made no obvious effort to provide for trading downturns, a severe indictment of its management and that of the Municipal Association of Victoria.

The Government took positive action to ensure that the losses suffered by councils would be kept to a minimum. The decision was taken to allow the Victorian Development Fund to purchase the major portion of MAVIS securities at market prices thereby enabling early payment of the various creditors of MAVIS.

Given this timely action, councils will get back some 97c in the dollar on their deposits with MAVIS. Some 95c in the dollar has in fact already been paid with the balance to be paid after councils have signed a form of release in favour of the MAV.

The support provided by the Government was in the best interests of councils and the community, a fact not given adequate acknowledgment by the Municipal Association of Victoria.
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