The Governor
His Excellency the Reverend DR JOHN DAVIS McCaughey

The Lieutenant-Governor
The Honourable SIR JOHN McINTOSH YOUNG, KCMG

The Ministry

Premier ................................................................. The Hon. John Cain, MP
Deputy Premier, and Minister for Industry, Technology and Resources
Minister for Agriculture and Rural Affairs ................. The Hon. R. C. Fordham, MP
Minister for Health ...................................................... The Hon. E. H. Walker, MLC
Minister for Education ............................................. The Hon. D. R. White, MLC
*Minister for Employment and Industrial Affairs ............. The Hon. I. R. Cathie, MP
Minister for Community Services .............................. The Hon. S. M. Crabb, MP
Treasurer ........................................................................ The Hon. C. J. Hogg, MLC
Attorney-General, and Minister for Planning and Environment The Hon. R. A. Jolly, MP
Minister for Conservation, Forests and Lands .................. The Hon. J. H. Kennan, MLC
Minister for the Arts, and Minister for Police and Emergency Services The Hon. J. E. Kirner, MLC
Minister for Water Resources, and Minister for Property and Services The Hon. Andrew McCutcheon, MP
Minister for Transport ................................................... The Hon. T. W. Roper, MP
Minister for Local Government ........................................ The Hon. J. L. Simmonds, MP
Minister for Consumer Affairs, and Minister for Ethnic Affairs The Hon. P. C. Spyker, MP
Minister for Sport and Recreation ..................................... The Hon. N. B. Trezise, MP
**Minister for Public Works, and Minister Assisting the Minister for Employment and Industrial Affairs The Hon. R. W. Walsh, MP
Minister for Housing .................................................... The Hon. F. N. Wilkes, MP
Parliamentary Secretary of the Cabinet ......................... Dr K. A. Coghill, MP

From 8 April 1986—
* Portfolio changed to Minister for Labour.
** Second portfolio changed to Minister Assisting the Minister for Labour.
Members of the Legislative Assembly

FIFTIETH PARLIAMENT—FIRST SESSION

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Speaker: THE HON. C. T. EDMUNDS

Chairman of Committees: Mr W. F. FOGARTY

Temporary Chairmen of Committees: Miss Callister, Mr Delzoppo, Mr Ernst, Mr B. J. Evans, Mr Harrowfield, Mr Hockley, Mr Jasper, Mr Kirkwood, Mr Plowman, Mrs Ray, Mr Remington, Mr Richardson, Ms Sibree, Mr Stirling, Dr Vaughan and Mr Whiting.

Leader of the Labor Party and Premier: THE HON. JOHN CAIN

Deputy Leader of the Labor Party and Deputy Premier: THE HON. R. C. FORDHAM

Leader of the Parliamentary Liberal Party and Leader of the Opposition: THE HON. J. G. KENNETT

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition: THE HON. T. L. AUSTIN

Leader of the National Party: MR PETER ROSS-EDWARDS

Deputy Leader of the National Party: Mr E. J. HANN
Heads of Parliamentary Departments

Council—Clerk of the Parliaments and Clerk of the Legislative Council: Mr R. K. Evans

Assembly—Clerk of the Legislative Assembly: Mr R. K. Boyes

Hansard—Chief Reporter: Mr L. C. Johns

Library—Librarian: Mr B. J. Davidson

House—Secretary: Mr R. M. Duguid
Tuesday, 11 March 1986

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

DEATH OF THE HONOURABLE SIR HENRY ARTHUR WINNEKE, AC, KCMG, KCVO, OBE, KSJ, QC

Mr CAIN (Premier)—I move:

That this House expresses its sincere sorrow at the death of the Honourable Sir Arthur Henry Winneke, AC, KCMG, KCVO, OBE, KSJ, QC, and places on record its acknowledgement of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 1974-82, Chief Justice of the Supreme Court from 1964-74 and as holder of other senior public offices.

Sir Henry Winneke, who died on 28 December 1985, will, I believe, take his place in the history of the State as one of Victoria's most celebrated citizens. He was one of the truly great Victorians.

Over a period of some 33 years he served the State with great distinction in a wide variety of activities and in quite diverse roles. He was born in 1908 in North Fitzroy, educated at Ballarat Grammar School, Scotch College and the University of Melbourne, where he graduated in law with first-class honours.

Sir Henry practised law in the 1930s—those years when lawyers say there were no briefs around—and then went on to serve his country in the second world war in the Royal Australian Air Force from 1941 to the end of the war with the rank of Group Captain and he occupied the important and highly sensitive post of Director of Personal Services.

Sir Henry returned to the law and, like so many of those who lost some valuable years of their early legal careers because of the war, his practice grew rapidly and it expanded into quite diverse fields. In 1949 he was appointed to the then newly created position of senior counsel to the Attorney-General and, two years later, under the Government of Sir William McDonald, by a special Act of this Parliament, he became the State's first non-Ministerial Solicitor-General. The post of Solicitor-General and Attorney-General was divided and the Solicitor-General became non-Parliamentarian. Sir Henry occupied the post of Solicitor-General until his appointment as Chief Justice of Victoria in 1964.

During his years as Solicitor-General Sir Henry worked in close collaboration and earned the confidence, support and trust of each of the Governments that represented the political parties of the day: firstly, a Country Party Government, then a Labor Party Government and later a Liberal Party Government. During those years he was involved in the achievement of a considerable number of very important reforms in the law and the administration of justice.

Those reforms included probation and parole, which were introduced into our system in the years when Sir Henry occupied that post, and the acknowledgement that women should serve on our juries properly to reflect community attitudes and community responses in our system of jury trials. He was involved in those years when the County Court jurisdiction was extended considerably to pick up a wide range of matters that previously were dealt with exclusively in the Supreme Court.

In addition to all of those reforms, as Solicitor-General he led the case for the Crown in a large number of notable criminal trials. It was his custom in important trials to show the flag for the Crown and he was the Queen's Counsel who led the Crown case in many of those trials. I remember in my early days in the law being an articled clerk instructing counsel who was defending one of those persons charged with a serious capital offence at Geelong. I spent a week in that trial and, as a very young lawyer, I got to know Sir Henry Winneke very well during that time. I always regarded him as a great and close friend after that.
In addition to his grasp of the criminal law, he could put on the same set of robes and appear in the High Court or argue a case before the Full Supreme Court on some esoteric point of law with equal capacity and facility, clarity and conviction. He was truly an all-rounder, as they say, in the law. He was able to make complex and often very difficult legal concepts sound simple and easy. Obviously he was able to convince the courts and the juries in the same way. Those were attributes he was later to use with great capacity as Chief Justice and I believe in that time he became one of the great jurists of this State.

He spent much time in the State Full Court and in those years legal aid was not as readily available as it now is and frequently persons who were convicted of criminal offences in either the County Court or the Supreme Court and appealed to the Full Court conducted their own appeals. They were always received by Sir Henry, as Chief Justice, with the utmost courtesy, patience and understanding, no matter how absurd or seemingly of no consequence the points being made by them might have been. Any lawyer at that time would agree that no criminal appellant left the court believing that he or she had not had a good go before the court over which Sir Henry Winneke presided.

I suppose for the same reasons he insisted that all his judges should be all-rounders; in other words, he did not believe that they should concentrate on only one aspect of the law. It was almost an unwritten rule that they had to go on circuit so that they were required to cover the whole field of the law, as well as sit on a wide range of lists in the Melbourne courts. He believed the New South Wales concept of having a separate court of appeals was not a good concept and, to the time of his death, he was a vigorous opponent of that concept. He believed the judges who sit in appeal courts ought to carry with them the experience and understanding that comes from sitting in trials—in other words, hearing cases—at the first instance when they are before the courts as trials. Those strong beliefs of his were reflected in the legal system and they have been observed and maintained since his leaving the bench to take up other work.

Before I move to his role as Governor, it is worthy of note that he not only served Governments of all political persuasions with equal zeal and authority but he also earned the respect of all parties and Leaders of parties, as well as those Ministers in this House with whom he worked.

They all trusted him. When Sir Henry became the first Australian-born Governor of Victoria in 1974, he set about bringing the Governorship to the people. He was able to do that because he knew he had the confidence, understanding and support of all political parties in this Parliament.

Sir Henry had a warm personality and his essential integrity and interest in everyday people and their lives ensured his success in the role of Governor. He enjoyed travelling and seeing people in Victorian country centres, and he and his then wife were great Vice-Regal representatives for all Victorians. At the same time, Sir Henry upheld conscientiously the dignity and judicial responsibilities of his office because he was, from past experience, uniquely qualified.

In the passing of Sir Henry all Victorians have lost a great citizen and a warm friend. The Government extends its sympathy to Lady Winneke, to his sons, Michael and John, and to other members of his family, and desires that such expression of sympathy be placed on record in this House.

Mr KENNETH (Leader of the Opposition)—Although obviously it is appropriate for Parliament to support the Premier on this condolence motion for Sir Henry Winneke, I believe whatever is done will be inadequate. Despite the words placed on record today, they cannot encapsulate the true spirit of Sir Henry or the way in which he would have acted if he had known what would be said today in recognition of the service he has given to this State. One would doubt whether one could print the words he might use had he known that we would speak of him today in this way.

In outlining Sir Henry's commitment to Victoria and to its citizens, the Premier stated that Sir Henry was an extremely fine individual. Sir Henry engendered the trust of people
on all sides of politics and served members of this Parliament in the same responsible way, regardless of their political allegiance.

It was reported in the *Law Institute Journal* that Sir Henry was very much a Queen’s man—and there is no doubt about that. Sir Henry was a Royalist and proud of it. He was very much an Australian and, with his wife, Nan, and his family, he represented the Queen in Victoria in a fine manner. In considering his service to the State, it is hard to imagine an individual, in this day and age, who will have the same continuity to the State that Sir Henry had throughout his life. Sir Henry was involved in the law for a total of 33 years, the last 25 years of which were given to the State of Victoria; they comprised two years as Crown Counsel, thirteen years as Solicitor-General and ten years as Chief Justice.

Sir Henry served Victoria as its eighth Chief Justice and was appointed by Sir Rupert Hamer to the position of Governor. It is interesting that his appointment was made by Sir Rupert, who, like today’s Premier, was a casual but close friend of Sir Henry based on their association with the law. It has been reported that, when Sir Rupert was looking for someone to succeed in the role of Governor, he drove to Sir Henry’s house in Barkers Road, Kew, and said, “There is a job I want you to do at Government House, but you will have to go into semi-retirement.”

After Sir Henry left the office of Governor, he was asked about the sort of person he believed should fill that role in the future, and he believed the most important asset that person should have would be stamina. Although the role of Governor might seem to be one that could be carried out by a semi-retired person, it is obvious to everyone that the way in which the Winnekes together carried out their duties was far removed from that of people in semi-retirement.

I well remember sitting at Executive Council meetings where Sir Henry presided and he would, from time to time, ask a Minister what was meant by a certain piece of proposed legislation. Woe betide if he asked a question and one could not provide an answer because, at that stage, not 1 cent would be provided for that proposed legislation. One would have to go away and come back to the subject at the next meeting of the Governor in Council.

More importantly, Sir Henry would examine every piece of proposed legislation in detail and, from time to time, with the astuteness he brought to the office, he would pick up either drafting errors or other matters in the proposed legislation and send it back to be corrected before it was discussed at the Executive Council.

As I said, I do not know which words I should use to best express the person of Sir Henry Winneke. I recall him very much as an individual who worked exceptionally hard and who had an incredible degree of talent; at the same time he enjoyed life fully. The functions that honourable members on both sides of the House would have attended at Government House, or privately when Sir Henry was touring the State, would often end up, after the official part was over, with members sitting down and having a chat and the odd whisky or two with Sir Henry and members would then further appreciate the relationship between this man and those charged with the responsibility by the community of representing their interests at that level.

Another insight into the man was that when he was appointed Governor—at that stage on a tax-free salary of $20 000—he refused to take his Supreme Court pension because, according to the ideals under which he lived, he thought it wrong to receive two salaries from the Crown. That further indicates the sort of individual this State was fortunate to have as the Queen’s man at Government House for those years. It is also worth mentioning that Sir Henry saved this State approximately $400 000 over his period in office by not taking his pension at the same time that he was taking his tax-free salary.

As a man, Sir Henry set us many high ideals, which some of us will never live up to. One was his dedication to work and his clear thinking that was associated with his endeavours, but I refer especially to his role as a father and a family man. Sir Henry
Winneke was a fiercely loyal family man and one had only to see him and Nan—as he referred to her when they were in Government House—and the extension of that love to Michael and John to realize that it was a close-knit family.

After the passing of Lady Winneke and when Sir Henry's own illness had slowed him down for a while, the dedication and care that both Michael and John extended to their father was obvious for all to see as they attended functions to which they brought Sir Henry if he not been invited in his own right.

Opposition members support the motion moved by the Premier and also place on record their sincere thanks for the work carried out not only by Sir Henry Winneke but also by Nan Winneke, and for the many years Sir Henry gave in outstanding service to the State, service that has advanced this State, especially with respect to many of the legal procedures to which the Premier referred.

To Lady Winneke, Michael and John, the Opposition expresses its sympathy and does so bearing in mind that its members have all known and come to respect the man who set an example for all of them and to whom I am sure they are all grateful for having had the opportunity of either working with or in some way being associated with Sir Henry Winneke.

Mr ROSS-EDWARDS (Leader of the National Party)—I join with the Premier and the Leader of the Opposition in paying tribute to the life and work of our former Governor, Sir Henry Winneke. I shall not traverse the ground that was covered by the Premier who gave in great detail the services to the State and the offices held by Sir Henry over many, many years.

It would be very hard to think of a more distinguished Victorian than Sir Henry Winneke. I knew him first as Chief Justice and, as the Premier said earlier, he believed in all his judges going on circuit, and he did so himself. Whether there was a good golf course in the town might have helped in deciding which town he chose for a circuit visit. He often came to Shepparton and he was always a very good host at the end of session celebrations. All the solicitors in the area got to know him very well and it would be fair to say that they all felt they were friends of Sir Henry.

As mentioned by the Premier, Sir Henry was appointed as Solicitor-General by the McDonald Government in 1951. Up to then, the offices of Attorney-General and Solicitor-General were held by a Cabinet Minister but the jobs were split and the office of Attorney-General remained a Cabinet position while that of Solicitor-General became a Public Service position.

I know that era well, not so much from personal association at the time but by later knowing the personalities who held office in 1951, and I know how much the Country Party Government of the day depended on Sir Henry for advice. There was a great deal of trust between Sir John McDonald, the Premier of the day, and Sir Henry and they remained very firm friends for the rest of their lives. The success of that Government in many fields owes a lot to the sound advice and guidance given by its Solicitor-General. It may sound a strange relationship, but that was the nature of the man: he always got very close to those he served and, whomsoever he served, he served loyally.

As the Premier said, Sir Henry served in the Air Force from 1939 to 1946. He had a very interesting career and a very broad educational background. He attended Ballarat Grammar and Scotch College in Melbourne and, of course, went on to attend the University of Melbourne. He lived through the depression years and knew this State very well indeed.

When he was Governor I, as did the Leader of the Opposition and, for the most part, the present Minister for Housing, paid regular visits to Sir Henry—probably four times a year—and if three months or four months had passed without one’s doing so, he would quickly remind one at some function that it was about time one visited him and had a chat. I would say, "All right" and would go and visit him. He wanted to be well informed.
about what was happening in Victoria. Of course, one did not give him advice; he initiated
discussion, but he always had a lot of questions to ask me.

The thing that struck me about the man was how frank he was and the trust he put in
me in what he talked about. On the one hand, I should like to think that was a tribute to
me but, on the other hand, he seemed to get close to everyone he knew and it was always
a great pleasure to pay him what were formal visits.

As the Leader of the Opposition has said, Sir Henry took a great interest in legislation.
He knew every Act and piece of legislation and if it was not right it was sent back to the
Government to be put in order. Because of his ability and background, I cannot imagine
any future Governor ever being able to equal his performance in that field.

Sir Henry was a stickler for punctuality. He always arrived on time but did not always
leave on time. Sometimes he would ask one to visit him at Government House and would
say, “Stay awhile to keep me company.” Up to the time of Sir Henry, the Governor of the
day always left an official dinner so many minutes after the dinner finished. Sir Henry was
different; he would want company into the evening and I was always willing to stay and
provide that company.

The Winneke family is a distinguished family. During his period as Governor Sir Henry
and his wife Nan served the State with great distinction, and it has been said that their two
sons, John and Michael, are well known not only in legal circles but also in public life.
Few honourable members may know this, but for some years Michael was a Melbourne
city councillor, and at one stage, if things had gone more smoothly within the then
Melbourne City Council he could have become the Lord Mayor of Melbourne; but as a
councillor he made a major contribution. Sir Henry’s grandchildren were also very close
to him and he enjoyed having them around him.

Sir Henry had a great life and it is to his credit that he lived life to the full. I am sure he
would feel, as perhaps those who knew him feel, that he lived just about the right length of
time. He had made his full contribution; he was getting tired; he was getting a bit worn,
and he passed from the scene quickly without suffering, and for that we are very grateful.

Victoria has lost one of her finest sons and I, along with other speakers, pay tribute to
him. On behalf of the National Party and the people it represents, I convey my deepest
sympathy to Lady Winneke, Sir Henry’s two sons John and Michael, and to his
grandchildren.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I am very pleased
to have this opportunity of supplementing the remarks made by the previous speakers
concerning the life of Sir Henry Winneke. Sir Henry will be known in history for many
things; first of all for being a scholar and a lawyer of great renown, and the Premier has
outlined something of Sir Henry’s legal career and the great contribution he made not only
as a lawyer and Solicitor-General but as Chief Justice to the Supreme Court in Victoria.

However, it is on Sir Henry’s role as Governor of Victoria that I should like to comment,
because it is principally in that role that his period of office has coincided with my own
life as a member of Parliament.

As Governor, Sir Henry was certainly approachable by any member of Parliament.
When dealing with members from all political parties he took the opportunity of speaking
frankly and openly, welcoming and in many instances inviting their comments on issues
of the day.

He was a keen student of politics in the finest sense of that term, and throughout his
period of Governor he certainly kept abreast of the issues that were before Parliament and
the people of Victoria. Above all, he was able to maintain and enhance the dignity of the
important office that he held.

He was Governor for eight years, and I remind honourable members that that is a long
time to remain as Governor. When one considers current office holders around Australia—
Governors and the Governor-General—one realizes that it is a most unusual length of
time these days. One can understand the great respect in which Sir Henry was held. He
was able to maintain that high and important office for those eight years.

The two qualities that came through to me as a back-bencher during that period were,
firstly, his humour; time after time despite difficulties and complexities of issues that were
around or under discussion, Sir Henry was always able to bring forward that note of
humour that put things into a better and a proper perspective. People were able to relax
with him and relate to him in a positive way. The second point was that it was not just
with the office-holders of the State—whether they were members of Parliament or other
office-holders—that Sir Henry sought to work. The Premier mentioned that Sir Henry
went out of his way to travel to all parts of the State to meet people from all walks of life,
to understand what Victorians were about, what they thought, what they did and what
they wanted.

Whether he was in a country town or a metropolitan suburb, Sir Henry Winneke would
always seek out a variety of people at the functions that he attended.

The people of Footscray were very fortunate that Sir Henry obviously had a soft spot
for their suburb. During his period of office, he frequently attended functions at Footscray,
which were usually organized through the Footscray City Council. He did so not only
because he felt a fondness for the Footscray Football Club—which was always there as a
second team—but also because he had a real empathy with the traditions and lifestyles of
the people of Footscray, and he was very happy to keep in touch with them throughout
that period.

I regard Sir Henry Winneke as a great Victorian, and I know that all members on all
sides of the House and, above all, the people of this State, also hold him in that high
regard.

Mr AUSTIN (Ripon)—I join with the others who have spoken to this condolence
motion. I agree with all that has been said. It has been said very sincerely, and has
thoroughly covered much of the ground that is necessary to be covered when speaking to
a motion such as this.

Sir Henry Winneke was the first Australian-born Governor of Victoria. Probably the
only difference of opinion that Sir Henry Winneke had with Sir Henry Bolte—and, of
course, they were great friends—was over that fact. It was believed that the tradition of
having a Governor from Britain ought to be maintained. However, I believe Sir Henry
proved that Australian-born people can do the job as well as, or better than, anybody from
anywhere else.

Like all Governors of Victoria, Sir Henry Winneke travelled the State widely, extensively,
and frequently. He was respected by everyone he came across, people from all walks of life
and of all ages, particularly the children of this State.

The Leader of the Opposition mentioned the workload that a Governor has, and that is
something that is not realized, not understood, and certainly not appreciated by most
people across the State. When one talks to them about the workload that a Governor has,
they are indeed surprised. The expectation of most people is that the Governor of Victoria
travels extensively and that he holds garden parties at Government House. They have no
understanding of the extent to which a Governor's other duties take him.

I was always very impressed on Tuesday mornings, when we were scheduled to attend
an Executive Council meeting. That was when we discovered the thoroughness with which
Sir Henry Winneke carried out his responsibilities. He spent many hours before an
Executive Council meeting going through the various orders with his staff and making
sure that he understood them absolutely. If he did not understand them, he made sure
that he found someone who could inform him of the meaning behind the words.
There were many occasions when members of the Government of the day were questioned quite heavily on what certain legislation or other matters might mean. If we did not know the answers, we would have to find out. There were occasions on which we would have to make a telephone call to the Minister who was responsible for a particular area of administration before the Governor would sign the order.

One of the small events that amused me at the time—and I believe it is worth recording—occurred when Sir Henry Winneke discovered some paintwork damage in one of the rooms of Government House. He informed the Public Works Department and subsequently obtained a quote for the work, which amounted to tens of thousands of dollars. That completely horrified Sir Henry Winneke. He reported the matter to me, as the Minister of Public Works, and spoke with the Director-General of Public Works. We then inspected the job, at which time Sir Henry said, “If it is going to cost that much, I have a ladder; you bring me the paint and the paint brush, and we will do it ourselves”.

The department did not go as far as that, but because of his concern for waste of money it painted the part that was damaged, rather than painting the whole room.

As has been said, Sir Henry Winneke was a great host. Those of us who were in government and were Ministers at the time enjoyed his hospitality, humour and his general concern for what was happening in Victoria.

Although Footscray may have been his No. 2 football team, he was the No. 1 ticket holder for the club that he really loved beyond all else—the Hawthorn Football Club. I extend my condolences to his wife and his sons, Michael and John. I support the motion.

Mr CATHIE (Minister for Education)—I join with previous speakers in extending sympathy to Lady Winneke and family and to add a few words from an education perspective. Sir Henry Winneke was supportive of the activities of young Victorians, certainly in areas of personal achievement and personal distinction and in two key areas of distinction, namely, in scholarship and, as one would expect of Sir Henry, in sport as well. As a result, he gave patronage to a wide range of sporting organizations and other organizations concerned with the development of young people in Victoria. I refer to organizations such as the Outward Bound movement, the Duke of Edinburgh Award Scheme and the scouting movement.

Sir Henry showed particular interest in visiting schools. Whenever possible he made a feature of meeting not only the children and teachers, but also parents as well, particularly on visits to schools in country and regional Victoria. He made a point of involving himself in centenary celebrations of schools. He was generous with his time for school openings and other functions which schools were organizing. As a result, he supported activities aimed at assisting those who were disadvantaged or disabled. He also supported activities such as the Christmas toy appeal and gave his patronage to the Victorian School for Deaf Children and the Yooralla Society of Victoria. Sir Henry was a person of great standing in our community and he will be long remembered.

Mr RAMSAY (Balwyn)—I support the motion which expresses condolences to the family of the late Sir Henry Winneke, a great Victorian and a legal giant who strode across the stage of jurisprudence for many years in Victoria. However, it is not the legal man whom I remember, but the family man and the real, caring human. Whether it was as a parent watching cricket matches at school or following his beloved Hawthorn football team—for which his son may have been playing—or in other activities, Sir Henry was one of those caring gentlemen of Victoria whom we have all been honoured to know.

His humour knew few bounds. I recall one occasion during a function, not at the Hawthorn football grounds but in the Hawthorn municipality, where the assembled gathering had a clear view of the rather rusty roof of the Hawthorn railway station and which brought forth the comment from the then Governor that even the railways were painting the roofs of the stations in the colours of his beloved football club.
The human qualities of Sir Henry were apparent to me when I had the honour of serving as a Minister of the Crown during his term as Governor. On the morning of my birthday in 1979 I arrived at my office to find on top of my correspondence file a personally handwritten note from the Governor of Victoria wishing one of his Ministers many happy returns of the day. For a man in his position to take the care and have the organization and willingness to add that type of human touch to the responsibilities of his office says a great deal about the man—almost more than the extremely high honours which he obtained during his lifetime. If there were more people like Sir Henry Winneke working in and for Victoria, I am sure Victoria would be a better place.

Mr HILL (Warrandyte)—I rise today to support this motion, to express sympathy to Sir Henry's family on this occasion and particularly to speak of the debt that the criminal law of this State owes to Sir Henry Winneke.

Other speakers have already covered the legal career of Sir Henry which culminated in his appointment as Chief Justice in 1964. Before that appointment as Chief Justice he had already served the State for fifteen years as Crown Counsel and Solicitor-General, advising the Government and appearing in major appeal cases for the Crown. Those court appearances involved arguing the prosecution case against an accused person. He did so in complete fairness.

It became well known by those who practised in the courts that if Winneke, QC, was appearing for the Crown, for the prosecution, any evidence or information that may assist the accused on the appeal would be brought out. That practice set the example for the prosecutors of the Crown and is still regarded as the standard to be met today.

When Sir Henry became Chief Justice in 1964 he continued to demonstrate that sense of fairness in the criminal law. He also expressed courtesy and human sympathy to all who came before him in the courts. Sir Henry's attitude to the criminal law and to the way he conducted himself in court was well expressed by Mr Richard McGarvie, QC, who is now a judge of the same court, in his farewell speech on Sir Henry's retirement from the court in 1974. The speech was reported in the 1974 Victorian Law Reports. Mr McGarvie said:

Many of us think that your Honour's greatest contribution has been to the criminal law of this country. Your approach to the criminal law became apparent from the way in which your Honour spoke to accused persons or to convicted persons on appeal. Your Honour always referred to them as Mr or Mrs or as the case may be. You treated them with respect and you allowed them dignity in your Court. We have often seen you, when presiding over the Full Court in criminal appeals, invite an unrepresented appellant into the witness-box so that he could put his case to the Court with a minimum of embarrassment. We think that your Honour's quality was well demonstrated by the courtesy and consideration shown to some of the most unfortunate and uninfluential people in the community.

Mr McGarvie went on to describe a particular appeal that was heard before Sir Henry. He stated:

The question was whether the sentence should stand or the appellant be released on a bond. The Court considered the case and heard evidence all day. At the adjournment the appellant said to his barrister: "Whether I win this appeal or whether I lose it, I will never forget that the highest Court in this State spent the whole day considering my position." I am happy to add, Your Honour, that on the following day the Court decided that the case was appropriate for the appellant to be released on a bond. Your Honour, it is not inappropriate to mention that your Honour is greatly respected by people serving sentences in prison—those, almost by definition, who lost their appeals.

I was fortunate to be admitted as a barrister and solicitor of the Supreme Court of Victoria in 1973 by Sir Henry Winneke, who was then Chief Justice. I recall being impressed by the sincerity and warmth of Sir Henry's remarks to the new legal practitioners.

Sir Henry retired from the court shortly after I commenced legal practice but as my practice in the criminal law grew, his presence continued to be felt by me through the many judgments that he made in the criminal cases that influenced not only the State but also the whole of the common law world.
His judgments and example reinforced the principles of liberty and justice. The greatest respect that the Parliament can show to Sir Henry is to include those principles in its legislation.

Ms SIBREE (Kew)—I should like to add to the remarks made in the Chamber today because Sir Henry and his family resided in the electorate of Kew for approximately 30 years. So, to a certain degree, Kew was the home of Sir Henry and his family for most of their adult and active community lives. I believe, as the member for Kew, I am honoured, privileged and responsible for paying tribute on behalf of my electorate to this man and his family who devoted so much of their time and their lives to the citizens of Victoria.

Although Sir Henry and his family were not involved directly in activities in Kew, people realized and understood their presence in the residence that they established in Barkers Road. Kew is an area where many famous judicial people have lived from time to time.

In paying tribute to Sir Henry, I should also like to point out the role which he, as the then Solicitor-General, played in 1955 with Arthur Rylah in reforming many of the laws of Victoria. One in particular was the ability of women to serve on juries. I am sure that Sir Henry would disagree with the remarks made in the past few days by certain members of the judiciary in the community that women are not suited in some circumstances to serve on particular jury cases.

Therefore, as a woman of the law, as a woman who is concerned with the status of women in the community, I should like to pay my respects to Sir Henry for the progress that he made in terms of equality and the recognition of the rights of all individuals in the community to a say, to a proper place and to a position of responsibility. I have to remark, too, on the great courtesies which he showed to anybody and everybody who met him from time to time.

I, like the honourable member for Warrandyte, shared the experience of being admitted to the bar before Sir Henry and the Full Court. That is something that many of us who are lawyers will always remember. We carry the texts and the spirits of his judgments with us.

Therefore, on behalf of the people of Kew—of those who lived around him—I should like to place on record my respects and condolences to Sir Henry’s family and the thanks of Victorians for his work.

Mr I. W. SMITH (Polwarth)—Mr Speaker, thank you for the opportunity of associating myself with the condolence motion. The Premier summed up the life of the late Governor very well and that was supported by all other honourable members who have previously spoken. I should like to make my contribution as the person in this Chamber who would have attended more of his Executive Council meetings than anyone else.

During a time when the cynics in the community were expressing views that the Executive Council was simply a rubber stamp, the late Sir Henry Winneke did the office proud by ensuring that each of the regulations and Bills which were to receive the Royal assent was checked. Many was the time when, as a result of this final checking process, regulations or proposed legislation were delayed and sometimes altered.

There were also occasions when citizens used their civil rights of appeal to the Governor in Council and those matters were considered, advice was sought and a decision was made. During the time when I served as an Executive Councillor under summons, I can assure the House that the Executive Council was far from a rubber stamp. Sir Henry, as a Governor of the State in that respect, is certainly a hard act to follow.

I should also like to commend Sir Henry for his attitude towards the whole of the State. It did not matter to him whether he was invited to a function in the City of Melbourne or somewhere in a far-flung part of the State; he attended with equal zeal the small gatherings in far-flung places or the large gatherings in the city and, when he spoke, he spoke with a
clear mind; he precised his thoughts and he spoke to his audience. Not once did I hear him speak above his audience, and those qualities in particular endeared him very much to the many thousands of people whom he met.

The honourable member for Balwyn earlier mentioned the charm of the man in sending birthday greetings to each of his Ministers, which showed not only his sincerity but also his human touch, which we all as Executive Councillors, valued very much.

The hospitality he showed to visitors to the State was unequalled. This is one of the matters, that I believe needs more attention paid to it in this State at present. Many visitors come from overseas and those visitors, although impressed by what they see, can nevertheless be taken aside by the Queen's representative and treated to informal hospitality that gives them a greater depth in understanding of Victoria and, consequently, will imbue them with an affinity for this place. The hospitality extended by Sir Henry was of great assistance to the State, whether extended to diplomatic or to business visitors; they were visitors who were important to the State.

I thank the House for the opportunity of making these remarks and I conclude by expressing sorrow for Sir Henry's family, but I share with them their reflections on the life and observance of duty of this very great man.

The SPEAKER—On behalf of the House I extend to the family of Sir Henry Winneke my condolences on the occasion of their sad bereavement.

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

DEATH OF DONALD KELSO MCKELLAR, ESQUIRE

Mr CAIN (Premier)—I move:

That this House expresses its sincere sorrow at the death of Donald Kelso McKellar, Esquire, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the Electoral District of Portland from 1967-70 and 1973-85.

Donald McKellar died on Sunday, 5 January at the age of 61 years. He will be remembered by all honourable members who knew him as a man who was devoted to his local community and those people who were part of it. He was born and educated in Hamilton and he had a detailed understanding of the issues that affected his electorate, the industries and the work done in his electorate and matters that affected his constituents.

He served as a bomber pilot in the Lancaster squadrons during the second world war and after the war returned to farming in Hamilton. In 1964 he followed in his father's footsteps when he was elected to the Dundas Shire Council. His Parliamentary career began in 1967 when he was elected to the seat of Portland. He served only one term as he was defeated in 1970 but he came back in 1973 and held the seat until he chose to retire at the end of the last Parliament.

He will be remembered by honourable members for his untiring efforts on behalf of his constituents. He was a quiet and unassuming man. He was not a man for getting up during the motion for the adjournment of the House each night or for asking a series of questions in the House; he went about his business ensuring that he got the best value for those in his constituency who sought his help. He would use the technique of a quiet or discreet word in the ear of a Minister to achieve what he wished, deliberately, thoroughly and effectively.

Don McKellar was also a member of the Glenelg Regional Committee and the Portland Development Committee, and those associations gave him a wide insight into what was happening in western Victoria generally and in the electorate that he represented.

In this Parliament he served on the Meat Industry Committee, the State Development Committee and the Natural Resources and Environment Committee. Don enjoyed a close
and friendly personal relationship with members from all sides of the House. He had a
good sense of humour and one often saw him chuckling with a good deal of satisfaction
with one or more honourable members in the corridors.

In recent years Don has been in poor health and as a result decided not to seek re-
election at the last general election. He will be recalled by honourable members for one of
the prime aims of his career: the development of the port of Portland. In more recent years
he took great satisfaction in the aluminium smelter and associated works in Portland. It is
a matter of regret that he did not live long enough to see that development reach completion
because it was something in which he had a deep interest and concern.

Don McKellar will be sadly missed by all honourable members. He was a good friend
to those who knew him as a Parliamentarian and a man. The Government extends its
sympathy to his wife, Margaret, and to his five daughters.

Mr KENNEDY (Leader of the Opposition)—I support the motion moved by the Premier.
It is unusual—and I hope it will not happen again—that honourable members are asked
on one day to pass condolence motions for two individuals who have served Victoria, in
their own inimitable ways, over a significant period. Earlier honourable members spoke
about the life of Sir Henry Winneke, but Don McKellar also served his constituents in the
Portland electorate loyally and sincerely and he served in local government before his
election to Parliament.

Don was not a man of high profile. He was not a man who sought thanks for the work
that he did. He spent his whole life committed to representing the electorate of Portland
and to developing the area which he was elected to serve. The Premier mentioned the
major role that Don, and the Honourable Digby Crozier, the man who succeeded him,
played in getting the Alcoa project to Portland as part of their vision for western Victoria
and ultimately as a power grid to South Australia. That development did not occur
without a significant amount of behind-the-scenes work, dedication and activity.

Members of the Opposition will best remember Don McKellar for his contributions in
the party room. It is regrettable that honourable members on the Government benches
have not witnessed his contributions.

Mr Austin—They would have heard about them!

Mr KENNEDY—They may have heard about them. Don was one of those incredible
individuals who was able to cut through an argument or debate, which may have been
going on for half an hour or an hour, in one or two sentences, and to put his finger on the
pulse of what was being pursued by other means. Don's common-sense approach to life
and absolute faith in common sense was an inspiration.

To some degree that point is summed up in an article in the Hamilton Spectator of 31
January 1984 headed “Don looks forward to life on the farm”. It states:

Mr Don McKellar (Liberal, Portland) says he has decided to retire from Parliament, to have a year or two of
his twilight years to himself.

"I'm 60 years old, and when you're 60 you're in old Nick's catching pen," he remarked.

It is unfortunate that Don did not have a great many years to live to enjoy better health
on his farm with his brothers and family, but in many ways that sums up Don McKellar.

Don McKellar was a practitioner in every way. I shall never forget the actions one day
of Don McKellar and the current Minister for Education. The honourable member for
Niddrie and the Premier may remember how the State got into a second land inquiry at
the time. The then Minister of Housing was Brian Dixon and I remember him coming in
through the door and saying to Don, "You must ask me this question". Don never spoke
much in this place; his work was outside this place. However, "Dicko" said, "It is important
to ask this question", and Don McKellar said that he would. At the appropriate time he
rose and asked the question, and "Dicko" said, "We will have a Royal Commission". Don
McKellar sat down and never asked another question after that! He really was an absolute
character and perhaps this place does not possess any longer a character of that stature. It is something that is sadly missing; he had a good sense of humour and a good understanding of this place and the electorate.

Honourable members tire of reading Hansard, but if they want to refresh their memories about the type of speeches given by Don McKellar I refer them to page 4870 of Hansard of June 1983. This was not long after the Liberal Party was in opposition and Don was sitting where the honourable member for Sandringham now sits. He was speaking on the Racing (Amendment) Bill and he gave a magnificent speech without any notes. He informed the House of all the horses that had come from the Western District and which had won cups; the Minister at the time was desperately trying to close down the clubs or to reduce the number of races held. It was an excellent speech by a man who demonstrated an absolute control and knowledge of his local area. So much of what was said in that speech, the remarks from interjectors—yourself included, Mr Speaker, no matter how disorderly it was—and the way in which Don McKellar came back with an answer, was vintage McKellar.

The Opposition misses him as a Parliamentarian and obviously misses him, as the Premier said, as a friend. He neither asked nor sought thanks for the work he did and the people of Portland know better than most the amount of time he spent meeting their every personal and minute need. He was an excellent local member and an excellent family man and to his wife Margaret, his five daughters, his five sons-in-law, and to his grandchildren as well as his brothers and sisters, the Opposition joins with the Premier in expressing sympathy for the passing of a very good friend who really deserved to get a few more years within old Nick's catching pen.

Mr ROSS-EDWARDS (Leader of the National Party)—I join with the Premier and the Leader of the Opposition in paying tribute to the late Donald Kelso McKellar. He came to this House, as you will remember, Mr Speaker, on the same day as you, the honourable member for Polwarth and me. We are the only three left who came to this place in 1967 and, of course, the three of us knew him that little bit better for having come to this place at the same time.

Don McKellar served in the Royal Australian Air Force from 1942 to 1946 and was in air crew as a pilot. He had a hard war; some airmen had it much harder than others but those on bomber command served under great difficulties. The thing that made his death all the more tragic was the circumstances under which it occurred and the hearts of everybody went out to his wife and daughters when they heard about those circumstances.

He was a very modest man. He made few speeches but when he did he was most effective. That is the message that is coming through today. He had naturally good manners. We have all heard stories about how he brought the tall poppies down to size in the party room but we cannot vouch for how accurate the details are. Most of us have heard enough stories and seen enough results to realize the stories must be pretty authentic. He had a dry sense of humour.

Unlike most members of Parliament, Don McKellar did not regard himself as Premiership material. That sums him up. He was a modest person who had a role to play and he had no great ambition to go any further than being the local member. In that way, he was different from most people in this Chamber. He was fair-minded. He was loyal to his party and to his Leaders. It would be an understatement to say that he was straight from the shoulder. One can sum him up by saying that he was a man of the soil. He looked like a man of the soil and he was proud of being a man of the soil. He had a wide circle of friends in this place. However, it is fair to say that to be his friend one had to share his values, because if one did not share his values he did not want to see too much of one.

To his wife Margaret, his five daughters and other members of his family, the members of the National Party and our respective families and those we represent extend our deepest sympathy.
Mr FOGARTY (Sunshine)—I support the condolence motion moved by the Premier and supported by the Leaders of the opposition parties. I looked upon Don McKellar as one of my best friends in this Parliament, a person who was one of nature's gentlemen. He served his country in peacetime and war and, notwithstanding political philosophies and values, I am proud to say that during our time together in this Parliament he was a personal friend. He was one of the class of '73, although I appreciate that Don was a member of Parliament before that. We were elected to the Meat Industry Committee and over a period of four or five years we travelled the length and breadth of Victoria, interstate and, on one occasion, to New Zealand. It was on those occasions that I got to know the man, his knowledge of the meat industry and of rural industry and to know him as a man of integrity and honesty. Arising from that, I am only too happy and pleased to say that Don McKellar was a friend.

The Leader of the Opposition made the point that Don did not speak very much in the House! Don told me one day that he spoke only when he had something to say; he did not speak for the sake of speaking. You, Mr Speaker, would know what effect that has at times. Everyone listened when Don spoke because he spoke without notes—on very few occasions did he use notes—he spoke from the heart. He spoke with common sense and everyone listened to what Don McKellar had to say.

I do not wish to quote the Leader of the Opposition too much but he also made reference to Don McKellar's contribution to the party. I can appreciate that because in conferences and meetings of the Meat Industry Committee his basic knowledge of the industry enabled him to make really worthwhile contributions.

In conclusion, I am thankful for the opportunity to say a few words to the family. Our condolences will be passed on and we all know that Don McKellar has left behind him a standard that his family and future members of that family will follow.

Mr AUSTIN (Ripon)—I wish to join with other speakers in expressing my sorrow at the death of Donald Kelso McKellar. All the things that have been said have been very much to the point and very accurate. We have seen today that he was respected by all political parties in this place and not only by members of Parliament but also by all who worked in the Parliament, including the staff of the Library, Hansard and the attendants.

Everyone here got to know Don McKellar fairly well because he was a very caring man. He was interested in other people, he bothered to talk to them and he was genuinely interested in their philosophies, their problems, their worries and their concerns. For this reason, at the time of his death more than, I suppose, at the time of anyone else's death, people from both sides of the House and everywhere else around Parliament expressed very deep concern.

He probably knew more about what was going on in this place than anyone else here and he had the great skill of always being able to get quickly to the nerve centre of a problem.

He did not make frequent speeches because, as the honourable member for Sunshine has just mentioned, he spoke only when he thought he had some contribution to make; and many honourable members in this House could well learn from that great economy of words by which he abided.

There were many occasions when he had studied a specific matter or Bill but even if he had a contribution to make, if it had already been covered he did not believe in wasting time by repeating those words.

His contribution in the party room has already been mentioned. Every political party needs somebody like Don McKellar. In fact, they may need two or three people who together might be able to make up for his contribution.

Don McKellar always played very much a watchdog role and his constituents, particularly the people from rural Victoria, could always be confident that if legislation were pending,
Don McKellar would examine it closely. Many was the time that changes were made because of his diligence in seeking out those parts of a Bill that may have worked against the interests of the farming or the rural community.

I join with other honourable members in expressing my condolences to Margaret, his wife, his five daughters and to the rest of his family.

Mr SIMPSON (Niddrie)—I should like to join with other honourable members in speaking to this condolence motion to Donald McKellar. It has been clearly said that Don McKellar was not a man who made many speeches in this place nor asked many questions, and I can recall that very early in my Parliamentary career I was given the responsibility of handling a Bill on behalf of the then Opposition and it was called the Shearers Accommodation Bill. It was the first time I had had this opportunity and the Bill was designated to me because I left school at the age of fifteen years and had worked for three years as a roustabout in shearing sheds throughout Victoria. On that criterion, I was given the responsibility of handling the Shearers Accommodation Bill for the then Opposition.

I can recall mentioning to Barry Jones, who was then in the Victorian Parliament, that I wondered who on the Government benches would have any knowledge of shearing and I was advised that Donald McKellar would have a very good knowledge of that industry. I spoke to him and advised him that I was handling the Bill and that there could be some debate and would he come out of his closet—as he had a reputation for making few contributions—and speak on the Bill. He did so and, as has been indicated, he spoke for some 20 minutes without any notes and gave facts and figures in a manner that amazed even the Minister concerned in the Government at that time.

The next morning at question time, Donald McKellar rose in his place with many others, as was the custom at that time, and eventually asked a question which was most unusual and which prompted the comment from Barry Jones: “Simpson, what on earth have you done to the man? You set him alight and he has become a veritable chatterbox.”

I became closely associated with Donald McKellar when he joined the State Development Committee in 1979 and remained a member until 1982.

As other speakers have indicated, the State Development Committee is where one came to know the true Don McKellar; that is where one came to understand the quality, the skills and the talent that he had.

I came to understand him even more during my time as Minister of Public Works, when the responsibility for the Division of Ports and Harbors was entrusted within that portfolio. Whenever I went to Portland and visited the Port of Portland Authority, I could not help but be impressed with the knowledge that Don had.

Along with the honourable member for Sunshine and others, I was proud to think that he thought of me as a friend, as I was with him.

Mr CROZIER (Portland)—I have paid my tribute to Don McKellar in another place at another time. However, in supporting this motion today, it is entirely fitting that in this Chamber that he knew so well, we recall, as we have, his service to his nation in war as a young bomber pilot; subsequently, to his community as a shire councillor and in other capacities; to his electorate as a dedicated local member of Parliament; and to Parliament and to the party, which he served so well.

Honourable members also recall Don McKellar as a personality, as a colleague and as a friend. I consider myself enormously privileged to have been closely associated with him since I first entered Parliament in 1973 and, finally, on his retirement, to now be representing his former seat.

Reference has been made to Don McKellar’s very selective use of the opportunity for debate in this place. When I entered politics, Don gave me a lot of good advice. Among that good advice was the following gem, which I remember with a chuckle to this day: he
said, in his dry way, "I have seen more people talk their way out of this place than ever talked their way into it".

Don was certainly a practitioner of that particular observation. He was a truly unforgettable character, as other speakers have indicated. He had the admirable capacity, in the words of the former Deputy Premier, the Honourable Bill Borthwick, "to establish friendships with just about anyone he met".

As Sir Donald Bradman has recently reminded us—and I quote his words on the occasion of his induction as No. 1 in the new Sport Australia Hall of Fame:

When considering the stature of an athlete, or for that matter any person, I set great store on certain qualities which I believe to be essential in addition to skill.

They are that that person conducts his or her life with dignity, with integrity, with courage, and perhaps most of all with modesty.

These virtues are totally compatible with pride, ambition and competitiveness.

Very few people—certainly very few people in public life today—can aspire to these exacting criteria. Even though Don McKellar would be the last to claim such an accolade for himself, he qualified on all counts.

Don McKellar's death in early January was a sad loss to all who knew him well, particularly of course to his family and his many close friends. Along with other speakers, I am pleased to be associated with this motion of condolence to his wife, Margaret, to his five daughters and their husbands, to his grandchildren and to his sisters and brothers.

Mr McGrath (Lowan)—I consider it a privilege to be able to make a few remarks this afternoon in memory of Donald Kelso McKellar. His electorate of Portland bordered on my electorate of Lowan and much of the countryside that he represented prior to the last distribution of electorate boundaries now falls in the Lowan electorate. I also had the privilege of serving with him on the Natural Resources and Environment Committee. As has been expressed in Parliament already, many of Don McKellar's great attributes stemmed from the fact that he was a deep thinker and a quiet achiever. That saying portrays him adequately. He had a quiet and slow speaking voice but he also had a quick wit. He was able to bring a degree of humour to committee situations or other situations when it was necessary.

The memory that remains clearest in my mind is the manner in which Don McKellar was able to silence this Chamber when he rose to speak. He did not speak often, but when he did he silenced the Chamber and was able to retain that silence during the full time of his address. In all sincerity, Mr Speaker, there are few members who have ever been able to demonstrate that sort of magnetism in this place.

On the day of Don McKellar's funeral at Hamilton it was fitting that hundreds of people came to pay their last respects. It is fitting that he be recognized today as a man who made considerable contributions to Victoria through his membership of the Legislative Assembly. It is also fitting that he be remembered for many years to come as a kind and sincere man.

Mr Hann (Rodney)—I support the motion. Don McKellar was a personal friend of mine, and I had reason to owe him a personal debt. I shall not go into the matter in detail but it arose more than ten years ago and at a time when I had not been a member of Parliament for long. I was in the building late one night after attending one of the many receptions that honourable members attend. I had an altercation with a fireman who was not in any position to negotiate and who could not understand why someone was in the building that late at night. Fortunately, at the appropriate moment Don McKellar turned up. When speaking to him some time later he said that when he heard the chap say, "Who do you think you are?" he thought, "Here is something I had better sort out" and put down his briefcase and came to where we were. I owe a personal debt to Don for his support on that occasion.
He was a man whom I respected for his words of wisdom in this place over the years. He did not speak often, but when he did he made a positive contribution on behalf of his constituents and the people of the State. He had a deep knowledge of the earth, farming and agriculture and he managed to bring that knowledge into Parliament by using that knowledge in his representations on behalf of his constituents. I join with other speakers in extending my condolences to his wife and daughters on the passing of a man whom I held in high regard.

Mr STIRLING (Williamstown)—I associate myself with the condolence motion on the death of Don McKellar. The Leader of the Opposition summed him up well when he said that Don McKellar was a man of great common sense. That was Don’s best attribute. He was a slow speaker but an extremely quick thinker. Over the years Don and I shared the couch at the end of Queen’s Hall as we were both smokers. On many occasions we had discussions about all sorts of subjects, especially when I was a member of the Public Works Committee which was inquiring into groundwater in the Western District. On one particular night, Don was able to fill me in on a significant number of facts which subsequently proved to be of some benefit.

What struck me most about Don McKellar was his quick reply to anything he was asked. I remember when the Salinity Committee, which was chaired by my colleague, the honourable member for Sunshine, had occasion to visit the shire hall at Dundas late one afternoon.

Don, who was the local member for State Parliament, was there to greet us. We were shown around the hall and I noticed a board listing the former shire presidents. The list was well dotted with McKellars. All of the McKellars had had more than one bite at that position except one fellow who was shire president before the turn of the century. I asked Don whether he was a relation and he said, “Yes.” I then asked him why he had had only one go at being shire president and Don’s reply was that he had been the black sheep of the family!

I considered Don a good friend; he was easy to talk to. I extend my sympathy to his family.

Mr I. W. SMITH (Polwarth)—Thank you, Mr Speaker, for the opportunity of being associated with this motion. I think Don really would like this to be a motion to celebrate his life and the service that he gave to the community. I do not think that he would wish it to be morbid in any way.

I think Don was driven to be a member of Parliament, and to leave his farm which he ran together with other members of his family, by a very strong sense of community service—which many of us possess—and the sense of responsibility that he had for his electoral duties. This no doubt caused a lot of stress which, coupled with travelling the long distances that many country members have to travel to service their electorates and to come to Melbourne, played a grave part in shortening his illustrious career and life.

Other honourable members have spoken of Don’s great quality of common sense. I do not think any honourable member has yet mentioned Don’s tremendous foresight. There was not an area of administration in which Don, when casting his mind ahead, did not have an accurate vision of what was to occur. I recall that in about 1970 he and I attended the Harris inquiry on workers compensation. At that stage workers compensation premiums for the rural industry, for example, were about 4 or 5 per cent of wages.

We, particularly Don, could foresee when that premium would be aggravated and greatly increased. Indeed it was, and before the current change to WorkCare, premiums for the rural industry were of the order of 14 to 18 per cent of wages. That is an example of the man’s accurate foresight, and an attempt was made to do something about it in his submission to the Harris inquiry into workers compensation.

I remember when Don came to this place in 1967. As the Leader of the National Party said earlier, there are only three honourable members left who were present at that time. I
shared an office with the then member for Portland, Don McKellar; it was in the party room as no other offices were available. I remember that we would arrive as early as 8 a.m. as both of us were from farming stock, and that was the time that one started work. Being of a newer breed I had acquired the hang of dictating letters, but not so with Don, whose letters were all handwritten. I think he pursued that practice of handwriting his letters to constituents and to Ministers for at least a few years, certainly all of his first three-year term. I have a sneaking suspicion that his mail was a lot quicker as a result of that practice and that he probably obtained far better results than did those who used newfangled devices such as dictaphones.

Don’s method of operating to benefit constituents, as other honourable members have said, was not to “big wig” in the various forums throughout the State but simply to approach the right people at the top with sound common sense and argument to persuade them of the merits of the case and inevitably achieve the result that he required for his constituents.

He fought tremendously hard for the development of the port of Portland, for wool selling to be conducted at Portland and, more recently, for grain freight, particularly wheat, to go through that port. If it were not for his efforts in those matters, I am sure that the success of those things would not have been as great.

Hundreds and hundreds of individuals, whose cases could never be quoted, especially in public, who brought their personal problems to him, owe him a tremendous debt, and the numbers of people at his funeral and the numbers of people who would have liked to have been there were witness to that.

Don McKellar served a very worthy term as a member of Parliament. He will be long remembered by his constituents, and to his wife Margaret, five daughters and brothers and sisters, I should like to extend my sympathy. I have pleasure in supporting the motion.

Mr A. T. EVANS (Ballarat North)—It is my desire to join with other speakers in placing on record a further contribution to the high worth of Don McKellar—a man with whom I spent a lot of time in this House. I believe his efforts should be clearly recognized as the outstanding work of a very fine citizen. I wish to firstly express my deepest sympathy to his wife, Margaret, and to his five daughters, Helen, Margot, Robyn, Sue and Donna and their husbands and to Don’s brothers and sisters. McKellar—as I always addressed him because he liked to be addressed that way—was a great family man. One of his speeches was reported in the Hamilton Spectator at the time of the 1982 State election campaign. He said, “It is the future, your future and our children’s future which I give my highest priority to”. I believe that summed up the ideals and the efforts of Don McKellar.

I not only shared an office with Don McKellar for a number of years, but I did a six-week trip around Europe with him. Don was undertaking a Commonwealth Parliamentary Association trip and I travelled to the Silver Jubilee of Her Majesty the Queen. I was always aware of the love and affection Don had for his family, but on this trip I was able to appreciate the real depth of that feeling. I was with him for six weeks, and in those circumstances a man opens up a little more than usual. Amongst the records of McKellar I can remember a photograph of him at the time of his election to Parliament sitting in his garden with his five daughters. He was very proud indeed of his family and at all times many of the efforts that he made were for the future of his family.

In the appreciation of Don McKellar’s services mention has been made of his contribution to the removal of probate duty. One of his big worries was that all of the work he had put in to provide for the future of his family could be taken away. He was also concerned at the inroads that probate duty was making on the small farmer. He could not see the continuation of the small farmer if probate duty was left in the form that it was at that particular time.

There is also a photograph in one of the Portland newspapers of Don McKellar with his wife and seven of their grandchildren. In that photograph Don is beaming a broad smile,
the famous McKellar kind smile. I attended the wedding of one of his daughters and one of the most impressive sights I have seen in my life was Don McKellar entering the church in his tails with his daughter on his arm. They stopped for photographs which captured the smile of one of the happiest men in the world at that particular time.

Some reference has been made to Don McKellar's service in the Royal Australian Air Force in England. He accompanied me on a couple of occasions to meet people and discuss matters in which we had a mutual interest. I remember one occasion when we were speaking to the Chairman of the Department of Environment in England, which covered a multitude of sections including housing. The chairman questioned us about why we were over there and eventually Don McKellar said that he had been in England before. Under strong questioning he revealed that he had served 40 missions over Europe. When an Englishman discovers that someone has helped in saving his country he expresses his gratitude and from that point on the chairman and Don McKellar were real mates.

We went around some of Don's old haunts. He insisted that we go to Brighton where he was billeted for a time and he was very disappointed to find that they had considerably changed the hotel. We found the place in which Australians gathered at an old pub in a side street in London but that had been closed. We took a trip around Germany and we went to Bremerhaven, which was the target of many of his missions. A man who served 40 trips over Germany under those conditions must have had a toll taken on his health. I was close to Don in the office here and in the trips overseas and I was able to see to some extent the shattering effect that the war had on that man. I believe it was the war that led to him dying at a comparatively young age and that that man did make a sacrifice for his country, which the honourable members for Williamstown and Sunshine have appreciated and spoken about.

Other matters have been commented upon by other members of the House but I shall briefly refer to his sporting career. I saw Don McKellar for the first time in the late 1940s when he was playing football with the Imperials at Hamilton. I took a bus trip from the Ballarat district to see a football match in which we had friends playing. To this day I can see Don coming off at half time, this fine, young fellow with a big Air Force moustache. When at a later time I recalled that occasion he said, "We won that and celebrated, too!"

The members of the McKellar family have a long record of community service in the Hamilton district. They have been outstanding not only in local government but also in their church and in many other activities. The people of Hamilton and district showed their appreciation of this on the occasion of Don's funeral. One other sporting matter, he also played cricket and one of his friends showed me a newspaper cutting about his playing with the College team against United in Hamilton. Don took seven wickets for 61 runs, and that was quite an achievement in local cricket in those days. I join with all the other speakers in sincerely recording my deep appreciation for a man who had the finest qualities.

Mr GUDGE (Hawthorn)—I pay tribute to my friend, Don McKellar. In commencing my remarks I observe that the sheet of details that was handed out to members of Parliament today about Don McKellar was much in the same vein as Don's life, simple and to the point. He was a person who lived his life holding dearly to the basic fundamentals of integrity, honesty and a genuine care about everybody with whom he came in contact.

It was in the context of being a new member of Parliament that I came in contact with him. He was one of the first people who came and shook my hand. A couple of times when I was feeling a little lost he made me feel that my time was not wasted in this place, and that there was a role for me here. He showed me how I could achieve the best result for the electorate I represented. He offered good advice.

Three years later I lost my seat in this House, and that was extremely important to me for a number of reasons. The first person who took the trouble to contact me was Don McKellar. He said, "I am sorry, but keep your head down and tail up, son, because there are better things in life for you; and if you choose to make a comeback at some future time and put in the effort, your reward will be there".
When I was fortunate in being able to resume my place in Parliament, the first person to contact me and say “Well done” was Don McKellar. He was simple but efficient. Don thought about people and about what was important.

Besides offering words of encouragement, he had a number of other qualities. I recall a party meeting at which we were discussing an issue and Don was obviously not impressed by an individual who was obstructing something in which he was interested. He rose to his feet and said, “Mr Premier, the fact is the honourable gentleman could not organize a queue in a country dunny if it had two doors”. No one had any doubts about the graphic ability of the man. He was right on the ball, and understood where things were at. If anyone contacted Don McKellar he would receive the benefit of his good advice.

I extend my condolences to his family and friends. The world is richer for him having been here and is sadder for his passing.

Mr WILLIAMS (Doncaster)—As one of the class of 1973 I pay tribute to Don McKellar. We were different breeds of Celt. Don was a taciturn and conservative Scot and, as most honourable members know, I am a radical Welshman with extreme ideas. Don did not have much time for my views, and Hansard records his interjections when I contributed to a land tax debate. Don did not like my ideas about Aboriginal land rights and in other areas where he thought I was too much of a do-gooder.

Nevertheless, that did not stop Don from supporting me on issues with which he agreed. When a number of Liberal Party members were not happy with me waging war against corruption in the meat industry particularly, and in some other industries, Don was my best friend. I am sure honourable members will be interested to know that, despite many people believing Don was an arch conservative, he was one of the few Liberal Party members who, with myself, read the communist Tribune and other left-wing papers. Don was extremely well read and, like a good bomber pilot, I am sure he would fraternize with the enemy when the game was over. I enjoyed the contributions from the honourable members for Sunshine and Williamstown because they illustrated the true Don McKellar. If he believed a person had what it took, he would be their friend, no matter whether they were a communist, Labor Party supporter or a left-wing Liberal.

I am proud to have been associated with him. He was a man badly needed in Parliament in this country. He was a man who talked little in public but talked a great deal in private. Don would find out what was going on and would act decisively, and that is how a good member of Parliament should act. I express my deep sympathies to his wife, family and five daughters, one of whom taught in one of the high schools in the old electorate of Doncaster I formerly represented. Don watched with close interest what was going on in that electorate, and when he thought I was in trouble with my party, to my astonishment he went out of his way to speak on my behalf. He was a great Australian.

Mr RICHARDSON (Forest Hill)—I am grateful for the opportunity of being associated with this motion but, like all honourable members, I greatly regret the circumstances which necessitate it. Donald Kelso McKellar was a man of great wit and great charm and, above all, a man of infinite wisdom.

When I was elected to this place ten years ago, Don McKellar had already been elected to this place, defeated and then re-elected, and one of the first members with whom I had contact of any depth was Don McKellar. I, as a representative of a city electorate but with a country background, found Don McKellar an easy companion, a man who was willing and very able to provide advice to a new young member of Parliament.

As we have listened to other honourable members speaking today on the motion, that common thread has come through all the remarks that have been made. From any side of this House Don McKellar had friends. He was cherished by honourable members from all persuasions within this House and his advice was sought by members from all sides of the House. His friendship was cherished by all members from all sides of the House.
Don McKellar's contribution to this country provides a record of public service that stands in comparison with the record of any public man. He served his country in war time with great distinction; he served his local community in municipal government and then he served his community for many years as their member of Parliament and was respected by all who knew him in all those activities.

He was a man who was loving and greatly loved in return. I wish to extend my condolences to his wife, Margaret, to his daughters, to his brothers and sisters and to the grandchildren of whom he was so proud. I conclude my remarks by saying that those of us who were privileged to know Don McKellar have been enriched by that association. We are all the poorer for his passing.

Mr DICKINSON (South Barwon)—I support the motion of condolence on the death of Donald Kelso McKellar. I had the privilege of sharing an office with Don and sat beside him for three years during the last Parliament. He was an outstanding man and a man who was always willing to give advice to a newcomer to this place. I remember when wanting a hand with something Don said, "The only hand you will get in this place is the one that you give yourself".

Don was an outstanding man because he had those rural roots in the outback of Victoria in the electorate and towns of Branxholme, Casterton, Coleraine, Hamilton, Heywood, Macarthur and Portland, the area he represented from 1967 to 1970 and from 1973 to 1985. That area is very much part of the major wool producing area of Australia.

Don was a farmer and grazier who was born on 29 June 1924 in Hamilton. He was of Presbyterian descent and was educated at Hamilton College in the Western District. He served in the Royal Australian Air Force from 1942 to 1946.

Don's actions spoke louder than words. As Sir Winston Churchill reminded people in the 1940s about Spitfire pilots, never, in the field of conflict, was so much owed by so many to so few. Donald McKellar was also a Lancaster bomber pilot. When one considers that at one stage in the war there were only 72 Spitfires and 500 Lancaster bombers left in the air, one realizes what a remarkable life and achievement it was for a pilot to survive 40 missions over Germany.

It is interesting to note that at the time of Don McKellar's birth on 29 June 1924 it was the week-end of a State election in Victoria at which a Labor Government was elected. Don started his life during the reign of a Labor Government and departed his life during the reign of a Labor Government.

I have the pleasure of standing in the very spot where Don stood for the last three years when he addressed Parliament. Honourable members will recall many nights when Don contributed to debates, such as the debate on the Racing (Amendment) Bill, with a flair for local knowledge equalled only by the participation of the National Party members. He was also an outstanding man who gained satisfaction from achieving things for the electorate he represented. The electorate of Portland was his prime concern and he gave of his best in the debates in which he was involved. He served as a shire councillor from 1962 to 1967. He was a member of the Gienelg Regional Committee from 1970 to 1973; a member of the Portland Development Committee from 1971 to 1973; a member of the Meat Industry Committee, during which time he made friends with the honourable members for Sunshine, Williamstown and Preston; the State Development Committee from 1979 to 1982; and a member of the Natural Resources and Environment Committee from 1982 to 1984. He was a humble man, proud of his electorate and his family, especially his daughters, all of whom he wanted to see happily married.

Don had a real feel for preserving the genuine things in our society; a feel for genuine people, such as Malcolm Fraser and his colleagues, the honourable members for Portland and Polwarth, with whom he worked very closely in western Victoria. I was privileged to have worked with him and enjoyed his honesty and warmth as a friend. During our work in this Parliament, the thing that impressed me about Don was that, both within the party
and the Parliament, when he spoke he did so with conviction and he had always done his homework, whether it was on matters relating to the stock and slaughter bounty, the Port of Portland Authority Bill—on which he made his maiden speech in 1967—the Grain Elevators Board, Alcoa of Australia Ltd, decentralization payments, equal opportunity, firearms registration, Victorian ports, the Portland rate assistance scheme, the Coleraine Primary School or the transmission lines to Portland. He was vitally concerned about those important projects for his electorate.

Honourable members will recall his contribution recorded at page 4871 of Hansard when he spoke on the Racing (Amendment) Bill. The style of Don McKellar in bringing in his local knowledge was outstanding. He always introduced local colour to the debate. Don was a good local member of Parliament with a real feeling for his electorate and the people he represented.

Upon his retirement on 3 May 1985 a farewell dinner took place in Hamilton at which time Don was remembered by those people who had worked with him over the many years he was a member of Parliament. We recall Don's witticisms. I recall some of the McKellarisms. He once spoke of a Labor Minister of Agriculture and said, "Yes, he's got a farm; he's so knowledgeable he earmarks his pigs by cutting off their tails." On the subject of women in Parliament he said, "No: as a general rule, they don't make good members—this is because they haven't got intelligent wives to tell them what to do."

We remember Don McKellar for his fighting spirit which was revealed in his younger days in the mid-1940s when our country and the future of the British Commonwealth was at stake. We remember his fighting spirit in fighting back to return to Parliament in 1973.

I am sure there are many men and women on both sides of the House who will remember Don McKellar for his friendship and his forthrightness. We regret that upon his retirement he did not have the years he thought he would have at the family farm, Yulecart. We know his wife and brothers and daughters looked forward to having many years with Don back on the farm, but that was not to be.

It was a great tribute to Don McKellar to see the hundreds of country people, politicians from both political parties and civic leaders who assembled at Hamilton on the day of his funeral, Wednesday, January 8, 1986.

I place on record my sincere sorrow at the loss of Don McKellar and express my sympathy to his wife Margaret and daughters, Helen, Margot, Sue, Robyn and Donna and the other members of the McKellar family.

The SPEAKER—Order! Before putting the resolution, I should like to pay my respects also to the late Don McKellar. As mentioned by other speakers, he and I were elected to this place on the same day in 1967 and for some nineteen years I had the pleasure of knowing him and being in his company.

I think I heard most of his speeches in this House. He had the ability to make a speech that could hold the attention of honourable members. He had a depth of knowledge of his subject, he spoke only on subjects of which he knew in detail, he had a real sense of humour and he needed no assistance in making his point with great skill. He was a very able representative for his electorate, a gentleman with distinguished service during his life to the State and to the nation. To his family, I express condolences on behalf of the Legislative Assembly.

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

ADJOURNMENT

Mr CAIN (Premier)—I move:

That as a further mark of respect to the memories of the late Honourable Sir Henry Arthur Winneke, AC, KCMG, KCVO, OBE, KSJ, QC and the late Donald Kelso McKellar, Esquire, the House do now adjourn until 8 o'clock this day.
The motion was agreed to.

*The House adjourned at 4.3 p.m.*

*The SPEAKER* took the chair at 8.4 p.m.

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**QUESTIONS WITHOUT NOTICE**

**LOCAL GOVERNMENT RESTRUCTURING**

*Mr COOPER* (Mornington)—I ask the Minister for Local Government to tell Victorians why he reneged on firm assurances given over a three-year period by his predecessor that no amalgamations would be forced upon local communities without their approval.

*Mr SIMMONDS* (Minister for Local Government)—I had some difficulty in hearing the full text of the question, but I understood the honourable member to say that he was seeking information about assurances given by my predecessor in the past three years. I assure the honourable member that the program in local government has been realistically appraised in the community following the release last week of the report of the Local Government Commission, headed by Mr Stuart Morris. The details of that report carry evidence of a process of consultation on the structure of local government in a manner which is unprecedented in Victoria’s history.

*Honourable members interjecting.*

*Mr SIMMONDS*—The problem of the Opposition, of course, is that it is unused to the process of consultation.

Like my predecessor, I point out that this Government is currently engaged in a process of consultation to enable the full appreciation of programming in relation to the restructuring of local government.

The honourable member for Mornington might well confer with some of his colleagues as to the most appropriate course of action to be taken because, in perusing some comments made in their electorates, I note that the advice given has been wide and varied.

I had some difficulty in finding one of the contenders for the job of Leader of the Opposition, but his advice in the Warrnambool area to those interested in local government was clearly that they should become involved and make a contribution towards putting in place the most effective structure to obtain benefits. He provided guidance about the obstacles that might be encompassed in the process of putting new structures into place and how to deal effectively with that situation. I commend the views of that honourable member to the honourable member for Mornington. I hope his other colleagues in the Opposition will take some note of the very informed comments made by that source.

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**THIRD-PARTY INSURANCE**

*Mr ROSS-EDWARDS* (Leader of the National Party)—Will the Treasurer give an undertaking to the House that the Government will not do away with common law action in respect of third-party insurance claims before it gives due and adequate notice to the people of Victoria, in order to avoid the sort of chaos and confusion that arose the week before last, when the Treasurer and the Premier would not give a specific answer to the questions asked by the Law Institute of Victoria?

*Mr JOLLY* (Treasurer)—I thank the Leader of the National Party for directing that issue to my attention. The Law Institute of Victoria has behaved disgracefully over this issue. It has been involved in rumour-mongering all the time and has gone out of its way to try to scare motorists in Victoria.
I have made it clear, as has the Premier, that in relation to the reform of the third-party insurance system, the Government has two major intentions. The first is to ensure that Victorians generally are spared the massive rates of increases that would occur unless the third-party system were changed.

A report was given to me from the Third-Party Insurance Premiums Committee, which showed that a 176 per cent increase would be added to third-party insurance premiums in this State if one were to fund fully the scheme on an unchanged basis. That would mean a premium on motorists of about $500. Obviously, that would be totally rejected by the people of Victoria, and rightly so.

The first objective of the report is to minimize the impact of the reform in terms of the cost to the people of Victoria. Secondly, the Government intends to introduce a scheme which will ensure that the injured have an equitable system of benefits. Thirdly, on the issues raised by the Law Institute of Victoria and any other issue of third-party reform, the Government intends to make a full public announcement once it has received the final report of the task force investigating third-party insurance in this State.

There will be ample time to debate all the relevant issues. The Law Institute of Victoria decided, for its own reasons, to initiate a scare campaign to tell people that a retrospective clause will be introduced abolishing common law action in motor vehicle accidents as from 1 March. The truth of the matter is that the Government has not made any decisions on this matter. The task force has yet to complete its report. When the task force completes its report the Government will give it full consideration and make a comprehensive announcement to the people of Victoria and then place proposed legislation before Parliament.

1986-87 BUDGET

Miss CALLISTER (Morwell)—Will the Premier give details to the House of requests that have been made to the Government by community groups, including political parties, for increases in funding in the forthcoming Budget?

Mr CAIN (Premier)—I thank the honourable member for Morwell for the question. A large number of requests have been made by many organizations, from the Opposition and a considerable number from shadow Ministers and members of the National Party. I find it difficult to understand why that is so from a body of people that asserts frequently the need for restraint in expenditure. The Opposition continues to preach restraint in spending and small government. However, it makes request after request that would cost the world, but yet expects the Government to take it seriously as the Opposition. Presumably, it expects the community to take it seriously as the Opposition as well. The Opposition seems to want to have its cake and eat it too!

I shall detail some of the requests that have been made. I am prepared to make the list available to the Melbourne Chamber of Commerce, if it wants it, so that it can make a more informed assessment about who are the careerists and who are the incompetents. The honourable member for Bulleen wants $200 million to be spent on the extension of the Eastern Freeway. His request is well documented. The honourable member for Doncaster, who is interjecting, should not become embarrassed. The Deputy Leader of the Opposition has requested the reintroduction of decentralization of industry allowances, as do many other honourable members, which would cost $50 million.

The almost forgotten honourable member for Polwarth—on the back bench—wants the reconstruction of the railway bridge at Corangamite which would cost $600,000, off the cuff. The honourable member for Lowan has been requesting the recycling of Road Construction Authority—former Country Roads Board—funds and more money for the Warmambool Life Saving Club. The Government has received 150 similar requests at an estimated total cost of an extra $1300 million. That is only one side of the ledger.
On the other side of the ledger the Opposition wants to cut taxes. The so-called non-professional Leader of the Opposition wants to remove the petrol levy, which would cost $184 million. The honourable member for Bulleen wants to rescind the financial institutions duty and freeze taxes, which would cost $300 million. The honourable member for Malvern—I do not know whether the Melbourne Chamber of Commerce puts him in the same category—wants to abolish land tax. The total cost of all these little exercises would be $1.7 billion.

Let us be clear about what Parliament and the Opposition stand for. The Opposition and the National Party preach restraint and call for small government. They have the hide to tell the community about their concern for those things when their mouths are open wider than anyone else's in the community. Day after day, week after week, these are the sorts of submissions that my colleagues and I are receiving from those people.

There are difficult financial times facing us and the Government will be pruning expenses and costs. I want Parliament to be aware of what the Opposition and National Party have been asserting for the past 6, 8 or 10 months.

Mr Hann—What about the Echuca bridge?

Mr CAIN—How much is it?

Mr Hann—$14 million.

Mr CAIN—that is for the Echuca bridge! I suggest that the claims being made by members of the Opposition speak for themselves.

SUPERANNUATION BENEFITS

Mr KENNETT (Leader of the Opposition)—We can all see how the Premier has wasted his time over Christmas instead of running the State! I shall try to get the honourable gentleman back to the real issues that concern this State.

Do the Premier and the Government of Victoria support the distribution of the 3 per cent national productivity in the form of superannuation benefits for employees? If so, will it apply to Victorian public sector employees from 1 July, and will the Government make contributions to fully fund such benefits in the same way as will be required of the private sector?

Mr CAIN (Premier)—The matter is being considered by the Government at present. The Government is a very strong supporter of the accord and what it stands for. If it were not for the accord in this country, we would not, in this nation and State in particular, be enjoying the economic growth and development that currently are being enjoyed.

I have the greatest admiration for the officers of the Australian Council of Trade Unions, Simon Crean, Bill Kelty, the Federal Treasurer, the Prime Minister and those who are responsible for giving this country an advantage over almost every other country in the world by having an accord which has produced a predictable unit labour cost.

Manufacturers, developers and investors in this country have an opportunity that is unequalled almost anywhere else in the world; they have the opportunity of developing this country and of entering export markets in a way that they have never had before. Everything is in their favour, primarily because of the accord and the predictability and certainty that it gives. The aspect of the accord to which the Leader of the Opposition referred will be considered by the Government in due course, recognizing that a number of generous superannuation schemes are operating in the State sector.

RESTUCTURING OF MINISTRY OF EDUCATION

Mr HANN (Rodney)—Is the Minister for Education aware of the genuine concern expressed throughout many Victorian communities that the Special Education units and Counselling, Guidance and Clinical Services units may be transferred to Community
Services of Victoria as a result of the restructuring of the Ministry of Education? Will the Minister give an assurance that these services will be retained within the Ministry of Education?

Mr CATHIE (Minister for Education)—I am not aware of any proposal to transfer those officers or functions from the Ministry of Education. I shall undertake some inquiries to see whether any such proposal is being considered. I assure the honourable member for Rodney that no such proposal will be considered without proper consultation with everyone concerned.

GOVERNMENT EXPENDITURE

Dr COGHILL (Werribee)—Can the Treasurer inform the House of actions being taken by the Government to restrain public expenditure?

Mr JOLLY (Treasurer)—Unlike the Opposition, the Government has a responsible policy in respect of expenditure. It is not riddled with contradictions, as is the Opposition, although honourable members have not yet heard from the haymakers who are here tonight and who have a different view; no doubt we will hear that view later. The Government has exercised tight restraint over expenditure. An analysis of the increase in recurrent expenditure over the past three years reveals that it has increased by less than 10 per cent in each of those years: in 1983–1984, it was 8·2 per cent; in 1984–85, 8·6 per cent, and it is estimated that in 1985–86 it will be 9·5 per cent. Those figures indicate that the increase has been significantly below 10 per cent per annum in the last three State Budgets.

Unlike any other Government in Australia, the Victorian Government has instituted the concept of productivity savings. In 1985–86 all departments were required to slash 1 per cent from their unchanged policy expenditure, so that at the time of delivery of the State Budget in 1985 Victoria was working from the position that 1 per cent had already been shaven from expenditure. In 1986–87 the Government will move to a higher plane of productivity savings with a further 1·5 per cent being shaved from unchanged policy expenditure.

That clearly is a systematic way of achieving expenditure restraint, and the score is on the board. I repeat: over the past three Budgets, expenditure growth in Victoria has been less than 10 per cent, and the Government will continue to follow this responsible policy. It has deliberately put in place a system that ensures that services in this State are delivered efficiently and cost-effectively. It has led the way in recurrent expenditure restraint in Australia and will continue to do so in the future.

AIR TRAVEL FOR MINISTER FOR TRANSPORT

Mr BROWN (Gippsland West)—I refer the Minister for Transport to his personally signed letter of September 1982 to a senior executive of Continental Airlines Inc. regarding a proposed holiday by air to the United States of America and ask: was this letter written to, and after prior consultation with, the late Robert Allen Tanfield, and will the Minister now confirm that that letter was designed to obtain special treatment?

Mr ROPER (Minister for Transport)—I thank the honourable member for the question. As people would have read last year, this matter was raised following a proper investigation that was occurring into allegations concerning Continental Airlines Inc. As I said to the Victoria Police at the time, I made inquiries of Continental Airlines Inc. as that company was at that time offering a variety of—

Honourable members interjecting.

Mr ROPER—If Opposition members believe any member of this House would take special benefits, let them look among themselves, and let the person who has not done so come forward. I suspect there are not too many of them on the Opposition benches.
At that stage, I was considering a private visit to America, so I contacted Continental Airlines with a proposed itinerary. In fact, that itinerary was not proceeded with, as anyone would know who had seen the letter, and people might have seen it on the front page of the Melbourne Herald, although as printed there it did not include Mr Tanfield's name. His name was not obscured at my suggestion but as the result of a decision taken by the management of the Herald.

That letter clearly makes it obvious that I intended to pay the appropriate fares for that trip. Indeed, if one looks at that letter—and one would have thought that the honourable member for Gippsland West might have done so—one will see that it specifically mentioned times when Continental Airlines Inc. fares were higher than at other times.

I think the company had a premium on a Sunday flight and I suggested that that was not something that I wished to pay for a family holiday, and I suspect there would be very few members of this place or members of the community who would want to do that.

I sought no benefits from Tanfield, apart from those that were available to any member of the public, who at that stage was travelling with Continental Airlines. In the end I did not travel because there were other and personal reasons why we decided not to go. If there had been any suggestion of special advantage, I would have rejected it.

It says something interesting about a person who has already told the press that he wishes to stab his Leader in the back that he will raise a question in the way that he has.

Honourable members interjecting.

Mr BROWN (Gippsland West)—On a point of order, Mr Speaker, I find that untruthful assertion that was made, unparliamentary. I take extreme personal exception to that statement and I ask that it be withdrawn forthwith.

The SPEAKER—Order! The honourable member for Gippsland West rose on a point of order. He is out of order. If the honourable member has a complaint regarding language used, there is another means of drawing the attention of the House to it and seeking redress. There is no point of order.

ASSISTANCE FOR MALLEE WHEAT FARMERS

Mr KENNEDY (Bendigo West)—I ask the Treasurer, representing the Minister for Agriculture, whether he can give the House details of assistance recently approved for wheat farmers in the Mallee.

Mr JOLLY (Treasurer)—I have pleasure in informing the House that the Government recognizes that there is a need for special assistance to farmers in the Mallee region arising out of the international wheat crisis. The decision has been taken by the Government that special assistance loans will be made available to Mallee wheat farmers.

The Government will make available loans at subsidized interest rates up to $70 000 and that money will be available to farmers in that region to finance the growing of the crop in the 1986 season. It is important that the loans will be made available to those farmers who are unable to obtain finance from other sources.

In response to a very serious situation which has developed in the Mallee region, so far as the social impact of the declining income in that area is concerned, the Government has developed a range of financial counselling services for those families who have been most seriously affected by the wheat crisis in the central Mallee region.

In addition, the Minister for Agriculture, who now has that portfolio as his sole responsibility—a move that has been welcomed by all members of the House with the exception of the honourable member for Polwarth who has made some disdainful comments about that, which I really do not understand—has made representations to the Commonwealth Government for additional finance for debt reconstruction in the wheat
industry because rising debt has been a serious problem for a number of farmers in that area.

The Government also has purchased 600 hectares of land in the Horsham area to assist the Victorian Crops Research Institute at Horsham to accelerate the release of new, improved varieties of wheat and other crops because those crops are needed if the wheat industry is to penetrate further into the international market and to reduce the problems that wheat farmers and other farmers have of growing good crops.

The Government has a four-pronged attack in terms of providing assistance for wheat farmers. The Government has concentrated its attention on improving and assisting the financial position of wheat farmers in the Mallee region.

AIR TRAVEL FOR MINISTER FOR TRANSPORT

Mr BROWN (Gippsland West)—I refer to my previous question to the Minister for Transport regarding his letter to Continental Airlines Inc. and ask: if the letter was not intended to encourage special treatment and discount fares, why did the letter state that the Minister could leave at “the most economically suitable date of departure” and that he would be “open to suggestion”?

Mr ROPER (Minister for Transport)—The next time the honourable member for Gippsland West talks to members of the press about his desire to become Leader of the Opposition before the end of this session or thereabouts, he may think of useful questions. Every member of Parliament has seen that letter. Would the honourable member have suggested that I should write saying that I would like to go at the most uneconomical time, that I would like to go at the time when I would be paying the highest fare? No person would do that in relation to a holiday trip and if the honourable member had read the rest of that letter he would have been specifically aware that I said that I did not wish to go on the Sunday because I was aware from the airlines brochures that there was a special premium at that time. There was no suggestion of a special discount. It was not asked for, nor was it offered.

NIEUWENHUYSEN INQUIRY INTO LIQUOR INDUSTRY

Mr JASPER (Murray Valley)—I refer the Minister for Industry, Technology and Resources to the Nieuwenhuysen Report into the Liquor Industry; because of the high cost of this inquiry and its importance to the community at large, can the Minister indicate to the House when the Government received the report, when will it be made available to the Opposition and the National Party and when will it be made available to the community at large?

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for his interest in this matter and for the question. The Government received the report in early February; it is under consideration within Cabinet at present and I would anticipate it being released before the end of March. I accept the honourable member’s comments, given the significance of this report to the industry, and I shall ensure that he, together with the lead spokesman for the Liberal Party, is given a copy as soon as it is made available. Copies will be despatched directly to their offices.

This is a matter the Government acknowledges to be of considerable interest not only to the industry but also to the community at large. Liquor and the control of the sale of alcoholic beverage is obviously a matter of high public concern and it is one the Government is determined to treat responsibly, as it has demonstrated over the past three to four years.

NEW MARKETS FOR EXPORTS

Mr SHEEHAN (Ballarat South)—In the light of recent currency movements, can the Minister for Industry, Technology and Resources outline to the House what actions have been taken to encourage Victorian exporters to seek out new markets?
Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for Ballarat South for his continuing interest in this important issue. Previous Government speakers during question time have outlined the real concern of the Victorian Government to achieve a balanced and proper economy and a balance between the public and private sectors. Both the Premier and the Treasurer have emphasized the real restraint that the Government is showing and the determination of the Government, to use the words of the Treasurer, to be “cost effective and efficient in the operations of government”.

The Minister representing the Minister for Agriculture and Rural Affairs has outlined a series of initiatives undertaken by the Government to assist that area of the private sector and I am pleased to outline, in answer to this question without notice, the response of the Government within certain areas of industry again designed to assist the private sector in this State to become more cost effective and efficient.

The Government recognizes and has repeatedly stated that if the community is to grow and prosper, it needs a private sector that is flourishing, that is making an adequate return on investments and feels confident about the future. A key factor that has been made repeatedly by Government spokesmen and increasingly by people in the private sector is the need for significant export growth.

A matter of concern to this Government and to many people in Victoria and Australia is the lack of capacity by many sections of the private sector to think beyond our borders, not only Australia but also Victoria. The manufacturing base of this country must be able to cope not only with an Australian market but also a market beyond its borders.

One of the criticisms of the latest bulletin of the National Australia Bank Ltd, published yesterday in the Age, was the failure of the manufacturing sector in Australia to take a higher proportion of Australia’s export income to meet the needs of both the domestic and overseas markets. The Government has taken a number of initiatives since its election to office to encourage the private sector to think about exports and the future. The benefits in jobs and scope of industry are obvious.

I was able to recount some of these benefits earlier today, by coincidence, to the Melbourne Chamber of Commerce. That is an interesting organization which is seeking closer co-operation with the Government. It is disenchanted with other groups within the community, as has been mentioned from time to time by a number of spokesmen from the chamber.

Some of the initiatives taken by the Government, through my department, involve, firstly, a number of industry programs aimed at increasing the competitiveness of Victorian industry and, secondly, through specific export programs and policies aimed at facilitating the entry of Victorian business into international markets.

Some of these should be outlined briefly. In respect of trade consulting services, the Government has seconded three trade commissioners to my department and those targeted industries and firms that are working with the Government have appreciated the advice these commissioners have provided.

The Government has also targeted a number of international trade fairs that have dealt with Victorian companies and products.

Mr Coleman—Boring, boring!

Mr FORDHAM—The honourable member for Syndal says that it is boring. Apparently he finds it hard to be interested in an expansion of the Victorian industry and economy, but I share the view of his Leader who has told him to shut up.

Some of the targeted markets include China, North America, Europe and South-East Asia. This year the Government will conduct ten major overseas displays involving 60 firms. The creation of the China project will prove to be an outstanding success in involving the Government and Victorian private organizations in the Chinese market.
I pay tribute to a previous Premier, Sir Rupert Hamer, who established the Jiangsu Province sister-State relationship with Victoria. The Government can now translate what was essentially a cultural exchange in those days into a broad target involving economic and commercial matters. Recently I announced important initiatives in this regard and the Government is pleased with the results it has received. A number of financial support schemes have been introduced.

Mr PLOWMAN (Evelyn)—On a point of order, Mr Speaker, I ask the Leader of the House whether he is prepared to allow the Opposition time to debate what is, in effect, a Ministerial statement that has been given during question time.

The SPEAKER—Order! The honourable member for Evelyn should be well aware that that is not a point or order.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I shall attempt to round off my remarks, but it is obvious—and the Hansard record will show—that only members on this side of the House are interested in the real initiatives taken to assist Victorian industry.

I have been very pleased with the response of Victorian industry to those initiatives through the Victorian Economic Development Corporation. I refer to the export preshipment finance scheme and the 50 per cent funding of stand rental and booth construction costs for international trade fairs. I could speak also about the overseas projects corporation.

In closing, I could speak also about the north-west North American market program and the development of business migration. They are all initiatives taken by this Government—initiatives that are increasingly embraced by Victorian industry for the betterment of our economy. I wish only that the Opposition were prepared to initiate such schemes and get behind these real initiatives.

LOCAL GOVERNMENT RESTRUCTURING

Mr COOPER (Mornington)—I refer the Minister for Local Government to his recent advice to municipalities in this State that they cannot expect increased funding from the State Government. Will the Minister now confirm that it is also the Government’s intention that restructured local government bodies in this State will be obliged to take on extra responsibilities such as welfare, housing, legal aid, fire services, employment schemes and apprenticeship schemes, at the expense of ratepayers?

Mr SIMMONDS (Minister for Local Government)—The honourable member for Mornington must take the belt for total misunderstanding of what the Government program of restructure is about. If he wishes to make any contribution towards the discussion in the community about the most effective form of local government structure and some of the functions that local government should and will be performing after that process has been completed, perhaps he ought to at least take the trouble to involve himself with, firstly, the objectives of the program and, secondly, the strong support that is occurring for the measures the Government has introduced in Parliament for the review of the Local Government Act which incorporates such initiatives as providing powers of competency for local government to enter into arrangements with the corporate sector, a process that we believe will give a scope for delivery of services and functions that are currently not being delivered.

It might also illustrate to the honourable member for Mornington the point that some municipalities, especially in the metropolitan Melbourne scene and in his electorate of Mornington, are so disturbed about the capacity of the traditional form of organization through the Municipal Association of Victoria that they have joined together with a group of councils that claim to represent half of the residents in Victoria and that strongly support the initiatives of the Government.
In fact, so strong is their support that they have sought to have an agreement entered into between the Government and the body to bring about the reforms to which I refer. Those reforms will be rather useless unless there is a structure in place capable of delivering them. We are seeking savings in administrative costs. Any analysis of the present ratio of costs of administration in Victoria through the various municipalities illustrates the capacity to improve in that area.

We believe the community should be united not divided by municipal boundaries. There should be a more equitable distribution and a better quality of services and administration. We believe there is scope for greater co-ordination in physical and social planning and that includes having the flexibility to meet changing needs. We also believe there should be a fairer sharing of the burden of rates. If honourable members like to take into account what has happened during the past twelve years in Victoria they will find that the activities of local government have been funded in a widely differing variety of forms.

Some 48 municipalities have actually reduced their rates per capita by up to 45 per cent during the past twelve years. At the same time there has been a substitution of funding of municipalities by either the State or Federal Governments. It is essential to have an understanding of what has occurred so that a more equitable form of redistribution of funds is available.

If the honourable member for Mornington had a real concern about the future of local government, he would join with those sections of local government that are seeking change that would improve and lift the level of performance of local government, not only throughout metropolitan Melbourne, but also for areas such as Shepparton, which has been represented by the Leader of the National Party for twenty years. The City of Shepparton has been seeking change on the basis that it is one of many provincial cities suffering as a result of its present structure. However, it is faced with the situation that a neighbouring shire with which it wishes to amalgamate has declared the Goulburn River as the 48th parallel. The Leader of the National Party has made no contribution towards resolving that issue.

Rural Victoria requires assistance to put in place the most efficient structure that will provide a better form of administration for local government. The honourable member for Portland should talk to representatives of the municipalities of Camperdown, Heytesbury and Warrnambool and ascertain what they think of his position on this issue.

Honourable members interjecting.

The SPEAKER—Order! I ask the Minister for Local Government to cease the course he has set himself on and to round off his answer.

Mr SIMMONDS—Mr Speaker, the problem with the Opposition and the honourable member for Berwick is that they failed to reform or restructure local government during the past twenty years. In fact, in examining the history of local government during the past 120 years, for various reasons, sound advice on its restructure has not been pursued. On this occasion, through the Local Government Commission headed by Mr Stuart Morris, the Government has put in place a process whereby reform will take place. Some 25 principles that are capable of understanding by most people have been clearly set out and a concept of consultation and decision making will provide a basis for restructuring local government in time for elections to be held in August 1987. The honourable member for Mornington should study the commission's report so that he can make a contribution based on reality rather than the flamboyant way in which he has asked his question today.

**ONCOURSE TOTALIZATOR FACILITIES**

Mr STIRLING (Williamstown)—Can the Minister for Sport and Recreation inform the House what steps the Department of Sport and Recreation is taking to improve the oncourse facilities of the totalizator for country Victoria?
Mr TREZISE (Minister for Sport and Recreation)—I received the report of the working party in December last year. In January of this year, I sent the report to members of the racing industry. The Government has now received the comments from the industry and is currently examining the recommendations.

The main thrust of the report was that there should be a fully standardized and interfaced betting system, both oncourse and off-course, throughout all sections of the State, and that the Totalizator Agency Board should accept the responsibility for providing the equipment for the system.

If the system were introduced, a person oncourse would then have the same facilities available to him as those available to patrons off-course. A person off-course at the Totalizator Agency Board can bet on numerous racing events, such as greyhound racing, trotting and galloping, but oncourse patrons, especially those in country Victoria, are restricted in that regard.

If the system were introduced, it would provide oncourse patrons with the opportunity of collecting their tickets at the Totalizator Agency Board agency off-course and, alternatively, an off-course patron could collect his ticket oncourse. The Government is studying the comments from members of the racing industry and the recommendations of the report. An announcement on the issue will be made in the near future.

PERSONAL EXPLANATION

Mr I. W. SMITH (Polwarth) (By leave)—Mr Speaker, I wish to make a personal explanation. I claim to have been misrepresented twice in answers given by the Premier and the Minister for Local Government. I shall deal firstly with the statement made by the Premier that lumped me in with claims made by members of the Opposition regarding Government expenditure; namely, the claim for $600 000 for the reconstruction of the Corangamite railway bridge in the City of Colac.

I have simply been drawing to the attention of the present Minister for Transport a promise made by the previous Minister—presently the Minister for Employment and Industrial Affairs—to the former member for Polwarth that the bridge would be constructed three years ago. I have simply been asking that the Government honour its promise.

The second misrepresentation came from the mouth of the Minister for Local Government: he referred to my support for restructuring of local government. The misrepresentation occurs because my attitude is that compulsory restructure without the facts being presented and a referendum taking place is undemocratic. Restructure is inevitable because of the insensitivity of the current Minister. The Minister is a wonderful asset to the Opposition.

The SPEAKER—Order! I advise the honourable member for Polwarth that he is stretching much further than allowed through a personal explanation. In accordance with a pattern established over the past eight or ten years, personal explanations are brief and are an explanation of the misrepresentations and nothing more.

Mr I. W. SMITH—I shall finish by stating that the Minister for Local Government misrepresented my views. I am entirely opposed to compulsory restructure and amalgamations of local government because they are undemocratic.

SPEAKER'S RULING

Mr BROWN (Gippsland West)—On a point of order, Mr Speaker, I refer to your ruling on a previous point of order, which you ruled out of order. I draw to your attention Standing Order No. 108, which states:

No Member shall use offensive or unbecoming words in reference to any Member of the House and all imputations of improper motives and all personal reflections on Members shall be deemed disorderly.
I submit that the previous point of order was unquestionably in order. Therefore, I ask you, Mr Speaker, once again to consider the matter, rule the Minister for Transport out of order and ask him to withdraw the imputation and apologize.

The SPEAKER—Order! If I can reflect for a moment, the honourable member raised a point of order; he then went into an explanation of his taking offence at something that had been said by the Minister for Transport.

I ruled on the point of order because I believed the honourable member for Gippsland West did not avail himself of the first opportunity to take objection to the words. He rose on a point of order and then made some explanation, which I do not now recall in detail, but I believe I ruled correctly on the point of order. I am again ruling that the matter raised is not being raised at the first opportunity, but I shall ask the Minister for Transport, having ruled on the point of order, whether he desires to withdraw the word or phrase that he used during the course of his reply.

Mr ROPER (Minister for Transport)—As, to the best of my knowledge, what I said was absolutely accurate, I see no reason to withdraw.

Mr PLOWMAN (Evelyn)—On a further point of order, under Standing Order No. 108 if a member takes offence at remarks made to him—and the honourable member for Gippsland West took offence at remarks made by the Minister for Transport regarding his “stabbing his Leader” in the back were the words used—he has every right to raise a point of order, to take offence and to ask for withdrawal by the Minister, not to have the Minister asked whether he desires to withdraw them. The Minister should be obliged to withdraw the words without question.

Mr FORDHAM (Minister for Industry, Technology and Resources)—On the point of order raised by the honourable member for Evelyn, the reality is that when the honourable member for Gippsland West rose he did not refer to Standing Order No. 108. He did not indicate that he found the words offensive. The Hansard record will simply make clear that he said, “I wish to raise a point of order” and he did not substantiate the grounds of his concern.

Mr Speaker, you gave him the hint, as I recall, by indicating that the honourable member had alternative means of raising what may be his concern. He did not know the Standing Order as he did not refer to it, and therefore you, Mr Speaker, were not in a position to ask for withdrawal under Standing Order No. 108. I suggest that the honourable member for Gippsland West should now look at the Hansard record, which will demonstrate that you, Mr Speaker, were correct right down the line.

Mr KENNETT (Leader of the Opposition)—On the same point of order, if this is how we are going to start a new Parliamentary sessional period, it does not bode well for the next six weeks. I cannot remember when an honourable member, regardless of political persuasion, who raised a point of order asking for an honourable member on the other side of the House to withdraw a comment he found offensive has not had that position upheld by the Chair, without the honourable member having to mention Standing Order No. 108.

We are at the start of a new sessional period and the honourable member for Gippsland West rose and mentioned the words that he found offensive and he asked that they be withdrawn. Mr Speaker, you heard him make those comments. If we are going to set a new precedent tonight, we may as well rip up this book of Standing Orders and throw it out the window! Either the Standing Orders of this Parliament mean something, and all honourable members can be assured of that or they will be swept under the carpet. Mr Speaker, I know what the words were and you know what the words were; the issue here is not the words.

Honourable members interjecting.
Mr KENNETT—These are the Standing Orders of this Parliament. The issue here is not the actual words but whether a member who believes he has been aggrieved has the right to have those words withdrawn according to Standing Orders. Either Standing Orders are upheld on the first day of the sessional period or they are not. The choice is yours, Mr Speaker.

The SPEAKER—Order! I thank the Leader of the Opposition for giving me a choice. I intend to uphold Standing Orders, as I have done at all times since my election to the chair. I do not appreciate the comments of the Leader of the Opposition.

I do not uphold the point of order made by the honourable member for Evelyn. However, there is now a doubt as to the events that led to the various points of order being raised. I shall check the official record and, if I am shown to be incorrect, I shall advise the House tomorrow and take action accordingly.

PETITIONS

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

Animal Experimentation

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

The humble petition of the undersigned citizens of Victoria showeth concern for the welfare of animals used in research, teaching, training and product testing.

Your petitioners therefore pray that support be given to the establishment of an animal experimentation inspectorate composed of two scientists, two doctors, two veterinarians, two RSPCA representatives, two other animal welfare representatives and two members of the community, which would have free and open access to every establishment using animals for the abovementioned purposes.

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

By Mr Richardson (130 signatures)

Child care and kindergarten programs

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

The humble petition of the Fyans Park Pre-School Centre and the undersigned citizens of the State of Victoria showeth that Victoria has the best kindergarten system in the Commonwealth, but the quality of that system is being seriously affected by Government policy.

Your humble petitioners therefore pray that:

1. Adequate funding for kindergartens be maintained; otherwise only wealthy children will be able to attend.
2. Children who are not ready for school be able to stay at kindergarten for another year.
3. There be no cuts to existing programs.
4. There be sufficient flexibility in funding and organization to cater for local needs.
5. The Free Kindergarten Union of Victoria continue to remain in existence in its present form. It has a vital role in early childhood development.
6. The previous programs for three year olds be reinstated.

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

By Mr Shell (478 signatures)

Footscray–Moonee Ponds tram service

TO THE HONOURABLE THE SPEAKER AND THE PRESIDENT AND MEMBERS OF THE VICTORIAN PARLIAMENT AS IN PARLIAMENT ASSEMBLED:

Whereas the Western Suburbs are poorly serviced by public transport and the No. 82 tram service provides a feeder to the Footscray and Moonee Ponds rail stations and the rail lines from these stations and also serves as a cross suburban link between Footscray, Moonee Ponds, Maribyrnong and Essendon.

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And whereas this tram service is heavily used by students attending the Footscray Institute of Technology; the Footscray Technical School; the Maribyrnong High School; workers of the Defence Laboratories and Workshops at Maribyrnong and new Migrants residing in and attending English Language classes in the Commonwealth Migrant Hostel in Maribyrnong.

And whereas residents and shoppers making shopping trips to the Footscray Market; the High Point West and Essendon shopping centres, use this tram for their transport needs.

And whereas apart from the convenience aspect there are economic, equity, energy and environment factors in favour of retaining this tram route. Only those with cars can get to the educational institutions, the migrant hostel and the workshops and shopping centres in these suburbs. This is not fair to those without cars and driving licences and who cannot afford the high costs of petrol.

We therefore request the State Government to retain the No. 82 tram route and improve the efficiency and levels of service as promised in your election promises.

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

By Mr Brown (358 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 showeth that woodchipping for export has been permitted from the Otway State Forest and that woodchipping destroys jobs in tourism and woodchipping destroys water catchment values.

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

By Mr Sidiropoulos (134 signatures)

**Red meat trading hours**

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

Dear Sir/Madam,

We, the undersigned, support the Meat and Allied Trades Federation of Australia (Victorian Division)’s stance of total opposition to the extension of trading hours for red meat.

We submit the present trading hours for the sale of red meat are adequate, the present orderly marketing system should be adhered to and any extension of trading hours would be contrary to the public’s interest.

We believe it essential to maintain meat prices at competitive levels, consumers be given the freedom of choice in the market place and consumers be given access to service.

We urge the Government to maintain the present trading hours for the sale of red meat and in so doing support the traditional retail butcher and their employees.

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

By Mrs Setches (84 signatures), and Mrs Gleeson (97 signatures)

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

**PAPERS**

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


Education Act 1958—Resumption of Land at Yarra Junction—Certificate of the Minister for Education.


Film Victoria—Report for the year 1984–85.
Geelong and District Water Board—Statement of Accounts for the year 1984–85.


Police Regulation Act 1958
Determinations Nos 446 and 447 of the Police Service Board.

Determinations No. 4 of the Police Service Board for the Retired Police Reserve.

Statutory Rules under the following Acts:
AS 1337—1984 Eye Protectors for Industrial Applications—Relating to SR No. 382,
AS 1338—Parts 1 to 3—1981 Filters for Eye Protectors—Relating to SR 382.
Superannuation Board—Report for the year 1984–85—Ordered to be printed.
Taxation—Analysis of Operations:
Gift Duty for the year 1984–85.
Land Tax for the Assessment year 1984.
Probate Duty for the year 1984–85.
Town and Country Planning Act 1961:
Alberton—Shire of Alberton (Coastal) Planning Scheme, Amendment Nos 26 (1985); 27 (1985)
Alexandra—Shire of Alexandra Planning Scheme, Amendment No. 26.
Ararat—City of Ararat Planning Scheme, Amendment No. 34 (1985)
Bacchus Marsh—Shire of Bacchus Marsh Planning Scheme, Amendment Nos 29, 30, 32, 33, 35.
Ballarat—City of Ballarat Planning Scheme, Amendments Nos 81, 84.
Bass—Shire of Bass Planning Scheme, Amendment Nos 20, 26.
Benalla—City of Benalla Planning Scheme, Amendment No. 38.
Bendigo—City of Bendigo Planning Scheme 1962, Amendment No. 38.
Berwick—City of Berwick Local Development Scheme, Amendments Nos 4, 8.
Bulla—Shire of Bulla Scheme, Amendment No. 98.
Buninyong—Shire of Buninyong Planning Scheme, Amendment No. 26.
Cobram—Shire of Cobram Planning Scheme 1979, Amendment No. 17.
Cranbourne (Westernport)—Shire of Cranbourne (Westernport)—Planning Scheme, Amendment Nos 31 (1984), 38.
Kyabram—Town of Kyabram Planning Scheme 1963, Amendment No. 15.
Lake Bellowfield Planning Scheme, Amendment No. 20.
Lilydale—Shire of Lilydale Planning Scheme 1958, Amendments Nos 175, 180, 185 (1984), 194, 199, 208, 211.
Melbourne Metropolitan Planning Scheme, Amendments Nos 192 Parts 1a, 2a; 225 Part 3; 268 Part B; 280 Part 3; 283 Part 3; 305; 314 Part 2; 315 Part 1; 316 Parts 2, 3; 317 Part 1; 338; 351; 354; 355; 357; 358; 359; 360; 361; 362; 364; 365; 366; 367; 368; 373; 375; 378; 391; 393.
Moe—City of Moe Planning Scheme 1966, Amendments Nos 85, 90.
Mornington—Shire of Mornington Planning Scheme 1959, Amendment Nos 176, 179.
Numurkah Planning Scheme 1956, Amendment No. 7.
Pakenham—Shire of Pakenham Planning Scheme, Part 1—Amendments Nos 38, 46.
Swan Hill—Shire of Swan Hill (Robinvale) Planning Scheme 1958, Amendment No. 5.
Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme, Amendment No. 62.
Traralgon—City of Traralgon Planning Scheme 1957, Amendments Nos 36, 59.
Wangaratta Sub-Regional Planning Scheme (City of Wangaratta) Amendment No. 15.
Warrnambool—City of Warrnambool Planning Scheme, Amendment No. 16.
Wonthaggi Coastal Planning Scheme, Amendment No. 1.
Woorayl—Shire of Woorayl Planning Scheme, Amendments Nos 71, 80.
Victorian Arts Centre Trust—Report for the year 1984–85.

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The following Proclamations fixing operative dates for various Acts were laid upon the Table by the Clerk, pursuant to an Order of the House dated 3 April 1985:

Adoption Act 1984—Sections 68, 79, 94 to 100, 112 and 113—18 December 1985 (Government Gazette No. 125, 18 December 1985).


Coroners Act 1985—Sections 1, 2, 3 and Part 9—12 February 1986 (Government Gazette No. 9, 12 February 1986).

Crimes (Amendment) Act 1985—
- Sections 1, 2, 3 and 10—22 January 1986 (Government Gazette No. 4, 22 January 1986)
- remaining sections—24 March 1986 (Government Gazette No. 9, 12 February 1986).


Environment Protection (Industrial Waste) Act 1985—
- Sections 1 to 4, 5(a), (b), 6, 7, 8(1), (2), 9 to 18, 21 to 28, 29(1), (2), (3), 30 to 40—1 January 1986.
- Sections 41 to 43—1 February 1986
- Sections 19 and 20—1 March 1986 (Government Gazette No. 125, 18 December 1985).


National Parks (Amendment) Act 1984—
- Sections 4(7) and 4(8)—7 January 1986 (Government Gazette No. 122, 11 December 1985).
- Section 4(4)—26 February 1986 (Government Gazette No. 122, 26 February 1986).

National Parks (Further Amendment) Act 1984— Section 4(5)—11 December 1985 (Government Gazette No. 121, 4 December 1985).

Nurses (Amendment) Act 1985—1 March 1986 (Government Gazette No. 12, 26 February 1986).

Penalties and Sentences Act 1985—
- Sections 1 to 4 and 20 to 24—12 February 1986 (Government Gazette No. 9, 12 February 1986).
- Section 113—26 February 1986 (Government Gazette No. 122, 26 February 1986).


CONSTITUTION (GOVERNOR’S SALARY AND PENSION) BILL

The SPEAKER announced the receipt of a message from His Excellency the Lieutenant-Governor intimating that His Excellency had caused the Constitution (Governor’s Salary and Pension) Bill, which was reserved on 22 October, 1985, for the signification of Her Majesty’s pleasure thereon, and received Her Majesty’s assent on 18 November, 1985, to be proclaimed in the Government Gazette.

CORRECTION OF BILL TITLES

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

That where a Bill has passed through both Houses and the citation of the Bill includes a reference to a calendar year earlier than that in which the passage of the Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the Bill and any corresponding reference within the Bill itself to the year in which the passage of the Bill was so completed.

Honourable members will be aware that there are still current in the Houses several Bills which were introduced in 1985, as part of the commitment made by the Government to leave a number of Bills lie over for consideration during this current session. Any of those Bills which are passed into law from now on will obviously require adjustment so that the year expressed in the title will reflect the year of enactment. The Clerk of the Parliaments will be enabled to effect such minor changes to save the Houses from having to make such amendments through the tortuous means of passing purely formal amendments and exchanging messages. A similar motion is being introduced into another place. I commend this motion to the House.

The motion was agreed to.

JOINT SITTING OF PARLIAMENT
Victorian Institute of Marine Sciences

The SPEAKER—I have received the following communication from the Minister for Conservation, Forests and Lands:

Dear Mr Speaker

The statute relating to the Victorian Institute of Marine Sciences provides for Governor in Council appointment of, among others, three members of Parliament to the governing council of the Institute. Members are recommended for appointment as an outcome of a joint sitting of the Legislative Council and the Legislative Assembly conducted in accordance with the rules adopted for the purpose by the members present at the sitting.

The three members of Parliament currently appointed are:

Mr B. Evans MP,
Dr R. J. H. Wells MP and
Mr G. Stirling MP.

Their terms of appointment expire on 1 March 1986.

Accordingly, I would be grateful if you could arrange for such a joint sitting to recommend three members for appointment to these impending vacancies under the terms of the Victorian Institute of Marine Sciences Act, No. 8607, 1974.

Yours Sincerely

Joan E. Kirner
Minister for Conservation, Forests and Lands
Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That this House meets the Legislative Council 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 Victorian Institute of Marine Sciences, and proposes that the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 19 March 1986 at 6 p.m.

The motion was agreed to.

It was ordered that a message be sent to the Legislative Council acquainting them with the foregoing resolution.

STATE RELIEF COMMITTEE BILL

The debate (adjourned from November 14) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The State Relief Committee has its origins back in the 1930s. Honourable members should review what has happened over the period that the State Relief Committee, as it is currently known, has been in operation and what its actions have been. Conditions that existed in the 1930s, when the committee was formed, have been reflected by the conditions experienced by a significant number of people over the past eighteen months to two years.

The 1985 annual report of the organization brings into focus the people for whom the State Relief Committee has functioned in the past. The “status of applicants” statistics produced in the report indicate that the largest number of people in one group for whom support was provided were the unemployed, who totalled 814 people. The next largest group of people were 515 single mothers. The next largest group was deserted wives and then invalid pensioners. Statistics are collected to the extent of detailing one prisoner’s family.

The report is a reflection of today’s community, as compared with what existed in the 1930s when the organization was established. The total number of cases handled in 1984-85 was 2594, including 8162 people, which represents a significant number of people. The total amount expended in that same year was $235 074. The report makes the following comments:

The total value of goods distributed to the 2594 cases which received assistance during the twelve months is estimated at $235 074. This together with aid to benevolent societies, other organizations and bulk bush fire deliveries amounted to $263 671.

Contrary to popular opinion, the aid we give, whether money or goods, is not government funded. As a statutory body we receive a grant from the Victorian Government which covers administration costs only. All funds and goods used for aid are donated by organizations, individuals and municipalities.

This means that all of the donation dollar is spent on real aid—not a cent of it is used for administration.

That quotation from the 1985 annual report is a reflection of the way the organization has gone about its business.

The proposed legislation has been brought about at the request of the Chairman of the State Relief Committee. Firstly, the measure will change the name of the committee from the State Relief Committee to the Victorian Relief Committee; secondly, it will validate some actions that have been taken by the committee. The original legislation required that the committee provide services to the benevolent society movement but with the effluxion of time to some extent that organization has become redundant.

If one reads the original legislation which established the committee one gets an idea of the way in which the society has changed because the State Relief Committee was to consist of the following:

(a) a person nominated by the Education Department;
That was the genesis of the committee. Obviously time has taken its toll on some of those organizations. The State Relief Committee expressed its wish to bring the committee up to today's standards. Honourable members should note the representation on the current State Relief Committee. There is a chairman of the committee and a representative each from the Melbourne Ladies' Welfare Society, the National Council of Women of Victoria, the Country Women's Association of Victoria, the State Transport Authority, the Victorian Association of Benevolent Societies, the Ministry of Education and the Department of Agriculture and Rural Affairs, a Displan Officer from the Victoria Police, a delegate from the Trades Hall Council and two persons nominated by the Governor in Council.

The representation on the committee has expanded since the original legislation was put in place. In a letter written by the Chairman of the State Relief Committee in September last year some of the difficulties being experienced by the committee were outlined. The letter states, in part:

The cases we have assisted within your electorate . . .

The annual report outlined the breakdown of areas in which assistance had been provided. The letter further stated:

We can elaborate on these for you, if necessary but as you are well aware anonymity is preserved at all times.

It is admirable to ensure that anonymity is provided to the recipients of benefits. The letter continues:

The problem we have with this anonymity when we seek funds . . .

Obviously the committee is not able to use a leverage when providing funds.

At the back of the 1985 annual report is a list of contributors. The list makes one aware of the number of municipalities that provide some assistance to the committee but one must recognize also that the committee provides services to people who live in those municipalities.

The letter makes a point which is most relevant and which has recently been given press coverage. The chairman states:

Our very real and desperate need for furniture in all areas . . .

The 1985 annual report of the committee points out that the organization provides substantial assistance to people in the bush-fire areas. Its store of large items of furniture has been dramatically reduced in those areas in particular. It has a desperate need for stoves, wardrobes, chests of drawers and so on.

The growth of trash and treasure markets has meant that many people have sought to utilize those outlets to dispose of their own surplus materials. Consequently, the State Relief Committee has been subject to a reduction in the amount of material which it has been asked to handle. Further in the letter, it states, inter alia:

Our unique position in providing over 90 per cent of our welfare to other welfare organizations—frequently not seen by the public as aid from our committee.

The annual report, referred to earlier, contains an expansive list of applicant welfare agencies which have sought assistance from the State Relief Committee.
The committee has sought a change in its name to the Victorian Relief Committee in an endeavour to more clearly establish its identity and to reflect the broad base of applications from a plethora of community groups representing various ethnic bodies through to the Children's Protection Society, community health centres, half-way houses, hospitals and a variety of other municipal organizations, all of whom have turned to this organization for assistance.

The change in name has been sought as to indicate that it is an organization in its own right rather than an arm of Government. It is interesting to note that in the Budget last year the committee received a grant of $294,000 and in this year's Budget it received a grant of $315,000. One must wonder what the value of the voluntary contribution is that enables such an organization to continue operating under those sorts of figures.

The committee employs a total staff of thirteen, which would almost account for the total Budget allocation, including vehicle running costs. However, that Budget allocation does not equate with the assistance provided. It is a matter which we as a community ought to address to ensure that relief is provided to those in need through sufficient funding to enable such organizations to operate efficiently.

I have no doubt that the State Relief Committee provides a wonderful service. Those who have been in touch with the committee and sought its assistance for families in need would know of the instantaneous response. There are a great number of Victorian families who are grateful for the assistance that was provided to them by the State Relief Committee following the 1985 bush fires.

Although the Opposition does not oppose the Bill, it wishes to point out that the cost of operating this organization provided for in the Budget is greater than the value of assistance provided. The Opposition believes it is incumbent on the community as a whole, if it wishes this type of organization to continue, to provide sufficient support to enable that to happen.

Mr McNAMARA (Benalla)—Firstly, I commend the honourable member for Syndal on the research he has carried out on the proposed legislation. Obviously the National Party has been provided with similar research documents and, rather than going through the statistics the honourable member provided, I, on behalf of the National Party, advise the Chamber that it will be supporting the Bill.

The National Party shares some of the concerns raised by the honourable member for Syndal on behalf of the Liberal Party. The figure he quoted of $315,000 being spent on administrative staff being more than the amount the State Relief Committee hands out, obviously should be ringing alarm bells and it should be of concern to the Government if it is acting in a responsible fashion.

The Bill makes a minor change in that it changes the name of the State Relief Committee to the Victorian Relief Committee. It also legalizes a practice that is in breach of the Act. The committee has been distributing funds to groups and organizations to which the Act does not entitle it to distribute funds. It is strange that this matter was not brought before Parliament at an earlier time to enable the committee to work within the Act. The proposed legislation corrects that mistake and legalizes the actions of the committee in the past.

As the honourable member for Syndal stated, when the Act was originally established back in the 1930s, most communities had benevolent societies and it was required that the State Relief Committee distribute its money through those societies. Since then many of those organizations have fallen by the wayside and in many communities they do not exist at all. This necessitated the State Relief Committee to distribute its funds through other avenues and by other means, which brought it technically in breach of the Act under which it operates.
The National Party supports the Bill but it views with concern, as does the honourable member for Sydala, the high administrative costs of the organization and also the fact that it has operated in breach of the Act in the past.

Mr MACLELLAN (Berwick)—All members of the House would wish the State Relief Committee, as it has been known in the past, and the Victorian Relief Committee as it will be known in the future, well in the work that it does and we express appreciation of the work it has done in past years. However, I join with other members of the Opposition and the National Party in expressing the view that we should do better and that we should, as a Parliament, seek to have the committee do better in the years ahead.

This is a matter about which I spoke to the Premier on a personal basis and it is one which causes me concern. Firstly, the Victorian Relief Committee—the State Relief Committee as it has been known in the past—quite irrespective of whether it has worked under a Liberal Government or, as it has in the past four years, under a Labor Government, has consistently spent more on administration than it has distributed in relief to needy people within the community, which means it has not reached a dollar-for-dollar basis in administrative costs as opposed to distribution.

If one looks for the cause of that, one finds that it is not inefficiency, it is that the methods used by people who donate to the State Relief Committee, the way they are inspired to do so and the work of the State Relief Committee have been overtaken by changes within our society. There has been a tendency to donate furniture and electrical goods to the State Relief Committee more or less as a last resort, often when people are moving from one house to another, and the committee has employed people to repair the furniture and electrical goods so that they might be distributed to needy people.

We have been patching and repairing goods. However, if we wanted to achieve the objective of helping people, it would have been better to go out and buy a new electrical appliance rather than repair the old one. It would have been better to buy a new table and chairs rather than employ someone in the workshop to spend their time on patching or repairing the old table and chairs. That is the fundamental problem which causes administration costs to outweigh the money provided.

I do not want to anticipate debate on another item on the Notice Paper, Mr Acting Speaker, but item No. 11, the Melbourne Sailors' Home Bill, is introduced by the Government to transfer the funds provided for the relief of seamen to the Department of Management and Budget so that people can apply for funds from that department. The Government decided that seamen did not need the funds so it will expand the group that can be assisted and the funds will be administered by the Department of Management and Budget.

I should have thought if those funds were to be administered by the State Relief Committee more funds would be provided for distribution without the need to increase administrative costs. The administrative cost/funds ratio would then be much better.

The annual report of the State Relief Committee is bewitched by statistics. I know that a former member of Parliament, the Honourable Val Doube, does a tremendous voluntary job in assisting the committee with its statistical work. However, the report presented to the public and to Parliament is riddled with statistics rather than with people. I direct the attention of honourable members to the fact that Victoria is divided into municipalities and that the numbers of cases helped in each municipality are listed.

In the Shire of Korumburra, one finds that one case was assisted in Jumbunna and two cases were assisted in Korumburra, a total of three cases within the shire. The amount of money that those three cases received was $36, which is an average of approximately $12. Why do we need to keep statistics that state three cases were assisted in the Shire of Korumburra and that those people received approximately $12 each? It probably cost more than $12 to transfer the information, money and vouchers from the committee to
the recipients. The Act does not state that financial accounts should be contained in the report so there is no need for them.

The Premier, together with a representative from the Opposition and the National Party—I suggest the Leaders or Deputy Leaders of the opposition parties—and a senior man from the Herald and Weekly Times Ltd should meet with the State Relief Committee to see whether a better result can be obtained. The pattern of past years has now caught up with us.

The Herald and Weekly Times Ltd generously runs a pensioner relief appeal system and the State Relief Committee administers it. I recall a biblical story about a person who waited beside a pool until the pool bubbled, so that he could be the first leper to jump into it and be cured. The pensioner parcel scheme has become much of the same because the first 10,000 people who write in after the newspaper advertisement receive a Christmas voucher of approximately $10. Irrespective of whether they are old age pensioners or recipients of other forms of social welfare, such as supporting mothers benefits, applicants can receive that voucher. There is no way to check on details when an organization distributes a $10 voucher for Christmas.

With the appeal mechanism of asking the public to subscribe money and of asking this organization to publish the availability of the money, those in the know and those who are well advised can send off their letters. This really asks people to reduce themselves to the level of sending begging letters to try to obtain $10 vouchers for Christmas.

I shall accept that there are families within our community to whom $10 would be a fortune at the right moment. I concede that one might have to spread the money very thinly to try to meet all the needs and all the requests for help. However, if one is to be bewitched by collecting statistics and collecting $12 vouchers here and $10 there, the whole thing becomes a bureaucratic nightmare of administration rather than of specific help where help is most needed.

Therefore, one finds in effect that the Herald Blanket Appeal is used, thankfully, for the purchase of new blankets, and that is included in the report. One can see that the amount of money is exactly the same amount of money that the State Relief Committee reports upon and one can see that the pensioner appeal money is not reported on as an amount of money administered because the committee merely acts as an agent in receiving applications from the first group of people who apply for parcels at Christmas.

It is not a parcel; it is—heaven knows in this day and age—less money than would be spent on five packets of cigarettes of a popular brand. Frankly, to classify that as a pensioner parcel in terms of the appeals of wartime eras is quite out of touch with modern reality. I know the amount has been increased recently, so the number of people assisted has been halved and the amount has doubled.

However, I do not think we are getting the best value from the resources available. I do not think we are getting the best value in helping people who need help. I do not really mind whether it is three people or 300 people from my municipality who are helped. I am assured by Mr Gerry Hand, the Federal Member for Melbourne, that poverty and homelessness in Australia are becoming worse under the Hawke Labor Government. That is his statement and I am prepared to accept it. I think any honourable member would know it is true. If homelessness, poverty and the lack of secure incomes are becoming worse and worse daily, one can only expect that the requests made of the Victorian Relief Committee are going to increase.

Therefore, one has to make sure that fewer people are employed patching up furniture and fixing up the electrical goods and that more effort is put into raising money and using that money effectively in helping the poorest people in our community. This is a great opportunity to reallocate the money referred to in item No. 11 on the Notice Paper, the Melbourne Sailors' Home Bill, which does not really need to be administered by the Treasury.
I do not think there is a need for another employee of the Department of Management and Budget to administer the funds of the Melbourne Sailors' Home. I would say, "Let us scrap that Bill and put the money into the State Relief Committee, or the Victorian Relief Committee", as it is to be known. Give it some real money to administer to stop it becoming the type of organization that is so busy collecting statistics and reporting to us as members of Parliament that it does not have the opportunity of examining itself in 1986 to ascertain how relevant it is.

I make the suggestion that this matter would be most delicately handled by the Premier, the Leader of the Opposition and the Leader of the National Party—a committee of three—with one nominee from each party and a senior representative of the Herald getting together and examining the situation with the committee. I refer to the committee which is comprised of Dame Phyllis Frost and the other people who work there, so that we can ascertain how we can do better.

I do not make any of these suggestions or raise these matters as criticisms, I do so in the hope that we can do better, be more effective and ensure that less money is spent on the wrong end of the program and more money is spent on that part of the program that really needs help.

I hope we will never see another annual report like this one. I am sure the Premier would be prepared to abandon the now time-honoured Premier's photograph in the report so that we can forget that and perhaps include a commercial asking for donations of money. The work done by volunteers can still be acknowledged, but we can ignore the shire statistics unless we include a note that says to those municipalities that donate to the State Relief Committee, "You are putting in $50 but you are getting more than that back".

I know that a few municipalities in the electorate I represent sanctimoniously go through the Estimates at Estimates time and send off cheques to the State Relief Committee for the same amounts they have sent year after year without knowing that more money is coming back into the area than is going out.

The State Relief Committee has a staff of twelve. Reference is made in the report to "cases", which raises some difficulty because the word "cases" does not seem to mean people. Perhaps "cases" refers to families rather than individuals. It is recorded that 2594 cases were assisted but only 213 of those cases actually came to the State Relief Committee; all the others went to bodies such as benevolent societies, the Citizens Advice Bureau, hospital social workers, the Victoria Police and a whole range of other organizations. Only 213 cases actually went to the State Relief Committee, the others went through other organizations.

I presume every time the State Relief Committee gives $100 to a local benevolent society it has to insist that the local benevolent society sends the statistics back for recording in the statistics section of the report that "x" number of people have been helped in the shire of this or that. One can be sure that the one case from Jumbunna or the two cases from Korumburra did not go direct to the State Relief Committee but went to the police or to a community organization within the shire or perhaps even to the shire itself.

We could have the absurd situation of a municipal council giving money to the State Relief Committee so that that committee can give the money back to a local organization to help people in the area so that the council can then send in the statistics and the committee can report on it in the way it has done in this report.

I should like the State Relief Committee Bill to be passed and I should like more of the aid to be channelled through the existing organizations. I should also like to see lower administration expenses, even if they are funded out of the Budget. I ask the Treasurer to consider that proposition and ascertain whether it would be a better way of doing it. Earlier I made the suggestion that an informal group, comprising representatives of the three parties represented in Parliament, together with senior representatives of the Herald and Weekly Times Ltd, could discuss with the State Relief Committee how we can do
better—that is, if we are prepared to act jointly without point scoring to review the concepts of the pensioner parcel appeal, the pensioner blanket appeal and the other concepts which represent an approach that was appropriate years ago but which is no longer appropriate, when it represents one new blanket or a $10 voucher for a case before Christmas or one case at a remote place like Jumbunna.

Those honourable members who have passed through Jumbunna would perhaps not have noticed the town if the vandals had pulled the notices down because Jumbunna is really a ghost town, in a sense. In the case of Jumbunna, the recipient would have received about $12; and quite frankly, it must be very hard to be appropriately grateful for $12 when one is really in strife.

Mr DICKINSON (South Barwon)—I support the Bill and believe there are many unsung heroes involved with State relief. This came to issue during the Ash Wednesday fires in 1983 when we had large organizations such as the Red Cross Society and municipalities, the Country Fire Authority, the State Emergency Service, the Salvation Army and the Masonic Task Force all actively involved in delivering what could be called State relief to those who lost houses and properties during the fires.

In the electorate of South Barwon alone, some 740 houses were destroyed, $54 million worth of damage was inflicted on property and three people lost their lives. We commend the prompt and swift action during that time of Mr Neil Smith, the chairman of the Gas and Fuel Corporation, for cutting unnecessary bureaucratic red tape and delivering relief to those in need.

There are lessons to be learned in the administration of State relief during such a tragedy as occurred on Ash Wednesday. As the honourable member for Berwick has highlighted, we need to cut out unnecessary bureaucratic red tape which may be utilizing staff who would be better employed in other areas such as assisting organizations like the State Emergency Service, which is always looking for funds and staff.

The Premier could do a great service by carefully examining existing organizations and enhancing their capabilities in a time of emergency because it was not until the Ash Wednesday fires occurred that the community really saw what magnificent services these organizations gave. Countless hours were given without cost to the State and it speaks for itself that many people in the community contributed a total of $23 million to assist others who were subjected to loss of family, loss of life or loss of property.

A structure such as the State Relief Committee is necessary to administer the appropriate relief when needed, but let it be unencumbered by needless bureaucratic control.

I hope that the work of Dame Phyllis Frost and many people such as her and her committee will continue for years to come.

Mr WILLIAMS (Doncaster)—Anything that honourable members can do to support the cause of the really deserving poor must be applauded. I was utterly shocked to read the annual report of the previous year 1983–84 of the State Relief Committee of Victoria, which said that the number of cases and the number of people assisted by the State Relief Committee was the highest in its 54-year history. It states:

Welfare agencies who sought assistance on behalf of needy people reached massive proportions with 205 different centres receiving the required aid. This, no doubt, reflects the increasing degree of distress in the community and, therefore, the extra demands we were called upon to fulfil.

I suppose I am as hardened a member of Parliament as anybody else, but it shocked me so much that I sent quite a large donation to the organization and I see my name recorded in the 1985 report. Therefore, in this case, I did put my money where my mouth was.

When one examines the number of welfare agencies that are providing relief, one notes that they are organizations such as the Aboriginal Advancement League, Careforce, the Caroline Chisholm Society, all the churches, fourteen citizens advice bureaux, 39 community health and welfare centres, the Filipino Community Service, Government
departments, halfway houses, all the hospitals, Life Line, the Vietnamese Buddhist Association, women's refuges and so on.

It is no good for any of us to fool ourselves. Regardless of which political party we belong to, we must acknowledge that poverty in our society is a disgrace and a reflection upon us all. The number of people living below the poverty line in this State has increased by some 150,000 compared with ten years ago, to about 300,000 at present.

According to the statistics, it seems that most of those people are the victims of unemployment or family breakdown. Another distressing aspect of these statistics is that 60 per cent of applicants for emergency relief are under 35 years of age. I thought that begging in the streets was outlawed in this State, but I regret to say that begging is engaged in by these desperately poor people who need the bare necessities of life, such as emergency food, clothing and bedding. Most of them are already receiving some sort of welfare payment, but that is not enough, and in times of emergency it is sometimes not available because of bureaucratic delays.

I have the good fortune of representing an affluent electorate where there are not too many poor people, although there are some. However, the eastern suburbs have nothing like the poverty that exists in the western suburbs. As you would know, Mr Acting Speaker, one in four of those aged fifteen to nineteen years is on the dole. According to the statistics I have been given, 50 per cent of two-parent families in the western suburbs are at or below the poverty line and 75 per cent of single-parent families are below the poverty line, and the situation becomes worse for families with three or more children.

How can Victorians and Australians allow this situation to continue? We have prided ourselves on Australia being a country providing a fair go for everybody, but there is no fair go in this country for the parents and children of those caught in this terrible poverty trap.

Australian Bureau of Statistics figures show that in 1968, the top 10 per cent of the population earned ten times that of the bottom 10 per cent. Now they earn 60 times that of the bottom 10 per cent. In 1974, 20 per cent of households were well-off or wealthy; 67 per cent were middle income; and 13 per cent were poor. What is the situation today? Some 40 per cent, or double the figure of ten years ago, are well-off or wealthy, but the number of middle income families has dropped by half, from 67 per cent to 35 per cent, and the number of the desperately poor has doubled, from 13 per cent to 25 per cent.

The reason for this change is the increase in the number of two-income families, particularly those with fewer than two children—in many cases it is only the husband and wife. They are the new rich of our society; they are the ones who are obtaining all the luxuries, all the benefits of overseas travel and all the rest of it. They are the ones who are putting the screws on the political parties.

I regret to say that there are some opportunists in the Labor Party who, to obtain the votes of those people, are ignoring their own grassroots, the poor and the underprivileged.

I am absolutely shocked at the attitude of the Federal Government, which has betrayed the poor and underprivileged in this country. I give full marks to Mr Brian Howe, the Federal Minister for Social Security, who has pointed out some of the statistics that I have referred to this evening.

The statistics reveal that this country has massive long-term unemployment and has incurred an enormous increase in the number of single income families. If the Australian Labor Party does not do something about looking after the real poor and underprivileged in this country it must stand indicted.

The ACTING SPEAKER (Mr Stirling)—Order! I hope the honourable member for Doncaster has made only a passing reference to that matter and will now return to the Bill.

Mr WILLIAMS—I am pointing out that responsibility for the relief of the poor and underprivileged in society rests with the Government. It is all very well for the Government
to pass the buck and its responsibilities to the State Relief Committee and all the agencies
that committee has helped, but it is not good enough. Responsibility rests on the
Government in Canberra to provide funds to look after the poor and to get at some of the
tax avoiders who are avoiding paying thousands of millions of dollars in tax, instead of
allowing them to entertain dignitaries and pay money into Australian Labor Party funds,
as one multimillionaire did recently in Western Australia.

The ACTING SPEAKER—Order! The honourable member has definitely strayed from
the matter before the House.

Mr WILLIAMS—I stand for the poor and underprivileged, and I indict those members
of the Labor Party who have betrayed the poor.

Mr CAIN (Premier)—I thank honourable members who have spoken for their support
of the Bill and assure them that the remarks that have been made will be received and
viewed in the spirit in which I believe they were made—that is to say, constructively, and
with a view to examining a number of aspects of the work that is performed by the State
Relief Committee. I do not think any honourable member would quarrel with the
proposition that the community owes a debt of gratitude to the committee members, who
are among the most selfless people in this city and State. Their work is personified in the
work that Dame Phyllis Frost has undertaken over many years and the way in which she
goes about her work.

As the honourable member for South Barwon said, if there were no other justification
for the State Relief Committee, the work that it was able to do and the assistance it
provided at the time of the bush fires is justification itself for its continued existence as a
resource to be called upon when required. I assure honourable members that consideration
is being given to the structure, nature and work of the committee. It was desired to tidy up
the two areas, about which this Bill is concerned, to regularize the situation. I thank
honourable members for their support.

The motion was agreed to.

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

LEGAL AID COMMISSION (AMENDMENT) BILL

The debate (adjourned from November 28) on the motion of Mr Mathews (Minister for
the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—In accordance with the proceedings of Parliament I declare
an interest in the measure and remind honourable members that I hold a current practising
solicitor’s certificate.

The Opposition supports the Bill, subject to certain reservations which it holds about
the implications of clause 23 to which I shall refer during the Committee stage. The
changes proposed by the measure are not of great significance or momentous importance
but they are necessary to finely tune the legislation to ensure that the work of the Legal
Aid Commission can be conducted more efficiently and to follow the principle established
by the previous Liberal Government that no person should be denied legal assistance
because of inability to afford it, the Legal Aid Commission Act 1978 was introduced into
this House on 25 October 1978 by the then Minister for Transport, the honourable
member for Berwick, who was then the representative in this House of the Attorney-
General. The Act provided for an independent Legal Aid Commission to provide legal aid
in Victoria.

Originally the Legal Aid Commission supplanted the work of three agencies which were
the old Legal Aid Committee which was an arm of the independent legal profession, the
Public Solicitor’s Office, and the Australian Legal Aid Office, which was somewhat limited
in its powers because it dealt only with Federal or Commonwealth matters.
The commission became a one-stop centre for persons requiring legal aid. It is independent of any direct political control by Governments and is a body corporate. It comprises a broad range of representatives of legal and welfare people and Government representatives.

In the year ended 30 June 1985 the commission operated within its budget. Its total receipts from all sources were $35 million, of which $15 million came from the Government. The commission's total payments during the same period were $34 million, of which $23 million was paid to private legal practitioners who accepted legal aid assignments on the agreed discounted rates.

The Legal Aid Commission receives more than 40 000 applications for legal aid each year. I shall point out some interesting statistics: about 75 per cent of people given legal aid have no income or receive only a pension, and 87 per cent of those aided have no assets or have debts and liabilities of greater value than their assets.

Only 19 per cent of applicants for legal aid own their houses or are paying off their houses. So there is no question from these statistics that legal assistance, over several years now, is going to the needy.

Apart from the Government grants and earnings from the Solicitors Guarantee Fund, the commission has three sources of income: firstly, collecting contributions from those applicants for legal aid who can afford to contribute; secondly, recovering costs following successful court actions; and, thirdly, investing temporarily surplus funds.

It is worth noting that administration costs are being kept to a reasonable minimum of 15 per cent of total expenditure. Some of the powers and duties of the commission were best described by the then Minister of Transport—the honourable member for Berwick—on 25 October 1978 reported in *Hansard* at page 5129. The Minister is reported as having stated, *inter alia*:

Some of the requirements as to the manner in which the commission is to discharge its functions are: To establish legal aid offices and endeavour to make legal aid available throughout the State; to co-operate with other bodies and commissions that administer or are concerned with legal aid; to publicize the services provided by the commission and the conditions upon which they are provided; to co-operate with social service or social welfare bodies; and to make maximum use of services provided by private practitioners on a voluntary basis.

The commission is given power to make recommendations for law reform, to conduct research into legal aid and to carry out programs to educate the public as to their rights and duties under the law. The commission also has the ability to provide financial assistance to voluntary legal aid services.

The Legal Aid Commission plays a valuable role in helping people in the community to maintain equal rights and to have equal access to the law. It assists people to choose their own barristers and solicitors, which is most important.

There are problems with legal aid and they cannot be overlooked; they cannot be swept under the carpet. It costs a great deal; it is part of an ever-increasing welfare Budget. Therefore, the Government must continually strive to make the system more efficient and to make the dollar go further.

While the poor and the destitute under the proposed legislation are well provided for, the majority of middle income earners do not receive much benefit from it. In fact the principle of equality of access to the law in respect of the rights of middle income earners is almost non-existent, and I would remind the Parliament that they are the silent majority of people.

A grant of legal aid may also depend upon the day of the month or the month of the year upon which the application is made because if the commission's cash flow is not good on that day or in that month the aid may not be forthcoming, and, as honourable members would appreciate, the cash flow is often uncertain. It also depends upon the number of people being assisted at the particular time of application.
The provision of legal aid to one party in a particular court case also raises judicial problems of its own. For example, the assisted person could use a “scorched earth” policy to win a case or to force a settlement because the other party in the action has run out of funds. There is also no real incentive for someone receiving legal aid to settle a case; to sit down and negotiate, to consult, to talk to see whether the matter can be settled amicably.

In fact, the incentive is to fight the case to the last, sometimes at great expense. Perhaps the silent majority of persons could consider private legal insurance. I raise this as a personal suggestion because, for example, 47 per cent of households in Germany are insured against legal costs through private insurance companies.

The Bill makes several changes to the Act. They are not significant or important changes but they are necessary. Clause 4 proposes to change the name of the Legal Aid Commission to the Legal Aid Commission of Victoria. Clause 6 provides for the appointment of alternate members of the commission. Clause 17 provides for lump sum payments to be made to legal practitioners as agreed to by the relevant professional body representing them.

Clause 13 is a matter with which I hope to deal in the Committee stage because it provides that the commission may take a charge upon the property of an applicant to secure the grant of legal aid. The Opposition believes the applicant should first be informed that such a charge is to be made on the property and the person receiving assistance should agree to that charge before it is given, so as not to debar the getting of legal aid.

In all, the Opposition supports the Bill but it reserves the right to make amendments to clause 13 in the Committee stage.

Mr Ross-Edwards (Leader of the National Party)—The National Party supports these amendments to the Legal Aid Commission legislation and, as has been stated by the honourable member for Bendigo East, the Bill brings about a series of unrelated amendments, which are fairly predictable and not greatly contentious.

It provides for reserve members, who are needed to act in the absence of the members appointed in the normal way. Of course, as has been pointed out by the honourable member for Bendigo East, there is no way that any legal aid scheme can cope with the demands that will be made upon it. One could call legal aid a bottomless pit because people without means are naturally anxious to secure justice and to fight their cases. The attitude is interesting: some years ago when legal aid was introduced if a solicitor took on legal aid he was doing a favour for the community; he did not do the work because he wanted that work. Times have changed and now there is an appeals mechanism so that a solicitor who is not accepted for legal aid work can appeal to the board and then, in turn, appeal to the Supreme Court.

I point out, and perhaps the Minister for the Arts, who is at the table, may not be in a position to deal with the matter, that were a solicitor not to be accepted by the legal aid authorities it would be difficult to give reasons for that. The obvious reason would be that the solicitor’s firm is not good enough or is perhaps incompetent but how one would say that or how one would get that message across before the appeals committee, I do not know, but I should be interested to know how it works in practice. It would be most embarrassing for a solicitor to take such a matter to the committee and then to lose the appeal. It would not say much for the solicitor or the firm if that were to occur.

The National Party supports the proposed legislation but I do not know where it will finish. It is a commendable service for the community but whatever is done there will never be sufficient funds to satisfy the demand. The Government has all the good intentions in the world of providing legal aid to the masses but the demand will increase at a much greater rate than the money supply.

As the honourable member for Bendigo East stated, it is something of a lottery: whether one is supported depends on what day one puts in the application.
Mr LIEBERMAN (Benambra)—The reports of the Legal Aid Commissions throughout Australia state that more than $120 million was spent last year on the provision of legal aid, with approximately $30 million being spent in Victoria. I am concerned about legal aid because it has become caught up with the ever-expanding welfare expenditure in Australia, particularly in the matrimonial area.

Recently in a Family Court of Australia matter I observed a party who sought custody of and maintenance for her children. She was entitled to receive legal aid and did so. The husband, who was working and had a good job, appeared at the court and consented to the order. The hearing was short but was necessary.

The court made no order about the costs of the wife, who was the mother and applicant; her costs were provided out of the $120 million of taxpayers' money. The court did not ask whether in making an order against the husband it should also order that he contribute something towards the costs of the case. The court has grown into the welfare mould that Australia is in at present, which accepts that someone else will pay; of course, that someone else is the taxpayer.

People involved in legal aid in Australia do an excellent job and I commend them for their diligence. I do not know how they manage to cope with the ever-increasing demand. However, the system is outside their control, is like a cancer, and needs review.

I believe many Australians accept that people who have children have a responsibility towards them, and they share my concern that the Australian taxpayer should not be asked to provide $1000 million a year for the maintenance of children who have been abandoned by one of the parents, usually the breadwinner, leaving the mother, usually, to cope on a single supporting mother's pension.

Legal aid has been caught in a trap and it is time that it was set free. I hope my comments will be noted by the Minister because I intend to pursue this issue in the State, Federal and legal spheres. I act as a part-time legal consultant. I shall continue to nag people until this legal aid issue is reviewed. If that is not done, the legal aid system, which has been spawned with good intentions, will be brought undone. Australian taxpayers cannot provide unlimited funds for legal aid.

I shall now relate an incident involving some of the grave injustices brought about by legal aid. The honourable member for Bendigo East stated that a person can be granted legal aid to defend himself in court if he believes he can win. I am aware of a case where a person with limited means was granted legal aid and the case was heard in the Supreme Court over four weeks. The judge completely dismissed the case because he believed it was weak and he made some scathing comments about the merits of the plaintiff's case. The hearing involved QCs on both sides and the judge ordered the unsuccessful plaintiff, who had been funded by legal aid, to pay the costs of the successful defendant.

However in this case the unsuccessful plaintiff was virtually a man of straw with no assets. Legal aid had funded his case and spent approximately $80 000 in legal fees, while the successful defendant who had to defend his property and business was forced to meet his own costs of a similar amount.

The point I make is that somehow or other a mechanism must be developed so that, if legal aid is granted to a person to prosecute an expensive civil claim, there should be provision for the granting of legal aid to a successful defendant to help buffer against the costs of such a case.

As my colleague the honourable member for Bendigo East said, many litigants obviously adopt a "scorched earth" policy when funded by the taxpayer with legal aid; they can afford to go for days on end and reject reasonable overtures for settlement because the taxpayer is paying the cost. The risk is not theirs because they have nothing to lose. The innocent defendants, who are going to be found responsible, are put into difficult positions, unfortunately, because they are fighting not only the cases and the plaintiffs but also, it seems, the Australian taxpayers. They, unwittingly, are caught up in this maze of aid given
in good faith to enable people to protect themselves and to prosecute their property rights or to take action to protect their properties, but nevertheless in a situation that causes grave injustice to the other side.

It is an enormous problem and I do not know the solution. However, it is time we examined those sorts of cases and provided some measure of justice to all people in the legal system so that they are not faced with enormous costs even if they win the case—as in the case I just recounted—because the litigant was insolvent but was financed by the Australian taxpayer.

Mr MATHEWS (Minister for the Arts)—I thank honourable members opposite for the constructive flavour of the comments that have been made in the debate and for the support they have offered for the proposed legislation.

The motion was agreed to.

The Bill was read a second time and committed.

The ACTING CHAIRMAN (Mr Kirkwood)—Order! The time for me to report progress under Sessional Orders has now arrived.

Progress was reported.

The SPEAKER—Order! The time appointed under Sessional Orders for me to interrupt the business of the House has now arrived.

Before I call on the adjournment proceedings, I wish to advise the House that I have looked at the Hansard record and I have listened to the tape recording of the proceedings that caused the honourable member for Gippsland West to raise a point of order with me. I believe I ruled in error in not giving the honourable member for Gippsland West the benefit of the doubt. Having seen the record, I ask the Minister for Transport to withdraw the expression that he used.

Mr ROPER (Minister for Transport)—I find it interesting that the honourable member has not said, "Untrue," but in deference to your position, Mr Speaker, I certainly withdraw the expression.

ADJOURNMENT

Road Traffic Authority—Conduct of municipal councillor—Wangaratta College of TAFE—Alcohol and tobacco advertising—Mount Waverley High School—Race broadcasting

Mr E. R. SMITH (Glen Waverley)—I raise for the attention of the Minister for Transport a matter concerning the Road Traffic Authority. Last week I received a call from a constituent who had a tale of woe like nothing I have heard before in my limited experience. The woman sold a car in October last year. She provided me with the registration number of the car which she sold to a man who, unfortunately, paid in cash. She got the cash and took his name, but after a month decided to throw away the piece of paper on which she had written the name. This has had tremendous repercussions on the woman because since then she has been the recipient of a whole swag of parking infringement notices.

Under the present system, the transfer of registration form has to be submitted to the Road Traffic Authority by the purchaser. In this case, cash was paid and the woman thought that the transaction was ended. She states in her letter to me:

When a Parking Infringement arrived for this vehicle in December, I contacted the RTA. They had not received the Registration Transfer Fee or Papers from the purchaser. They asked me to advise them in writing of my disposal of the vehicle. This I did, on December 15th. When further PINs arrived in early February I rang RTA. They could find no trace of my letter.

I wish to emphasize to the Minister this part of the letter:

On February 13th I wrote a second letter and posted it to RTA Certified Mail.
She gives the receipt number. The letter continues:

I also posted two Statutory Declarations to South Melbourne and Melbourne Councils with the above-mentioned PINs.

She states further:

Last Friday, two further PINs arrived from South Melbourne and Melbourne City Councils. I rang to ask RTA why they had not notified these councils of the change of registration of vehicle.

The response? RTA could not find my Certified Mail letter! The RTA officer suggested that the Post Office had lost it. I should go see my local Post Office.

She then asked to speak to someone in authority and was assured by this person, whom she has named—I shall not name that person—that every effort would be made to find the letter. She then states that another person rang back later to tell her there was still no letter, she would be contacted on Wednesday and would have to go to the post office or present a further letter in person at the RTA.

She rang the Melbourne City Council about this whole debacle only to be told that they had received a statutory declaration from her, but “in the meantime our wilful motorist had amassed a further thirteen PINs”.

I was told I should present myself at the Melbourne City Council offices to sign not one but 13 more statutory declarations.

She then goes on to reprimand the Road Traffic Authority and I shall not go into that.

I should like the Minister for Transport to take up this very frustrating experience for this constituent, and I am prepared to give him the name of the constituent afterwards. She says:

I feel harassed and totally dissatisfied with the workings of both the State Government and the local council department.

Surely it is not in the best interests of the Government to have a situation where members of the community must resort to seeking help from their local member to sort out this type of problem. I urge the Minister to take up this matter and I shall give him the full details.

Dr COGHILL (Werribee)—I raise for the attention of the Minister for Local Government a matter concerning the conduct of a municipal councillor, which I believe to be absolutely outrageous.

The councillor in question is Councillor Norm Scott of Yackandandah Shire Council, who was first elected in 1983. Councillor Scott has been known to me for many years, amongst other things as an active worker for the League of Rights. Although that is really peripheral to my particular concern, it is relevant to the subject that the League of Rights is currently campaigning in what it sees as moves to enhance the role of local government in its power struggle against central government.

By his actions, Councillor Scott is discrediting the office of councillor more than any other councillor has. The role of councillor ought to be one that is held in high regard in our community and in every municipality but, in this case, the councillor in question has undertaken a series of actions which show that he is completely ignoring and flouting his responsibility as a municipal councillor. He should be upholding and applying the laws delegated for the administration of the Yackandandah Shire Council.

The particular matters in which Councillor Scott has been involved relate, firstly, to his failure to declare pecuniary interests and to act accordingly; and, secondly, to his simply ignoring building regulations in respect of a house he has been building.

Amongst other things, Councillor Scott operates an unofficial garbage service in the area in which he lives and complaints about the operation of the service have been considered by the council. When the matter has been before the council, my understanding is that Councillor Scott has not declared pecuniary interests and has remained in the chamber.
and been party to the council's decisions made on the complaints against this particular service.

The other pecuniary interest declarations relate to the construction of a house. It is a substantial two-storey house including concrete structure. The construction of the house commenced without any building permit having been issued.

After some time, a building permit was applied for and was issued but, after the issue of the permit, it was found that Councillor Scott had been constructing the building in a way that was contrary to the design and contrary to safe and good engineering practice in that he constructed the upper floor of the building without proper form work and laid it in sections rather than in one continuous floor.

Again, when the council was considering the matter, Councillor Scott failed to declare his pecuniary interest and failed to absent himself from the council chamber in a way in which he should have.

This sort of example brings into disrepute the office of councillor throughout Victoria. It brings into disrepute not only Councillor Scott himself or just that particular council, but also the entire role of local government, at a time when this Government and, I believe, every section of the community would like to see the office of councillor and the role of local government enhanced.

I ask the Minister for Local Government to investigate this matter and determine what action can be taken to prevent not only Councillor Scott from continuing to act in this manner but also other councillors from emulating his actions, and thereby discrediting local government in Victoria.

Mr LIEBERMAN (Benambra)—In the absence of the Minister for Employment and Industrial Affairs, I ask the Minister for Education, who will be pleased to hear about this matter, to bring this matter to the attention of that honourable gentleman.

Earlier this year, 22 cooking apprentices were turned away from the Wangaratta College of Technical and Further Education because of an incredible bureaucratic bungle and inexcusable duplication of functions in administration within the Ministry of Education and the Department of Employment and Industrial Affairs.

At the beginning of the TAFE year, 22 young cooking apprentices, some from the electorate that I represent and others from other parts of Victoria—for the benefit of the honourable member for Murray Valley—attended the Wangaratta College of TAFE where they thought they would commence day release training as part of their four-year apprenticeship in cooking. They had been led to believe that they had been accepted for day release training at the TAFE college at Wangaratta.

As a result of this understanding, many of them had signed their apprenticeship papers and had served their three-month probationary period. Some of them had purchased their chef's uniforms, knives and other things that were required prior to commencing day release training. Some of them, unfortunately, had forgone or put in jeopardy the alternative to day release training at the Wangaratta College of TAFE and did not enrol for block release training at the college at Geelong, which is a three-month course involving residency at Geelong.

Many of the students could not afford to go to Geelong, as was the case with one constituent in Wodonga, who had no alternative but to undertake day release training at Wangaratta.

When the 22 apprentices arrived at the Wangaratta College of TAFE from all over Victoria, they were told that a mistake had occurred and that only ten places were available, and they were turned away. Apparently, funds had not been made available to the Wangaratta College of TAFE.
It is my understanding that it is not the fault of the Wangaratta college, which had done everything to accommodate those young people, and I do not believe it is the fault of the TAFE Board itself. However, it concerns me greatly that technical and further education is in the hands of the Industrial Training Commission, which is under the responsibility of the Minister for Employment and Industrial Affairs. Therefore, there is duplication at its worst—two departments meddling in the training of young Victorians when it should be the job of one department. Let them make up their minds and get on with the job instead of inter-meddling and mucking it up totally.

I am told that the explanation for the 22 apprentices turning up at the Wangaratta College of TAFE was that the Industrial Training Commission's computer was on the blink and had failed to record and send out the necessary notifications informing them not to attend that college or to go to other places. As a result, those 22 young people were left high and dry, so to speak, despite the efforts of the Wangaratta college to try to accommodate them.

I am told that the college has asked for funds so that it can provide teaching for those 22 young people. However, to my dismay, notwithstanding the inexcusable bungle on the part of the Industrial Training Commission, the funds have not been made available to the Wangaratta College of TAFE.

I hope you will agree with me, Mr Speaker, that this is a disgraceful duplication of administration. It is a disruption for young apprentices in having a chance to obtain training and a job in an area where work exists in Australia, in the expanding tourist industry.

I hope the Minister for Education will see fit, first of all, to arrange for his colleague to melt down the computer that has been blamed for this bungle and then to get together with his Ministerial colleague to work out before tomorrow which Minister is running the ship of education. It cannot be two Ministers; it can be only one.

Mr Norris (Dandenong)—I raise a matter for the attention of the Minister for Health in another place and ask the Minister for the Arts, who is at the table, to convey my remarks to him. I direct attention to the recently-announced decision by the Australian Broadcasting Tribunal on the so-called partial ban of alcohol advertising on television. I remind the House of the splendid campaign by the former Minister of Health and the current Minister for Health on the abuse of tobacco and the "No Buts" campaign. Honourable members will agree that the campaign has been most successful. I remind the House that one in five hospital beds in this State is occupied by someone with an alcohol-induced illness.

A tremendous amount of hypocrisy is present when one considers that tobacco advertising has been banned on television for some years, yet alcohol advertising has had absolutely open slather. Almost as a matter of shame the Australian Broadcasting Tribunal has reluctantly drawn up what I believe to be a set of hypocritical regulations regarding the so-called partial ban on alcohol advertising on television.

I remind the House of what the new restrictions will be. Alcohol may be advertised on television only between the hours of 12 noon to 3 p.m. on weekdays, when children are supposedly at school, and between 8.30 p.m. and 5 a.m. on all other days. Believe it or not, apparently as a mark of respect for our God-fearing society, alcohol was not allowed to be advertised on television on the Sabbath, but that restriction has even gone by the board and Sunday is now open slather as well! In addition, alcohol may now be advertised on television on Saturday—the great football day—with some minor restrictions.

The Australian Broadcasting Tribunal is allegedly trying to tackle the problem of underage drinking and teenage alcoholism, which concerns the age group of twelve to eighteen years, yet we are supposed to believe none of those children are up watching television after 8.30 p.m. and do not watch television on Saturday or Sunday. I have never heard such hypocrisy in my life!
I ask the Minister for Health to protest vigorously at this pathetic attempt by the Australian Broadcasting Tribunal. It has been done out of shame—that is all it is. It is hypocrisy that tobacco cannot be advertised on television while alcohol can, especially when one in five hospital beds is occupied by someone with an alcohol-induced illness. Honourable members will have noticed the beer war currently occurring between Mr Bond and Carlton and United Breweries Ltd. The television screens are awash with alcohol advertising. I do not think anybody has seen so many grog advertisements on television as viewers have been subjected to recently.

I am sick of seeing Allan Border “when he feels a XXXX coming on”. Those advertisements are aimed at the juvenile market. Allan Border is the captain of the Australian cricket team. When in New Zealand recently he put on a sun shield so that viewers could see the Tooheys logo more clearly, and yet he was being interviewed indoors! The double standards involved upset me. The cream of Australia’s sportsmen and sportswomen are advertising alcohol. Even the Army has been brought into XXXX advertisements—I hope it was not the “real” Army! After a manoeuvre, members of the Army “feel a XXXX coming on”. One of the most insidious advertisements on television is the advertisement for coolers. The advertisement tries to capture the market of young women. The drink has an alcoholic content, but it is marketed as if it is soft drink. I urge the Minister for Health to protest vigorously at this pathetic, deceitful attempt by the Australian Broadcasting Tribunal to pretend—that is all it is—that it is introducing some restrictions on alcohol advertising.

If it is good enough to ban the advertising of tobacco, it is good enough to ban the advertising of alcohol! I ask the Minister to call for a complete ban on the advertising of alcohol on television. That is the only way to tackle this matter. An absolute blanket ban should be imposed.

We are considering the young people! The hardened drinker would not be influenced by the backing of people such as Allan Border and the others to whom I have referred, but young people could be influenced by them. Those people are the role models, and the advertising agencies are aiming at the young people. They are aiming at new markets——

The SPEAKER—Order! The honourable member’s time has expired. I now call on the honourable member for Gippsland West.

Mr BROWN (Gippsland West)—I wish to raise a matter with the Minister for Transport. Unfortunately, as with my colleague the honourable member for Glen Waverley, the matter raised involves a tale of woe regarding the continuing maladministration of the Road Traffic Authority.

The Opposition notes with some pleasure that advertisements in daily newspapers are headed “On call again from 8 a.m. to 8 p.m.”. The Road Traffic Authority is acknowledging its gross mismanagement by extending its telephone services to 8 p.m. A hotline or, as in this case, several hotlines, do not identify the reasons for the problems, yet the reasons have to be found and remedied.

Amongst the many complaints about the administration of the Road Traffic Authority are complaints that drivers’ licences renewal notices are not being received; vehicle registration labels are not being forwarded even though cheques have been paid and go through the bank accounts of the respective Victorians; money has been paid to the Road Traffic Authority for the transfer of vehicles and that money has been lost; money paid to renew drivers’ licences is also being lost in the system; members of the public are receiving requests for payment long after payment has been made; vehicles are being transferred without the permission or knowledge of the owners; more than one person is being issued with the same registration number; and similarly more than one person is being issued with the same driver’s licence number. One could continue.

Obviously there are gross inefficiencies and maladministration within the Road Traffic Authority. I draw to the attention of the House probably the worst letter to be received by
the Opposition to date. The letter was one of more than 200 letters which have been
received by the Opposition in the past three months. The lady who wrote the letter stated:

... I am another disgruntled motorist with complaints against the R.T.A.

Our vehicle was due for registration renewal on 26/1/86. After receiving a renewal notice which didn’t apply
to our vehicle and was duly returned. A week before registration due, I tried to contact R.T.A. but to no avail,
impossible to get through on 'phone. Rang Frankston office only to be told my registration has been cancelled
and plates handed in! News to me, car is a one off 2 door Statesman Caprice, only been on the road 12 months,
why would I cancel same?

The reality is that the registration of the car had never been cancelled even though the
Road Traffic Authority has claimed that it had. The letter further stated:

Then I was told I had personalised plates—I haven’t. Young lady told me she didn’t know what records had
done, and advised me to bring car down to Frankston to have car and plates sighted, pay registration fee, and a
report would be sent to Head Office. I’m still awaiting on the label.

Honourable members should remember that this was at 26 January this year. The lady
continued:

To top all this off, whilst at the R.T.A. I decided to apply for replacement licence with photo. After filling in
the application form, I was advised that wasn’t my licence number (I’ve only had same for 25 years), someone
else had my number!

This woman has been licensed for 25 years on someone else’s licence number! The Road
Traffic Authority then told her:

... to hand in my licence and be issued with a replacement permit so it could be sent in to Head Office to be
rectified. I’ve since been issued with a new licence number, I’d like to know how someone else was issued with
the same number.

Honourable members should bear in mind that all this happened to the same lady! She
then stated:

I wonder what would have happened if I’d been involved in a serious accident with a registration that didn’t
exist and a licence number that wasn’t mine??

That is a very telling comment at the end of her correspondence.

It is clearly evident there is gross inefficiency and maladministration within that
Government department. This Minister has been aware of it for all the time he has been
Minister and, to the best of my knowledge, all he has done is extend the phone-in times.
More action is needed and needed forthwith.

Mr COLEMAN (Syndal)—I raise for the attention of the Minister for Education the
ridiculous 1:5—25 teacher-student ratio which operates in secondary schools. I wish to
recount a number of experiences which happened at the Mount Waverley High School
where, at the commencement of the school year, there were eight students for the Year 10
level who could not be admitted. However, following negotiations some were placed at
other schools and some were accommodated at the Mount Waverley High School.

The question which exercises the mind of the school now is, given it has 175 students at
the Year 10 level, what is the procedure for any students who approach the school wishing
to be enrolled? Two such instances have occurred. The first instance concerns an exchange
student from Germany who is due to arrive in July and who will obviously be an applicant
for the second term. The school does not know what to advise the Rotary Club of
Melbourne that is sponsoring the student on whether the school can accept that student.

The other instance involves a student who is presently enrolled at Camberwell Grammar
School. That student has to provide one term’s notice of departure and obviously wishes
to enrol at the Mount Waverley High School for the second term but the school cannot
guarantee that student a position at the school.

The teacher-student ratio has been applied in a discriminatory manner because it
discriminates against the very people who it ought to benefit, namely, the students. In a
number of cases where families have wished to enrol students at the Mount Waverley
High School they have been precluded from doing so simply because they reside outside the school zone, not because the students have any great disability. The parents wish to do nothing else for their children but to ensure that they attend a school of excellence.

Similar instances have occurred at the high schools in Glen Waverley and Syndal. Invariably the students who have wanted to attend those schools have been prevented from doing so due to the arrangements between the Minister and the teacher unions in relation to staffing ratios. It is a matter of regret to the people I represent that the staffing ratios have been administered in such a way. It is a credit to the regional office that it has successfully endeavoured as much as possible to accommodate the students involved but the regional office has run into the same staffing rigidity that the school has also run into.

The Minister should explain why the staffing ratios have been so rigidly enforced and why that particular ratio has been determined.

Mr REYNOLDS (Gisborne)—I refer the Minister for Sport and Recreation to the debate and the conjecture that is presently occurring in the racing industry on the continuation of race broadcasting that is currently conducted by radio station 3DB. As the Minister is aware, the contract for this broadcasting expires on 31 July this year. As I understand it, the current and first offer by 3DB is that it will broadcast only between noon and 5 p.m. on the six days a week that racing is held and that the charge will be raised to somewhere in the vicinity of $2 million from a figure three years ago of $800 000.

If this offer is put into effect it will spell the immediate death knell of the greyhound racing industry and bring the harness racing industry to its knees and finish it in a very short time because these are night sports and the current proposal is not to broadcast beyond 5 p.m. Therefore, mainly greyhound and harness racing would not be broadcast.

I am sympathetic to 3DB because last year it broadcast approximately 1709 meetings and often broadcast 80 or 90 races in a 9-hour period, which equates to one every 6 or 7 minutes. Average radio listeners who are not avid race fans will not listen to the station and the advertisers therefore are not flocking to it.

This matter must be resolved because, as the Minister is well aware, unless races are broadcast, people will not bet on them with the Totalizator Agency Board. In particular, country greyhound racing and harness racing clubs are deeply concerned about this.

The Minister took great kudos when the Totalizator Agency Board turnover went up markedly following the negotiation of the radio broadcasting contract and now it appears this will fall away if the current proposal is adopted. I, therefore, ask that he give notice quickly as to what he intends to do in this business; he must act now. I shall read a promise from the environment and leisure statement of the Australian Labor Party which was part of its platform during the 1985 election campaign for the next four years. The Premier said:

The Cain Government's initiative in establishing full radio broadcasts of TAB race meetings is providing an excellent service to the Victorian public. These broadcasts will continue under a Labor Government.

I ask that the Minister honour this promise and that the full broadcast continue or that the racing industry be guaranteed that at least every Victorian race will be broadcast.

Mr ROPER (Minister for Transport)—The honourable member for Dandenong raised with the Minister for Health the question of alcohol advertising and his concerns that the broadcasting control people in setting their times had placed much of the advertising during times when children who might be influenced by that advertising would be watching television. I shall take up this matter with the Minister for Health and obtain an answer for the honourable member.

The honourable member for Glen Waverley raised the question of a woman who appeared to have been somewhat imprudent in the disposal of her vehicle, and that this had given rise to a number of problems.
Mr ROPER—If the honourable member had been here he would have known that the woman sold the car without going through the proper legal transfer process.

Honourable members interjecting.

Mr ROPER—I do not believe any member on the Opposition back bench would sell a car within a month of the loss of documents relating to the purchase. I ask the honourable member for Glen Waverley to provide the details and they will be checked out. I hope that the woman has those details; I am not sure whether the honourable member indicated that she had the details of the person to whom she sold the car, who is an expert in getting parking tickets.

The honourable member for Gippsland West raised the matter of a complaint he had received in relation to the Road Traffic Authority. If the honourable member provides the details of that matter I shall have it checked out. The reason for providing a longer time for activity at the Road Traffic Authority is that there have been many complaints over the years that people are not able to telephone during the course of their working hours and this enables them to do so. Indeed, it is the second service which has been extended for extra hours.

The security service arrangement is deliberately open on Saturdays because that is the day when most car transactions occur and that particular arrangement of longer than the normal Public Service hours is now being adopted by other States as part of a nation-wide tightening up in this important consumer affairs area.

Mr SIMMONDS (Minister for Local Government)—The honourable member for Werribee raised his concern about Councillor Scott and the Shire of Yackandandah. As a matter of principle, I believe those matters should be dealt with in the specific locality and the responsibility lies with councillors and the people responsible for putting such a person into council.

However, if some matters are in breach of legislation and require action by the department, I shall have them fully investigated and undertake to obtain an assessment of that situation. If the dates and details associated with the complaints were made known, it might be of some assistance to local government and I look forward to obtaining the details to make sure that occurs.

Mr CATHIE (Minister for Education)—The honourable member for Benambra raised a matter involving the placing of 22 cooking apprentices at the Wangaratta TAFE college. Apparently, because a computer broke down in the Industrial Training Commission, essential information was not forwarded to those students.

I point out to the honourable member that both this year and last year either a record or near record number of first-year apprentices has occurred, and that is the result of the economic recovery taking place in Victoria and Australia due to the policies of this Government and the Hawke Government.

The Government has greatly increased the current funding to TAFE colleges by 16 per cent this year so that they can cope with the enormous increase of first-year apprentices, particularly those in critical areas such as tourism, which includes cooking apprentices, hairdressing, and motor car and building trades. The Government has had better cooperation with the Industrial Training Commission and intends to improve that cooperation and liaison.

I shall be meeting with the chairman of the TAFE Board tomorrow and I shall raise specific matters concerning those students to ensure that planning is more adequate in the future.

The honourable member for Syndal referred to the staffing schedule in secondary high schools under which the Government is required to provide 1.5 teachers for every
enrolment of 25 or part thereof at each level within secondary school. The difficulty I have with that formula is the "part thereof" because it means if at each of the six levels from forms I to VI an additional enrolment occurs for six additional students, the Ministry must provide nine additional students. That is not a sensible staffing formula.

Mr Coleman—Whose was it?

Mr CATHIE—I am not here to defend the formula. I have successfully negotiated a position with the teacher unions whereby a better staffing formula will be reached. In the meantime, I have attempted to manage enrolments sensibly from existing resources. Placement is determined by the regional director in the light of resources available within his region.

I am prepared to examine the cases raised by the honourable member—the first involved a student from overseas, perhaps an exchange student, and the second involved a student enrolling from a non-Government school—to see whether those students can be appropriately placed.

Mr TREZISE (Minister for Sport and Recreation)—The honourable member for Gisborne raised the future of the 3DB broadcasting contract for race meetings in Victoria and he asked the Government to ensure that those contractual arrangements continue. That is a contrast in attitude from that taken when the Government made the contract with 3DB three years ago because at that time the Leader of the Opposition said that a contract involving $1.3 million a year was a disgrace.

Mr Reynolds—No, it wasn’t.

Mr TREZISE—Yes, that was said. The honourable member should not start backing off now.

Of course, it turned out to be a tremendous success not only for the Totalizator Agency Board and the racing world, but also for the ordinary, average person who wants to bet. It is now three years on and the contract is due to expire. The Opposition, like members of the racing world and the Government, wants to ensure that the new contract, which commences with the new racing season on 1 August, is the best possible deal for the racing world.

The honourable member for Gisborne said that he understands there is to be a substantial reduction in the number of meetings to be broadcast, especially night sports, and a substantial increase in the contract fee. Although the honourable member may understand that, I point out that the decision is not due for another five months. Negotiations are taking place at present with the TAB and also with the racing world. I trust that, when the time comes for a new contract, we will get a good deal for the racing world.

The honourable member asked that all race meetings be broadcast; that is completely impossible. Even the TAB, which is trying to broadcast races, finds that there are too many for this to be done. The three racing codes agree that the 3DB contract covers too many races. With respect to some of the smaller meetings and meetings interstate involving greyhound and harness racing and even gallop meetings, there is insufficient interest for the public to invest. Those meetings are a tremendous liability to 3DB so far as broadcasting is concerned and this is not good for the racing world.

I trust that this will be largely overcome by Government initiatives during the last sessional period to increase fixed percentage distribution. This will mean that if there is a cutback in the future for gallop, greyhound or trotting meetings, it will not matter because the share of the TAB will be taken on a fixed percentage by each code without the necessity for the racing codes to bet against each other for the actual broadcasting of the meeting.

One of the main problems, apart from the contract to be renewed, is that the private enterprise stations such as 3CV, 3HA and stations in Sale and northern Victoria have in the past few months cut out broadcasting races altogether because they believe that in their competitive industry people do not want to listen to race broadcasts.
Opposition and National Party members who live in those areas should lean on their local radio stations to take up race broadcasts again and this would provide a service for the whole State.

As I have said, the contract expires on 31 July 1986. Negotiations are taking place at this stage and I trust that, when the time comes for the new contract to be signed, it will be the best deal we can get for the racing public in Victoria.

The House adjourned at 11.13 p.m.
Wednesday, 12 March 1986

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 11.4 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

SUPERANNUATION BENEFITS

Mr KENNETT (Leader of the Opposition)—I refer to the commitment by the Premier to the accord Mark 2 and also to the fact that a 3 per cent productivity-based increase through superannuation would add approximately $169 million to the Victorian public sector pay-roll.

I ask the Premier whether he will now give a commitment that this extra cost will not result in any increase in existing taxes or charges or in the introduction of any new tax or charge.

Mr CAIN (Premier)—First, let me take issue with the figures suggested by the Leader of the Opposition. I reject the notion that any adjustment in respect of superannuation would cost the figure he suggested. The figure will not be totally revealed until time has elapsed. For the benefit of the Leader of the Opposition who may not understand, superannuation accrues over a long period. To suggest that the State Budget would incur a cost commitment of $169 million in a full year is nonsense.

Mr Kennett—What is your figure?

Mr CAIN—I am not suggesting any figures.

Mr Kennett—You should know.

Mr CAIN—The Leader of the Opposition should know. He obviously does not understand what superannuation is about. It is totally misleading to suggest that any adjustment in respect of superannuation will be incurred in full in the next financial year. That is the first point.

The second point is that I hope the benefits that have accrued to Victoria and the nation because of the accord are recognized. There has never been any suggestion on the part of any Government that any aspect of the accord should not be enforced by the Federal Government. The Victorian Government believes there is a requirement that the accord be observed by all parties, and it will play its part in meeting its commitments under the terms of the accord.

So far as State taxes and charges are concerned, the Government has given a commitment that there will be no increase in the real tax burden on Victorians during the current term.

Mr Kennett—That is a change!

Mr CAIN—It is a commitment the Government gave and one which it intends to honour. Any growth in taxation receipts will come only through movements in inflation and economic growth, and the Victorian public accepts that.

The Government is reducing the level of taxation through receipts as a proportion of the Victorian non-farm gross domestic product and, if the Leader of the Opposition and his Treasury spokesman had done their homework, they would know that the Budget estimate is for a reduction from 5.1 per cent in 1984-85 to 4.8 per cent in 1985-86.

In response to the Leader of the Opposition who interjected about Melbourne and Metropolitan Board of Works charges, I point out that the Government has also committed
itself to containing cost increases in fees and charges to the inflation rate. In 1985–86 the increase overall will be just 6·6 per cent, one of the lowest annual increases ever recorded by the Board of Works. The Leader of the Opposition seems to get one thing fixed in his mind and goes on not understanding how wrong his premise is.

As an aside, I am delighted to read in the Sun this morning that it looks as if the present Opposition will be with us for the next seven years. I am delighted because, if the question by the Leader of the Opposition is any measure of the standard of appreciation and understanding of the great economic issues which face Victoria, and if this morning’s press is any guide, the Government has nothing to worry about for the next two terms.

The Opposition is on seven years’ probation. It must be the longest ever recorded probation period! Members of the Opposition receive their “L” plates when they first enter Parliament and they are then judged on performance. The seven-year itch has got the Leader of the Opposition.

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Speaker, I can understand the Premier not being prepared to answer the question that I put to him, which related to superannuation. If the Premier is not prepared to say how he will pay for it, so be it.

However, the question was very specific. If he wishes to divert attention from that matter, that is fine. However, if he is concerned about responsible management, he ought to try to explain in this House his position regarding this real cost to the Victorian community.

The SPEAKER—Order! I have been asked to rule on a point of order. I do not uphold it as a point of order. I believe the Premier’s reply was quite relevant. I ask the Premier to respond to the question.

Mr CAIN (Premier)—I shall make two further points. As the honourable member for Balwyn would understand, if his colleagues do not, the matter of superannuation is currently before the Australian Conciliation and Arbitration Commission. Also, I am sure the honourable member for Balwyn would understand—and I would have thought that the honourable member for Brighton would also understand—that any cost increase in respect of superannuation is not incurred in the next year. It is a matter for future years. To suggest that there is some immediate increase in recurrent expenditure on the part of the State is a total absurdity.

The final point I wish to make is that if the Opposition and the National Party are saying implicitly—or, indeed, wish to say explicitly—that they are not in favour of the accord, let them say so. They either support the accord or they do not support it. Part of the accord is a productivity flow-on across the community.

Honourable members interjecting.

Mr CAIN—Let them, without equivocation—and not by interjection—come out and say explicitly whether they oppose the accord; let them say what is the alternative to the accord, which has achieved so much for this country over the past two years.

Honourable members opposite know what is the alternative. It is the law of the jungle, such as existed under the former Federal Fraser Government in the late 1970s, where claim upon claim was being made, where there was leapfrog after leapfrog in expenditure, and the country suffered as a result.

If honourable members opposite want to go back to the pre-Hawke days and support the former Fraser days and all that that meant, they should say so. However, they should not come into this place and interject about the accord unless they are prepared to go out and say they do not want the accord and all that it stands for. The Labor Government remains a firm supporter of the accord.
MR ROSS-EDWARDS (Leader of the National Party)—I refer the Minister for Employment and Industrial Affairs to the commitment that he and the Government made to compensate building and construction companies which have suffered financial losses as a result of the confrontation with the Builders Labourers Federation. I ask the honourable gentleman to inform the House whether the Government intends to fulfil its commitment to compensate all employers for the full amount of any losses incurred as a result of supporting the Government against the BLF, and how much the Minister envisages the Government will pay out in total compensation.

MR CRABB (Minister for Employment and Industrial Affairs)—Both the Premier and I have been consistent in our statements in this regard, and I shall repeat my answer once again. The Victorian Government will support any builder or any person in the building industry who is singled out by the Builders Labourers Federation.

Also, the Government will not allow anyone to go broke during the course of this battle with the Builders Labourers Federation. We have said that time and again to the industry, and no one in that industry has shown any concern with the position the Government has adopted. If any company is in difficulty in that regard, it is able to come and meet with the Government. Companies have always known that they are able to do so. Some have already approached the Government and, at their insistence, I am not about to breach the confidentiality of those arrangements.

YOUTH EMPLOYMENT

MR ANDRIANOPOULOS (St Albans)—Can the Minister for Employment and Industrial Affairs advise the House of the Government's progress in creating employment for Victoria's youth?

MR CRABB (Minister for Employment and Industrial Affairs)—I thank the honourable member for his question and for his continued concern with the problem of youth unemployment. I am delighted to inform the House that Victoria performed well with respect to employment, not only for young people but also for everyone. Victoria continues to have the lowest unemployment rate in Australia at approximately 6.8 per cent, compared with the national average of 7.8 per cent.

Employment among 15 to 24-year-olds in the twelve months to December 1985 increased by 16,000. Victoria now has 445,500 young people in that bracket of employment, compared with 429,500 a year before. It was an excellent record for that year. The increase in the number of employed was accompanied by a drop in the unemployment rate for 15 to 24-year-olds of no less than 7 per cent. That is an excellent effort. Some of the special features of those figures include the record intake of apprentices during 1984–85, the highest ever intake of apprentices and a rate that is continuing in the current financial year. All the indications are that 1985–86 will beat that record.

This State was in the depths of depression when my party came to office in 1982. Young people had been abandoned and, despite the glib promises of the Liberal Party with its crazy ideas about reducing wages as a means of creating work, my party has not only increased the number of young people in work, but is also increasing the number of people who are being paid proper award rates.

EDUCATION BUILDING SITES

MS SIBREE (Kew)—Has the Minister for Education entered into a secret deal with the Plumbers and Gasfitters Employees Union of Australia which will cost Victorian taxpayers millions of dollars in order to buy industrial peace on education building sites? Does this decision distort the education spending priorities simply to meet the union's demands?
Mr CATHIE (Minister for Education)—There has been no secret deal with the Plumbers and Gasfitters Employees Union of Australia or any other union. The Government has demonstrated a capacity to discuss and consult with all bodies, especially in the development of apprenticeship training in the plumbing and building industries. It has identified areas in which plumbing courses ought to take place. There has been no change in the directions that have been accepted over many years, going back prior to the term of this Government. The Government has reached an agreement that will ensure that its capital works program can continue without further interruption.

PRIMARY TEACHER TRAINING

Mr HANN (Rodney)—I ask the Minister for Education: is it a fact that the Commonwealth Tertiary Education Commission has reflected a recommendation from the Victorian Post-Secondary Education Commission that the Commonwealth Tertiary Education Commission allow Victoria in 1986 to commence the implementation of four-year pre-service courses for primary teachers within existing resources? In view of the strong support for the proposal by the Victorian Teachers Union and the Victorian Post-Secondary Education Commission, what action has the Minister taken to persuade the Commonwealth commission to change its decision?

Mr CATHIE (Minister for Education)—It is true that the Commonwealth Tertiary Education Commission has at this time rejected a proposal for the introduction of four-year teacher training courses for primary teachers. This is not a good time to be talking to the Commonwealth about new initiatives as it is a time of financial and budgetary restraint. Nevertheless, we are preparing our case for the next triennium and we will be proposing to the Commonwealth arguments in support of that proposition with the hope that it will be introduced in the next triennium.

1986–87 BUDGET

Mr HARROWFIELD (Mitcham)—Further to the Premier’s answer yesterday concerning the preparation of the 1986–87 State Budget, will the Premier inform the House of proposals that have been made in relation to petrol taxation and what effect they will have on the Budget?

Mr CAIN (Premier)—Honourable members will be aware that yesterday I gave details of requests for expenditure and tax cuts that have been made by community groups and members of the Opposition. Those details were given in the context of recognizing that this year's Budget will require considerable restraint and discipline, something that it seems the Opposition does not have.

I detailed a number of areas of requests made, and the honourable member for Polwarth seemed to cavil at one I suggested about a bridge in the electorate he represents. That seemed to concern him.

I must say that the honourable member for Polwarth has shown admirable restraint in requests he has made with regard to some costs. He suggested vertical burials as one way of overcoming this difficulty! A statement has come to my notice and it is headed with the name “Ian Smith” in faint type—whatever that means! The honourable member suggests, in the statement made to a meeting of rural people in Mortlake, the removal of taxes of all kinds on fuel. The statement is dated 27 February 1986. That suggestion represents a tax burden of some $456 million on this year’s Estimates.

That is what the honourable member for Polwarth is all about. He has the gall to cavil about the provision of $600 000 for a bridge in the electorate of Polwarth, yet he blithely suggests the Government should do away with a source of income for this State, some $456 million.

Mr Fordham—as a Liberal spokesman!
Mr CAIN—Whatever that means! The honourable member also opposes any freeze and in the same assertion he said that there should not be a freeze on the staff levels in the Department of Agriculture and Rural Affairs. He wants smaller government and mentions the impact of big government on the rural sector. The honourable member wants small government, yet he is not prepared to show restraint in claims he makes about the imposition of taxes and charges being levied in this State.

I repeat, a large body of opinion in Victoria—and not all on this side of the House—suggests that the Opposition ought not to be taken seriously. People in the street get the giggles when one mentions the Opposition.

On Saturday, I went to the races at Flemington. A fellow came up to me and said, “You’re doing a great job, mate. Are you paying the other side to keep them where they are?” He then said, “Keep them there as long as you can because you have got nothing to lose!” That comment was made in the real world!

On a serious note, Andrew Hay of the Melbourne Chamber of Commerce used two words to describe members of the Opposition. He said they were careerists or incompetents. That probably covers all members of the Opposition.

If the Opposition wants to be taken seriously, its members really have to do a lot better than this because just standing up here, writing letters to Ministers, getting out in the electorates and saying what things they wish for, without having regard to the real world of running a Government, shows them for what they are. The Opposition is not taken seriously in the community and it will not be so long as its members go on like that.

REPORT ON THE TAXI INDUSTRY

Mr BROWN (Gippsland West)—I direct a question to the Minister for Transport. I refer to the Minister’s public statement last week that he expected the Foletta report on the taxi industry would be completed next month and would recommend more taxis on the road and I ask: is it not a fact that the Minister has the report; that he plans to release it today; that he already knew of its contents when he made last week’s statement, and that, therefore, his comments to the media were a lie?

Mr ROPER (Minister for Transport)—I thank the honourable member for the question—I was not able to get it up in the question committee this morning. We are releasing the Foletta report today. It does contain recommendations for an increased number of taxis in Victoria. I do not know the travel habits of the honourable member for Gippsland West, but he helped destroy the Wonthaggi railway line and did nothing to save the Leongatha railway line.

The SPEAKER—Order! I ask the honourable member for Gippsland West to control his interjections. If he is unable to, I shall assist him. I ask the House to come to order.

Mr ROPER—I was explaining to the House a number of the recommendations contained in the report that we are releasing today. Firstly, it proposes additional numbers of taxis. It refers—and many honourable members on both sides of the House have brought this fact to my attention, but it is a shame they have not brought it to the attention of the honourable member for Gippsland West—to the fact that, especially at night time and at week-ends, it can be extremely difficult in Victoria, especially in Melbourne, to obtain a taxi. It also points out that there have been no additional taxi licences issued in the past decade.

The report makes many other recommendations about how the taxi service can be improved. The report has been compiled by Mr Foletta after extensive discussions with a variety of organizations in the community, particularly the taxi companies and the taxi drivers. In addition, support for the recommendations has come from the Melbourne Chamber of Commerce. Mr Hay has something to do with that. Apparently it is the belief of the chamber that Victoria needs more taxis.
Copies of the report are being sent out today to each of the taxi companies, to the various motor chauffeur associations, to the Melbourne Chamber of Commerce and to other interested organizations so that they can comment on whether they believe Mr Foletta's conclusions about the need for additional taxis are correct and whether his views about the need, for instance, for a new financial arrangement between owners and drivers are correct. Copies of the report have been sent out today to all the interested groups and the Ministry has asked them to reply to it with their comments by the beginning of April.

Interested groups already have had two opportunities to comment: firstly, in making original submissions, and, secondly, in discussions with Mr Foletta through major submissions. So this is in fact a third opportunity for interested organizations to put their views one way or the other on the validity of Mr Foletta's suggestions.

I know the honourable member for Gippsland West may not have time to read the report but I have arranged for a copy to be sent to him and to the spokesman for the National Party so that the Opposition and the National Party can obtain a better understanding of the problems that exist in the taxi industry, especially so far as consumers are concerned, and those parties can develop some policy, possibly after discussions with Mr Hay!

**BICENTENNIAL CELEBRATIONS**

Mr Norris (Dandenong)—I ask the Minister for the Arts whether he can provide the House with details of progress being made by the Australian Bicentennial Authority—Victoria Council in relation to the preparations for Australia's bicentennial celebrations.

Mr Matthews (Minister for the Arts)—The Government received a welcome visit yesterday from the new Chairman of the Australian Bicentennial Authority, Mr Jim Kirk, and it is fair to say that, from the account given to the Government by Mr Kirk, Australia's bicentennial celebrations are now on a very sound basis indeed. The Victorian Government, for its part, is determined to ensure that the bicentennial is observed not only through appropriate celebrations but also by the provision of facilities that will be of lasting worth to the people of this State.

Pursuing that goal, the Government has set up a Ministerial committee which will have the oversight of the bicentennial celebrations. That committee is to work in close cooperation with the Victoria Council, which is already in place. Following consultations between the Premier, the Leaders of the Opposition and the National Party, the Victoria Council has now been brought to its full strength by the addition of Miss Loula Rodopoulos, Miss Stephanie Alexander and Dr Michael Searby, who played such a large part in the success of Victoria's 150th anniversary celebrations in his role as the executive director of Victoria's 150th anniversary celebrations board.

These matters have not had to wait on the visit to Victoria of Mr Kirk. We have had in hand now, for many months, the Commonwealth-State Commemorative Program associated with the bicentennial and pre-eminently within that program is the great project for the upgrading of all the metropolitan area's principal waterways.

I invite honourable members from both sides of the House to arrange with the project officers in the Department of Planning and Environment and the Melbourne and Metropolitan Board of Works to visit the projects that are being carried out on our waterways under the bicentennial commemorative program because there can be no doubt whatever that the Merri Creek, the Yarra and the Maribyrnong rivers, along with associated smaller tributaries, are being transformed as a result of what is being done.

We can look forward to a totally different quality of waterways in the metropolitan area as a result of this great undertaking. There can be no doubt whatsoever that by 1988 the people of Victoria will be able to see enormous value for the funds which the Commonwealth Government and the State Government are putting into these bicentennial observances.
It is true that it is appropriate on the occasion of a nation's bicentennial that there should be celebrations in which the ordinary people of the community can be fully, and with immense enjoyment, involved, but the Government wants to ensure that when Australia's 250th anniversary comes around there will still be projects and improvements visible to the people of that day to which they can point and say, “Those are available; those are ours because of the foresight which the Australian Bicentennial Authority and those associated with it in the State exercised on the occasion of the 200th birthday.”

Much attention has been focused so far on the Darling Harbour project in New South Wales. That is a project of which the New South Wales Government is rightly proud. Yet I believe, in the upshot, it will be overshadowed by what Victorians achieve in our State.

**CHAMBER DIGITAL CLOCK**

The SPEAKER—Order! I advise the House that the digital clock at the end of the Chamber is malfunctioning. I have a record of honourable members' speaking times. The clock above the chair is functioning correctly.

**PETITIONS**

The Clerk—I have received the following petitions 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 sheweth 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 (147 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 ever pray.

By Mr Sidiropoulos (80 signatures)

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

**MINES (AMENDMENT) BILL**

Mr Fordham (Minister for Industry, Technology and Resources) moved for leave to bring in a Bill to amend the Mines Act 1958, to repeal the Gelliondale Land (Mineral Lease) Act 1950 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.
WERRIBEE LAND BILL

Mr CATHIE (Minister for Education)—I move:

That I have leave to bring in a Bill to revoke the permanent reservation of certain land and for connected purposes.

Mr PLOWMAN (Evelyn)—Prior to leave being given, can the Minister indicate the content of the Bill and inform the House what Crown lands and reservations are involved?

Mr CATHIE (Minister for Education) (By leave)—It is an excision of a small piece of land by the Department of Agriculture and Rural Affairs for the purposes of the rebuilding of a new police station at Werribee.

The motion was agreed to.

The Bill was brought in and read a first time.

STATE BANK (AMENDMENT) BILL

Mr JOLLY (Treasurer) moved for leave to bring in a Bill to make further provision for Government guarantees for the State Bank, to amend the State Bank Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MINERS’ PHTHISIS (TREASURY ALLOWANCES) BILL

Mr JOLLY (Treasurer) moved for leave to bring in a Bill to amend the Miners’ Phthisis (Treasury Allowances) Act 1938 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Mr ROPER (Minister for Transport) moved for leave to bring in a Bill relating to the protection of the sea and certain waters from pollution by oil and other noxious substances, to amend the Navigable Waters (Oil Pollution) Act 1960 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

DECENTRALIZED INDUSTRY (HOUSING) REPEAL BILL

Mr WILKES (Minister for Housing) moved for leave to bring in a Bill to repeal the Decentralized Industry (Housing) Act 1973 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LEGAL AID COMMISSION (AMENDMENT) BILL

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

Clauses 1 to 4 were agreed to.

Clause 5
Mr MATTHEWS (Minister for the Arts)—I move:

1. Clause 5, lines 17 and 18 omit all words and expressions on these lines and substitute—


3. Clause 5, page 3, lines 7 and 8 omit “for Community Services” and insert “administering that Part”.

4. Clause 5, page 3, line 10, omit “think” and insert “thinks”.

Amendments Nos 1, 2 and 3 simply replace specific references to the Minister for Community Services with a general reference to the Minister administering Part III of the Community Welfare Services Act 1970. That ensures that if changes are made to the administrative arrangements, Parliamentary time will not be taken up with consequential amendments. Amendment No. 4 deals with a typographical error.

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

Clause 6

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

5. Clause 6, line 23, omit “sub-section” and insert “section 4”.

6. Clause 6, line 31, omit “sub-section” and insert “section 4”.

7. Clause 6, line 37, omit “sub-section” and insert “section 4”.

The amendments amend inaccurate cross-references in the Bill.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 7 to 12.

Clause 13

Mr JOHN (Bendigo East)—I move:

Clause 13, line 27, after “writing” insert “and obtain the applicant’s written acknowledgement of that advice”.

The clause provides that the Legal Aid Commission can take a charge upon a person’s property where that person is applying for aid. The Opposition believes the applicant should be informed that a charge will be taken and that the applicant should consent before the charge is taken.

The Opposition believes a refusal to accept that charge on a property should not necessarily debar a person from obtaining legal aid. I understand that the Government agrees, in principle, with those sentiments but that there may be some opposition on technical grounds. That will be investigated when the Bill is between here and another place.

Mr MATTHEWS (Minister for the Arts)—The Government accepts the intention of the amendment proposed by the Opposition. Nevertheless, it is my advice that there may be difficulties in the proposal as it is currently put forward which may have the effect of defeating its intention. Therefore, the Government will not accept the amendment at this stage, but will examine the whole matter as the measure passes between the Houses and respond in the other place.

The amendment was negatived, and the clause was agreed to, as were clauses 14 to 22.

Clause 23

Mr JOHN (Bendigo East)—I move:

Clause 23, line 24, omit “under section 27” and insert “which is subject to a condition under section 27 (1) (c) (i)”.

Mr MATTHEWS (Minister for the Arts)—The Government is happy to accept the amendment.
The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

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

**EXTRACTIVE INDUSTRIES (AMENDMENT) BILL**

The debate (adjourned from November 21, 1985) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr RAMSAY (Balwyn) - The Bill introduces a basic change to the operation of extractive industries in Victoria and, in the view of the Opposition, it is a necessary change. Essentially a problem has arisen with advancing technology in the various extractive industries operating in the State requiring a significant level of capital investment if they are to operate in a modern and efficient manner.

To make that investment a company requires a certain security of tenure for its operations if it is to be successful. Under the existing Act provision is made for the granting of a lease or a licence for someone to extract rock or sand, as the case may be, for a period of not more than fifteen years.

For many years the industry had been pointing out to the Government that this time restraint imposes the possibility that after that initial period there may not be a renewal of licence and this has been affecting the operations of the industry as well as its ability to borrow the necessary funds to properly equip for a particular project.

The key clause in the Bill will change that situation and enable licences or leases to be granted for a period of up to 30 years with the opportunity for renewals in perpetuity in ten-year blocks.

This proposal, which recognizes the importance of providing security and confidence for investors who will provide the funds for such operations, has the full support of the Opposition.

Extractive industries, of course, have a negative side for the community, because if quarries are opened up and industry exploits the natural resources—which is what quarrying or sand mining represents—some damage will be done to the environment, not only by the scarring of the environment after material has been removed but also during the process of building roads, the movement of trucks and transport of materials and the dust and noise involved in the extractive process. Consequently, it is necessary that a sensible arrangement should be developed between the Government and operators so that the undesirable environmental side effects of any operation will be kept satisfactorily under control.

The Extractive Industries (Amendment) Bill has provisions that will enable this to happen. The Department of Industry, Technology and Resources, through the Minister for Industry, Technology and Resources, can place terms and conditions on licences or leases at the time that initial arrangements are made. The Bill provides that if circumstances change with general community development necessitating a review of those terms and conditions, such a review will occur at least every ten years.

This provision poses a small problem for the industry. If the House is to make provision for the Minister to review the terms, conditions or covenants imposed on leases or licences at least once every ten years, perhaps the House ought to ask the Minister how often that review will occur. The fact that the review can occur "at least" once every ten years does, in a sense, create some uncertainty within the industry about the extent of interference it will suffer at the hands of the Government regarding the imposing of conditions or the insertion of new conditions. Can this occur next year, in five years' time, ten years' time or, taking it to the extreme, even on a weekly basis? I am sure the Minister does not have
that in mind in inserting the provision in the Bill, but it may be advisable for the review
to be on a firm ten-year basis.

The Department of Industry, Technology and Resources and the Minister should
establish a reasonable period for the imposition of terms and conditions on any lease or
licence and at least give the industry the opportunity to operate within that framework for
a number of years. If there were provision for the review of a covenant or condition only
every ten years rather than every ten years as a maximum, I believe it would be an
improvement in the Bill and I urge the Minister for Industry, Technology and Resources
to consider an amendment on that basis.

The Extractive Industries (Amendment) Bill provides for existing licences on expiry to
be renewed for an initial period of 30 years to bring them into line with the new provisions.
This appears to be fair and reasonable and, again, the Minister will have the opportunity
at the time of renewal to consider what covenants or restrictions would need to be placed
on any individual licence.

The Bill makes special provision for dealings with local government. Where a local
government authority is engaged in an extractive industry, if it is maintaining a commercial
quarry working in the general framework of the community selling materials to other
parties, it will be obliged to obtain a lease or licence under the terms of the Act. However,
special provision is made for a local government authority operating a quarry for its own
purposes where the material being extracted is used by the municipality. No lease or
licence is required for that activity but there is a requirement for the municipality to take
proper cognizance of the environmental impact of its operations and be prepared to
restore the area after the activity has ceased to ensure that the area is in reasonable
condition for the general harmony of the locality in which it exists.

Some concern has been expressed in the industry about the fact that local government
should be given special treatment in this way. However, if the Act is handled sensibly, as
I believe it will be in the hands of the present Minister for Industry, Technology and
Resources—and it certainly will be handled sensibly in the hands of future Ministers from
future Governments—there is no reason why this arrangement should not work
satisfactorily.

Local government has responsibility for the maintenance of public services within the
municipal area and, therefore, has a special reason for retaining quarries for the maintenance
of municipal roads, which is an operation that has long been the traditional responsibility
of local government. It is sensible that that situation should be maintained into the future.

The Opposition generally supports the direction and intent of the Extractive Industries
(Amendment) Bill with one proviso concerning the period over which the Minister will be
able to review covenants and conditions.

Mr B. J. EVANS (Gippsland East)—About twenty years ago the problems of the
extractive industries in Victoria were investigated by the State Development Committee,
of which I was privileged to be a member. At that stage difficulties arose because extractive
industries were administered under the Mines Act, which was not really appropriate to
handle the somewhat peculiar problems of extractive industries.

During the course of an inquiry conducted by that committee, the problems peculiar to
extractive industries were drawn out in some detail, and not the least of them were
difficulties encountered as a result of the nature of the industries, which need to be
established firstly, where the materials required are located and, secondly, in general, in
proximity to the metropolitan area, where the demand for material is greater. Rapid
growth in the metropolitan area over the past twenty years has resulted in a considerable
demand on the resources provided by extractive industries. There were always difficulties
about the availability of resources because of those facts. In many cases resources were
found close to already developed urban areas and conflicts arose regarding the environment
because of problems of noise, dust and vibrations from explosions and the like.
The committee arrived at recommendations that resulted in good legislation known as the Extractive Industries Act to which we are considering a necessary refinement that has been brought to light over the years.

The National Party finds no problem with the Bill. It is obvious that, if an industry with a heavy capital involvement is to be established, a reasonable length of security of tenure is necessary so that the industry can run profitably, and a 30-year tenure, with the right for the Government to review terms and conditions periodically, is a reasonable proposition.

Coming from a rural area where perhaps another form of extractive industry is widespread, one can only express disappointment that the timber industry does not receive the same consideration so far as security of tenure is concerned because similar sorts of capital investment are involved. In many respects, the timber industry is an extractive industry and one where the resources are replaced, not used and dissipated for all time as with the forms of extractive industries dealt with in the Bill.

It is reasonable to suggest that, over a period, with changes in the development in the environment of the site of an extractive industry, there may be a need to change the conditions of that industry, and the National Party supports the proposal contained in the Bill.

The requirement for municipalities to notify the department of their operations, mainly in the extraction of gravel for road-making purposes, puzzles me a little because I am not sure that the department has the necessary resources to carry out much surveillance.

The Department of Conservation, Forests and Lands would probably be the department mainly concerned with ensuring that a gravel pit that may be used is subsequently rehabilitated. Indeed, at present a minor controversy exists within the Shire of Bairnsdale, in which I live, where the department has raised questions about the council's use of a pit in recent years, yet the council officials cannot remember the last time they used that gravel pit, and I can see that, without fairly close surveillance, difficulties may arise over the question of who last used a particular gravel pit.

I do not know whether the Bill provides for the Road Construction Authority to notify the department in the same way as local government, but I suggest that that authority also makes considerable use of gravel pits on Crown land and in other areas in rural Victoria. However, that is only a minor consideration. The Bill will ensure that these areas are properly rehabilitated, and I do not think anybody objects to that proposition. The National Party supports the Bill.

Mr DICKINSON (South Barwon)—In supporting the Bill I shall make brief comment regarding extractive industries because the Geelong region has some notable large quarries—the Geelong operations of Australian Portland Cement Ltd, Blue Circle Southern Cement Ltd's blue metal and scoria quarries in the Anakie and Little River region, the road metal and gravel extraction quarries at Steiglitz, and the sand extraction areas in the Barrabool Hills and at Inverleigh.

Generally our larger industries have been particularly sensitive to the restoration works need following quarring activities, especially in the Fyansford and Batesford area. In that area, the overburden has been deposited over many years along the Moorabool River and the company has spent vast sums of money in carrying out this work with the environment in mind.

Honourable members are aware that road materials have to be extracted in many areas and there are always pressures from some residents who find a quarry adjoining their properties to be unsightly and sometimes quite disturbing. Comments have appeared in the Geelong Advertiser in recent months about the extraction that is taking place along the Moorabool River near Steiglitz. The Minister has a task before him to strike a balance...
between the needs of the industry and the wishes of the environmentalists, who are always putting pressure on the Minister to stop certain activities.

Other examples also come to mind, for example, the flood plain of the Barwon river in the City of South Barwon, where an area was to be considered for the deposit of rubbish behind the township of Marshall. One must be practical in these matters because sometimes quarry sites are not available for the deposit of rubbish and there must be a balance between the environmental needs and the preservation of these sensitive areas in the flood plains and the needs of the community, firstly, for sites for depositing rubbish and, secondly, for areas for sport and recreation.

I am sure the Minister for Industry, Technology and Resources is mindful of the work of the Geelong Regional Commission, which has recently announced long-range plans, not yet fully defined, for the flood plain of the Barwon River. The commission must take into account the growing needs of the community and, at the same time, preserve that balance that is so vital if the large manufacturers, wheat silos, the quarrying activities, cement manufacturing and fertilizer processing industries are to continue because, after all, they are major employers in Geelong.

Proposed legislation such as this Bill can create uncertainty in the minds of the management, which is responsible, and which has the wishes of the community at heart.

I trust that the Minister and his department will keep in mind the long-term planning needs of the key industries in the Barwon area, and I instance the activities of Australian Portland Cement Ltd at Geelong, which has been operating at Fyansford for some 50 years. Unfortunately, the urban growth of Geelong has crept up to the new chimney of the cement plant. This has put tremendous burdens on that company to filter the fallout from its smoke stacks. That is an instance where there was not enough forward thinking.

Fortunately, in the Waurn Ponds area the quarry has maintained a substantial buffer zone around its activities. It is hoped that that area will not be encroached upon by the suburban growth, which will inevitably occur as Geelong proceeds to spread out through the Grovedale area.

If sufficient thought is not given to this matter, some 50 years down the track, pressures will be placed on not only the Minister but also the companies involved in that activity either to cease their operations or to curtail their activities, which are the life blood for community employment.

It is often not recognized that one of the great pollutants in the skies around Geelong occurs as a result of the wind blowing in from the sea and bringing the dust and other fallouts from the fertilizer plants, the wheat silos and chemical operations in the area, which all add to the concerns of the residents who live in those industrial belts on the approaches to Geelong.

I urge the Minister to take on board the needs of industry and the needs of the community and to strike that conservative balance, without which employment in Geelong cannot exist. I believe an intelligent balance can be struck through long-term planning, and I hope the public input and the public concerns of industries will be taken into account in the Geelong region.

Dr WELLS (Dromana)—I join my colleagues in the Opposition in supporting the introduction of this Bill. I compliment the Government for doing so. Two points are meritorious; the first is that the Bill provides the extension of the lease period for industry, and that is desirable today when the costs of productive process have increased so rapidly. The second, which is important, is the addition of proposed section 7A, particularly subsection (1) which provides for the Minister to impose:

... such covenants and conditions as the Minister thinks fit with respect to the measures to be taken to minimize the adverse effects that the extractive industry operation may have on the environment and the neighbouring community...
It is to that particular sub-section which I shall refer my comments.

The basic impact of that provision appears to refer to the repair of damage or alterations to the environment associated with the extractive process. However, it also has something to do with the aspect of pollution in the region and refers to the question in some cases of the later disposal of waste products from that extractive industry. I shall refer to that aspect.

There is one important illustration in particular, which is the question of the brown coal liquefaction plant in Victoria. I welcome that plant which I have recently had the privilege of visiting. I have had several trips to Gippsland to gain first-hand experience of what is going on there. Stage 1 of the plant is in production now. It is a demonstration plant. Stage 2 is due to be in production within approximately one year.

I shall refer to the wastes from that plant to show what has been done with some of them, and I shall refer to one in particular. There are three types of wastes from that plant; the first is processed waste water which is being incinerated on site by the company concerned. The second is saline waste water, which was to go into an evaporation plant at Dutson Downs.

In passing I wish to compliment the Government, firstly, for removing the proposed nuclear waste dump from Dutson Downs, and, secondly, in terms of today's discussion, undertaking to build an outfall pipe to the ocean in order to dispose of the second form of waste to which I referred, rather than it being deposited in the La Trobe River or the Gippsland Lakes area and then flowing into the ocean. It is far better that suitably treated waste be disposed of through an outfall pipe directly into the ocean.

The third waste produced by the plant is called coal liquefied bottoms, which is a crystalline dry material that is said to be basically insoluble in water. The waste has caused concern because it contains polyaromatic hydrocarbons which have some mildly carcinogenic or cancer inducing capacities.

The point I take up is that that little plant which processes brown coal produces about 20 tonnes of this particular dry waste, that will be the feedstock of stage 2 when it comes into production and will be used up in that process. Because of the delay in the interim, it is to be dehydrated and stored in clay pans.

Mr Simpson—What has that got to do with it?

Dr Wells—It has a great deal to do with coal and the extractive industries concerned. If the honourable member for Niddrie will allow me to finish he may agree with me.

The point is that a significant amount of material will have to be stored and be monitored for years to see that it is not leaching out into the soil and so on. My point is that significant studies and real life experience in other countries—especially the United States of America where approximately 1000 sites are now suffering from major long-term pollution—have shown that it is far cheaper to deal with these wastes first, especially to recycle or reuse them where possible, rather than to bury them.

I am not attacking the coal to oil liquefaction plant, which is of great value to us, but I use it as an illustration of what is today increasingly becoming the situation in this country, in which we have the benefit of being a little behind other industrialized countries and learning from them. We must move sooner than they did to be sure of what we are doing with wastes from the extractive industries before we put them in the ground.

It is not a question of the Government and the people of Victoria sharing the cost of the disposal of that material or initially not incurring that cost because of the user pays principle, but a question of what will happen in 25, 50 or 200 years' time. The people of Victoria will bear the cost of monitoring and caring for such sites. If that material were rehydrated, resolubilized, it could possibly be used as feedstock in stage 2 and there would be no waste.
I have seen the material at the plant, which is currently stored above ground, although it is to go into the ground. This is a case where the Government could well examine critically whether some financially viable scheme could be organized so that the material could be reused in stage 2 of this productive process.

For a short time we may get away with burying this waste but the cost is always there. The Bill rightly refers to such situations where it provides for the Minister to deal with a situation as he sees fit to minimize the adverse effects on the environment and the community for any extractive industry operation. It is my understanding that the contractor company concerned has, on its own, reached a commercial decision, which has been accepted by the responsible authority, that this material should be buried because of the commercial cost of following other avenues.

I ask the Minister to re-examine the situation. I am not knocking the company but I suggest it may be a better and cheaper process for the State of Victoria to store the material for a short period, even if this involves the construction of a small chemical process plant on site to bring back that waste to a usable condition. This could be a cheaper path to follow and it is something that should be examined. If we then concur with the decision, the people of Victoria will be reassured. If we can reprocess the waste, we will have responsibly taken a step in the direction of what will become the normal process in the future, which will be to attempt to recycle wastes. The world has become too complex chemically for us to do anything else, because we will find in the end that we have created pollution through unwise and unnecessary processes that will, as could be the case in Gippsland, stop the productive process.

For that reason I compliment the Government on undertaking the small expenditure to which it has committed itself in providing a waste outfall pipe to the sea at Dutson Downs. That, more than anything else, is a great step forward in assisting desirable industrialization in Gippsland. The illustration I gave of recycling wastes is another important subject that should be addressed by Parliament.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank honourable members for their contributions and I am pleased that both the Opposition and the National Party have seen fit to support the proposed legislation.

The honourable member for Balwyn commented on one aspect of the Bill and suggested an amendment. I believe, as he probably realizes, the Government does propose in the Committee stage to pursue an amendment along the lines he has outlined and in accordance with the submissions I have received from the industry. I shall deal with that at that time. The honourable member for Dromana made a suggestion and I shall be pleased to consider the proposal he has put forward and contact him on that matter.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
1. Clause 5, line 13, omit “must” and insert “may”.
2. Clause 5, line 14, omit “at least once in every ten years” and insert “at the end of every period of ten years”.

The amendments take up the point referred to by the honourable member for Balwyn and are in accordance with submissions received earlier from the industry. The industry sought—and it is a reasonable request—that there be greater security for investment decisions. The thrust of these amendments is to provide that security.

If companies make long-term investment proposals, significant capital investment is required for the establishment of a number of quarries in Victoria and those companies should have the highest possible certainty about operating conditions in the future.
Amendment No. 2 removes the references to the Minister, at least once in every ten years, reviewing the covenants and conditions and states that it will happen every ten years rather than being, as it were, at the whim of the Minister, as the current Act provides. It could be every year if the Minister so decided. However, the amendment makes the situation clearer so that the Minister, at the end of every ten year period, may undertake a review and reassess the conditions as at that time.

I thank the industry for its ongoing co-operation not just with me but also with my predecessor, the Honourable David White, who was the former Minister for Minerals and Energy. He was the architect of the original legislation and the originator of amendment No. 2 which came before the House some time ago.

Victoria has a much healthier extractive industry as a result of excellent Government industry co-operation and the Government is keen to emulate that model in other areas of Victorian activity.

Mr Ramsay (Balwyn)—The Opposition is pleased to support the amendments. The amendments were agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

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

SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL

The debate (adjourned from November 28, 1985) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr Gude (Hawthorn)—The Bill seeks to amend the Small Business Development Corporation Act 1976 after almost ten years of operation. The Minister in his second-reading speech stated:

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.

On the face of it, it sounds simple; it might almost sound reasonable; but the Opposition queries whether that is the case. The Opposition has learned to become wary of proposed legislation of the so-called simple kind, especially proposed legislation introduced by the socialist Cain Government. Victorians have learned that they cannot trust the Government because it says one thing and does another. When the Government quotes figures in Parliament and in public, it quotes selectively, without honesty and integrity.

Honourable members can be sure that, if the proposed legislation has any connection with business, free enterprise, freedom of choice or any suggestion that those who work hard should be recompensed according to their effort, invariably a role will be reserved for the industrial arm of the Labor Party—the trade union movement—which is Victoria’s de facto legislator. The Opposition will demonstrate that this Bill is no different.

The Bill follows the same basic pattern of the Labor Party’s subservience to its union masters at the Trades Hall Council. It demonstrates the deficiencies of the Government, its lack of knowledge about business and an understanding of the needs of business. It demonstrates the Government’s lack of ability to respond to business enterprise in the market-place.

The Government has no genuine understanding of free enterprise; it is light on in business knowledge. One of the few Government members who had, or should have had business knowledge is now a defrocked, deprived and unwanted Minister—the honourable member for Niddrie. He at least ran a family retail furniture business.
I know that he is often embarrassed by the remarks made by his colleagues on business in Victoria. Perhaps he spoke up once too often in the party room and told the truth. Perhaps that is why he was discarded!

I now turn to the proposed legislation with a feeling of privilege. When the original legislation was introduced in 1976 to establish the Small Business Development Corporation, I was given the opportunity of speaking on the Bill. I have also been a board member of the corporation while on a short sojourn from this place. I have given evidence to the Public Bodies Review Committee on the workings and functioning of the corporation and, as Opposition spokesman in the small business area, I have seen the rape of the private sector by the Cain Government.

The Public Bodies Review Committee's report on the corporation, which was tabled in this House, recommended that fundamental objectives should be established in the Act. Page 43 of the report states:

The committee recommends that:

(ii) the fundamental objectives put stress on the provision of assistance and advice to those small businesses most in need and least able to obtain it from other sources; and

(iii) after approval by the Minister these fundamental objectives be included in the Small Business Development Corporation Act 1976.

That is what the Bill is supposed to be about.

I shall refer to some of the items in the Spectrum survey. I note that all is not well in the State of Denmark and that some of the objectives and functions of the Small Business Development Corporation do not accurately reflect the wishes of the business community.

I shall refer to item 47 of the Spectrum survey, which is headed, “Level of Satisfaction with the SBDC’s Assistance”. Members of the Government have commented that there is a high level of acceptance and support for the Small Business Development Corporation. However, according to the survey, of the existing small business proprietors who contacted the corporation because they had been suffering difficulties, 45 per cent were reasonably or quite satisfied with the service, but 54 per cent were less than satisfied with the service.

Much weight has been placed on the basis of the survey of the business community. It is important to note how many businesses made a contribution to the survey when one is attempting to determine how effective are the statistics contained in the survey. If one examines the survey, one finds that 252 companies that had used the corporation before were involved. The existing business proprietors who contacted the corporation numbered 65 and advisers who sent clients to the corporation numbered only 22. That is hardly a basis for a conclusive and detailed survey upon which to make a decision to make major changes to specific legislation.

The first three clauses of the Bill are functional. Clause 4 provides for an addition to the definition of “small business” by adding that a small business is a business:

which is a co-operative society registered under the Co-operation Act 1981.

The Opposition asks why the Government seeks to identify specifically the co-operative sector. I shall refresh the mind of the Minister for Industry, Technology and Resources and the minds of his colleagues as to what the Act presently prescribes.

The definition of “small business” in the Small Business Development Corporation Act 1976 states:

“Small business” means any business undertaking—

(a) which is wholly owned and operated by an individual person or individual persons in partnership or by a proprietary company within the meaning of the Companies Act 1981 and which—

(i) has a relatively small share of the market in which it competes,
(ii) is managed personally by the owner or owners or directors (as the case requires); and

(iii) does not form part of a larger business or enterprise; or

(b) which is owned and operated by any person or persons, whether corporate or unincorporate, specified by proclamation of the Governor in Council published in the Government Gazette to be a small business for the purposes of this Act.

The Act indicates that “Minister” means the Minister for State Development and Decentralization. The Opposition believes the existing section is wide enough and that it accurately reflects what a small business is.

The Bill demonstrates the ideological hang-up of the Government. It demonstrates a total lack of knowledge of what business is about; it demonstrates how inept the Government is in drafting proposed legislation. Honourable members will recall that the definition of “Minister” in the 1976 Act means the Minister for State Development and Decentralization. I observe that the Minister at the table is neither of those things: he now goes by the title of Minister for Industry, Technology and Resources. That is the Australian Labor Party jargon of the 1980s. Neither the Minister nor the Government could be credited with representing State development.

The Minister should ask all those employers who have had to lay off staff what they have to say. He should also ask those businesses that are reeling from the effects of the 70 per cent increase in taxes and charges under the policies of the Cain Government. He should also ask the small entrepreneurs who have been forced into bankruptcy by the failure of the Government to pay their accounts. He should ask Victor Apakian of Marks Industrial Photographic Sales and all those people who are subject to this Government's pro-union, anti-business, industrial legislation. He should ask Victoria's owner-drivers.

The Government has turned its back on rural Victoria. Country people count for nought under the policies of the Labor Government. Why is that so? The reason is because the Government believed there were no votes in the bush. However, the Government is finding out differently now because the country people are coming into the cities. The blockade by dairy farmers and the demonstration by the mountain cattlemen showed that the Government has turned its back on the small business sector in rural Victoria.

This is the Government that scrapped real decentralization benefits in country Victoria. This is the Government that, more recently, finally realized that it is important to have a full-time Minister for Agriculture and Rural Affairs. I wish the Minister well and hope he will pick up his game. My colleagues in Colac, Geelong, Ballarat, Bendigo, and Wodonga—to mention a few—and the handful of National Party members present have known what it means to have decentralization benefits. However, they are a thing of the past under the Cain socialist Government.

I suggest the Minister drafts an amendment to section 2 of the Act to identify his current title for the people of Victoria. If amendments are to be made to the Act, they should be made properly.

Why does the Government introduce the term “co-operative society” into the Bill? The definition clause is wide enough to encompass any existing genuine small businesses. Therefore, why does the Government seek to specify co-operatives? The reason is that it has an ulterior motive and it is important to deal with that motive. The second-reading speech states:

The corporation, both through its representation on the Ministry of Employment and Industrial Affairs Cooperative 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 cooperative sector.
The Government has been discussing industrial democracy with the Victorian Labour Advisory Council. Under the Act the role of the Small Business Development Corporation is being misused for the delivery of the main socialist objective of worker control; the so-called industrial democracy or worker participation in management.

Members of the Victorian Labour Advisory Council have raised the matter with the Opposition. I refer to a note of a discussion I had with a representative of the council who said:

I believe that the current Government perceives co-operatives as a vehicle for introducing the principles of industrial democracy and worker participation. I would be interested in knowing what the Government's intention is in reviewing the Co-operation Act and identifying mechanisms for developing a co-operative sector.

Although that was the first concern, a number of other concerns exist, and I shall read them into the record. The Victorian Chambers of Commerce and Industry demonstrated concern and on 24 December the chamber wrote to the Minister and the specific reference to clause 4 stated:

The 'blanket' provisions of this clause are opposed. Few co-operatives registered under the Co-operation Act could be regarded as small businesses.

The Metal Trades Industry Association is also concerned at what this clause will bring about and states:

That Act covers a number of co-operatives which on the face of it would not seem to have the same purpose or activities as small businesses, as it encompasses producers, trading, community settlement, community advancement, credit societies among the kinds of co-operative societies covered by the Act.

It does not end there. The Australian Chamber of Manufactures, another member of the Victorian Labour Advisory Council, also expressed its concern. It stated:

It is inappropriate to include a co-operative society as part of the definition of small business.

Co-operatives are mutual benefit and sharing bodies.

The profit motive is not essential, rather the break-even accounting approach is part of a co-operative society strategy.

The inclusion of co-operatives as part of the definition of small business only demonstrates the effective lack of understanding of what constitutes a small business by the government.

It is inappropriate to include co-operatives within the definition contained in the Small Business Development Corporation Act. Indeed, the way it is worded and the way in which the Government seeks to deal with it is very uneven.

I do not wish people to come to the conclusion that the Opposition is opposed to co-operatives; indeed, the opposite is the case. There is a place for co-operatives but it is certainly not under the definition contained in the Small Business Development Corporation Act.

I shall read briefly from the newsletter of the Co-operative Federation of Victoria Ltd, which appears to be undated, but which I shall table for the benefit of the Minister for Industry, Technology and Resources. Page 2 of the newsletter, under the heading "Government Guarantees", states:

In reality, however, they are not two independent principles, but two components of the same principle, the principle of service; service at cost, without profit.

So even the federation's own newsletter makes specific mention of the non-profit component of co-operatives as distinct from the situation in the private sector. If honourable members examine the 1984-85 annual report of the Department of Employment and Industrial Affairs they will understand what the Government is proposing. Page 27 of the report sets out the co-operative development program of the Government:

This program addresses the issue of long-term job creation and maintenance and industrial/economic democracy in the workplace through the provision of technical and financial assistance for co-operative business enterprises.

It aims to provide technical and/or financial assistance for proposed, new or established co-operative business enterprises which:
We return to those words again. It continues:

Create and/or maintain jobs in supported co-operatives.

The main initiatives for this program are set out and there is a cross reference with the second-reading speech of the Minister for Industry, Technology and Resources in identifying the role of co-operatives in the workplace and of community services Victoria. The report deals with the commencement of a review of the Co-operation Act 1981 by the Ministerial Advisory Committee on Co-operation. It goes on to state:

The review process has involved presentation of a worker co-operatives submission to MACC, and the conduct of a MACC Worker Co-operatives Seminar.

What are some of the areas involved? The report continues:

introduction of a program of Conversion Co-operative Workshops aimed at promoting the conversion of traditional business enterprises to worker co-operative enterprises—

That is transferring away from the individual the entrepreneurial spirit that is the life and breath of small business, not only in this State but also throughout the Commonwealth—

development of new introductory workshops for co-operatives, and the further development of education and training support for worker co-operatives with courses now being presented in Spanish and Arabic—

I am not sure how many people in business would need to understand courses presented in Spanish and Arabic—

completion of a feasibility study into the establishment of a worker co-operative association;

funding of the first conversion co-operatives;

completion of a report on the development of education and training on co-operatives in Victoria ("Democracy through Education");

That is the direction in which the Government wishes to take the business community of Victoria.

The Opposition and the business community are interested to know precisely what the intention of the Government is following the review of the operation and identifying mechanisms for developing the co-operative sector. The Opposition and the business community are concerned about this provision and invite the Minister to state categorically that the Government does not intend to use this amendment to further increase worker co-operatives and worker participation in management.

Clause 5 amends section 13 of the principal Act by introducing seven objectives of the corporation. The Opposition holds the view that these provisions amount to nothing more than padding or window dressing designed to dupe the small business community into believing that the Cain Government knows best about what may interest small business. Section 12 (2) encapsulates all of these seven new objectives and states:

(2) The Corporation shall have power to do all things necessary to be done for or in connexion with encouraging, promoting facilitating and assisting in the establishment, carrying on, expansion, and development of small business.

Of course, that is too simple for the Government, which has a penchant for making the simple complex and difficult.

The first of the seven objectives of the corporation is:

To do all things possible to develop increase and assist small business, in particular new business.

In the view of the Opposition, the objective, “To do all things possible” is too broad. In his second-reading speech, the Minister stated that small business constitutes 95 per cent of the State’s businesses. Does the Bill empower one small corporation of 32 people to
undertake, “To do all things possible” for virtually all businesses? That would be beyond the conceivable manpower skills or experience of the corporation. What costs for additional manpower would the taxpayers be further burdened with to give effect to that objective? Surely the cost effectiveness of the existing services is sufficiently adverse to warn the Government of the dangers of further expansion of the corporation.

In support of that point, I refer to the Ninth Annual Report of the Small Business Development Corporation at page 25, which deals with expenditure. The cost to the taxpayer for the administration of grants was $232,819 to allocate $181,452 in grants. That is hardly an efficient disbursement of Government money raised from taxes and charges on the people of Victoria. The Government should recognize the limitation of this body or any other Government bureaucracy to advise free enterprise business.

The provision should be worded, “To develop, increase and assist the promotion of new small business” because they are the ones most in need; they were referred to specifically and supported by the Public Bodies Review Committee. The provision should be more specific. Attention should be directed towards expanding opportunities for new businesses.

The second objective is:
To promote Victoria as a place for viable small businesses to be established;

There is no problem about that provision which the Opposition supports wholeheartedly.

The third objective is:
To increase the viability of small businesses;

How is the corporation to increase the viability of small businesses—by doing all things for them?

Once again, the provision is too broad and will encourage the corporation into taking risks and into entrepreneurial areas where it will expose itself, the staff and the Government to risk and to inevitable criticism. Should the advice concerning the taking of risks be misdirected or even misconstrued, the corporation could face charges of professional negligence, and I wonder whether due thought has been given to that area.

Rather, the Opposition believes the corporation should direct its attention to the creation of an economic, business and legislative environment favourable to small business; it should not attempt to assume the full risk of a private, professional advisory or consulting service. Business and professional advisers to free enterprise ought to be left to deal with those matters.

Proposed new section 13(1)(d) provides that:

The objectives of the Corporation are as follows:

To assist in the expansion of existing small businesses.

For the reasons that I have already stated, paragraph (d) should read:

To assist in the expansion of the number of small businesses.

Proposed paragraph (e) provides for the corporation:

To identify and propose solutions for major difficulties facing small businesses and in particular to identify and propose solutions for the reasons why small businesses fail;

Again, for the same reason, the corporation's power should be directed towards identifying reasons why small businesses fail and towards proposing solutions within the broad economic, business and legislative environment.

Proposed paragraph (f) provides that it shall be an objective of the corporation:

To improve and develop services and facilities for small businesses;

The Opposition has no difficulty with that provision.
Under proposed paragraph (g), a further objective is:
To improve the level of competence of small businesses.

This objective ought to have added to it words such as “through the publication of books, journals and pamphlets and through seminars”.

The provision ought to be more specific. If the objectives of the corporation are to be changed to reflect the views of the Public Bodies Review Committee and make the corporation more relevant to today’s needs, the Bill ought to be as specific as possible.

I turn now to the functions set out in proposed new section 13 (2), which contains thirteen paragraphs. It seems appropriate, in a sense, that this provision is found within proposed new section 13 and that that proposed section has thirteen paragraphs because it is the most offensive part of the Bill. This is where the Government shows its true colours and where it demonstrates for all to see its anti-business stance. Proposed paragraphs (a) to (c) provide for virtually the same functions as the paragraphs they are replacing and the Opposition has no particular problems with those. Proposed sub-section (2) (d) adds power for the corporation:

To publish and distribute information for the guidance of small businesses and where appropriate to publish and distribute information in languages other than English;

The Opposition has no objection to that, but makes the point that the corporation is capable of doing this without the addition of those words: it is an example of the Government politicizing the Bill for electoral gain. Actions have always spoken louder than words and the corporation is perfectly capable of delivering that service without the addition of those words.

Proposed new section 13 (2) (b) is also amended but, in reality, the amendment is double talk because it means largely the same as the earlier provisions meant. We then move on to the new paragraphs.

Mr Fordham interjected.

Mr Gude—I know the Deputy Leader of the Opposition cannot contain himself. I think of him as the Deputy Leader of the Opposition because he certainly will be in the not-too-distant future. He cannot contain himself in waiting for the Opposition’s view on the remaining seven paragraphs but he will have to do so because I intend to return to proposed new section 13 (2) (b) which, as I observed earlier, has not effectively altered in any way. It empowers the corporation:

To investigate the effect upon small businesses of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and of rules, regulations, by-laws and other laws made under them;

I return to that paragraph because, presumably, the aim of the Bill is to expand the scope of activities of the corporation and to allow it to play a meaningful role in assisting small business.

At least that is what the Government would have honourable members believe. However, I put it to the House that that is not the goal of this Government; it never has been and never will be.

The Government does not even allow the corporation to carry out its existing functions.

The sitting was suspended at 1.1 p.m. until 2.5 p.m.

Mr Gude—Prior to the suspension of the sitting for lunch, I referred to the Government regarding the role of the Small Business Development Corporation as presumably one of expanding its activities for and on behalf of small business in this State. Proposed new section 13 (2) (b) is a repeat of an old clause that points out the way in which the Government is not allowing the Small Business Development Corporation to develop its existing role and charter. At the same time the Government is talking about extending
the charter. Proposed new section 13 (2) (b) provides that the functions of the corporation are:

To investigate the effect upon small business of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and rules, regulations, by-laws and other laws made under them;

Honourable members would be aware that a reference exists to the regulation review unit under the control of the Minister. I shall read into Hansard the terms of reference of that inquiry, which state that the unit is required to investigate and report on:

. . . any State or local government requirements that must be met in both establishing and operating an owner-operated or owner-managed business;
. . . any legislative or administrative requirements that should be eliminated, streamlined or otherwise reorganized.

The following categories of small business will be the subject of the reviews: manufacturing; retail; construction; food; finance; property and business services; entertainment and recreational services.

The unit is not required to inquire into areas of Commonwealth responsibility such as taxation or customs or review general matters of State or Federal Government policy involving equal opportunity, award and penalty rates of pay, WorkCare or occupational health and safety legislation.

Again, one gets back to matters in which the Government is subservient to its masters, those who have withdrawn from the review by the regulation review unit. One must question the dedication and commitment of the Government.

The corporation has existed for the past ten years and has the capacity to carry out the functions embodied in proposed new sub-section (2) (b), which I read out earlier. Why was the Small Business Development Corporation denied the opportunity of doing that work? Was it because the corporation was adjudged by the Government not to have the calibre of staff or ability to carry out such a function? If so, perhaps major structural changes ought to be made within the organization.

If the Government intends to extend the corporation’s charter, it should review its present activities and should give it the opportunity of carrying out all those functions. Instead the Government prefers the security of allowing a limited review to be made of selected business regulations by the Government’s regulation review unit, which is headed by Mr Robert Miller, a former honourable member for Prahran whom the Government can control totally and adequately.

Honourable members are aware that Mr Miller is at present setting himself up for the seat of Niddrie. That being the case he will look after himself nicely and there will be no boat-rocking in any review he heads in future, notwithstanding the fact that he caused the Government some embarrassment over the issue of extended shop trading hours by agreeing with the Opposition.

It should be agreed that that function falls within the ambit of the corporation’s functions and has done so for the past ten years. How hypocritical of the Government to seek an extension of the functions of the corporation yet deny it the chance of fulfilling its rightful role! I assure the Minister, with this Government’s determination to regulate outside the control of Parliament, that many areas of regulation could be examined by the unit. For example, the areas of health and transport involve a plethora of legislation on which the unit could be profitably carrying out its functions on behalf of the community of Victoria, and the Small Business Development Corporation could have functioned according to its present charter.

This act of denial by the Labor Government leads one to question other aspects of the corporation’s work. We have received suggestions from business that the information referral centre is now so constrained as to have become less than effective. A number of employer organizations and business representatives with which the Opposition has met over a period of months have made that assertion. I was surprised to hear that this was the case because, not that long ago, as a board member of the corporation, I would not
have thought that was the case. If it is now—and I have no reason to challenge the views that have been articulated to us by a number of organizations—that is a matter of concern.

Mr Fordham interjected.

Mr Gude—I am telling the House that the Opposition has received a number of representations from the business community in its process of reviewing its small business policy and the criticism has been made. If the Minister for Industry, Technology and Resources, who is at the table, chooses not to listen to those sorts of constructive comments and criticisms, that is his business.

Mr Fordham interjected.

Mr Gude—You know full well who all the trade associations are, small and large. I invite the Minister to have dialogue with them because in the event that he does—

The Deputy Speaker (Mr Fogarty)—Order! I invite the two honourable members at the table to stop discussing this matter between themselves and address the Chair.

Mr Gude—in the event that the Minister does that, the Government will see the merit of the Opposition's argument. The concern is that it is now apparently the corporation's practice on some occasions to refer small businesses to some professionals to the exclusion of others. This is a criticism that has been made and some people consider it to be of serious concern.

I know from my involvement with the corporation in the past that that is not what it intends to do and I raise the matter in the context of this debate so that the corporation will become more aware of the concerns that are being expressed in business and trade association circles. The Opposition believes—and I am sure the corporation and the Minister would want to act in this way—that everything should be done to ensure that business gets the best help possible with its problems from the people who are most capable of providing that help. These comments have distressed me and I hope something can be done to improve this area of activity.

Proposed new section 13 (2) (e) states:

To assist in arranging financial assistance through loans or guarantees or any other means to small businesses;

The Opposition does not have a lot of problems with that provision except that there has again been some criticism of the disappointing and frustrating service available from the corporation in that area. That is more a frustration with the necessary delay in the process the corporation must carry out before it issues a Government guarantee. Upon taking office after the next election, the Liberal Party will be reconsidering a Government guarantee program so that the process can be made more workable and functional and relevant to the business community. The process needs to be speeded up. With the addition of sixteen new banks in Victoria and the deregulation of the banking industry, one must question whether there is a need for that service to be provided by the Small Business Development Corporation.

Proposed new section 13 (2) (f) provides for financial guidance and assistance to small businesses. Again the Opposition makes the point that, although it does not oppose the provision, this is a highly specialized professional service that is being sought, which can be associated with considerable risk taking. It suggests that Government agencies should not only tread warily, but in fact should not even venture into this area.

Paragraph (g) states:

To establish a unit to assist co-operative businesses and to encourage co-operation between small businesses and others;

The Opposition believes this is an attempt to introduce to small businesses the so-called industrial democracy or worker participation in management, in addition to anything else that the provision may seek to do.
The Opposition draws the attention of the House to one of the Government's documents, which I mentioned earlier in the debate, the annual report of the Department of Employment and Industrial Affairs. Page 27 makes the program quite clear. There can be no doubt now of what this simple paragraph means. The Opposition resents it and will be opposing it.

Proposed new section 13 (2) (h) reads:
To promote and market small businesses and provide access throughout the State to the Corporation's services;

The Opposition believes the corporation should not be committed to take the role of business exchange, real estate agent, property or business valuer or business broker. It is possible to interpret the proposed new section in that manner. If that is the intention of the Minister, it is a further example of the Government's sloppy style and the clause requires further tightening up.

A retail review by the Public Bodies Review Committee was conducted some years ago and the Government has had the opportunity, since that report was released, of giving due consideration to the words to be used. In its present form, it is not supported by the Opposition.

Proposed new section 13 (2) (i) reads:
To act as an agent in receiving or paying fees;

My comments about the previous proposed new paragraph also apply to this paragraph. This service would intrude heavily into professional services given by members of the Real Estate Agents Association of Victoria because of the manner in which it is capable of being interpreted. This is of concern to the Opposition.

The Government has interpreted sections in other awards and spheres to suit its own political ends. The Opposition is not prepared to go meekly down the path and allow that to occur again.

Proposed new section 13 (2) (j) reads:
To research and investigate matters of importance to small businesses;

This is worth while and is supported by the Opposition.

Proposed new section 13 (2) (k) reads:
To arrange finance to government bodies or private enterprises to assist in the provision of facilities or services to small businesses;

The Opposition believes the corporation is potentially too biased to undertake these two functions, if the criticisms that have been received are valid, and there is no reason to disbelieve them. In fact, the opposite is the case. If funds are to be directed to bodies servicing small businesses, these should be directed by Parliament, not by non-profit trade associations, to avoid duplication of services. Organizations such as the Victorian Economic Development Corporation, the Geelong Regional Commission and the Albury-Wodonga (Victoria) Corporation and other activities of the Government could ensure that support is offered.

Proposed new section 13 (2) (l) reads:
With the approval of the Minister, to buy and sell land and enter into contracts agreements or arrangements;

This relates to proposed new section 13 (2) (h), (i) and (k). It makes clear the intended functions of the corporation. It is beyond the understanding of the Opposition why the corporation should need to buy or sell land or to own it in its own name. No doubt that would be extended to include purchase or ownership of any business on that land. The Opposition does not support an amendment to the Act in that form and does not agree with that extension of authority by the corporation.
Another factor is the financing of such a dramatic expansion by the corporation. Of course, it will come out of the taxpayers' pockets. If the corporation is to carry out the functions set down in the Bill, it will need a massive infusion of funds and staff. The Opposition believes the Government should be contracting its spending programs. It should be controlling and reducing the numbers of staff involved in public sector employment and it should be getting off the back of private enterprise by cutting red tape. If it does so, the private sector in this community might have an opportunity of developing further.

Proposed new section 13 (2) (m) reads:

With the approval of the Minister, to operate facilities for the use of small businesses.

The Opposition asks what the Government is really talking about. Is it talking about typing facilities for small businesses or full-time secretarial services; office floor space; engineering services; banking advice or buying and developing an industrial park? Where does it end? It is open-ended.

It does not behove the Government to allow a small business development corporation to become the biggest of big business. Whenever has a Government authority been able to advise and support small business in an effective way?

When have big business and big government known more about the running of small business than do the business entrepreneurs? The Government should be creating an economic framework in which private enterprise can "do its own thing", free of the encumbrances of government and in such a way that it is not continually thumped by Big Brother.

Clause 6 deals with audit requirements and brings the principal Act into line with other legislation, and the Opposition supports that move. When an opposition party attacks the Government, it is often criticized because it does not set out alternative proposals, but the Opposition will do that in due course.

I shall conclude my remarks by reading into Hansard a letter that I received today from an organization from which the Premier seems to be getting a good deal of delight at present. I am speaking of the Melbourne Chamber of Commerce and, in particular, the Small Business Association of Victoria which operates under the aegis of that organization.

The letter dated 11 March 1986 is directed to me and states:

Re: Small Business Development Corporation (Amendment)

The Small Business Association of Victoria and the Melbourne Chamber of Commerce have reviewed the proposed legislation and can see little valid reason for its introduction to the Parliament. Whilst we can see and accept the need for the inclusion of a new audit clause there are very few of the proposed amendments which justify this amending legislation.

What the Government has said is window-dressing; it has attempted to drum up votes in the business community. It has not done anything constructive for or on behalf of small business. The letter continues:

OBJECTIVES AND FUNCTIONS OF THE CORPORATION

13 (2) (c) To arrange training and educational programmes for small businesses;

COMMENT

We believe that the Small Business Development Corporation should restrict its training and educational activities to the level of intenders as this is an area requiring most assistance and all post start-up training and education is catered for through both associations and the Technical and Further Education Board network.

The Small Business Development Corporation should maintain a register of courses available through these networks.

In my criticism of earlier clauses I said that the Government is seeking to tell business people who have been in business for some time how to suck eggs. The Government should concentrate on promoting the establishment of new businesses and assisting intending businessmen in their desire to enter the private sector. The letter continues:
13 (2) (e) To assist in arranging financial assistance through loans or guarantees or any other means to small businesses;

COMMENT
This clause appears to allow the Government to intervene in the market-place and could lead to preferential treatment for companies or individuals in Ministerial favor.

I have not made that comment; the Melbourne Chamber of Commerce has stated that that could occur. I do not impugn the Minister and neither does the chamber.

The letter continues:
13 (2) (f) To give financial guidance and assistance to small businesses;

COMMENT
Whilst we have no objections to financial guidance our comments against Financial Assistance remain as previously stated.

13 (2) (g) To establish a unit to assist co-operative businesses and to encourage co-operation between small businesses and others.

COMMENT
No valid reason for a special unit to be formed to service this sector of small business. If a co-operative is a valid small business it should as a matter of course receive assistance available to any small business through the Small Business Development Corporation.

13 (2) (h) To promote and market small businesses and provide access throughout the State to the Corporation’s services.

COMMENT
This clause suggests that the corporation could set up as a business agent/broker. If the clause is altered to read “promote and market the concept of small businesses and its benefits” then we would withdraw our objection to this clause.

The chamber makes the point that I made earlier: it is sloppy drafting and is offensive. The Government has had a number of years to get this matter right, but has not done so.

The letter continues:
13 (2) (i) To act as an agent in receiving or paying fees.

COMMENT
We oppose this clause totally. We are at a loss to understand the intent of this clause. If it is meant that the Small Business Development Corporation can charge a fee for services or training programs, then this should be clearly stated.

However, if it allows the Small Business Development Corporation to act as a debt collecting agency, collect business brokerage fees, act as an insurance agent or engage in any other commercial activity we would most vehemently oppose the clause.

Without a clear definition, this clause gives the Small Business Development Corporation and the Minister unlimited license.

Honourable members have witnessed how the Government has torn apart the business community.

Members of the Opposition have seen the way in which small businesses are going out backwards; we have seen the way taxes and charges have increased; and we have seen the way that new industrial legislation has placed a new burden on small businesses through the necessity to fill out more forms.

The letter from the Melbourne Chamber of Commerce also states:
13 (2) (k) To arrange finance to Government bodies or private enterprises to assist in the provision of facilities or services to small businesses.
COMMENT
This clause is ambiguous. The definition of facilities and services is most unclear. It could be interpreted to include the provision of plant, equipment, buildings and/or personnel to Government, local government, or private enterprises for services to small businesses.

That is the same criticism the Opposition has been making throughout the course of the debate. The Melbourne Chamber of Commerce believes:

It is not unreasonable to assume when reading this clause in conjunction with Part (1) that this is the intent of the Minister.

The Minister for Industry, Technology and Resources is interjecting; I can understand that he does not wish me to continue because it is causing him difficulty.

Mr Fordham—Mr Deputy Speaker, I was going to wait until the honourable member for Hawthorn finished reading the letter, but I now ask that, in accordance with normal procedure when quoting a letter, the letter be made available to the “Opposition” at the conclusion of the honourable member’s remarks.

Mr Gude—I have no objection to that. I am relieved to hear the Minister for Industry, Technology and Resources finally admit that he is on the “Opposition” side, given the aside that honourable members heard earlier. It will not be long before the Government really is in opposition.

The letter from the Melbourne Chamber of Commerce continues:

13 (2) (l) With the approval of the Minister, to buy and sell land and enter into contracts agreements or arrangements.

COMMENT
We are totally opposed to the SBDC buying or selling any property or business. It is not the role of Government to enter into the marketplace.

If the intent of this clause is to allow the SBDC to purchase or lease properties for its own use, then this should be clearly stated.

If this is the intent, we would assume this would be better done through the appropriate Government department.

13 (2) (m) With the approval of the Minister, to operate facilities for the use of small businesses;

COMMENT
This clause fails to detail the facilities to be operated. As it reads, the Minister could approve the running of staff canteens, telex services, recreational facilities, etc, in other words anything that may take his fancy.

The letters concludes:
We have briefly detailed the opposition of the Melbourne Chamber of Commerce and the Small Business Association of Victoria to much of this proposed amendment. It is our view this Bill should be withdrawn by the Government for redrafting in a form that clearly states the Government’s intentions.

With the legislation now before the House, this is unlikely. We have no alternative other than to urge the Opposition to reject the clauses detailed above and/or the Bill in its entirety.

The letter is signed by the Executive Director of the Melbourne Chamber of Commerce’s Small Business Association of Victoria, Mr Ashman.

Mr Jasper (Murray Valley)—I wish to take issue with a comment made by the honourable member for Hawthorn when he indicated that the National Party consisted of a handful of members in this Chamber. There are two handfuls of members of the National Party in this House; there are ten members of the National Party in this place. The National Party is a power-packed unit so far as its contributions to Parliament are concerned.

Many honourable members know that I grew up in a private enterprise situation. I have worked in a small family business situated at Rutherglen. The business is involved in the motor industry and employs twelve people. The business began in Rutherglen in 1892 as a coach-building business and in 1929, it became involved in the motor industry. One could say that I am a child of private enterprise and I am proud to wear that tag; I am
proud of the fact that I have grown up in a private enterprise situation and understand what private enterprise is all about.

A problem that exists today is that there are too few honourable members in Parliaments—both at State and Federal levels—who understand the problems, traumas and difficulties faced by people involved in their own businesses and in producing wealth and profitability for those businesses.

Members of Parliament must understand business to be able to debate Bills of the type being debated today involving the Small Business Development Corporation. It is interesting to examine the professions of members of the Government benches because the honourable member for Niddrie is perhaps the only member who has some background and understanding of the business world. Not many other members of the Government benches would clearly understand what goes on. The honourable member for Niddrie is probably being moved sideways—and backwards to some extent—by the Government.

Private enterprise is under attack in Australia today. Governments must realize that the wealth of the nation is created by private enterprise. Recently I spoke to a businessman from Wangaratta who had recently returned from a trip to the United States of America. When I asked him how he found things in America he said, “If you want to work hard and make a million dollars in America the Government will help you to do so”. He pointed out that it is so much different in Australia where, if one wants to work hard and make a million dollars, Governments will impose taxes and ensure that one does not become a successful businessman. Governments do not allow one to develop as one should in private enterprise.

If Australia is to become a vital, progressive and wealthy nation and the country we want it to be for the benefit of all Australians, we must support private enterprise and provide incentives for people to work. That is not being done by Governments today. Governments are not providing true incentives for people to work within their own enterprise and business, or even to work for other people.

Governments do not understand what makes private enterprise tick. One needs to be involved in business to understand business. Members of Parliament who have not had any experience in business lack experience on a subject which they should understand.

Recently I spoke to a prominent person in the Ministry of Education who said, “We should put teachers in private enterprise so that they can understand what happens and then transfer them into the teaching field so that they can provide the best education possible and provide a true recognition of what creates wealth in Australia”. If that were the case it would make Victoria and Australia grow into the State and nation we want it to be.

The importance of small business in the business area cannot be underestimated. One needs only to examine the figures in this publication to realize the importance of small business throughout Australia. I refer to a publication by the Small Business Development Corporation entitled *The Small Business Sector—Enterprises and Employment in Australia and Victoria*. The document contains a wealth of information and figures on page 6.

The total number of enterprises in both the private and public sectors is 835,428, of which 815,054 are involved in the small business sector. The percentage of the small business sector compared with the total private and public enterprise sectors is 97 per cent.

In the private and public sectors employment is 6,249,302, of which employment in the small business sector is 2,220,258, or 35 per cent of the total private and public sectors. Those figures apply to the whole of Australia.

In Victoria, enterprises involved in the private sector amount to 208,726 and the small business sector accounts for 204,319. The percentage of enterprises in the small business
sector as against the private sector is 98 per cent. In other words, 98 per cent of all business enterprises in Victoria are classified as small business.

It is estimated that 1,416,149 people are employed in the private sector in Victoria, of which 589,195 people or 42 per cent are employed in small business. That is an important factor that should be taken into account by any Government that is in the process of introducing proposed legislation that is of the type that is before the House today.

The Small Business Development Corporation had its genesis in 1976 and I congratulate the Liberal Government of the day for recognizing the importance of small business and its need for special assistance.

Because of my personal involvement I have always had considerable interest in small business and I have been my party's spokesman on small business for many years. I have read each year, with a great deal of interest, the annual report of the Small Business Development Corporation. That report highlights the work done by the corporation and the importance of small business to the State. The general manager of the corporation, Mr Albert Nelson, has held that position since the inception of the corporation in 1976. Mr Nelson has been dynamic in his leadership and in the development of the corporation over that time. The National Party has had many discussions with him during that period. He has always been prepared to speak to members of Parliament to provide information on small business where required. I thank the Minister for Industry, Technology and Resources for making Mr Nelson's services available to members of the National Party so that they can discuss the implications of the proposed legislation.

I refer honourable members to page 10 of the 1985 annual report of the Small Business Development Corporation, which highlights the development of the corporation over the past ten years. In 1977 the total number of inquiries received from small businesses across Victoria was 1748. In 1985, 22,000 inquiries were received by the corporation. The corporation has a staff of 34; that speaks for itself.

On page 11, the report indicates the number of new starter inquiries. In 1977, 825 new starter inquiries were received and, in 1985, 10,342 new starter inquiries were received. That is an excellent record.

The National Party has an important policy on the development of small business, which was approved as part of the election program:

The Small Business Development Corporation will be upgraded to that of a special division within the Ministry of State Development and Decentralization. The functions and responsibilities of the corporation will be substantially expanded.

Seven points have been listed as being ways in which the Small Business Development Corporation can be expanded. They are:

1.3.1 carry out economic impact reviews of proposed legislation affecting small business;
1.3.2 create additional avenues for the provision of equity and venture capital to approved businesses;
1.3.3 facilitate financing of selected small businesses at concessional rates of interest and on long-term arrangements;
1.3.4 investigate purchasing arrangements with a view to improving the purchasing power of small business at a more competitive rate;
1.3.5 provide advice regarding small business management in addition to advice regarding finance;
1.3.6 conduct research into, and investigate matters affecting, small business;
1.3.7 establish a Small Business Technology Assistance Program to deliver to small business the benefits of research and development performed under government contracts or at government expense.

A later general comment states:

The Small Business Development Corporation will have a special role to play in the provision of risk/venture capital to approved businesses.
The National Party supports an expanded role for the Small Business Development Corporation and recognizes the important role it can play in assisting and developing small business across Victoria. I emphasize, “across Victoria” because the National Party has a special interest in country areas.

The Public Bodies Review Committee undertook an investigation into the corporation and its report was tabled in Parliament in December 1983. It is interesting to note the recommendations contained in that report which were quoted by the honourable member for Hawthorn. The first recommendation states:

The committee recommends that the Small Business Development Corporation continue in existence as the principal vehicle for the Victorian Government’s direct aid and assistance to small business throughout the State.

The report goes on to indicate the areas where assistance should be provided. There should be further details of the aims and objectives of the corporation which are embodied in the proposed legislation. As indicated by the Minister for Industry, Technology and Resources by interjection, they are supported by all parties. Members of the National Party were involved in the report of the Public Bodies Review Committee and supported the recommendations in the report. I take issue with recommendation No. 3 which states:

(i) all provision of financial assistance, through loans or guarantees or any other means, be transferred to the Victorian Economic Development Corporation;

The main programs should be provided through the Victorian Economic Development Corporation and the loans provided through the Small Business Development Corporation should be guaranteed by Treasury. The National Party supports the guarantee and loan program.

I hope that the Minister will take particular note that it is recommended that the board of the Small Business Development Corporation should include a person representing the Victorian Economic Development Corporation to provide close liaison.

The National Party supports the proposition that:

The Small Business Development Corporation commission a limited number of agents distributed throughout major provincial centres and throughout the suburbs of Melbourne to act as decentralized sources of information about the Small Business Development Corporation and as sources of pamphlets, booklets and manuals distributed by the Small Business Development Corporation;

Not only should there be an extended role at the head office of the corporation but right throughout Victoria so that assistance is instantly available on a decentralized basis.

I recognize that the corporation has been active in the promotion of activities in country Victoria, and in Wangaratta the corporation has been involved in development programs whereby small businesses can receive information on various aspects to assist them in the further development and expansion of their businesses.

The corporation has been active and has played a vital role in assisting small businesses. In early 1985, prior to the State election, the policy of the National Party was to expand the corporation’s role to take account of the fact that under the current legislation, the corporation did not have and does not have enough teeth to operate effectively to provide assistance to industry and small business throughout Victoria.

The Bill explains in detail the objectives and functions of the corporation and changes in the definition of “small business”. The National Party opposes clause 4, which makes a co-operative society a small business, as defined in the Bill. The National Party believes that proposed paragraph (c), which expands the definition of “small business” to include a co-operative society registered under the Co-operative Act 1981, is too vague. It needs more information, more explanation and more definition concerning the use and acceptances of a co-operative society within the definition.

The National Party is concerned that the proposed paragraph could attract organizations that look to the Small Business Development Corporation for assistance in what I call a
Morosi-type operation creating difficulties such as arose recently in Canberra. That sort of organization could appeal to the corporation for assistance under the expanded definition.

I also note that the policy of the Labor Party in 1982 included the provision of assistance for workers' co-operatives to involve workers in business operations through the corporation and that concerns the National Party.

I take up the interjection made by the honourable member for Benambra that many successful co-operatives operate throughout Victoria, and those co-operatives would not be precluded from receiving assistance from the corporation if they became incorporated. After becoming incorporated, they could seek assistance, but they would still need to come within the definition of "small business". Of course, many co-operatives operating throughout Victoria are very large businesses indeed and would not come within the definition of "small business" as proposed.

The honourable member for Hawthorn gave a detailed account of each of the proposed objectives and detailed the functions as contained in proposed new section 13, which amends section 5 of the principal Act. The honourable member for Hawthorn was nitpicking, to a large extent. However, expanded definitions are necessary in the objectives and functions of the corporation.

The objectives set out in proposed new section 13 (1) are satisfactory to the National Party, which accepts that they cover the expanded role that would be expected to be played by the Small Business Development Corporation.

The first four paragraphs of proposed new sub-section (2) are almost a restatement of the functions contained in section 13 of the principal Act. Proposed new paragraph (e) contains some minor changes in wording. It states that one of the functions of the corporation is:

To assist in arranging financial assistance through loans or guarantees or any other means to small business;

Although the honourable member for Hawthorn took issue with the inclusion of the words, "loans or guarantees", the National Party has no objection to them.

At present, the loans are provided through the Victorian Economic Development Corporation. I understand that over the past twelve months approximately $2 million has been provided in loans to businesses. The record of that corporation is certainly very good.

The other part of the provision relates to guarantees, which are provided by the Department of Management and Budget through the corporation. In the past twelve months, those guarantees have provided $250 000 to small businesses throughout Victoria. Therefore, the National Party does not take issue with paragraphs (a) to (e) of proposed new section 13 (2).

However, the National Party is concerned at paragraph (g), which relates to co-operative societies. In addition to the amendment to the interpretation of a small business, the National Party does not believe there is reason to establish a unit to assist co-operative businesses and to encourage co-operation between small businesses and others. I point out at this stage that the National Party will oppose that provision during the Committee stage.

The National Party will support the remaining provisions of proposed new section 13 (2), which have already been mentioned, particularly by the honourable member for Hawthorn. It will support all the other additions and extensions of the functions of the Small Business Development Corporation because it believes the expanded role, as detailed in those provisions, will truly give the corporation a better base on which to work. The functions of the corporation will be made much clearer and this will allow the corporation to operate more effectively in providing assistance to small business throughout Victoria.
I conclude my remarks by stating that the National Party will support the proposed legislation, with the exception of clause 4 and paragraph (g) of proposed new section 13 (2), to which it is opposed. The Small Business Development Corporation has had an excellent record over a ten-year period. The National Party will support the expanded role of the corporation, recognizing its importance to the continuing development of small business activity in Victoria.

I am sure the Minister for Industry, Technology and Resources recognizes the importance of small business and its record of development and wealth creation for the State. Those factors should be recognized by the Government so that the corporation can play an expanded role in assisting small businesses to develop, which will be to the benefit of all Victorians.

Mr KENNETT (Leader of the Opposition)—The first point I make is that I find it amazing that the Government has no speaker to address the House on what is a very important piece of proposed legislation. After all, it is this Government which says that it supports small businesses.

According to the report of the Small Business Development Corporation, more than 200,000 different enterprises in this State employ almost 600,000 people, and yet the Government has, by its silence, indicated once again that it has no appreciation of small businesses, and no idea about their expectations or their frustrations. Let it go on the record that the Government remains silent. Not a single back-bencher or another Minister is prepared to stand up in this House and argue the pros and cons of this proposed legislation.

The second point that has to be made concerns the role of Government assistance to small business generally. The proposed legislation ignores the fundamental role of government, which is to provide an economic framework through which small business is allowed to pursue its endeavours without artificial assistance from the Government and without the restraints that are continually being placed on it by the Government.

The Government has established itself with a record of being a “corporatist” Government which is concerned more with big business, big unions and big government than it is with individuals, families or small business. To my knowledge the measure contains no provision for genuine assistance to the small business sector. The Bill expands a statutory authority, which exists at present and which provides a service. The Government intends to extend the functions of the Small Business Development Corporation into areas where it will compete with the private sector.

One must question, if in fact Government policies and programs have been good for small business, why the Government needs to extend its network of interference into this corporation. That is the question that I wish to address today.

The Opposition has no objection, obviously, to the Small Business Development Corporation, but the corporation must work within the confines of its charter, which was set up in 1976. There is no need to encourage the corporation to take on functions that are currently being met by the private sector. In 1986 small business will be looking for less government, not more government. Business generally is looking forward, in 1986 and beyond, to fewer rather than more taxes and charges. It is crying out for less paper warfare, which is attributable to the Government, rather than more. That is what business has been receiving under this Government.

Those matters are simple, but they express the philosophy of this Government that is bent on the amalgamation of various municipal councils, which will ultimately result in the small business sector being attacked by a differential rating system. The proposed amalgamations will not assist small business but will retard its ability to grow.

It is easy for the Minister for Industry, Technology and Resources to suggest that I have a vivid imagination, but I ask the Minister to point out which statutory authority or department has been substantially reduced by the Government during the past four years.
Mr Perrin—Agriculture!

Mr KENNETT—It is that of agriculture, which helps to maintain the State's wealth yet has had its benefits and abilities slashed.

Earlier the honourable member for Hawthorn clearly pointed out that corporations and governments are not the best organizations to assist the private sector. As I have said before, the best way to assist the private sector is for governments to butt out and allow people to do their own thing.

On page 25 of the annual report of the corporation there is reference to the administration of the 1985 training grant of $362 000 received from the Department of Employment and Industrial Affairs. Technically that money should have been used to assist small business, yet $232 819 was spent on administration of that grant! Therefore, $181 000 of the money provided by the Federal Government to assist small business was farmed out. The Government cannot tell me that that is good government or good administration. To make matters worse, on the same page the corporation notes that it spent more money than it received and ended up with a deficit of $52 000!

Surely this proves that there is a limited role for a Government in providing an environment for small and medium-sized businesses, but its first priority should be the environment and not the artificial creation of assistance through this sort of measure believing that this will buy it the support of small business.

There is nothing in the Bill that relates to the impact on small business of the changes proposed for superannuation. That will destroy more small businesses in the State than any other single move but is this Government and this Minister speaking publicly on behalf of small business? No, they are silent. Where is evidence of the Government or the Minister referring to the escalation in the Melbourne and Metropolitan Board of Works rates or of the Small Business Development Corporation making submissions to the Government or publicly trying to get a fair go for small business? They remain silent!

There is little point in extending the functions of an organization if it has not to date fully met the objectives for which it was set up. I do not believe the corporation has done that. I accept that it has done some good work but I do not accept for a moment that Parliament should be blindly expanding the role of yet another corporation when in fact the Government should be providing genuine relief for industry; not through subsidization but through the removal of the many imposts that are currently forcing small businesses in this State to find it increasingly difficult not only to survive but also importantly, to provide employment for many in our community.

My colleagues have spoken very ably on the area of co-operatives and also on the Opposition's objection to proposed new section 13 (2) (g).

This is where I take issue with the National Party. The honourable member for Murray Valley said that he understood small business and I accept that he has been involved in small business, as I have and as other members of Parliament have, but I suggest if one is genuinely appreciative of small business and understands its problems, how could one support, as the National Party apparently will, the extension of the powers of this corporation to allow it to buy and sell land. I know the Minister may say this power exists in a lot of other Acts, and it may do.

Mr Fordham—Which were supported by you!

Mr KENNETT—That does not make it right for the Government in 1986, to encourage this corporation to buy and sell land. Surely it is not right for a Government to be setting up as an agent in the receipt or payment of fees. This is what the Opposition is arguing about.

Mr Ross-Edwards—It is for training purposes.
Mr KENNETT—How does one know that it is for training purposes? One does not know that. We are talking about changing an Act of Parliament. We are talking about expanding the functions of an organization. If Parliament and the community genuinely believe in restraint in government—and that is the approach that has been taken by the Premier for the past two days saying, “We, better than anyone else have a policy of restraint”—surely this proposed legislation contradicts that, because it is increasing the functions of an existing authority.

Mr Fordham interjected.

Mr KENNETT—If Parliament were to act on every recommendation of every Parliamentary committee the State would be sweltering under a pile of legislation and regulations. That is no justification for introducing legislation of this type, to which the Liberal Party has announced its opposition.

The proposed legislation must be viewed by those who genuinely support small business as an expansion of the Government sector into the private sector. If it is not, why is it necessary to have the Bill and where does the Bill deal with genuine relief for small businesses, for farmers or for medium-sized businesses? Why has the Government no program that genuinely shows, for instance, that it is endeavouring to provide—as will the Liberal Party after the next election—a one-stop licensing shop for businesses when they are establishing themselves, so that they do not have to deal with seven or seventeen different departments or authorities?

Where is the concern expressed by the Government over the increased costs that will result from amalgamation of councils? Where is the concern of the Government about superannuation? We have heard the Premier say for two days in a row that the Government supports the accord and will go ahead with it. The Government does not know how much it will cost. Someone will have to pay for it and you can bet your life it will be small business.

We have lived in Victoria for the past three or four years with the word “consensus”. Clearly, consensus is dead. Consensus has dealt small business one of the greatest slaps over the face of all time under the Federal and State Labor Governments. The greatest losers through consensus have been small businesses, whether they have been involved in agricultural pursuits, manufacturing or the service industry.

When deals are done by the Government or its Federal colleagues, they are done with unionists at a senior level; they are done by politicians at a senior level and they are done by big business at a senior level. The poor, small business has no ear extended to it by government. It receives no relief in practical terms and it has seen restrictions and legislation passed, the result of which means it must bear the brunt of massive increases in taxes and charges.

The Bill is supposed to assist small business. I argue that the Government, by its performance, has done nothing to justify or earn the respect of small business. Yet it comes into the House today with proposed legislation to expand the role of the Small Business Development Corporation. It is interesting that no Labor back-bencher has seen fit to support the Bill.

One must ask from where the Bill emanated.

Mr Fordham—It was from the corporation.

Mr KENNETT—If it emanated from the corporation, why did the corporation want these extra powers?

Mr Fordham—Why not examine the report?

Mr KENNETT—It is not all in the report. It is easy for a Minister to accept a report or the words of his advisers in bureaucracies or corporations. However, it is not a justifiable excuse for the presenting of new measures to this House.
The Liberal Party has genuine concerns about the Bill. I assure the Minister that if some of the clauses are passed by both Houses and are supported by the National Party, on the return of the Liberal Party to government, it will review the manner in which the legislation has been utilized. A Liberal Party Government will be concerned with less legislation, less interference and with simplified forms so that industry can get on with the job it does so well.

Mr Ross-Edwards—You do not have to take advantage of these new clauses when you are in government.

Mr KENNETT—that is right, but if one advocates to genuinely understand and support small business, how can one then allow a body to act as an agent to buy and sell land and so on! One must be consistent.

The next few months will be increasingly difficult for small business. I refer to the Government’s policy on small business before the last election. It had four major points of support for small business. It said it would extend programs of small business and establish an expert group of small business advisers to help small business with specific business areas including manufacturing, retail and service areas. I do not know of any people who have been appointed since the last election to any advisory committees. Maybe the Government will indicate who they are and who they are advising. I know of no bodies that have been established.

I have heard that advisers will be employed by the Government and seconded to trade associations. I have spoken to representatives of trade associations and have not heard how that promise has been fulfilled.

The Government said it would provide $20 million through the small business loan program over the next four years. However, the money promised before the last election was not provided in full but only in part. Despite that, the Government has made the same comments again to buy votes.

The Government stated that it would introduce retail tenancy legislation to protect small traders. I understand that is to be introduced at a future stage.

The promises and the actions of the Government demonstrate that it does not understand the plight of small business in 1986. If it did, it would move quickly to free up the situation to allow small business to do what it does best: to produce goods and services and to employ more people. It is unfortunate that small business is increasingly coming under restriction and investigation.

A small businessman—whose name I shall not mention but whose name is well known to the Minister for Industry, Technology and Resources—spoke to me last Thursday or Friday and said that in the past week four different bureaucratic departments had sent to his business representatives who virtually curtailed his activities for four days. That small businessman employs 72 people and his time was wasted because he had to fill out forms for what were only routine inspections. That is not the role or function of Government.

Before the last election the Liberal Party put forward strong, solid policies which were not objected to publicly. Those policies referred to restraint in government; they examined the structure of the Government’s involvement in free enterprise; and they referred to the establishment of one licence shop for all people seeking licences in industry.

Mr Fordham—you lost that one!

Mr KENNETT—we gave you a bloody good run for it—1300 votes. I have been told how the Government Media Unit reacted.

The ACTING SPEAKER (Mr Kirkwood)—The Leader of the Opposition uttered an unparliamentary phrase and I ask him to withdraw it.

Mr KENNETT—I am not sure that it was, Mr Acting Speaker, but I withdraw it. The Opposition also offered to introduce a paper reduction Act. A similar Act in the United
States of America has reduced the paper war by 20 per cent a year. Such a proposal could be simply undertaken and would reduce the time involved in dealing with the bureaucracy and the expense of small business. It would also give businessmen some hope that the Government would get off their backs.

Nothing contained in the Bill or expressed by the Government indicates support for small business. That is true specifically of the Pay-roll Tax (Amendment) Bill which sought to wipe out---

Mr FORDHAM (Minister for Industry, Technology and Resources)—On a point of order, Mr Acting Speaker, it is customary for the lead speaker of each party to be given a degree of latitude. There is no doubt that the honourable member for Hawthorn took that degree of latitude when making his contribution to the debate. However, if that degree of latitude were repeated by every subsequent speaker, the situation would become ludicrous.

I am sure the Leader of the Opposition enjoys repeating his election promises, but honourable members should be aware that they failed and that he experienced many tribulations during and after the election campaign. I do not believe this is the appropriate time to rehash those policies and I ask you, Mr Acting Speaker, to direct his attention and the attention of succeeding speakers to the Bill.

Mr KENNETT (Leader of the Opposition)—Mr Acting Speaker, I understand why the Minister is becoming nervous. My remarks do not relate directly to what is contained in the Bill but to comments made in the second-reading speech about the Government assisting small business.

The Opposition and the Government have fundamentally different views on how small business should be assisted. The Government believes in interfering in, and taking away the rights of, small business. The Opposition believes there should be less Government interference. The Pay-roll Tax (Amendment) Bill was one area where the Government interfered in, and tried to destroy, small business. Surely the Opposition has the right to point out that what the Government does in practice is totally different from what it now states in theory in support of this Bill.

The ACTING SPEAKER (Mr Kirkwood)—I take the point made by the Minister for Industry, Technology and Resources that the scope of the Bill is wide. It is proper that the House should notice the line upon which the Leader of the Opposition has been taking his speech. The honourable gentleman has reached the perimeter of the scope of the Bill and I ask him to bear in mind the fact that he cannot go over that line. I rule against the point of order but ask the Leader of the Opposition to stay within the perimeter of the scope of the Bill.

Mr KENNETT (Leader of the Opposition)—I shall certainly follow your guidelines, Mr Acting Speaker. A Government which actively seeks to wipe out small business through legislation—and has wiped out sub-contractors—cannot claim to support the existence of small business. That is the point I was trying to make with my original premise that the role of the Government is to create the social and economic environment in which businesses can thrive.

The proposed legislation refers to the Government working with employer groups to generate their assistance. Why is the Government so keen to expand its own corporation when there are, the Minister for Industry, Technology and Resources will admit, some extremely good industry groups in this State through which the Government could work to have many services put in place? Most employer groups currently provide services to meet the needs of their membership, and the members pay a fee for those services.

A stage is being reached where unnecessary duplication is taking place through what is already provided in some sectors and what the Government is now trying to provide through the Small Business Development Corporation. If the Government is serious about assisting small business, why does it not utilize the professionalism of the trade groups that currently exist?
Through discussions with those trade groups, one realizes that they are more than happy to work closely with the Government to increase the value of services that are provided. I am arguing that there are enough organizations in this State that can provide and are providing assistance to small business without another Government statutory authority blossoming in size.

The Bill establishes a clear set of philosophies on which the Government operates. The Opposition has a different philosophy under which it seeks to operate and will operate when in government. When in government, the Liberal Party will not pursue proposed legislation, such as this Bill, which seeks to take a statutory corporation into an area where it competes with the private sector. When in government, the Liberal Party will work closely with trade organizations and utilize their services and goodwill to carry out much of the work proposed by the Bill to be done by the Small Business Development Corporation.

Duplication is occurring. When one examines the accounts, one discovers that money is received by the corporation and the vast majority of it is spent on administration and is not used as grants. The corporation spends $362,000 on salaries, advertising and promotion, occupancy and administration and provisions for long service leave. The Government could allocate that money to the four major trade organizations that exist and ask them to distribute the money where it could be of assistance.

I have clearly outlined that when the Liberal Party—which I have the pleasure to lead—is returned to Government, it will create an atmosphere in which small business can exist and grow and where the role of government will be that of the silent partner rather than the orchestra leader who seeks to dominate and interfere.

Over the history of this country small businesses have had an excellent record of being able to flourish if left to their own devices. The only time they get into trouble is when Government's interfere.

The Premier spoke today about restraint and the accord and what a marvellous thing it was for the people of this State and country.

Mr Shell—It is true.

Mr KENNETT—Obviously the honourable member for Geelong is speaking because he cannot understand. Never has small business had to put up with the interest rates it has to put up with today. It is not the fault of small business; it is the economic policies of the Labor Government which have been seen to fail. Never before have we had such a high foreign debt. Why is that so? The reason is that the Government has borrowed beyond its means.

Never have we found ourselves in the position where the Australian dollar is experiencing such a lack of confidence with countries with which Australia regularly trades. It is not the fault of small business; it is the fault of this Government and its failed economic policies. However, time and again small business has to accept the responsibility.

What happens if small businesses wish to export, develop and grow? Have any honourable members opposite tried to export to Japan? Our inflation rate is three or four times as high as that of Japan. The same could be said for West Germany. The inflation rate in the United States of America is 3·3 per cent and is tipped to fall below 3 per cent. The economic policies of the State Labor Government, its Federal colleagues and the so-called accord have never before put small business so much at risk. It will survive because that is the nature of small business. However, its potential to grow and employ is being very much retarded. The return for effort for those who exercise enterprise is being taken away.

The Labor Government has never been for small business; it is all for big business. Alcoa of Australia Ltd managed to get a one-off deal from the Federal Government involving $1·5 million at the beck and call of the State Labor Government. Was this
opportunity available for small business? Could small business buy into Alcoa with a special handshake? The Government’s record with big business is all right, but when it comes to small business its record is shaky.

The Opposition supports the existence of the corporation but suggests that its activities should be confined to those areas in which they are currently directed and that within that charter it can manage its affairs efficiently and effectively to ensure the provision of genuine assistance.

No Government—Labor or Liberal—has any right to get into those areas that simply seek to compete with the private sector when, in the performance of the statutory authority, already there are areas that must be questioned and administrative arrangements that have shown—in my opinion, based on the reports—a great deal of wastage.

Mr ROSS-EDWARDS (Leader of the National Party)—As has been explained by the honourable member for Murray Valley, the National Party supports the Bill in principle. It is only fair to say in support of the Bill that the Small Business Development Corporation was set up as a Liberal Government initiative in 1976 by the Hamer Government. I know that at least two other States in recent years have come to Victoria and spent a lot of time in consultation with the corporation before preparing their own legislation. To a great extent they modelled their legislation on the Victorian corporation.

In fairness I do not think there has been any great change of emphasis since the change of Government, apart from Government policy in a couple of areas that does not concern the Bill. I do not say that as praise or criticism; it is just a point of view.

I make the point that the National Party regards itself as a party of small business. Some of the back-bench members might be interested to know that, in an electorate such as that which I represent in Shepparton, 82 per cent is urban based. If ever there were an area of small business servicing a large city centre, the southern Riverina and northern Victoria, it is to be found in Shepparton.

The honourable member for Murray Valley, who spoke earlier about the Bill, represents the City of Wangaratta which carries out a similar service in the north eastern part of the State. Small business is the strength of our respective areas. My colleague is involved in small business and I, as a professional man working as a solicitor over many years, have had a close association with many businesses, many of which I was involved in personally and others for which I have acted.

To quote an old Labor expression, the National Party does not oppose the proposed changes to the legislation. The National Party is not in love with some of these provisions, but it sees no harm in them.

The role of buying and subdividing land was adopted by virtually every municipality, provincial city or major town in Victoria. If they had not adopted that role many of the secondary industries in rural Victoria would not exist. Sir Rupert Hamer encouraged municipalities to buy land, subdivide it and service it. The National Party has nothing against that philosophy. It does not wish to argue with the Liberal Party about the fact that the process should be left with private enterprise, but facilities must be created in rural Victoria and these conditions must be made attractive by the municipalities concerned. It is better for municipalities to carry out that function rather than the Small Business Development Corporation, and I think the Minister for Industry, Technology and Resources would support that concept, but where municipalities do not take that initiative the Government must take their place.

A different Government would have a different emphasis and guidelines, but that is the difference between the parties in this Parliament. However, the broadening of the objectives, in my view, does not bind any conservative Government of the future. Those Governments can spend their money in a different way. The proposed legislation is simply broadening the parameters. It does not dictate how each situation is to be handled.
The honourable member for Murray Valley has indicated that the National Party is concerned about the reference to co-operatives. A number of unfortunate grants have been made to co-operatives in Canberra, in particular one concerning Ms Morosi. Honourable members do not want to see anything like that occurring in this State.

The honourable member for Benambra interjected during the debate that there was nothing to stop a co-operative becoming incorporated. I wholeheartedly agree with that interjection. Some of the large organizations such as SPC Ltd, Ardmona Fruit Products Co-operative Pty Ltd and the "Wangaratta Co-op" company started off as co-operatives but have since become incorporated and ceased to be co-operatives in the technical sense. I suggest to the Minister that while the Bill is between here and another place he should define "co-operative" more carefully, because if a co-operative engaged in the manufacturing process were defined using the words applicable to the pay-roll tax concession for decentralized industry, I, and I am sure my party, would be more receptive and sympathetic to it.

The Small Business Development Corporation (Amendment) Bill is a minor Bill. It is not a major piece of Government legislation. The Government has introduced some interesting extensions of the objectives of the Small Business Development Corporation, some of which have National Party support, but my party is concerned about the status of co-operatives, as I indicated earlier.

I am privileged to have had the opportunity of supporting the capable contribution made by my colleague, the honourable member for Murray Valley.

Mr PERRIN (Bulleen)—The Small Business Development Corporation (Amendment) Bill expands the functions of the corporation. I do not wish to go over the areas covered by the honourable member for Hawthorn or any other honourable member, who has contributed to the debate except to say that it should be put on record that the Small Business Development Corporation was an initiative of the previous Liberal Government. To that extent the Liberal Party supports the corporation, having watched it for ten years, during which time tremendous benefits have been enjoyed by the small business community. I shall refer to that matter more fully later.

Many of the changes to the functions of the corporation are the result of recommendations of the Public Bodies Review Committee. It is fair and reasonable that from time to time Parliamentary committees should make recommendations regarding legislation. The Public Bodies Review Committee is only one aspect of community involvement in and concern about small business.

I congratulate the honourable member for Hawthorn, who has a long history in the private sector in small business and small business organizations. Prior to my entering this place, I worked for small business organizations and I have witnessed the degree of regulation that has come from government, particularly, the present Government.

The honourable member for Hawthorn and a number of members of the Liberal Party Small Business Committee, including myself, were fortunate enough to visit the Small Business Development Corporation a couple of months ago when we were briefed on the role and functions of the corporation.

One of the major successes of the corporation is its role in facilitating the commencement of new business. There is no doubt in my mind that the corporation has been successful in that area. The corporation distributes a New Starter Kit for new small businesses, which is an excellent document. I am sure that, like all documents, it can be improved but when my electorate office published the fact that it had a supply of these New Starter Kits it was rushed by people who wanted to start small businesses and wanted information about the problems involved. It reached a point where the Small Business Development Corporation could not keep up with requests from my office for the supply of New Starter Kits. There are obviously quite a number of people in the community who wish to start new businesses and who believe the New Starter Kits to be very helpful.
The corporation has a role to play both in the starting up of small businesses and also during their operation, particularly in times of crisis. If one examines the statistics that are available, it is clear that a reasonably high proportion of small businesses fail. If the Government can provide assistance by pointing out some of the pitfalls prior to persons starting up small businesses this is of tremendous benefit to the community because resources will not be wasted at the commencement of small businesses resulting in many people losing all of their savings.

As I said earlier, the Public Bodies Review Committee sponsored a substantial portion of the proposed legislation, but there are other bodies in the community that have some involvement with and concern about small businesses.

Many small business groups exist within the community, as well as the Small Business Development Corporation to which the honourable member for Hawthorn referred. There is the Department of Industry, Technology and Resources, for which the Minister is responsible, as well as the Australian Small Business Association Ltd, the Victorian Employers Federation, the Council of Small Business Organizations of Australia, the Victorian Automobile Chamber of Commerce, and the Melbourne Chamber of Commerce.

Another aspect that I have not yet discussed is the small business operators; in other words, the consumers in the community. There are 204,319 small businesses in Victoria, and the Government ought to talk to these people about their problems, because they give a completely different prospective from that which may be given to the Public Bodies Review Committee or some other body involved in small business.

The Small Business Committee of the Liberal Party, of which I am a member, has made a point of going out into the community and talking to small business organizations and especially to small business operators because they are the people who pay the bills at the end of the day. They have to live with the regulations, with this Bill and with the Small Business Development Corporation.

It is interesting to talk to those consumers or operators because they tell us what is wrong and what they want the Government to do. I shall refer to that point in a moment because it is obvious that the Bill has some deficiencies in that regard.

The honourable members for Hawthorn and Murray Valley have made it clear that the Opposition is concerned about the provision regarding the operation of the co-operatives. If one examines the second-reading speech of the Minister to find out what really is the crux of the Bill, one sees in the first paragraph the first reference to co-operatives as a key element of the Bill. On page 2 of the Minister's speech, he expands in detail on what he is talking about in regard to co-operatives. It is important to examine what the Minister said because it appears that all is revealed in his second-reading speech. He stated:

It has long been Government policy to support the development of co-operatives and to assist them where possible.

He then goes on to talk about it being Government policy to arrange for the development of funding and, by direct contact with the co-operatives, to provide advice and services to co-operatives and then talks about a Ministerial committee on co-operation, reviewing the Co-operation Act, and identifying mechanisms for developing the co-operative sector.

The Leader of the National Party has made reference to some co-operatives which have not done too well, and he mentioned the obvious one concerning Ms Morosi.

Mr Ross-Edwards—I did not say that at all.

Mr Perrin—The Leader of the National Party did mention this; and the situation is that, if one examines co-operatives, one finds that a substantial number of them believe no profit is necessary. They take the profit motive out of a business enterprise.

When one examines the Bill and what the Minister has said in his second-reading speech, and when one realizes what "co-operatives" really mean, one also realizes that this
Bill can be used to develop co-operatives in place of small business, which has been able to provide the services; those co-operatives will provide the same services without the profit motive.

Anyone who has been involved in small business, as have many honourable members on this side of the House, would know that a degree of investment in small businesses is necessary and that there needs to be a return on that investment. The small business sector is very much a wealth-creation sector in the community, and it can continue to create profit and wealth only by extending and expanding on that function.

It is obvious to the honourable member for Hawthorn and me, from reading the various reports that have been forwarded to us—and I shall not quote them because the honourable member for Hawthorn has already done so—that there is an underlying concept of putting co-operatives in competition with the private sector in an attempt to promote, wherever possible, socialist concepts such as worker participation in small business.

It is my view that the workers should be involved in the operation of a business—whether they should be involved in a non-profit organization or some other aspect is another matter. Many honourable members on the Opposition side of the House would prefer that staff equity share schemes be put in place of co-operatives, in which case the workers would be prepared to put in some of the money and would receive not only wages and salaries, but also dividends from their contribution to the company. In that way, through their contribution, they would have a further commitment to the company.

That is a far superior concept to that of establishing co-operatives, which may not necessarily have the same motivational effects on the work force that everyone would desire.

When examining the effect of this Bill on the small business community, I refer to one of the provisions, which I believe to be particularly interesting—proposed new section 13 (2) (b)—which states that one of the functions of the corporation is:

To investigate the effect upon small businesses of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and of rules, regulations, by-laws and other laws made under them;

That is quite a reasonable function for the corporation, although I believe it has probably not been used very much in the past. I should like to think that the Small Business Development Corporation has, in fact, been prepared to investigate the effect on small business of some of the Government's policies.

It seems to me that there is an element of duplication of the functions outlined in the Bill. I shall illustrate that point by relating what is occurring with regard to the Government's regulation review unit, which is currently in operation. I received in the mail this morning the March issue of the Journal of the Melbourne Chamber of Commerce, which has been a well-quoted organization of late in this Chamber. An article in that publication refers to the aspects of the Government's regulation review unit. However, it also states:

The unit is not to inquire into areas of Commonwealth responsibility such as taxation or customs or review general matters of State or Federal Government policy involving equal opportunity, Workcare or industrial health and safety legislation as well as award and penalty rates of pay.

Therefore, an area of duplication exists, but, in relation to the matters to be examined by the regulation review unit, there will not be duplication, because the unit will not examine the effects of the proposed legislation on small business.

Proposed new section 13 (2), (b) and (d), deal with the publication of information for the guidance of small businesses but it appears that the small business community has been let down in this area. Obviously the policies of this Government are having a grave impact on that community.

I shall now deal with some of the functions of the Small Business Development Corporation. Has the Minister for Industry, Technology and Resources received from the
corporation any advice, as it states in the Bill, about the effect on small business of the policies of both the State and Federal Government and of rules, regulations and by-laws?

After having talked with representatives of the small business community one finds that they are concerned about all those aspects which will not be covered by the regulation review unit. Will those aspects be investigated, as set out in the Bill, by the corporation?

I refer honourable members to an article published in the *Age* of 7 March 1986 in which Mr Peter Boyle, the Federal President of the Australian Small Business Association, discussed why small businesses are fighting back. He mentioned the attack on small business being made by Government policies and the additional costs that are being passed on to small businesses. In his interview he mentioned superannuation and the wages and incomes accord, the costs of which have also been passed on to the small business community without any consideration of the effect that will have on that community, and with little regard for its ability to pay those additional costs. The article is extremely well written and expresses the concern of the small business community that that aspect will not be examined by the regulation review unit.

Small businesses want to get the Government off their backs. The Australian Small Business Association and the operators of small businesses to whom members of the Opposition have been talking have pointed out that that is what they want. The honourable member for Hawthorn quoted a letter from the Small Business Association of Victoria that pointed out the grave problems associated with the Bill.

The association was pleased that the Opposition has decided to oppose certain clauses contained in the Bill. Small business is particularly concerned that more Government agencies are starting to compete with small businesses in the private sector. For example, the Gas and Fuel Corporation is selling insulation, which directly competes with small business. The Opposition questions whether that is the proper role of government in the business community. Would it not be better for taxes and charges to be channelled into other areas to create more jobs? The Government should allow the private sector to create the wealth and provide more jobs, than it is already doing.

The small business community is looking for less regulation. It is evident that the regulation review unit was established in response to requests by small businesses, yet the Small Business Development Corporation has the same function as that unit. The Government should fully recognize the small business community by establishing a separate portfolio to deal with small business. The Opposition has facilitated the association by creating a shadow portfolio for small business which is the responsibility of the honourable member for Hawthorn. Representatives of the small business community feel more comfortable approaching a person who has exclusive responsibility for their community.

That is very important. It is the Opposition's view that there is a need in the community to supplement the role of the Small Business Development Corporation or to have a small business advisory council, a group of business people and business organizations who are daily endeavouring to make a living out there in the community, and to have them available for input into the Government.

When one considers the Bill, that is supposed to be one of the functions of the corporation. It seems to me that if the Government is to receive advice from the small business community it should be listening to the operators and to the associations. That is part of the Liberal Party policy that it will be putting into effect on its resumption of government. It will have only small business people in this area; it does not believe it is necessary to have unionists on this advisory council. It believes that it is appropriate for the business community to get together to form an advisory committee recommending directly to the Minister responsible for small business. That policy is supported in the community. If one goes out there and talks to the people, that is exactly what they want. There is no doubt about it.

There are other sorts of assistance the business community wants that are not available through the Bill. I refer to a constituent of mine who owns a small delicatessen and who
sought to expand that business into a hot bread shop. Over the past six or eight months that person has had incredible problems. The gentleman's name is Mr Kalkbrenner and he has a delicatessen in Manningham Road, Bulleen. He has encountered enormous problems in setting up a small shop in which to sell hot bread and expand his present business, to the point that he still has not been able to expand his business and he is facing huge financial difficulties.

If the Government wants to include in the Bill something that will have a real effect on the small business community—I suggested that the Minister should take note of this because he would benefit greatly by it—it should provide that the Small Business Development Corporation be a vehicle of co-ordination between various Government bodies, be they the Ministry for Planning and Environment, the Board of Works or any other Government organizations that people have to run around to get their businesses up and going. I am sure Mr Kalkbrenner and anybody else in the small business community would consider that a good role for the Small Business Development Corporation. It is obvious that that type of suggestion is what the small business community wants and that is what it has been telling the Opposition is necessary.

The Opposition has received many submissions from business organizations. I have here a Victorian Employers Federation pamphlet published in July last year and entitled "Small Business Policies for Victoria 1985". I urge every honourable member to obtain this pamphlet because it fully explains what small business wants.

Dozens of suggestions are made on everything, from changes to pay-roll tax, land tax and death and probate duties to the small claims tribunal and so forth. They want to be allowed to cover their employees with agreements. They want a situation in which small business would be facilitated by the development of a small business investment corporation. This is the area in which most people believe small business could benefit from Government policies. I shall quote one small section of the pamphlet, which states:

Initial funds for the SBIC's could be obtained from the Victorian Development Fund.

It would be a change if the Victorian Development Fund were to be used to fund private enterprise projects and businesses rather than public sector projects.

The pamphlet warrants a great deal of support. Honourable members who want a copy of the pamphlet can get it from the Victorian Employers' Federation. That is the sort of documentation that the Opposition has been receiving from business organizations.

I also have a brochure from the Victorian Chambers of Commerce and Industry that covers this subject even better than does the Victorian Employers Federation. The brochure includes twelve pages of suggestions on how small business in the community can be assisted and it relates to the same areas covered by the Victorian Employers Federation, such as new business and general support. It also states the need for a State and Federal small business Ministry and that 90 days' notice should be given of the introduction of a Bill to enable consideration and input by the small business community. The Government has made no attempt to consult with either small business associations or individual operators on this Bill.

The Government should take up the suggestions made by the Victorian Chambers of Commerce and Industry so that the small business community can be consulted and can make points to the Government before the Bill is drafted.

I recommend the document from the Victorian Chambers of Commerce and Industry to all honourable members as it contains hundreds of suggestions that, if implemented, would be of assistance to the small business community.

The honourable member for Hawthorn has proposed some amendments with which there has been some disagreement from members of the National Party. We have discussed the amendments with small business associations and operators and the general feeling is that the expansion of the functions of the corporation is not in the best interests of the small business community. These associations and operators have stated that they do not
need government to perform these functions. They believe private enterprise should perform them and all that is needed is someone to direct small businessmen, when they come through the front door of the corporation, to where they can receive the appropriate advice and help that they may need from time to time.

It is important that the Government does not attempt to pick winners. This is something that can occur when resources are limited, as was mentioned by the Leader of the Opposition. It is also important that advice and help is given to the small business community on a bipartisan basis.

The small business policies of the Liberal Party are presently being formulated. I have been involved in the development of those policies, as have many people in the community. Those policies, when released, will provide a vision for the future for small business. They will show clear distinctions between the roles of Government and of private enterprise. They will give tremendous support to the small business community because that community has been consulted and has been able to inform us of its needs. The Liberal Party will produce that policy at the next election.

Mr LIEBERMAN (Benambra)—This Bill is an attempt by the Government to increase the involvement of small business in the economy and to improve its viability. All honourable members support that objective.

Anyone who has thought about the history of Australia would understand that its development to date and its future is intrinsically tied up with the involvement of the risk-takers, the entrepreneurs, the small business people, their families and the farmers. Without them, Australia would not be where it is today and would have no future.

I also feel sad about the Bill because, although I accept the good intentions of the Government, in many respects it does not tackle the major issues. It does not tackle the real reasons why the risk-takers, people with the spirit of enterprise, courage and dedicated Australian attitude, are not as inspired and happy about their future as they should be.

Nevertheless the objective of the Bill to expand the powers of the Small Business Development Corporation will at least give it the opportunity of encouraging small business and of enabling it to participate in some of the momentous decisions that need to be made in Australia to get small businessmen and farmers, and the people who rely on them, back onto the road towards positive thinking and the building of our nation.

A number of strategic obstacles are in the way of achieving the things the environment needs to help small business. One is the disincentive to risk-takers, to small business people and to industry and commerce in Victoria and Australia because of the cost involved in running businesses.

Another aspect on which I can contribute as a Parliamentarian is the need for small business people to feel represented in Parliament. I took my seat in this House on 20 March 1976, so I have been in this place for almost ten years. I now find myself in the rarefied atmosphere of the back bench and have the opportunity of rethinking and pondering so that I can make a positive contribution towards the future. I hope honourable members recognize the core of my argument.

One of the strategic changes needed to improve Australia’s future, which is tied up so much with small business entrepreneurs and risk-takers from the cities and country centres, is for those people to feel they are represented in State and Federal Parliaments by a political party that reflects their aspirations and can react when necessary and fight for what they believe is needed to create and maintain jobs and security for themselves and their families and to assist in providing sufficient funds for the Australian welfare budget.

If there are to be profit makers in Australia, a portion of their profit should be allocated to the disadvantaged to assist families in overcoming chronic illnesses and disabilities that have prevented them from enjoying opportunities that others enjoy. I intend to assist in fostering a sensible discussion amongst all members of the Liberal and National parties,
whether Parliamentarians or branch members, to achieve an amalgamated and united political party in Australia. The continuing prosperity of Australia cannot be taken for granted. The challenges involving the turbulent world economy and overseas trade are not easy to resolve and will probably never be completely resolved for Australia.

The problems facing farmers and small business people and their families are enormous. No longer can Australians sit back quietly and expect to live off the exports of Australian agricultural producers and the mining industry. No longer can Australians be sure that small business people, farmers and their families will continue to struggle and to take risks, as they have done in the past, so that their businesses and farms can continue to exist.

No longer can we be sure that they will enjoy the victories and endure the defeats involved in what has been the traditional pursuit of the free enterprise system in Australia because they are now facing ever-increasing burdens and taxation. They are facing ever increasing Government and union domination and unnecessary divisions are being created in the community and in political parties.

There is no simple answer or solution to the problems faced by Australians in 1986. However, it is my belief—and I have thought a lot about this—that the formation of an amalgamated Liberal Party and National Party at some time in the future would help to bring together the innovators and survivors in the city and the country. Those people are the battlers, the entrepreneurs and the families who have helped get Australia where it is today. They would be better able to struggle against extensive union power, extensive Government intervention and Government control if there were a united Liberal Party and National Party to represent them in Parliament.

The DEPUTY SPEAKER (Mr Fogarty)—Order! I ask the honourable member for Benambra to return to the subject of the Bill.

Mr LIEBERMAN—If that occurred, those people would be better able to capture markets and to struggle against bureaucratic obstacles placed in their paths. I hope those comments will be taken on board by honourable members who are prepared to think deeply not just about today but also about the future. One of the objectives for all of us—certainly for me—is that by 1988—which is Australia’s bicentennial year—there should be a single united party.

The DEPUTY SPEAKER—Order! I ask the honourable member for Benambra to get back to the Bill. I am not worried about the internal policies of the Liberal Party and the National Party.

Mr LIEBERMAN—I am talking about the future of Australia, but I have finished that point.

I shall now refer to another area that acts as a disincentive for small businesses in Victoria and Australia. The Bill requires the corporation to increase the viability of small businesses. It is true that the complex, ragbag collection of additional employment costs on top of wages is telling against the growth and development of small business in Australia. The requirements of industrial awards, Government and the like have become a gangrene that is poisoning industries and job prospects.

Mr FORDHAM (Minister for Industry, Technology and Resources)—On a point of order, Mr Deputy Speaker, the Bill deals with the Small Business Development Corporation; it does not give a carte blanche opportunity for all members of the Opposition to come forward with their pet theories and to boost their egos. I suggest that a speech about gangrene and related issues is stretching the scope of the debate too far. Lead speakers for the Opposition parties are treated with some leniency, but it would be ludicrous if a situation existed where all members on the Opposition back bench were able to speak in the manner of a lead speaker. I ask you, Mr Deputy Speaker, to draw the attention of the honourable member for Benambra to the subject of the Bill.
The DEPUTY SPEAKER (Mr Fogarty)—Order! I have drawn that to the attention of the honourable member on two occasions in the last 5 minutes. The honourable member has been wandering all over the place, even including the internal politics of the opposition parties. I suggest that the honourable member for Benambra confines his remarks to the Bill. I have allowed him a lot of latitude which, at times, may have been too much.

Mr LIEBERMAN (Benambra)—I shall remind the Minister for Industry, Technology and Resources of one of the objects of the Bill, which is to expand the powers of the Small Business Development Corporation. Clause 5 states that an object of the corporation will be to increase the viability of small business. I am talking about the gangrenous oncosts that are detracting from the future of small business investment in this State. If the Minister does not want to hear about it, it is for a reason other than the attempt to denigrate my contribution. I suggest that I be allowed to continue because the Minister should listen to what I intend to say about oncosts and the disincentives to small business.

In 1983-84, the average employer in Victoria was required to pay additional employment costs of 42·6 per cent over and above wages.

The list of oncosts to which I shall refer is startling. It is important that honourable members examine its collective impact and reflect on it. The figures to which I shall refer are contained in a summary of the proportion of total direct wage payments in 1983-84.

Under the heading “leave payments” a number of different entitlements are listed. Annual leave represents an oncost of 7·1 per cent. The annual leave loading—the infamous 17·5 per cent loading that was introduced years ago—amounts to 1·2 per cent of total wage costs. Long service leave amounts 1·1 per cent; sick leave amounts to 1·8 per cent; other leave taken amounts to 0·3 per cent; and leave for public holidays amounts to 3·7 per cent. The sub-total of those amounts is 15·2 per cent for leave entitlements alone.

With respect to “additional oncosts”, pay-roll tax amounts to 6·5 per cent, workers compensation 3·8 per cent and superannuation—what a laugh—6·2 per cent. We are now facing a productivity claim, which is currently before the Conciliation and Arbitration Commission for a further 3 per cent. However, that is in the pipeline and, to date, the official figure for superannuation is 6·2 per cent. With other additional oncosts of 0·5 per cent, the sub-total amounts to 17 per cent.

Under a further heading “benefits provided and paid breaks”, employee benefits amount to 4·9 per cent, paid breaks 5·5 per cent, making a total for the two items of 10·4 per cent. The grand total of all oncosts is 42·6 per cent.

When one goes into the real world beyond the rarified atmosphere of Australian Parliaments—both State and Federal—and out of the atmosphere of people creating more and more legislation, one sees that the future viability of small business rests not so much in this proposed legislation—although the Opposition supports it substantially—but with tackling the major strategic problems that exist in the economy which act as a disincentive to people taking risks; the problems concern providing job opportunities for our young people and security for their families rather than having them rely on the welfare budget and on pensions when they retire. That is a problem that needs to be tackled.

The corporation needs strict riding instructions. Will the Government have the courage to provide those instructions? After the legislation is passed and has received the Royal Assent the corporation, on day one, will have to be given strict riding instructions by the Minister to tackle the gangrenous problem of oncosts and how those costs are destroying the viability of business.

I ask the Minister to give an undertaking during the debate that, if the Bill is passed and becomes law and the corporation is provided with extended powers, he will call in the chairman and the managers on day one and say, “I require you, because of the objectives stated in the Bill, to examine the viability of small business and within a week—or 30 days, if you like—to report on the current oncosts in Victoria”. The Minister will be able
to say to the chairman of the corporation, “The honourable member for Benambra said in
the debate that the oncosts up to 1983–84 were 42·6 per cent”.

I do not have the research facilities to bring those figures up to date. I ask that the
corporation do so and that a report be published and presented at every arbitration hearing
for every wage claim or award in this State, or in which this State is interested, until such
time as the viability of small business is seen as a fundamental aspect for consideration by
all arbitration hearings, tribunals, unions and employers—large and small—as a matter of
natural course.

This has not been happening in Australia. What has happened is that big business, big
unions and big government have been making their cosy deals before the arbitration
commissions and others saying, “Hang the viability of small business” and “Blow the
ability of small business to handle the oncosts”.

I have discovered another statistic that reveals a startling trend. Honourable members
would be aware that the consumer price index based on inflation was approximately eight
per cent for the past two or three years. It is predicted that that will be the rate for this
year. I have found evidence that from 1983–84 the oncost increase has exceeded the
consumer price index. In fact, I challenge the Minister for Industry, Technology and
Resources to rebut between here and another place my ascertion that last year the
accumulated oncost exceeded inflation by two per cent. If that is right, and I hope I am
wrong. I have identified one of the major significant structural flaws in our economy and
one of the reasons why small businesses and farmers are screaming about increased costs,
are marching in the streets and attending meetings throughout Australia in their hundreds
and thousands indicating that they have had enough.

The simple fact is that the community has been duped. All political parties have fostered
and supported a centralized wage fixing scheme in the form of the Australian Conciliation
and Arbitration Commission for many years, but in reality the cases that have been heard
have not adequately dealt with all the evidence relevant to the decision-making process
that influences the lives, prospects and investment potential of all Australians. John
Howard, the Federal Leader of the Opposition is right. Good luck to John Howard because
he has the courage to say that Government needs to review the centralized wage fixing
system.

I have been in contact with small businesses throughout the State, particularly in my
electorate, as no doubt have other honourable members, and one does not need to be a
Rhodes scholar to understand that their need for help is genuine. It is not an unreasonable
call for help. They are saying “We cannot keep up with the ever-increasing costs passed
on to us”. It is not just the consumer price index increases and therefore the annual wage
increases, but the oncost factors as well.

If the Minister for Industry, Technology and Resources does not, on day 1 of the
legislation being proclaimed, require the Chairman of the Small Business Development
Corporation to produce a report on current oncosts for Victoria within 30 days, the
shadow Minister for Industry, Technology and Resources, I and my colleagues will be
pursuing him relentlessly because of the claims that I have made which need to be either
refuted and put aside as inaccurate or if those claims are true, as I believe them to be,
every Government and alternative Government has a responsibility to require the
Australian Conciliation and Arbitration Commission and all tribunals dealing with awards
to examine this matter urgently, because that is one of the fundamental requirements to
get this country going.

Legislation has been introduced into Parliament since the last election that is a further
disincentive to small business. I cannot understand what this Government is on about,
unless one believes and subscribes to the view that some people have of “a communist
jumping out of a geranium bush”, but I certainly do not subscribe to that view. However,
that might be the only conclusion that some people can come to after examining the
reasons for the Government introducing legislation that states that all self-employed truck
drivers—all honourable members know and have truck driver friends—will now be bound by a transport award under the industrial awards of the State. Therefore, they will be bound by all the controls that flow therefrom. Honourable members know what that means, they must toe the line. If they quote for a job because they feel they can do it better than someone else and if their quotations are too low, they will be accused of going against the provisions of the industrial award. Why else would the Government introduce that type of legislation if not to destroy the viability of small business.

Other elements of the Government’s personality fascinate me and need explanation. The Government, being a Labor Government, says that everybody should belong to a union although the Premier and his Ministers have said that they do not subscribe to compulsory unionism, to the closed shop principle.

The next day the newspapers reported that employees working in hospitals had been the subject of pickets by members of the Hospital Employees Federation preventing them from entering the hospitals because they did not want to join the union. The Government did nothing about that and the dispute continued for weeks. Finally the dispute at the Royal Melbourne Hospital was settled and the five people who did not want to join the union—

The ACTING SPEAKER (Mr Kirkwood)—Order! I ask the honourable member to relate his remarks to the Bill.

Mr LIEBERMAN—Proposed new section 13 (1)(a) deals with this.

The ACTING SPEAKER—Order! I think the honourable member is stretching the point when he refers to the State’s hospitals.

Mr LIEBERMAN—I would like to see some of the State’s hospitals run by private enterprise which would perhaps inject some sense into the public hospital system.

To complete what I was saying earlier, the settlement of that dispute at the Royal Melbourne Hospital finally involved those five persons not having to join a union but being segregated or quarantined forever from the other workers in the hospital. Partitions had to be erected around those five persons, at the taxpayers’ expense, so that they would not have to rub shoulders with the union labour in the hospital!

One of the reasons small businessmen and risk-takers do not want to invest in Victoria at the moment is that they are terrified that the Government is bowing to the pressure of the unions. I have been told that by Labor supporters as well as Liberal supporters. I illustrated that point by mentioning this dispute involving the five persons who did not want to join a union. I feel sorry for them. They deserve VCs for their courage. They chose, for whatever reason, not to join a union. Why should they have to work in a hospital where their careers will be doomed with partitions around them? As a politician and an Australian, I find that abhorrent.

When talking about the development of small businesses, why on earth would an entrepreneur who has the choice of investing in Queensland, New South Wales or wherever, set up in Victoria considering the dominating forces of the unions, and other forces in the economy!

I also hope the Chairman of the Small Business Development Corporation will be given instructions by his political master, the Minister, to report on those matters involving disincentives that apply to the Victorian economy. There are other comments that could and should be made in a debate on small business and no doubt my colleagues will make those comments as the debate proceeds.

I have tried to broaden the dimension of the debate, with your indulgence, Mr Acting Speaker, for which I thank you. I have tried to say that from my side of politics there is only one way for Victoria and Australia to go, and that is to be united. Some say that my side of politics is conservative. It is important that the bush and the city be united with a political voice to oppose a Government of the day that is dedicated to a socialist view.
The small business community of Victoria would be better off even under a socialist Government and Minister because its position would be represented clearly by a single, united Opposition able to define alternative policies. A socialist Minister would then have to work harder to articulate his policies and the electorate would have a better choice and be able to make a choice through the ballot box.

At the moment Australian electors do not feel that they have a clear choice. That is one of the problems in enunciating political points of view in the present environment. A single united party would assist and be very effective against the socialist Government.

Although it may be repugnant for people on the Government side to see the so-called conservative parties coming together as one, they should at least agree that a management model on that basis is a far better model for a Westminster Parliament than having the talent dissipated between two different parties with different leadership and different policy review teams.

People may say that that would involve the Parliamentarians, and I think that the honourable member for Gippsland East, by interjection, asked why this viewpoint is put only by sitting members of Parliament? I understand what he meant and it is a fair comment. He has had more experience in politics than I, but all I can say is that I believe a single, amalgamated party will happen because the grassroots in Australia who support the conservative side of politics want it and aspiring members of Parliament will not be the ones who will make the decision; nor should they.

As a 1986 Parliamentarian, ten years down the track—and, I hope, with a few years still to go—if my fate is that in a preselection, I lose candidacy for the electorate of Benambra because a single united party has chosen somebody else, I shall be disappointed, but so be it; and I think most of my colleagues would feel the same way.

In the final analysis, we need someone in Parliament who strongly articulates the views of the conservative side of politics so that our families, our children, our workmates and our employees at least have better government and a better life in Australia. Above all, it is necessary to tackle the problems, many of which are generated externally, because without a united Australia we have no hope in the world of tackling these issues.

While the Bill is between here and another place, some of its provisions will be discussed. The honourable member for Hawthorn has made an excellent contribution. The Opposition supports the Bill because it will help small business, but its wording should be carefully examined.

The National Party opposes the provisions concerning co-operatives and so does the Liberal Party. If one examines the history of co-operatives—I have been a legal adviser to co-operatives and remain associated with some of them today—one finds that they achieve many good things. The philosophy of a co-operative is that it brings people together in a spirit of enterprise but not of profit. That is the difference between them and the hard-hitting, hard-headed cutting edge of small business.

That is why the Opposition says to the Minister that co-operatives are not unworthy, but that it is inappropriate to define co-operatives as small businesses when they are not profit oriented.

If a co-operative wants to make a profit, in my view its legal adviser has a duty to advise it to form an off-shoot and incorporate: once it does that, it can pursue a different element of what a co-operative is about in the first instance.

Therefore, the proposed rejection of that clause by the Liberal Party and the National Party, is worth considering, and I hope we can work the matter out while the Bill is between here and another place.

Above all, we should develop a strategy of solving problems affecting all small businesses in Australia, including farmers and their families, without being deceived into thinking that, by passing a Bill such as this, we will solve the problems. There is no way in the
Mr HEFFERNAN (Ivanhoe)—I should like to make a few broad comments in respect of the speech made by the Leader of the National Party in which he displayed a tremendously broad and different ideology from that of the Liberal Party.

Mr Jasper interjected.

The ACTING SPEAKER (Mr Kirkwood)—Order!

Mr HEFFERNAN—I indicate quite clearly that, in supporting the Bill, the National Party, with the Labor Party, is once again furthering Government involvement in the private sector.

When I asked the Leader of the National Party about opposing the Bill, his reply was that every State has this sort of legislation. That is great justification for further expansion of bureaucracy! Because every State has this sort of legislation, the Leader of the National Party believes Victoria should also, in turn, have it. He then said that the original Act was introduced by the Liberal Party. I make it clear that if anyone is looking for a change of direction in the Liberal Party, this Bill will indicate the direction it intends to take when it comes to power. There shall be less interference in the private sector.

Mr Jasper interjected.

Mr HEFFERNAN—I point out to the honourable member for Murray Valley, who is interrupting me, that I know his main concern will be to obtain further subsidies from the Government to keep the rural sector going, as per usual, at the expense of the needy of our society.

Mr Jasper interjected.

The ACTING SPEAKER—Order! I believe the honourable member for Murray Valley should be at least a little more fair. The Chair protected him when he led the debate on behalf of the National Party. He has consistently disturbed the speaker now on his feet, and I ask him to cease doing so.

Mr HEFFERNAN—It is only that I am hurting his Achilles heel, Mr Acting Speaker. I then approached the Deputy Leader of the National Party about opposing the Bill, and he directed to my attention the need for the Small Business Development Corporation. He said that within his electorate, on a few occasions, he has had cause to refer business people to the corporation and that, in turn, those people have received pamphlets and instructions on how to proceed with their businesses.

The Deputy Leader of the National Party then referred to the case of a panel beater who also received instructions on problems he was experiencing within his business. I asked the honourable member two questions, the first of which was: when the panel beater had his own association to go to, the Victorian Automobile Chamber of Commerce—which, in turn, instructs and supplies free courses on problems such as he was encountering—why was he approaching the Government, becoming involved with it and receiving advice on something in an area about which the Government would have little idea? The second question was: what experience will the private sector obtain from the bureaucrats who are now beginning to say what the private sector ought to be doing in making private business profitable?

It was then put to me that the Bill was of a minor nature and that, "It will be a Bill that will alter the structure only slightly and create a minor precedent". Has anyone ever heard of any expansion in any bureaucratic association or body that has been reduced in the lifetime of this country? No one could name such a body. We are all here talking about expanding the bureaucracy further and further, and the Liberal Party is totally opposed to any further expansion.
I could ask the bureaucrats how business in the private sector ever grew, without their involvement, from the very time this great country was formed. I can tell them that no bureaucrats were involved in the early days, and the private sector ran itself.

The Bill states that one of the objectives of the corporation is, “to do all things possible to develop and increase and assist small business, in particular, new businesses.” One would not have to be a Rhodes scholar to know what is the problem with small business. Firstly, the Government should get off the back of small business; secondly, the Government should examine pay-roll taxes, the penalty rates now imposed on employment of staff, and the shop registration fee—which is a minor item that the Government increased slightly this year, but there was a principle involved. The financial institutions duty was also imposed on small business when the Government came to office.

The imposition of that duty is now affecting small business, yet we are being told the corporation will do all things possible to help small business. I have already pointed out the aspects that should be examined if the Government wants to help the small business community.

In typical bureaucratic fashion the Bill states that one of the objectives of the corporation is:

To promote Victoria as a place for viable small business to be established . . .

I assure those bureaucrats that if one follows the objective set out in proposed new section 13 (1) (a) the step to which I just referred will follow automatically.

If the Government really wishes to create new industry in Victoria it should get off the backs of small business operators. The next objective as stated in the Bill is:

To increase the viability of small businesses . . .

That is remarkable. The Public Service will be asked to advise the private sector how to make its businesses more viable. That is hilarious! It is one of the biggest jokes I have heard since becoming a member of Parliament.

Honourable members should consider the undertakings of the Public Service thus far. The railways were to be restructured, yet now we do not own the railways and they are losing twice as much money and are just as inefficient as before. Let us look at the situation with the public hospitals. One does not need to say any more because everyone realizes what a mess that system is in. The same bureaucrats will now tell the private sector how to make their businesses more viable! All bureaucrats are in the same mould.

Let us look at the education system, which is in a tremendous mess. The classic bureaucratic bungle is that the Government has borrowed from overseas funds without hedging. That has cost the State a fortune. Not one honourable member has mentioned the lack of private investment expertise in the Public Service. If that same mistake had been made in the private sector, the person responsible would be looking for a job the next day.

The fourth objective of the corporation is:

To assist in the expansion of existing small businesses . . .

which is followed by:

(e) to identify and propose solutions for major difficulties facing small businesses and in particular to identify and propose solutions for the reasons why small businesses fail . . .

There is no need to go any further; I can tell the Government now why small businesses are failing. The first is that there is too much Government interference and the second is the increase in oncosts being faced by small business through increases in workers compensation payments and pay-roll tax, which were mentioned by the honourable member for Benambra. The Government should establish a small committee to examine the oncosts being faced by the small business operator which, in turn, will achieve all that is necessary.
The next objective in proposed new section 13 (1) is:

To improve and develop services and facilities for small businesses.

That is another example of the further expansion of the bureaucracy. A department will have to be established to develop more services for the public sector. Members of the Government support the further expansion of the public sector, yet those in the private sector want it to stop. Good heavens! How will those bureaucrats help to improve the level of competence of small business? I have already quoted the incompetence of some of the Government departments. The Government should start in its own backyard before it starts trying to tell small business how to run its affairs.

Finally, the functions of the corporation are set out in proposed new section 13 (2), the first of which is:

(a) To establish a centre to be known as the Information Referral Centre.

If the Government finds itself in trouble it creates a new department to try to fix all problems. The new department then provides a report which is referred to the Government but it stops there. The establishment of a new department involves hiring more staff and the creation of higher overheads, which are to be paid by the taxpayers. If the bureaucrats who work for the Government were to operate in the real world, the Government would be bankrupt and would exist no longer. It is a hard, cruel game yet the Government is trying to feather the bed of small businesses which are inefficient and 90 per cent of the time ought not to be helped.

The Bill continues:

(b) To investigate the effect upon small businesses of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and of rules, regulations, by-laws and other laws made under them;

This is one of the things it should do. Never has a Government become so involved in every State and Federally in so many rules and regulations, which are now tying up small business and the private sector. We continually read of and hear business people saying to the Government, “Just stop and get the regulations away from us”. I support that, but yet another department is not needed to do it.

Proposed new section 13 (2) (c) states:

To arrange training and educational programmes for small businesses;

This function is carried out by every association in the private sector today. There is not one association in existence in the private sector that does not arrange or carry on some sort of training program if it is required. Paragraph (d) provides:

To publish and distribute information for the guidance of small businesses and where appropriate to publish and distribute information in languages other than English;

I would put that proposal down to another public servant justifying his job. Any person in business today who is dealing with the ethnic community and does not provide that service will soon find himself out of business. Are we again asking the bureaucrats to tell us what we ought to do? This is a typical example of bureaucrats offering advice when they themselves are not willing to get out in the real world and find out what it is all about. The Bill further states:

(e) To assist in arranging financial assistance through loans or guarantees or any other means to small businesses;

We are now being told that a person who intends to go into business but is not capable of seeking financial assistance or negotiating with a financial institution to arrange finance should receive that assistance from the corporation, but the truth is that, if one is not at that stage and one cannot do that, one should not go into business. We ought not to be saying, “We realize you can’t do it; come and we will help you”. It is a sign of inefficiency and, in the long term, these people will go under—and so they ought. Paragraph (f) provides:
To give financial guidance and assistance to small businesses;

We now have deregulated banking and banking has become highly competitive. A Bill will be passing through Parliament during this sessional period allowing housing societies to enter into the commercial market. I can assure honourable members that at no stage has it ever been better for the small business person to look around for financial assistance from banks. Why should the Government be a financial adviser? I cannot understand it, yet still honourable members sit here and try to justify the argument that all knowledge and power is in this place. Paragraph (g) provides:

To establish a unit to assist co-operative businesses and to encourage co-operation between small businesses and others;

The inclusion of co-operatives is a matter on which the honourable member for Hawthorn commented and his remarks will be supported by the Opposition during the Committee stage. The next paragraph states:

(h) To promote and market small businesses and provide access throughout the State to the Corporation's services;

Why is that paragraph included; is that someone else endeavouring to justify the Bill? All those functions are already available within the various associations. Small business does not now require Government advice about where to go for those services. Paragraph (i) states:

To act as agent in receiving or paying fees;

Once again the Government is getting involved in collecting fees from the small business sector. Paragraph (k) makes provision for the corporation:

To arrange finance to government bodies or private enterprises to assist in the provision of facilities or services to small businesses;

The Government is involved in the small business sector that it should keep out of.

Mr Ross-Edwards interjected.

Mr HEFFERNAN—If the Leader of the National Party had been here earlier when I commenced speaking, he would not be interjecting now. Proposed new section 13 (2) (k) also implies bureaucracy. That will mean a further expansion of bureaucracy.

Mr Ross-Edwards interjected.

The ACTING SPEAKER (Mr Kirkwood)—Order! I ask the Leader of the National Party to cease interjecting.

Mr HEFFERNAN—The implication contained in that proposed new section is that expertise will be needed. The Government will advertise for that expertise and that will mean a further extension of bureaucracy.

Proposed new section 13 (2) (l) provides:

With the approval of the Minister, to buy and sell land and enter into contracts agreements or arrangements;

By that, I understand that local government will become involved in the establishment of blocks of land for subdivision for commercial purposes.

Mr Shell—Do you accept that?

Mr HEFFERNAN—It will happen. If there is a dollar to be made in the private sector, it will happen. Governments believe they should be involved in things they know nothing about. They may have no expertise or previous experience but they want to be involved. We will know the result of that involvement when the Melbourne Central project slowly unfolds and we will ascertain the expertise of the Government in handling that project.

Proposed new section 13 (2) (m) states:

With the approval of the Minister, to operate facilities for the use of small businesses.
That is further Government involvement.

I point out to the Labor Government that, as an indication of a change of direction of the Liberal Party, it will no longer support the involvement of the public sector in the private enterprise field. No one here can convince me that any Public Service can supply a service at a better or cheaper rate than can the private sector.

If the Government wants to help small business, it must do two things. One is to reduce the high interest rates caused by Government borrowing and spending which is killing the small business community; the second is to get off the backs and out of the lives of people in the small business community.

Mr WEIDEMAN (Frankston South)—I support my colleagues in what is a one-sided debate. Probably the most important issue that faces Victoria at this time is its economy, of which the small business sector is part. This has been admirably explained by the honourable member for Hawthorn who has had much experience in this area and I congratulate him for his contribution. I also congratulate other members of the House who have contributed to this debate, even the honourable member for Murray Valley, who has explained the important role his family has played in small business in the Murray Valley region since 1892. I am associated with a company that commenced in small business in 1856, so I can better him by 30 or 40 years.

Small business is one of the reasons that brought me to Parliament. I recently heard a speech in which it was said that one side of politics involved school teachers and unionists and the other side involved lawyers, farmers and retired colonels. Few small business-trained people enter politics. The honourable member for Murray Valley referred to the experience of the honourable member for Niddrie and one or two others. I can understand the pressure the honourable member must be under.

Small businesses represent 90 per cent of all Victorian businesses and employ 30 to 40 per cent of the work force. Many of those people are in growth industries and a large proportion of them are young.

In 1981 the hospitality or tourist industry employed 40 000 people and is now responsible for 50 000 jobs. That is an enormous growth rate in a short time and the growth includes young and unskilled people.

Honourable members should consider the effects the Bill will have when it is put into operation. I believe it is a Clayton’s Bill. If it were gazetted today and put into operation tomorrow, no great screams of horror or delight would be heard from the business community or the media because it does only one thing: it changes the chairs of the Titanic. As the honourable member for Ivanhoe suggested, the business community faces real problems.

Clause 6 provides for an auditing function; that simply brings the Bill into line with existing legislation. I suggest that the Minister for Industry, Technology and Resources could have placed that provision in an amendment to another Act or brought all corporations, statutory bodies and Acts under his control under the auspices of the Audit Act, and that would have overcome the problem.

The Small Business Development Corporation’s 1985 annual report referred to its aims and objectives. It stated:

The Corporation has recommended to the Minister for Industry, Technology and Resources that the Act be amended to spell out in fuller detail the components of the primary objective, which will assist small and medium size business . . .

The honourable member for Hawthorn and others have described what is a small business.

Mr Lieberman—What page is that?

Mr WEIDEMAN—It is on page 6 of the report. A dozen aims and objectives are listed, but they do not correspond to those provided in the Bill. There must have been some
disagreement in a literal or real sense between the corporation and the Minister and his department.

I was a member of this House in 1976 when the corporation was established. On that occasion I was unable to speak on the Bill because I was waiting to make my maiden speech in the Address-in-Reply debate. However, I have been a member of a Parliamentary committee that dealt with the Small Business Development Corporation and I visited it on a number of occasions. I believe the work undertaken by the corporation at that time was suitable for that period of growth. However, I believe the corporation is now carrying out its duties satisfactorily by selling information. Information is worth what one pays for it; it is worth nothing if one pays nothing. If information is valued and paid for, the advice received is more likely to be put into operation.

Small business in Victoria consists of 204,000 enterprises and provides employment opportunities for 589,000. Honourable members are aware of its enormous effect on the community. As was pointed out by the honourable member for Benambra, many of our small business managers and entrepreneurs are faced with significantly increased employment costs.

I worked in a retail and manufacturing business in the 1960s and at that time approximately 10 per cent of its workforce involved people being employed to fill in for others who were sick or to cover casual vacancies.

Honourable members will be familiar with the credit squeeze of 1961 and beyond, and Governments’ intrusion into business, causing enormous increases in costs. One honourable member mentioned that oncosts comprised more than 40 per cent of an employer’s costs, but I can assure the House that the level is close to 50 or 60 per cent due to WorkCare and superannuation initiatives where employers are forced to provide for the employees.

The unions are demanding those types of oncosts rather than real wages because they find greater value in the services provided. That is understandable, but a union should put forward suggestions in line with the community’s understanding of what is a fair and reasonable return for efforts put forward. A union should take into consideration the capacity of an industry to pay.

During the time in which I have been a member of this House, the number of pharmacies has decreased from 1800 to 1400. That decrease has not occurred through a lack of pharmacists but because pharmacies have gone out of business as a result of the wage structure and problems associated with running a business.

The honourable member for Ivanhoe pointed out that small business required information and support. Such information and support is usually supplied from within a business’s own trade or profession. It is generally accepted that a person running his own business knows more about business than any other person. Accountants, experts and management consultants can advise and direct a small business owner only in a certain way, and that is the area in which the Small Business Development Corporation has been involved and should be involved.

The Bill refers to co-operatives and provides that they be included in the small business family. That may be the Government’s approach to privatization. During the past couple of days, the Premier has made some derisive remarks about that subject, but I draw the attention of the honourable gentleman to the Co-operative Federation Journal.

The editorial of the journal is headed “Privatization” and states:

Co-operatives have largely been overlooked in the current privatization debate. Much is said of the relative efficiencies of the private sector, the need to develop smaller government with lower taxation demands and for enterprises to be cost conscious and profit orientated. Less is said of the needs or interests of the consumer or how these could be best protected. If inherent in the privatization debate there is a commitment to making systems sensitive to what consumers, or users of the service want rather than what bureaucrats find convenient then there is great scope for co-operatives.
The article goes on to expand that theory.

The privatization debate involves three groups: the workers, that is the people who work in the industries—the qangos; the Government, which owns those groups and industries; and the public, or the consumers. The experience in Europe, the United Kingdom and the United States of America is that if one can get the workers and the consumers to agree—which is not easy—and if one can get public support for privatization, a better and more effective service will exist in the private sector rather than the public sector.

One way of accomplishing this has been in the worker co-operative area. The Government is attempting to enter this area by giving the Small Business Development Corporation the right to deal with co-operatives, and some of the smaller quasi autonomous non-Government organizations may be hived off to this area.

Perhaps through the co-operative area workers may have more of a motive to run a small qango in the interests of the consumer. The development of worker participation and the privatization of qangos started in Europe and the United States of America and, more recently, in the United Kingdom. Consumers have benefited by improved services and efficiency as well as by lower costs and lower taxation. The Government may accrue some benefits from entering this area.

The Opposition opposes the co-operative approach. Small business should be “up front” and the Minister should tell us what he intends to do and what the Bill is all about. If the Bill were passed in the morning it would not have a great impact on the community. It is somewhat of a Clayton’s Bill. The aims and objectives of the Bill are very much a motherhood and fatherhood approach. My colleagues have already highlighted the problems of costs with respect to the functions of the corporation as listed on page 2 of the Bill.

Today the Premier said that the Opposition had put up something like $1·7 billion worth of proposals. Does this indicate that none of the back-bench members of the Government party have come up with any proposals and, if that is the case, that no Budget moneys will be allocated in that direction? I am sure that is not the argument the Premier wishes to put.

It is important to examine the increased functions of the corporation. It would cost many millions of dollars to implement some of these functions, especially the investigative functions and the training and education programs for small businesses.

The Victorian Economic Development Corporation states in its annual report that it has expended approximately $40 million, 10 per cent of which is related to the development of small businesses, especially in the tourism area, creating new facilities and providing better equipment. A considerable amount of the balance of that money is invested in middle-sized businesses.

Small business needs financial support. From speaking to the bank manager or the accountant, one can ascertain that to obtain Government finance or support the enterprise needs financial backing and supporting documentation. The Government is spending taxpayers’ money and, as such, is reluctant to put up risk capital for the establishment of small businesses. If the potential small business operators cannot obtain finance from banks or other financial institutions, Government is also reluctant to finance them.

It has been suggested that approximately seven out of ten small businesses fail. The introduction of the Small Business Development Corporation would not have changed those figures and one would not expect that to happen, because the problem lies with better management and increased skills.

The new Liberal Party policy on small businesses will highlight the need for increased educational skills, both tertiary and secondary, where the free enterprise—small business
philosophy should be taught. The corporation recognizes that more opportunities and an entrepreneurial spirit will be created only by increased educational skills.

The Labor Party’s economic document for the next four years mentions one item in support of small business. It states that it will introduce retail tenancies legislation to protect small traders. I have some experience in this area because my office is in the business district of Frankston, a high rental area. Last year rent increases were enormous and that was highlighted by the press. Many people found their rents increased by 100 per cent, in some cases many thousands of dollars.

Honourable members would be aware that a development project worth several hundred million dollars is commencing in Frankston and people trying to obtain leases or buying property have found that the costs of property or leaseholds have more than doubled. This has caused considerable dissonance within that community and many people who own small businesses have sent letters to their local members of Parliament complaining about this fact.

Those letters have been forwarded to the Minister. I know of one letter that was sent to a Government member and was returned with the answer that it was the fault of the Liberal Party that there was no retail tenancies legislation in place, legislation that the Liberal Party opposed. I recognized that this could have occurred during my absence from Parliament and I inquired of the Minister if that was the case but he informed me that no such legislation has been proposed or in fact presented to Parliament. However, the Minister did not do me the courtesy of indicating that the Government member had misinformed his constituent.

I took the opportunity of writing to the constituent to inform him of what I had learned and I have yet to receive a reply. I am sure the constituent has not been afforded the courtesy of being told that the Government has not yet introduced such proposed legislation for consideration by the House.

An enormous amount of time has been spent by Parliament in providing a Residential Tenancies Act to protect persons who sign leases for ordinary houses but the Government has done nothing but blame the Liberal Party for non-performance in introducing proposed legislation covering retail tenancies.

The Premier says there will be restrictions in the Budget and that it is the fault of the Opposition party that Victoria has the worst overseas borrowing record in the history of the nation. People are yet to realize that the rest of the world knows the real value of the Australian dollar. We are living in a fool’s paradise.

The Small Business Development Corporation (Amendment) Bill is window-dressing and the provisions in the Bill could have been covered by other legislation. If I were a member of the corporation I would be disappointed with the skimpy Bill introduced for the purpose of changing the objectives and functions of the corporation. The principal Act could have covered what the provisions of this Bill cover. It seems to me that a more substantial Bill could have been introduced, especially when one considers that reviews have been carried out by the Public Bodies Review Committee and other bodies for over ten years.

Members of the small business community view the Bill in the same light as the Opposition. The Australian Chamber of Manufactures believes it is inappropriate to include co-operative societies in the definition of small business; that co-operatives are mutual benefit and sharing bodies; that the profit motive is not essential, rather the break-even accounting approach is part of a co-operative society strategy; and the inclusion of co-operatives as part of the definition of small business demonstrates only the effective lack of understanding by the Government of what constitutes a small business.

The chamber believes that having the corporation directly competing with small business is a reduction of the fundamental objectives of the Small Business Development
Corporation and the fear is that it can go into real estate and sell land. These are activities that should be handled by the private sector.

I support the approach of the Opposition, which believes the proposed legislation will not assist in accomplishing the aims the corporation set out to achieve. This is a Claytons Bill, which has virtually no effect. More substantial reviews should be carried out, which one would hope a Bill of more substance would be introduced for the consideration of the House.

Mr HANN (Rodney)—I support the Bill and the role and function of the Small Business Development Corporation.

I am extremely surprised at the speeches I have heard today from members of the Opposition because it was a Liberal Party Government in 1976 that established the Small Business Development Corporation. Over the years the corporation has provided a wide range of expertise and support to thousands of small businesses across Victoria.

It is important to examine what honourable members are talking about. We are talking about individuals and free enterprise people, many of whom have been workers and labourers in their fields and have been anxious to establish their own small businesses.

I have spoken to a number of people in that category in recent months and I have supplied them, through the corporation, with copies of the corporation's new starter's kit. That kit provides small business people with a large amount of information on the traps and pitfalls that they may encounter in establishing a business. It guides them in the right direction.

Many people are not trained in the proper accounting procedures: they may not have the budgeting skills required to run a business, and this is particularly the case for someone who has been, for example, a panel beater, and has decided to set up his own panel beating shop. Being an employer is quite different from being a wage earner. These are the sorts of areas where the corporation provides a great deal of expertise and advice.

Apparently in my absence from the Chamber, the honourable member for Ivanhoe related some private discussions that I had had with him earlier in the day, and I find that rather distasteful; however, I should add that I have called on the resources and the personnel of the corporation right back to the early days, and I have introduced members of the community to counsellors from the corporation who have assisted them greatly, especially people who have established a business and then run into financial difficulties.

An example of the advice given by the corporation is a case where the people involved were advised to seek a good accountant who could help them to restructure their business. That move could not be construed as interference. It was not a case of the corporation taking over the role of that small business, entering into any form of partnership or competing with the business. The corporation was providing the expertise and advice that were necessary.

I strongly support the role of the corporation. It is a function of Government to provide this sort of support to small business because small business is important within our society and throughout Australia. It is the largest single employer of people; it generates enormous wealth but, in these troubled and difficult times, it needs all the financial advice, support and expertise that can be provided.

If I have any criticism it is the fact that most of my constituents live a long way from the corporation and it is not easy for the personnel of the corporation to travel into country areas frequently, although they certainly do so from time to time. City business people are much more fortunate than country people because they are much closer to the corporation.

I hope we might see an expansion of the corporation in the future. The honourable member for Ivanhoe may criticize my stance and say that I am arguing for even further expansion of the bureaucracy; but, by expanding the corporation and placing some of its officers in country areas—perhaps in the larger provincial centres where the local people
could draw on their resources—the corporation could be of benefit to even more small businesses.

It is appropriate at this time, some ten years down the track, to review the objectives and functions of the corporation and to set them out more explicitly. The Government has the opportunity of reassessing the role and the functions of the corporation and establishing a stronger service than it has provided in the past.

The honourable member for Murray Valley has effectively discussed the wide range of services made available and particularly the need for risk finance, as well as the guarantees that are provided in respect of funding arrangements and a whole range of services on which I, as a member of Parliament, have been able to draw. I should add that the corporation readily provides members of Parliament with updates of the various services and facilities provided and encourages us to urge our constituents to make use of the services it provides.

Therefore, the corporation is not a body that sits back and simply waits for people to come to it; it goes out and sells its services to the small business people, and they have gained a great deal of benefit.

I wish to record here today my strong support for the Small Business Development Corporation, for its role and function. I am extremely surprised that members of the Liberal Party could stand up here and oppose the corporation. One wonders, when a vote is taken on the Bill, whether honourable members such as the honourable member for Ivanhoe will vote against the proposed legislation—because, if one listens to what they have been saying in this House, presumably, that is what they should do.

However, they ought to be accepting some of the credit for the corporation because, as I said earlier, it is the Liberal Party which implemented the idea and established the corporation. Therefore, members of the Opposition should welcome its extension through this Bill, rather than oppose it.

Mr DICKINSON (South Barwon)—In speaking to the Bill, I should point out the need to assess and establish why small businesses fail. I am particularly concerned that at present a preponderance of new bodies and Public Service positions is being created to look after the community. The concerns of people in small business in the electorate that I represent and throughout the State relate to some 200 000 small businesses which employ some 600 000 people.

If honourable members consider why small businesses fail, they will come to realize that there is excessive government. The charges that have been implemented over the past four years have been increased to the extent of some 70 per cent. I am concerned that businesses are affected by fuel taxes, which have become a Government milch cow.

One is aware that Federal and State Governments have expanded their bureaucracies. Honourable members have seen that happen at the State level, with a progression also into local government. Honourable members are aware that the national debt is $70 million; they are aware of the declining value of the Australian dollar and the fact that Australia is not competing well on world markets. Over many years spiralling wage costs have affected many small businesses and put out of business seven out of ten small businesses. Penalty rates and leave loadings have placed added costs on to businesses. Some $1000 million is spent each year in paying the 17.5 per cent leave loading, which could otherwise be used in employing 93 000 more people.

Small business cannot carry on with the heavy weight of government on its shoulders. I know the Premier has refused to disclose to the people of Victoria the growth in the public sector since the Labor Party came to office in 1982. I believe Victoria has a Government
of double standards. Although Mr Don Dunstan may be too sick to be Premier of South Australia, he is well enough to head the Victorian Tourism Commission. A similar case exists at Federal level. Although Dr Harry Jenkins is too sick to be a member of the House of Representatives for Scullin, he is well enough to accept a position with the Foreign Affairs Department.

People in small business are shattered, because it is difficult for them to make a profit and make a contribution to the Government, particularly when they see the Government waste money. Socialist Governments are dedicated to keeping the populace amused with lavish public sector expenditure. Honourable members know that the Government has spent money on roll-out lawns at the city mall and the training of clowns and funds for minority way-out groups.

At national level, the Federal Government has not come to grips with promoting Australia's exports, especially from the rural sector. It has not curbed the growing national debt and the rising youth unemployment which continues to be a problem. It is interesting to note that the honourable Ralph Willis is practically taking on board the very youth employment policies which the Victorian Leader of the Opposition, Mr Jeff Kennett, advocated.

The national Government is pandering to socialist minority pressures. The Prime Minister wants to change our national flag and is wasting taxpayers' moneys on the Ausflag proposal. He is promoting a republic; even Government stamps no longer have the portrait of the Queen but have a picture of Ginger Meggs instead! This is the style of Federal and State Labor Governments.

The proposed amalgamation of many councils is just another step towards the Hawke plan of socializing local government. The track record for preserving small business is not good. It has been hit by spiralling costs since the Whitlam years. Interest rates have increased, as have transport costs, and our railway system is facing a huge $500 million deficit. Even our great giant, Broken Hill Proprietary Co. Ltd, is under the threat of a foreign takeover which has been valued at $2 billion. Both large and small industries are under siege from irresponsible taxes and charges, also wage demands, and businesses have to come to grips with these problems in order to survive. There is too much emphasis on the duties of employers and not enough emphasis on the responsibilities and opportunities of employees.

Last week a constituent approached me about establishing a quail shooting enterprise in the Mt Duneed area. He found that he was unable to start the project because of local regulations and municipal by-laws. He was told he should buy more land and outlay more capital, yet he wanted to start only a small business.

Worker co-operatives and worker participation are part and parcel of the socialist tools of trade. It will be a sad day for Australia when the spirit of free enterprise is broken and people begin to exist on Government intervention and hand-outs. The Small Business Development Corporation should be directing its attention to the creation of an economic climate and legislative environment which is favourable to small business. It should not attempt to assume the full risk of a private professional advisory or consulting service.

The Government should inquire into areas of Commonwealth responsibility such as taxation and Customs or review general matters of State and Federal Government policy that are deterrents to employment and equal opportunity. We have seen the introduction of the WorkCare package and the industrial health and safety legislation as well as award and penalty rates of pay. All these things leave much to be desired.

A State Government corporation should not be permitted to undertake the role of business exchange, real estate agent, property or business valuer, or business broker. Government agencies do not have a good record of commercial achievement. The Opposition knows of no reason why the Small Business Development Corporation should be any different and takes the view that it is the responsibility of the Government to
develop the right economic and fiscal climate. A Government agency should not become a land developer or business promoter.

Time and again business enterprises in Geelong have fallen because they have not been thought through properly by the Geelong Regional Commission. That is often the case when they are not directly accountable. The authorities plan grandiose schemes which have failed to get off the ground and cost the taxpayers plenty.

The Small Business Development Corporation should assist new businesses to get started and, with the aid of the Government, establish a creative business and economic climate. It should assist business when that help is not available and it should not duplicate any existing services. It should research business needs and problems so it can continue to provide excellent written material on relevant subjects.

The corporation should not be used as a socialist tool to develop worker control and it should not become a land developer or business broker. The Labor Government has created an environment in which many, especially the young, have learned to expect rewards before effort.

The Australian Chamber of Manufactures, in summary, is concerned that the amendments to the Bill clearly demonstrate that:

- The Government is not intent on assisting small business;
- The Government does intend to continue to take over private sector enterprises;
- The Government intends to expand public sector activities to the detriment of not only the community but small businesses in particular.

I believe unless our free enterprise system is left free to flourish without Government intervention and overburdening taxation and charges this country is heading for dire straits. The signs are already there and it behoves both Federal and State politicians to grasp the nettle and to make the decision necessary to keep our economy on an even balance. We cannot exist in a fools' paradise.

Dr WELLS (Dromana)—Firstly, I shall comment briefly on the remarks made by the honourable member for Rodney. It is true, as the honourable member said, that the previous Liberal Government established this corporation but I believe the honourable member has not read the Bill sufficiently carefully. I say that with respect but firmly.

The Bill will change the corporation from what was to be essentially a business advisory and assistance organization into one that has unlimited potential to pursue any of the tails of the socialist dragon that it chooses to pursue.

It is basically incontestable that the Bill will allow the corporation to become more involved in the productive process and there is no country on this earth where the Government can do that job better than private enterprise.

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Mr Hann interjected.

Dr WELLS—If it does not set up small businesses there is provision for the buying and selling of land, for receiving fees and so on.

An honourable member interjected.

Dr WELLS—There is Government involvement in business around the world. I take the honourable member's point; however there is also a direct line relationship in every country in the world between the percentage of Government involvement in the productive process and the degree to which the economy falters. If one considers the economies of the world, one will find that the less the Government has its hand in the pocket of production the better off the people of the nation are.

There is no question that the Bill will restrict business enterprise in this State. One of the prominent business journals available in the Parliamentary Library in the past week or so contains a discussion of twenty of the up-and-coming young entrepreneurial
businessmen of this nation. They did not get there because of advice from bureaucrats who work up to 8 hours a day in palatial circumstances; they have got there by working by the seat of their pants for 20 hours a day and getting on with it. That is not meant as an insult to bureaucrats; it is an insult to bureaucrats to put them into the wrong sorts of jobs. The job of Government is to work out long-term trends, to provide advice, to reconcile and to encourage but it is not government's job to dream up a way to direct business as this Bill proposes to do.

One basic comparison may be made with the proposals of the Bill and that is that it proposes a vastly increased Government control of service to business compared with the free enterprise system of fee for service. If one looks back to after the second world war, the German economy recovered very well, in part because of the contribution made by government organizing advice to free enterprise on a fee-for-service basis. There are other illustrations of this and that really is the way we should go.

The Bill raises the question: does Government ever listen to small business people? Daily we hear complaints from the various organizations representing thousands of small businesses in this State and nation that government is interfering too much. It does not appear to listen.

As the Leader of the National Party stated, there is some role for the Government to provide advice to small business people who wish to get started and who have not yet found their way. That advice, on a fee-for-service basis, would be a good thing. There is also some role in assisting them and advising them on how to arrange finance, perhaps even arranging the finance.

Mr John Harrower of the Victorian Chambers of Commerce and Industry wrote to the Minister for Industry, Technology and Resources as follows:

We desire to make the following submission in respect of the above Bill, for your consideration.

General: It is the general opinion of this organization, that Government bodies and/or agencies, should not duplicate or perform tasks which the private sector can perform, except for specific services where public interest considerations are involved. In the area of the provision of business services, Victoria is adequately served by an enormous number and variety of trade and professional associations, chambers of commerce and industry, etc., and such services should not be duplicated by government agencies or statutory bodies.

It is our view that the role of the Small Business Development Corporation should be confined to (1) the provision of finance for small businesses, and (2) acting as an advisor to Government on Government regulations and legislation affecting small firms.

Mr Harrower went on to discuss particular aspects of the Bill but those general comments represent the views of industry in the State about the proposals in the Bill.

I wish to comment briefly on some of the provisions of the Bill. How is a Government service, as is proposed in proposed new section 13 (1) (a), able to do all things possible to develop, increase and assist small business, in particular new businesses? That is the proper full-time job of the businessmen and women concerned. No Government has ever been able to do that.

Proposed new section 13 (1) (c) states that an objective of the corporation is:

To increase the viability of small businesses;

How can a Government do that in terms of advising a business when the business cannot raise money because it is not making a profit and it has been killed off by so many other things down the track? The job of Government surely is to decrease taxes and charges and to get the interest rate down from 20 per cent per annum. I challenge the Government and the Minister for Industry, Technology and Resources to point to one business that has functioned prosperously when the interest rate on borrowed funds has hit and stayed at 20 per cent per annum.

Proposed new section 13 (1) (e) states that an objective of the corporation is:
To identify and propose solutions for major difficulties facing small businesses and in particular to identify and propose solutions for the reasons why small businesses fail;

Government cannot do that for individual businesses when it does not have the macro-economy right.

Proposed new section 13 (1) (f) states as a further objective of the corporation:

To improve and develop services and facilities for small businesses;

What is meant by services and facilities? One basic criticism of the Bill is that it is too loosely drafted, is obtuse and vague. It leaves untold and unmeasured scope for the Government to do almost anything it wishes to interfere in the productive process.

Proposed new section 13 (2) (b) provides the further objective:

To investigate the effect upon small businesses of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and of rules, regulations, by-laws and other laws made under them;

The fine print of the by-laws and so on surely follows getting the macro-economy right. I suggest to the Government that it should listen to the opposition parties of this nation, and it should read the main editorials and leader articles of the newspapers and it would soon find out what it should be doing—which is not what is contained in this Bill.

Proposed new section 13 (2) (f) states that a function of the corporation is:

To give financial guidance and assistance to small businesses;

That should be done on a fee-for-service basis and should preferably be done by private enterprise.

This is a small Bill but, as one commentator has said, it is a small Bill with a big sting to its tail. That big sting is contained in proposed new section 13 (2) (g) which reads:

To establish a unit to assist co-operative businesses and to encourage co-operation between small businesses and others;

That is an extremely small statement.

I shall read from the annual report of the Department of Employment and Industrial Affairs for 1984-85.

Mr Fordham—Weren't you here before?

Dr Wells—I heard some of it before. Perhaps the Minister for Industry, Technology and Resources does not like to hear this matter repeated. Those who were not here before will hear it now.

Page 27 states:

(iii) Co-operative Development Program

... apply co-operative principles in practice;
... demonstrate a commitment to the democratisation of workplaces; and
... create and/or maintain jobs in supported co-operatives.
... Major initiatives for this program in 1984/85 were:
... the commencement of a review of the Co-operation Act 1981 by the Ministerial Advisory Committee on Co-operation (MACC) with a view to identifying appropriate mechanisms for supporting and developing the co-operative sector. The review process has involved presentation of a worker co-operatives submission to MACC; and the conduct of a MACC Worker Co-operatives Seminar;
... introduction of a program of Conversion Co-operative Workshops aimed at promoting the conversion of traditional business enterprises to worker co-operative enterprises;
... development of new introductory workshops for co-operatives, and the further development of education and training support for worker co-operatives with courses now being presented in Spanish and Arabic;
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... completion of a feasibility study into the establishment of a worker co-operative association;
... funding of the first conversion co-operatives;
... completion of a study of food co-operatives in Victoria;
... completion of a report on the development of education and training on co-operatives in Victoria ("Democracy through Education");

That is one of the major thrusts of the Bill. I challenge the Minister for Industry, Technology and Resources to explain what is meant by that statement. The Bill provides for the promotion and marketing of small businesses. The basic criticism by business organizations in Victoria is that that is why they are there.

The Government has forgotten that and wants to ignore those organizations by duplicating them for its own ends. Proposed new sub-section (2) provides that a further function of the corporation is:

(k) To arrange finance to government bodies or private enterprises to assist in the provision of facilities or services to small businesses;

Why must the Bill provide finance arrangements for Government bodies? Originally the corporation was established to provide and arrange for finance for non-Government productive enterprises. It does not take long to slip in the extra word. The proposed sub-section also empowers the corporation:

(l) With the approval of the Minister, to buy and sell land and enter into contracts agreements or arrangements;

(m) With the approval of the Minister, to operate facilities for the use of small businesses.

If that is not a total description of socialization of businesses in so many ways, I wonder what is! I invite the Minister to take note of what I believe the Government should be doing.

This morning the Premier told the House that the accord was marvellous and he said what a great job the socialist Victorian and Federal Labor Governments had done. It is true that, in the short term, they have increased employment and have reduced unemployment by some degree. I am not beyond giving credit where it is due, but I ask at what price?

The Cain Government has continued along this path a little more rapidly than previous Liberal and Labor Governments. Over the past 30 years taxation in Australia has increased by 1 per cent a year. From 20 per cent of the gross national product being taken in taxation we have moved to almost 50 per cent. The Government should reduce the interest rate from 20 or 21 per cent. Nothing it attempts to do will be successful while that remains. It is a slippery dip to disaster.

Governments should be responsible for reducing the overseas debt; not the portion involved in the productive process but that on which they borrow. If I had to suggest a guideline for Governments in Australia to follow, it would be to stop in real terms any increases in Government expenditure. Examining what happens in the free Western World, my second guideline would be, without any disrespect to public servants, that Australia has as many Government employees as it needs.

A further guideline should be that no further Government employees are engaged across the three strata of government. They would be the two major guidelines. However, the overruling guideline that would bring everything into line would be that the Government would stop any increase in real expenditure.

Members of the Government might claim that that would stop them from achieving some of the things they want to achieve. I would be happy to accept a slower rate of achievement of certain goals if the way the Government spends its money were examined.

The Premier should address himself to the question of the overseas debt and the wages accord. The Premier indicated that the accord was a wonderful instrument. The accord is
a formula for institutionalized recession. The Government should be reducing inflation. Inflation is down, but it is twice as high as that in competing nations.

The Minister for Industry, Technology and Resources has informed the House of what Victoria is doing in terms of exports. Victoria will not get far when its sales prices are higher than those of its competitors. The fact that a small businessman cannot raise money is relevant to the debate when one examines the facts that indicate that productive businesses are shifting off-shore. I refer to the statement made by Mr John Elliott that if the Government does not permit businesses to function by cross charging the interest charges in development, his company—an international company—will move off-shore with all of its work. That has a lot to do with the Bill because the Bill outlines measures that should be taken to assist small business. They are secondary measures that should be taken and some of them should never be attempted. The main-string measures are not being taken.

Recently in the United States of America there was a clogging up of real estate that could not be sold because of interest rates. The interest rate has now dropped to 7 per cent and there is a flood of sales. Following the sales, there will be a flood of construction, which will provide jobs, productivity, profits and the maintenance of a standard of living. That is what it is about: macro-economic development based on the freedom of small, middle and large businessmen to get on honestly and do their jobs.

We should move away from an increase in the restriction of productivity and control by members of Parliament and bureaucrats who hold protected positions; who sit in comfortable chairs and do not have to stare over the precipice to get the bills and wages paid.

A lot of the measures in the Bill are absolutely third rate. Too much of the Bill is socialistic, and that is why the Opposition will vote against it.

Mr RICHARDSON (Forest Hill)—If ever proof were needed of the contempt in which the Minister for Industry, Technology and Resources and the Government holds small business, it has been provided today by the Minister and the Government. The Minister has at last returned to the Chamber but, as the Minister responsible for the Bill, he has spent most of the time out of the Chamber. The task of representing the Ministry has been left to the minor Ministers.

The contempt which the Minister has for the Bill—which is meant to be his responsibility—and the contempt of the Government for small business and the disregard it has for its own legislation is evidenced by the fact that not one member of the Government has risen in his place to defend the Bill. Despite that, the Minister pretends that the Bill is important and that it is vital to the interests of small business. It is part of the monumental pretence of this socialist Government that it is interested in small business in Victoria.

I say that the Government has no interest in the well-being and progress of small business in Victoria. Its actions are evidence of that lack of interest and its conduct today is evidence of the contempt with which it holds small business.

It is against all the interests of a Labor Government to promote small business. Labor Governments—both State and Federal—are best served by a triumvirate of bigness—big government, big business and big unions. That is the way it has been working effectively in Canberra and that is the way this Government wants it to work in Victoria. It is easy to see why it works so very well; big government, big business and big unions are all run by bureaucrats. There are no entrepreneurs in that triumvirate.

Entrepreneurs, the wealth creators, the people of vision, energy and initiative are found amongst the ranks of small business. That is why they are dangerous—because they are inventive, creative and energetic and because they are lean and hungry and looking for advancement and personal achievement. That is what makes the small businessman dangerous to a Labor Government. That is what makes him dangerous to the unions, and that is why big governments and big unions are trying so desperately to wipe out one
particular group of small businessman, the owner-operator truckies. They have to wipe those small businessmen off the business map because they are a fundamental threat to the triumvirate of big government, big business and big unions.

The bureaucrats who operate the Government work perfectly comfortably with the bureaucrats who operate the big unions and the bureaucrats who run big business. All of those bureaucrats are comfortable within the bureaucracy of the triumvirate. Small business has no room for bureaucracies of this type. Small businesses, by their very nature, are lean, hungry and profit-orientated, there is no room for frills and fat. That is what makes them so difficult for big unions to get along with, especially if the small businesses are genuinely small and employ only one or two people.

The larger the business the easier it is for the unions to get along with it, and for the unions to impose their will upon that business. Therefore, it is not surprising that the objective of the proposed legislation is to increase the involvement of the socialist Government of Victoria in the activities of small business within Victoria. Its objective is to bring co-operatives, so rarely possessed of the profit motive, within the ambit of the Small Business Development Corporation. Mention was made of this earlier today. In this way the Small Business Development Corporation can be involved in the marketing of business, can act as an agent and financier and be able to buy and sell land to operate facilities for small business.

All of the land and seemingly harmless objectives contained in the Bill are a further attempt by the socialist Government in this State to insinuate Government control and domination into an area of traditional business activity which, if not totally free, was relatively free of Government involvement and control.

This is the pattern of development over the past four years of this Government. It has steadily, inch by inch, attempted to take over the activities of business and control the direction in which business will be travelling. It has insinuated, person by person, trade union control into the activities of business in Victoria.

The Bill is part of that sinister insinuation of union involvement and government control of the free market that existed in Victoria prior to the election of a socialist Government in 1982.

The Liberal Party is justly proud of its record in the development of assistance to small business. My party, in government, established the Small Business Development Corporation and the State has been well served by that body ever since. It continues to be well served by that body, despite the attempted manipulation by the Labor Government. However, when the law is changed by an Act of Parliament, the independence of that body is under dire threat. I do not exaggerate the sinister nature of this seemingly bland set of proposals. The business community is alarmed at what can flow from the propositions contained within the Bill. The Liberal Party is concerned for the well-being of business if these proposals are allowed to become law.

The role of the Small Business Development Corporation should be to facilitate business activity. Its role should be to assist in the establishment and development of small businesses. It should not have a direct involvement in the process of business. Yet, it is this direct involvement of a Government instrumentality that will be made possible should this proposed legislation be approved by both Houses of Parliament.

Because of the nature of co-operatives, the absence of the profit motive and the bitter experience the community has had over the past four years of the types of co-operatives that have been established under the umbrella of this Labor Government, the Liberal Party is concerned that there is an attempt in the Bill to involve co-operatives within the ambit of the Small Business Development Corporation. Frankly, it has reached the point of absurdity where, if some persons wanted to establish a co-operative lesbian witchety grub group, they would receive money and assistance under the proposed legislation from
the Small Business Development Corporation. That is the level of absurdity that has been reached under the Labor Government.

We do not believe the corporation should be permitted to undertake the role of a business exchange or the role of a real estate agent, a property or business developer or a broker or valuer. We do not believe a Government instrumentality such as the Small Business Development Corporation should intrude into the established activities of a body like the Real Estate Institute of Victoria. We do not believe the corporation should ever buy or sell land, or even own land in its own name. We do not believe that is the role of the corporation.

We do not believe the Small Business Development Corporation has a proper role in the provision of facilities: its role is to facilitate, to guide, to steer people in the right direction; to provide assistance in the form of advice to prospective and established businesses; to be able to direct businesses toward appropriate sources of finance; and to be able to provide information on the training courses that are available, rather than to run the training courses itself.

The Small Business Development Corporation should, therefore, be a co-ordinating organization, a facilitating body and not a body that provides services that are already available in the market-place, within the educational system or within the other facilities that exist in the community.

The role of the corporation should be to provide assistance, direction and guidance so that the existing facilities can be best utilized by businessmen and prospective businessmen. But such is the nature of the socialist animal that any socialist Government will, of its very nature, want its instrumentalities to duplicate the provision of facilities that already exist. It is for those reasons that the Opposition expresses its grave concern about the provisions of the Bill.

The Opposition is “for” small business. Indeed, the Liberal Party is the only party in the State which understands the needs of small business, which is tuned in to the aspirations of small business and which has, over the years, delivered the goods to small business.

The protestations of other honourable members within this Chamber about their wishes for small business have a hollow ring about them, it is the Liberal Party which historically has the runs on the board in its demonstration of interest in the well-being of small business. It is because of the continuing concern of the Liberal Party for the well-being of small business and the families of small businessmen and those who are employed in small business that we express grave reservations about the proposed legislation—these seemingly bland provisions that are designed to soothe and massage, provisions worded in the such a way their sinister intent will not become clear.

Successive Opposition speakers have pointed out the sinister intent that lies behind these seemingly bland provisions. It is because of those sinister intentions which we perceive to be contained in the Bill that we are concerned. We have expressed our opposition to a number of those provisions. It is because of the very grave concern the Liberal Opposition has for small business and for all those families who depend on small business that we have decided to take a firm stand on this vital matter.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank all honourable members—and there have been many of them—who have seen fit to make a contribution to the debate. I am pleased that members of the Opposition have been so forthright because their views will make very fine reading indeed for many people across Victoria; and, in particular, I draw attention to some of the remarks made by members who purported to speak on behalf of the Opposition.

The Liberal Party has contributed nothing less than ideological diatribe. One measure of a political party and its standing and feelings about itself is the extent to which it relies on rhetoric when a matter is before it, and honourable members have heard rhetoric ad nauseam today. This is obviously a period when the Liberal Party is going back to the
womb, back to basics, and there is nothing more basic than the nonsense that came from the Liberal Party today. I have not seen such red-baiting and fear of the socialist troglodyte for a long time from members of the Opposition, and I can only imagine what must be going on within the Liberal Party room if they feel they have to resort to this sort of nonsense when dealing with a Bill of this nature.

I can understand the reported concern of the President of the Liberal Party about the quality of the party’s members after listening today to arrant nonsense and rubbish from speaker after speaker on behalf of the Liberal Party.

I do not accept that the lead speaker really believes some of the rubbish he stated. He has had too much experience in business and in dealing with small business organizations to put his name to some of the measures that he was obviously directed, within the party room, to present.

The reality is that the Small Business Development Corporation is not part of some socialist juggernaut that has been imposed by Parliament on the people of Victoria. It was, in fact, a creature of the Hamer Liberal Government in 1976, supported by members of all sides of the House. It is an organization that has done a good job over that ten year period despite the limitations of resources mentioned by a number of members from the National Party, and by myself on other occasions, and despite the legislative restraints outlined by the Government in introducing these proposed amendments.

However, I believe members of the corporation have done an excellent job and deserve much better treatment than they have received at the hands of the Liberal Party today. The reality is that practical people have brought forward this Bill. It has not been dreamed up in some socialist haven or heaven; it has come from a group of people who live and work, on a day-to-day basis, within small businesses.

I refer, first of all, to the all-party Public Bodies Review Committee and, quite properly, the House referred to that committee an examination of the work of the Small Business Development Corporation. As has been said by the spokesman for the National Party and by the Government when introducing the Bill, it was recommended that proper objectives and functions provisions be written into the Act and those within the corporation have developed the essence of those objectives and functions. Those considerations have arisen because practical people were involved.

Let us consider the members of this corporation—a supposedly evil enterprise, if one believes the Liberal Party—Mr Eugene Falk, chairman of the corporation: is he an evil character stalking around trying to socialize small business? The others include Mr Brian Davies, an entrepreneur of great note within our community, and Mr Phil Kenny, a sole proprietor, himself involved with the Victorian Automobile Chamber of Commerce, which is a highly regarded organization.

Mrs Brenda Rossmann recently received an award for her commitment to small business and as a leading businesswoman not only in this State but also in this country. Mr Jim Maher from the Shop, Distributive and Allied Employees Association could hardly be depicted as part of an onslaught to take over small business in the community. These are the practical people who have been given, over a period of time, the charge of undertaking the responsibility that Parliament has passed to the corporation.

What about Mr Albert Nelson who has been at the corporation for many a year and done a magnificent job for successive Governments? Has he supposedly developed some notion that all of a sudden there will be a nationalization of small business in this State—that there is an evil plan by the socialist Government to take over small business? What absolute nonsense! What about the 21 000 businesses and small business people who have approached the Small Business Development Corporation over the past year seeking advice and assistance and, quite properly, expected it from the Government?

Mr Ross-Edwards—Tell the House who was on the all-party committee.
Mr FORDHAM—That is a good question. The members of the Public Bodies Review Committee were Mr Robert Miller, who was the chairman; Mr Bruce Chamberlain, who was the deputy chairman; Mr Michael Arnold; and Mr Clive Bubb—now there is a socialist of some renown, I would have thought! Mr John Delzoppo, who is still in this Chamber, was also a member. Why is not Mr Delzoppo standing up and saying that this is an evil Bill?

Mr Heffernan interjected.

Mr FORDHAM—I take up the interjection of the honourable member for Ivanhoe, who said that I have not yet mentioned one person who has made a quid in his life. I am sure the honourable member for Narracan will be delighted with that remark! I understand that that honourable member had a pharmacy for many years; he had quite a small business. The other members of the committee were Mr Bruce Evans, Mr Neil Pope, Mr Keith Remington and Mr Mal Sandon, as well as Ms Prue Sibree—now there is another socialist, I suppose—and Mr Theo Sidiropoulos. That group of people was charged with carrying out a job for Parliament. They inquired, considered and reported, and the Government is, quite innocently, trying to act on that report.

Mr Gude—There is nothing innocent about it.

Mr FORDHAM—The Government is trying to act on behalf of Parliament in following the work of that committee. There have been some attempts at economic analysis of the situation facing the State and the country. What was not said by the Opposition was that, since this Government came to office, there has been a period of enormous economic growth in Victoria. Why have not members of the Opposition said that? It is a fact of life.

In terms of the reduction of employment, index after index, whether it be in retail sales, car sales and so on, has shown growth in activity and employment. I shall not talk only about the past. In private sector capital expenditure, the predicted expenditure for this and the following year is very high, and that is absolutely a fact of life.

That is not a decision that was made by the Government on private sector business, but by businesses, large and small, in Victoria. That has occurred because the economic environment in which the community now operates has been significantly improved under this Government. Certainly, the private sector organizations with which I have had the opportunity of dealing acknowledge that fact.

I do not deny that a problem exists in the area of interest rates. There is no question about that. The Premier, the Treasurer and I, as Minister for Industry, Technology and Resources, have acknowledged it also. It is obvious that our Federal colleagues, who undoubtedly have prime responsibility in this area, are addressing that aspect.

Members of the Opposition mentioned two other areas of small business where real problems exist. The first related to the issue of red tape. However, what most of those honourable members forgot to mention was that this Government has appointed the regulation review unit, which operates within my department, to examine that very same issue in conjunction with the Small Business Development Corporation and small business organizations in Victoria. The Government has consulted with them regarding the terms of reference and method of operation. I know they support the work of that unit in examining this matter, and it will be a very successful exercise indeed.

Mr Perrin—What about shop trading hours?

Mr FORDHAM—The issue of shop trading hours would create a bit of fun and games on the back bench of the Opposition!

From time to time members of the Opposition mentioned taxes, but again the record of the Government in recent years indicates that it has kept taxes down to the level of the consumer price index. The Government is proud of that record. Both the Premier and the Treasurer made that commitment and will continue to live by it. Not only small business operators but the community at large have recognized that fact.
The contributions made by members of the Opposition indicated not only the foolishness but also the political immaturity of the Opposition. Surely they cannot speak in rhetorical terms hour after hour and expect the small business community to fall for their nonsense. The attacks made on the Small Business Development Corporation were rather sad. It was obvious, as Ms Eda Ritchie said, that members of the Liberal Party are out of touch with small business operators. Perhaps members of the Opposition are so insular in their thinking that they are looking inward and actually speaking to each other. The spokesman for the Liberal Party, the honourable member for Hawthorn, warned of the dangers of any expansion of the Small Business Development Corporation. I am pleased that he was honest and straightforward, but he should be aware of the number of people who are seeking further assistance from the corporation. He spoke of the need to contract its future programs. That cannot happen.

In reality there would be an outcry from small business operators throughout the State. The honourable member for Hawthorn should examine the figures, which would indicate the number of people who have approached the corporation for assistance. That number is continuing to grow and will continue to grow when small business operators realize the Government is sympathetic to their needs and determined to respond positively to them.

The honourable member for Dromana summed up the attitude of the back bench of the Opposition, and perhaps the Opposition as a whole, when he stated that the Bill represented the socialization of small businesses. That comment is on the record. I shall look forward to marketing that view throughout Victoria because it will help to point out how serious the Opposition is in addressing a relatively minor piece of legislation.

The Government has not embodied some sinister intent in the measure. The Opposition is trying to find a sinister motive behind the proposed legislation, but it will not do so. Reference has been made to worker co-operatives and it was suggested that somehow the proposed legislation is a stalking horse for the policies of the Government on industrial democracy and the means whereby the employees will suddenly take over the small business community. That is not the intention of the measure. Obviously the Opposition misunderstands the intent of the proposed legislation. If so, it is for malicious reasons.

The National Party has also referred to similar aspects of the proposed legislation. The National Party spokesman, the honourable member for Murray Valley, took a practical and sensible approach to the Bill and to the role of the Small Business Development Corporation. Obviously he understands the measure in a more realistic way. He expressed the gratitude of people who have received assistance from the corporation. Those people have come from both the city and the country where perhaps the same avenues are not available. In contrast to the contributions made by the Liberal Party, the honourable member called for an expansion of the role of the corporation. That sentiment was echoed by the Leader and the Deputy Leader of the National Party. Their contributions were also worth while.

All honourable members who made a contribution to the debate referred to the work of the Public Bodies Review Committee and to the positive all party unanimous support that it gave the measure.

The honourable member adequately described the attitude of the Liberal Party to the Bill's objectives and functions as simply nitpicking, and that is all that it was. It is desperately trying to find a cause, given its internal difficulties.

The honourable member for Murray Valley referred to what he described as ambiguities and difficulties on the issue of co-operatives. It may be that the definition should be made tighter because I can assure the House that none of the intent put forward by the Opposition so far as co-operatives are concerned is in the Government's mind. I am prepared, when the Bill reaches clause 4 during the Committee stage, to report progress and to ascertain whether some of the concerns that have been mentioned regarding co-operatives and their roles may be overcome.
I thank honourable members for their contributions to the debate. This has been a landmark debate and I look forward to marketing right across Victoria some of the remarks that were made.

There is a clear-cut difference of approach between the Opposition and the Government as the Government attempts to facilitate and support small business. Small business is very much the engine of future growth in this State. It is very important indeed if we are to provide the necessary growth of employment and opportunities for people that small business should be able to prosper. The Government is determined to assist small business to prosper; it has demonstrated this in its record, as the response of small business has also indicated. The Government will continue that in the future and it looks forward to assisting small business in every way possible. I look forward to this matter continuing in the near future.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Progress was reported.

The sitting was suspended at 6.25 p.m. until 8.6 p.m.

EDUCATION (MISCELLANEOUS MATTERS) BILL

The debate (adjourned from October 31, 1985) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Ms SIBREE (Kew)—The Bill was introduced to Parliament during the last sessional period; it deals with a number of disparate matters concerning the arrangements of powers and reinforcing legislation and various practices and procedures that have been carried out by school councils pursuant to regulations but for which it has been found there is no legislative framework for councils to so practice.

A small part of the Bill addresses those problems and provides the legislative framework for school councils to delegate their powers to sub-committees. The Bill also refers to other matters pertaining to that area.

The Bill addresses the problem of those who were involved in the Teaching Service as teacher aides. It addresses the problems of groups of schools coming together to employ people whom they believe it is necessary to employ—in other words, the Bill provides flexibility. The Opposition supports the measure and I understand that some tidying up of the legislation will be done at a later time.

The Bill makes some changes to the Post-Secondary Education Act 1978. A need existed for that Act to be tidied up, and changes were required in regard to the Technical and Further Education Board and the capacity of its officers, registration boards and the Technical and Further Education Discipline Appeals Board. The matters addressed by the Bill should have been picked up when previous Bills were discussed during the Committee stage, but that was not done.

I shall address my remarks to the areas affecting technical and further education. I draw the attention of the House to some concerns which have been expressed by the Victorian Council of School Organizations and the Association of Councils of Post-Primary Institutions in Victoria which represent post-primary school councils. For some time, school councils have established sub-committees to undertake some of the work of the councils. In a number of areas, regulations have applied to the sub-committees, especially in respect of the use of school premises and school forests and plantations.

I represent an electorate where school lands and premises have been shared with the local council, other school councils and community bodies. I applaud that action; public
property should be used for a number of purposes, thereby maximizing the use of capital expenditure on behalf of the community. It has been a facet of community life that the music centre at the East Kew Primary School is shared.

The Bill empowers school councils to delegate certain powers in respect of those types of joint matters and gives legal imprimatur to that through the proposed legislation.

The Bill also empowers school councils to delegate certain of their powers. This is an area where the Victorian Council of School Organizations and the Association of Councils of Post-Primary Institutions in Victoria have expressed concern. I express concern on behalf of those two bodies bearing in mind that Victoria is going through major restructuring of a large number of human and community services.

These bodies have expressed concern to the Opposition and, I understand, to the National Party, that the Bill, which was introduced in October last year, came as a surprise to a number of players in the area. The Minister for Education says that there has been plenty of time for comment. I should have thought that if there was concern, he would have consulted in the first place. I express concern at the lack of consultation.

Opposition members had difficulty in obtaining a full briefing on the restructure of the former Education Department not only with respect to matters of importance to the Opposition, but also to the entire community, especially the educational community. They wanted to know why it was being done and why it was required.

The Opposition and the National Party found difficulty in obtaining full answers to all their questions on some of these issues. I sound a warning to the Minister and the Government that they have bitten into an enormous number of changes in one go.

The Victorian community is being subjected to complete restructuring in the area of education, health, community services and local government. There is enormous confusion, uncertainty and a lack of trust throughout the community about the direction the Government is taking and the possible result of many of the changes.

The Bill is at the tail end of the restructure; it is one of the bits of proposed legislation that has been caught up. The organization has said, "We were not consulted, and the Bill came as a surprise". This demonstrates the concern in the community about the lack of credibility in some areas about the changes that are occurring. The Government may find that it has caused enormous problems in the wholesale changes in the human, community and educational service areas.

I am concerned because a number of people ring up each week and say, "I do not know to whom to refer. What is happening? Who is responsible? To whom should I apply to know what is going on?"

Mr Cathie—They could ask me.

Ms SIBREE—The people involved do not receive answers from the Minister or the people responsible in some departmental areas.

I commend the initiative that enables school councils to delegate power, and proper power has been provided in the Bill for that to take place. School councils, properly, are becoming a more responsible body within the educational community in making the decisions that affect schools. They should properly represent the community views and the parents who send their children to the schools.

It is a worth-while exercise for groups of schools to get together and employ persons. I especially note the work of the community education officers who have been employed by groups of schools in their areas to better involve the community in the work of the schools and to help the community understand and communicate with the community around them.

Most honourable members would be aware of the work that has been done. I refer to the review of the role of the community education officer that has recently been completed.
No doubt honourable members would have informed themselves about the activities undertaken by community education officers. In the electorate I represent there has been an enriching of the understanding of the roles of schools and students in developing art education and an understanding of the different ethnic groups in the Kew area because of the activities of the community education officer.

I have found my community education officer to be a source of useful educational contact with parents and schools as well as various other needs within the community. A need exists to reinforce the ability of schools to undertake the employment of people under the provisions of this Bill.

I wish to spend some time in discussing the necessary changes proposed in the technical and further education area, particularly with the TAFE Teaching Service. I am concerned that the flexible and meaningful role that TAFE was meant to play under the directions set for technical and further education in the Kangan report some years ago—that report established the framework for considerable educational improvement in Victoria and, indeed, in Australia—is not being adequately met. The whole thrust of that report was to provide technical and further education of very high quality within a flexible framework, with teachers, demonstrators and educators within the system who were of high quality and knowledgeable in their own technical field.

The Government has gone in the wrong direction in terms of the future flexibility and ability of TAFE by being cajoled into introducing the TAFE Teaching Service at the behest of the Technical Teachers Union of Victoria. By doing so, it has set up what is, in fact, another stream of secondary education involving the bureaucratic process within the TAFE teaching system.

Although the Opposition supports the changes set out in the Bill to supplement the role of the Technical and Further Education Teaching Service Appeals Board, I, as the spokesperson in the Lower House, wish to express my party's and my own grave reservations about the ability of the TAFE Teaching Service to deliver to the TAFE system the excellence and flexibility of teacher education that is required for TAFE to maintain the charter it needs to have in today's modern world.

I am certainly not making these remarks in any spirit of "teacher bashing", because I am not that sort of person, but I do believe within the next few years a disintegration of some of the services that TAFE has traditionally been able to provide will occur, because the TAFE Teaching Service provides too inflexible a framework in which to recruit teachers who can operate in TAFE colleges.

Some time ago I had considerable involvement with expert engineering teaching at the Royal Melbourne Institute of Technology. I shall illustrate to the House examples of the inflexibility in the TAFE Teaching Service that has affected the expertise of those teachers teaching at RMIT. Under the agreement involving conditions of employment and salary structures, teachers entering the TAFE Teaching Service at the engineering teaching level can be offered a starting salary of approximately $23,000. A proficient and experienced consulting engineer who would be the sort of hands-on teacher that any well run, well based TAFE provider would want to have in an engineering situation would be earning, in the private sector or in some part of the public sector, much more than $23,000. The starting salary for a reasonably qualified, number of years under the belt and experienced engineer would be at least $30,000.

The TAFE Teaching Service does not provide any flexibility as to whom the colleges can employ.

In the past, and before the TAFE Teaching Service was introduced by the Government, educationalists were employed by the colleges. The colleges could employ a person in the market-place at the going market rate and could employ a person to teach from 9 a.m. to 5 p.m., 6 p.m. to 7 p.m. or 8 p.m. to 9 p.m. to meet the needs of the market-place.
We are now locked into an inflexible style of teaching service which will not meet the needs of technical and further education into the 1990s. Far from it—it is driving from the TAFE system those people who may have been able to offer expertise and skills on a much more flexible basis and go from college to college with security of tenure and flexibility of transfer.

I have been told by those involved in the system who are concerned about what the system might provide by way of teaching expertise that they fear for the future, particularly in specialist engineering and other technical areas. One can imagine a whole range of technological areas where the market-place provides a much higher reward for the skills of these people than the TAFE Teaching Service which the Government has now imposed on TAFE can provide.

Although the Opposition supports the changes sought by the Government, it expresses grave reservations about the system set up by the Government at the behest of the Technical Teachers Union of Victoria in the TAFE teaching area. I know there will be certain reservations about some of the comments I make but I believe we can, nevertheless, have a flexible and competitive system in the TAFE area, secure in terms of transfers, but we do not have to lock ourselves into the mentality of the secondary teaching system which is irrelevant to TAFE, where students attend classes at odd hours at night. These students need people from industry who have hands on experience to teach them.

I support the Bill. I am interested in clause 15, which refers to additional functions of the TAFE Board and includes arranging for or conducting evaluations, assessments or examinations of students undertaking courses of studying.

I am not sure how that clause will fit in with further development which will probably be debated in this House later in the sessional period. I am not sure what the Minister intends. I am not sure whether it means that TAFE will look after Year 11 and Year 12 courses. Perhaps the Minister may be able to put on record at the conclusion of the second-reading debate the thinking behind that provision.

Many interesting questions still have to be addressed about the future of TAFE in the post-secondary area for Year 11 and Year 12 students who decide to attend a TAFE college rather than staying in the mainstream of the education system. Does the Government intend to adopt a flexible system or stick to the recommendation of the Blackburn report?

With those warnings about very serious concerns regarding the future of TAFE, the Opposition supports the Bill but points out that many questions in the education area still need to be answered by the Minister. There are many concerns in the community about standards and directions which the Minister, it is hoped, will have the opportunity to put to rest during this sessional period.

Mr Hann (Rodney)—The National Party supports the Bill, which makes a number of amendments to the Education Act 1958, the Local Government Act 1958 and the Post-Secondary Education Act 1976 relating to various matters.

I should say at the outset that, when I sent copies of the Bill to various people to obtain a response from the Victorian Council of School Organizations, I was surprised to learn that they had not seen the Bill and had not been involved in any way in discussions concerning the Bill, which makes a number of changes to school council arrangements.

I should have thought that, if the Minister were genuine about consultation and participation by parent groups and school councils in the education procedures in Victoria, he would have consulted with those groups before introducing a measure on matters such as this.

Honourable members recently saw a similar example concerning the Ministerial task force on the re-organization of schools where, once again, it was very much an in-house exercise between the Victorian Affiliated Teachers Federation and the Ministry of Education; and the Victorian Council of School Organizations parent organizations were
completely excluded from the discussions. I register to this House their protests and their concern that the Minister has adopted a major change in stance and a major change in policy whereby he appears to adopt a consultation process after the event rather than prior to decisions being made.

If the Minister continues on that line, he will remain popular with the teacher unions—he was not, earlier in the year—and it is interesting to note that they appear to have gained all that they set out to gain, in that the Minister now responds to the teacher unions and refuses to respond to the parent Association of Councils of Post-Primary Institutions in Victoria and the Victorian Council of School Organizations. I should hope the Minister might correct that situation in the future.

The first amendment in the Bill relates to the employment of teacher aides, teacher assistants and rural school aides; and it brings their employment under the Education Act to ensure that there are common conditions of employment for all employees in that group, and that certainly makes sense. Otherwise, practical difficulties arise in relation to the employment of those people, particularly concerning the holiday arrangements that currently apply to people within the Teaching Service; so the National Party supports that move.

The second major change in the Bill relates to the agreements entered into between school councils and outside bodies to establish committees of management for certain premises of the school—not only to allow the use of the premises but to maintain and in some instances also to repair the premises. Under this amendment, school councils will have legislative power to devolve their powers in this respect to joint management committees under the agreements reached.

In the areas of education in which I have been involved, we had great difficulties in finalizing an agreement between the Education Department, as it was known in those days, the school council and the City of Echuca in relation to the sporting complex there. It took literally years to finalize that agreement—first, to even get a draft agreement from the Education Department and finally to have it endorsed, and there were still practical difficulties in relation to the building when major repairs were needed. Difficulties arose in defining the actual responsibility back through the Public Works Department to the contractor to have those repairs carried out. The National Party certainly welcomes the legislative power given to school councils to devolve their own powers in respect of the joint management committee under the agreements.

The National Party also welcomes the move to form sub-committees of school councils. When one examines the additional responsibilities given to school councils today, one recognizes the need for sub-committees within those councils, and it is therefore necessary that they be endorsed.

The Bill contains a number of other amendments to the Post-Secondary Education Act and provides that the Technical and Further Education Board should assume responsibility for arranging for or conducting evaluations, assessments or examinations. It also provides for the appointment of a deputy to the TAFE Teaching Service, the TAFE Appeals Board and the TAFE Registration Board, and the National Party considers this to be a very practical procedure.

The Bill also expands the power of the Chairman of the TAFE Board concerning the capacity of officers. As the Minister for Education has pointed out, that amendment mirrors the amendments made to an identical clause contained in the Teaching Service Act 1981, thus providing identical provisions to be used to inquire into the fitness and capacity of an officer to discharge the duties of his office in both the Teaching Service and the Technical and Further Education Teaching Service.

The Bill will also make changes to the personnel and staffing functions of the TAFE Board to ensure: that the rights of certain persons are saved; provision for flexibility in the transfer of positions from the Teaching Service to the Technical and Further Education
Teaching Service in the case of amalgamation or takeover of a school or college or part of the operations of a school or college; and the creation of exempt positions in colleges in accordance with Ministerial or arbitral determinations.

Finally, the Bill provides for the use of a Technical and Further Education Gazette to replace the Education Gazette and the Public Service notices relating to technical and further education issues.

As said, they are miscellaneous matters. The honourable member for Kew has raised some queries and expressed some concerns on behalf of the Association of Councils of Post-Primary Institutions in Victoria, which has particularly queried who is to be responsible in terms of financial costs and responsibility for drawing up any agreement reached by the participating school councils.

In relation to the employment of people, the association asks whether the Act is to indicate a standard form of agreement; and who is to accept responsibility as the employer for items such as WorkCare, the State Employees Retirement Benefits Scheme, long service leave and sick leave payments. Another question that arises in this case, which I raised with the Minister some time ago, is that of public liability.

The association should also like to know the method of payment for the employee in lieu of the differing allocations of funding to primary, technical and high schools.

On the question of school councils forming committees of management, the school councils are concerned at the need to provide some specific statements as to the legal liability of the council as to the actions of the committee of management. The school councils ask: what legal protection is afforded to the council member of the committee of management; and what provision is made for backdating legal protection to school councils who formed committees of management to administer community centres prior to the amendments being passed. In regard to establishing the regulations, they are also concerned about financial costs and responsibility for preparation of any term of agreement.

The other matter that was raised with the National Party by the Victorian Council of School Organizations related to the need to keep an eye on the regulations and ensure that they are not amended at some future date to reduce the effectiveness of school councils. One would presume the Minister would not do that, particularly in view of the recent difficulties relating to a lack of consultation by the Minister with the Victorian Council of School Organizations and the Association of Councils of Post-Primary Institutions in Victoria on what was certainly a major issue—the re-organization of schools—which is something that will affect the whole of the State.

Therefore, I certainly hope, in future, that the Minister will revert to the Government's policy and philosophy of consulting with all sectors of the school system rather than just the teaching profession. The National Party supports the Bill.

Mr LEA (Sandringham)—The purpose of the Bill is to amend both the Education Act of 1958 and the Post-Secondary Education Act of 1978. The majority of the amendments are machinery in nature and will enable the Ministry of Education and the Technical and Further Education Board to operate more effectively.

I should like to remark on some of the clauses which I believe are particularly relevant. Firstly, those that relate to teacher aides, teacher assistants and rural school aides, now being employed under the Teaching Service Act, and operating under its working conditions.

That is an important step for this necessary group which provides a good service to both teachers and schools.

Some amendments contained in the Bill relate to school councils; the extension of the powers of the school councils to employ a person between a group of schools. This is essential because it enables the sharing of resources to take place. The Minister is to be congratulated on that proposal. The powers of school councils will be further extended to
allow groups of schools to act on the recommendations of a committee which will be responsible for the use of common facilities. For instance, the Langwarrin post-primary school, Langwarrin Primary School and a primary Catholic school in Langwarrin, share common facilities. It seems only natural that a committee should be established to oversee the utilization of common facilities and resources.

Another necessary amendment is the transfer of responsibility for the auditing of schools from the Auditor-General to the Director-General of Education. I suggest the amendments that are embodied in the proposed legislation were drafted well before the upper echelons of the former Education Department were restructured. The Minister for Education has been secretive about that reorganization and has denied members of the Liberal Party access to information about that restructuring. I suggest that perhaps there are good reasons for that which the Minister might explain in his response to the comments made by members of the Opposition tonight.

Some of the omissions in the present Act need clarification. Earlier tonight the honourable member for Kew mentioned the need for clarification of the legal responsibilities of schools, principals and school councils. The Minister and Ministry of Education have failed to give guidance in that area.

I can remember that in the first three years of this Labor Government it was almost impossible to obtain a legal opinion from the Minister for Education. It would take months to obtain one in writing, and it was extremely difficult to obtain one over the telephone. I suggest some schools are found wanting in this vital area and the Minister should seek to redress that matter.

Most amendments to the Post-Secondary Education Act 1978 appear to address areas that are not consistent with practice.

To illustrate my next point, I shall refer to earlier comments that were made by the then honourable member for Hawthorn, the Honourable Walter Jona, who claimed in 1983, when the Government attempted to address changes in the Act, that:

The Bill is a long-awaited commitment by the Government to clarify, upgrade and better co-ordinate technical and further education.

It is pleasing that the present Minister for Education is attempting to continue this upgrading in the face of the present difficulties. In his second-reading speech, the Minister stated that the operations of the TAFE sector have been efficient and effective, in total. The Minister deludes himself somewhat in this regard. I would like to further draw the attention of the Minister to concerns that were expressed to me by a former colleague on the TAFE sector.

The former member for Hawthorn continued in his speech in 1983 to emphasize:

... the unqualified commitment of the Opposition to facilitate community access to TAFE. This is an absolute, predominant and essential feature of TAFE.

I emphasize now that the Liberal Opposition continues to commit itself to the TAFE sector.

The Honourable Walter Jona continued:

The Opposition is equally committed to improving the co-ordination between education and training on the one hand and the employment needs and aspirations of the people on the other hand.

I maintain that the Opposition is still totally committed to that.

The factors preventing a most efficient operation arise from sections of the Act that are not proposed to be amended. I suggest the Minister consider such amendments.

The amendment to section 18 (3) of the principal Act allows for a smoother transition of negotiated rationalization between colleges and schools and the Ministry of Education. There are problems in this area, especially in country areas, where the rationalization of
technical and further education receivers will militate against smaller country centres for
the provision of courses in vocational training. The Minister should spare some thought
to this, especially as the Government seems to show little regard for the needs of country
people.

The proposed amendments to section 40 formalize the utilization of a *TAFE Gazette*
for regulatory and appointment procedures within the TAFE service. I commend this and
I suggest that it is a noteworthy and important facility because previously all notices
appeared in the *Education Gazette*, now the TAFE area has its own gazette. This
amendment should also have included the omission of section 69 (3) of the principal Act
as amended in 1983 to allow more flexibility in the recruitment and appointment of
officers from outside the TAFE Teaching Service.

The Minister is well aware of this and previous speakers have mentioned it, but I direct
my attention to the relationship between the Minister and the Technical Teachers Union
of Victoria in connection with teaching conditions. The TAFE service is sorely troubled
in keeping up to date with the latest technology but the union, for which I have had a high
regard over the years, prevents people from teaching courses to keep industry up to date
because those people have no teacher training. The Minister would know that if those
people were to do teacher training the moment for providing improved teaching in
technology would have well and truly passed. I suggest the Minister should consider this
situation.

Amendments to section 43 will enable the TAFE Board to assume responsibility for
conducting TAFE examinations. What a fiasco there was last year—absolute chaos in the
TAFE examinations and I suggest and hope that this will improve.

The amendment to section 64 will correct an omission in the principal Act. However it
still leaves the relationship between the regional boards, the TAFE Board and the major
TAFE providers as an operational and policy area. A lot of work needs to be done here.
The amendments should be accompanied by the Minister's realistic appraisal of the role
of these three tiers.

Regional involvement within TAFE should reflect its special role; the standard
relationship between secondary and primary education, which is the regional mode today.
If TAFE is to be a full partner in post-secondary education—a view espoused by the Prime
Minister, Mr Bob Hawke, at the opening of the Broadmeadows College of TAFE recently—
the partners in TAFE should be closer to policy making than to the normal post-primary
pattern.

I suggest there is not a great necessity for regional boards in TAFE and it could well be
managed from a central point, because there are only 28 major TAFE providers. Duplicating
regional administration over twelve regions is an unnecessary bureaucratic procedure that
delays the process of TAFE throughout the colleges. That is a view shared by many
principals of TAFE colleges and I suggest the Minister take that on board.

Amendments to provide for clearer roles for the appeals and registration boards are to
be applauded. They result from deficiencies caused by the implementation of the 1983
amendments to the Act.

A potential conflict exists between the powers of the TAFE Accreditation Board and the
role of the TAFE Board in granting the authority to conduct courses. This conflict should
be resolved by amendment to the Act.

The Bill overlooks many matters in the organization of TAFE colleges. I direct the
attention of the Minister to areas to which he might give consideration. The TAFE college
bordering on the electorate I represent is open for 49 weeks out of 52 weeks of the year.
Yet the Teaching Service allows for teachers to have twelve weeks' holidays and this needs
flexi-working conditions to enable colleges to service industry throughout the year. This
should be allowed for in negotiations with the unions.
The colleges are concerned about the intention of the Government to implement a four-term year in the secondary and primary schools. Colleges generally are not in favour of the four-term year. They wish to remain with a three-term year because it enables them to be open to the public much more regularly and consistently.

I have previously spoken about contractual procedures, flexibility, appointments, new ideas and technology, which will keep this State up to date with modern trends. The Minister should address these subjects when he next negotiates teaching agreements with the unions, otherwise this State will fall behind the rest of the country.

On 14 June 1983, the former honourable member for Brighton spoke in Parliament and welcomed the separation of TAFE and technical schools. She said:

> There are some advocates of technical secondary schools who sound a note of warning about this proposal — that it may be the first step in a larger plan by the Government to rid itself of secondary technical schools and establish one system of education combining both high schools and technical schools. Many teachers in the technical field are worried about this proposal because they believe the standard of technical education would decrease if the two systems were combined.

> How prophetic were her remarks! The technical schools division closed in 1982 and the then Labor Government proposed a system of post-primary schools. Since then a systematic decline in enrolments in technical schools has occurred where technical skills have been paramount.

The concern of the Opposition about TAFE colleges is related to the future of post-primary schools. The Government and the Minister for Education are determined to reorganize the post-primary school area. This will mean that the practical and technical skills previously taught in technical schools will be lost. The 300 high schools in the State should be provided with the teachers and the facilities to carry on in this area because at this stage upgrading of technical education in secondary schools is in doubt. As recently as the early 1980s, visiting educationalists from Britain stated that the Victorian secondary technical school education was the best of its kind in the world.

The Minister must address this problem if we are to compete in technical skills in the post-secondary technological world with graduates from secondary schools taking their place in TAFE.

The honourable member for Kew highlighted one of the most difficult situations to have arisen during the past five years of Labor rule — the rate of change. At no stage since the Whitlam era has a Government hastened so quickly with change and with so little consultation with the people involved.

The Government has had little consultation with the community it serves, school councils or teacher unions. When I was a technical school principal I would receive from the former Minister of Education a draft paper on a specific issue but only weeks later received the hard bound copy. Little consultation with schools or the community occurred because the Government was determined to achieve its aims at all costs.

The Labor Government is a fraud. It preaches social democracy and social concern, but it does not allow the people sufficient participation in decision making. That has been the attitude of the Government from the time it was first elected to office.

Honourable members interjecting.

Mr LEA — The honourable member for Box Hill would not know the position because she has not been in schools for a long time. From my five years' experience as principal of Blackburn Technical School I was aware of the true position, and my view was shared by my colleagues. The rate of change since the Labor Party came to office has obviously embarrassed its back-benchers while teachers do not agree with many of the changes that the Government has made.

The Government decides what it wants to do, issues position papers, prints the hard bound copies and gets on with the job. If the Minister would only talk to teachers in
secondary and technical schools, and if those teachers were honest with him, he would find that they share this view and that it is the view of much of the community.

I now turn to some of the handicaps that have inhibited progress in Victorian schools. The teacher agreements along with new disciplinary procedures made by the former Minister and the present Minister have led to a decline in teaching morale and to a decline in the ability of teachers to produce the work required of them.

If a teacher takes an extra period under school union conditions, he or she is classified as a scab. The Minister would be aware of that situation because that person would be accused of breaking conditions.

The present Minister for Education and his predecessor may smile, but they have ushered in a low point in teacher morale, activity and progress. This has been an extremely unfortunate time for schools because in the TAFE, technical, secondary and primary agreements there is now a certain base standard working load which teachers may not exceed.

The teaching experience of the former Minister of Education is historic. In his day conditions and situations were entirely different from what occurs today. The former Minister and the present Minister have little contact with the reality of the present position in schools.

Today, if one is conscientious and wants to work beyond the standards laid down by the Minister and teacher unions, whether the teacher is in a TAFE college or a secondary or technical school, conditions prevent him from doing that. The principal of a TAFE college, a secondary or a technical school is also inhibited in his actions by staffing agreements. I know the Minister will be embarrassed to hear about such matters, but it is important for him to hear them.

Consideration must be given to the interface between Year 12 and TAFE; which is complicated by the impending demise of the tertiary orientation program for Year 12 students, the Year 12 secondary high school certificate and Year 12 technical certificate and the introduction of the Secondary Technical Certificate and Year 12 in the technical school system.

The Blackburn report has recommended that the Victorian certificate of education be a common certificate applying to all students in their graduation from Year 12. Let us see how realistic that is in the technical area! Obviously the Minister for Education has not considered the type of students who attend technical schools. His experience is in secondary schools: the last school at which he worked was Mordialloc High School and he left there ten years ago!

Obviously, the back-bench members of the Government are concerned about the comments I am making because they continue to interject. After being the Minister for Education for twelve months, the Minister should have some understanding of the situation. The common certification of Year 12 students cannot accommodate the students who traverse through technical schools unless some significant modification of the Victorian certificate of education is made.

It will be interesting to hear the response of the Minister regarding how he will cope with the problem of certification of technical school students. Jean Blackburn has no idea of the type of students who attend technical schools and technical colleges. She has no idea of the problems those students face due to social and economic situations and the necessity for special certification.

The present certification of the tertiary orientation program, the technical year 12 and the Sixth Form Technical Certificate caters for a group of students who could not present for the normal higher school certificate. If the Government really cares about disadvantaged students, it should address the problem of their entry to post-secondary education.
Many of the measures in the Bill are machinery. However, the Government has been too hasty in its wish to change as all sections of the community have not been involved. Obviously, the Minister for Education has not always spoken to the right groups of people. One can seek information from any group one wishes to approach. In years to come, the group of people the Labor Party claims to help will be seriously disadvantaged by the restructuring of the former Education Department and other changes that have taken place at such a rapid pace, particularly at the Year 12 Post-Secondary Education Interface. If the Minister is a member of this House after the next election he will realize that he will live to rue the many implications and omissions of this Bill and the education restructure.

The Bill is not as simple as it appears to be, although many of the amendments are machinery. The Minister may smile perhaps through insufficient concern and lack of knowledge, but may I suggest that he addresses the task and answers the queries raised by members of the Opposition and honourable members will know that he does not lack either understanding or concern for matters raised by the Opposition.

Mr CATHIE (Minister for Education)—Despite the way in which the honourable member for Sandringham concluded his remarks, I thank the honourable members for Kew, Rodney and Sandringham for their support for the Bill. I congratulate the honourable member for Kew on a thoughtful speech and her promotion to be the key spokesperson for the Opposition on education matters in this House.

The Bill deals with a number of unrelated amendments and it does not give honourable members the capacity, as the honourable member for Sandringham seemed to think it did, to have a wide-ranging debate on the new Victorian certificate of education or the proposed Victorian Curriculum and Assessment Board. I assure the honourable member for Sandringham that he will have ample opportunity of debating those matters when I introduce proposed legislation shortly setting up the new board.

Some speakers suggested that concern had been expressed by bodies about the amount of consultation that went into the preparation of the Bill. Although it is true that the Bill was not specifically sent back to the bodies that had been consulted, it includes many of the points that were put to the Government by the various bodies that have a role to play in education.

The Government is clearly validating the ability of school councils to enter into management, for example, with local government, for joint use of facilities that are built both for school and community use. The Government is also validating the ability of school councils in being able to form a number of working parties, consultative groups or sub-committees of one form or another. That is a necessary part of their work and there is nothing new in that. School councils have been doing this for a long time.

The Opposition criticized not only the fact that the Government is restructuring education and the Ministry of Education in particular, but also the pace at which those changes are taking place. The aims of the restructure are simple and twofold. Firstly, they are aimed at improving co-ordination between the various sectors and agencies in education. I should have thought that might have had the full support of the Opposition.

Secondly, the aim of the restructuring of the Ministry is to identify those powers and functions that ought to be devolved to school communities, councils, schools and the regions as well. These are important aims. The point is that in undertaking those aims and achieving the objectives set out in the Ministerial papers, and ensuring we have a Ministry that will give backup and support to those clear objectives, we have entered into a wide consultative and participative process, unlike the Opposition, when it was in government, when it attempted to do its restructuring of the education Ministry.

Some of the key bodies were locked out of that process. As a result, our project team is working not only with a wide consultative group that consists of all of the educational groups in the community as well as the agencies, but also with a standing committee that
is representative of all the key organizations and agencies, as well as with a steering committee.

That process will ensure that everybody involved in education will have adequate opportunity of putting their points of view and to be part of the process of determining the way in which those two key objectives are achieved.

I reject the view put forward by the honourable member for Sandringham that the Government has restricted access to its essential documents. The documents that were applied for under the Freedom of Information Act related to a number of working papers, reports, correspondence and discussions that I, as the responsible Minister, had with the Public Service Board. Those documents must, of necessity, remain confidential. The Public Service Board must consider that it is free to give its advice to the responsible Minister of the day.

I understand a representative of the Opposition has appealed that decision, as is quite proper. It is equally proper that the Administrative Appeals Tribunal should determine that matter and I do not intend to comment any further on it.

Some Opposition speakers expressed grave concern about the TAFE Teaching Service. Concerns were expressed about the ability of that service to maintain the essential TAFE charter. TAFE has a very important responsibility nationally and in this State in developing vocational education, not only for apprenticeships, but for technical training as well. Equally, it has the responsibility of developing self-enrichment courses. It is for that reason I would not wish to see Victoria following the path of South Australia and taking the TAFE sector out of education and placing it in an industry portfolio.

The honourable member for Kew predicted, with very dour comments, that the community would see the disintegration of the essential service of technical and further education because of the TAFE Teaching Service. The only evidence given in support of that statement was that salaries in engineering teaching—no doubt in other areas as well—are relatively low compared with those in the private sector. That will always be the case. I have been equally concerned about the salaries of principals in the TAFE sector who are responsible for managing budgets of $20 million.

Anomalies do exist but they are being addressed. These matters are not assisted by the Opposition undertaking a teacher bashing exercise whenever it has the opportunity to debate education legislation in this House. Certainly, it assumes there will not be any further development of the TAFE Teaching Service in the future. I do not believe one can make that assumption at all. There has been an enormous expansion as a result of the priority this Government has given to technical and further education. This year and, indeed, last year, the Government has had to cope with a record number of first-year apprentices as a result of its programs to improve and assist the economic recovery of this State and Australia.

As well as the TAFE Teaching Service having to cope with these greatly increased numbers, it has also been very innovative in enabling cross-accreditation between the TAFE sector and other sectors of higher education. For instance, at the Chisholm Institute of Technology a course is run jointly between the Chisholm Institute, as a College of Advanced Education, and the TAFE colleges at Holmesglen and Frankston. Students who enrol in a diploma course or later a degree course in technology in computing begin the TAFE course in the TAFE sector where they complete the first year. At the end of that first year they can elect to remain in the TAFE sector and complete a two-year diploma course or transfer to the Chisholm Institute of Technology where they can continue in the second or third year of a degree course. That cross-accreditation will result in opening up access and providing more opportunities to a whole range of people who wish to achieve better qualifications. That is in the interests of the whole community and the Australian nation.

The honourable member for Kew referred to the ability to address certain anomalies. The Government has put in place a TAFE management structure. It is restructuring the
Ministry, as I indicated earlier, and is continuing to review the anomalies in an endeavour to develop the right policy and to find the right solutions.

The honourable member for Kew also referred to clause 15, which provides additional functions for the Technical and Further Education Board simply because at the moment the board has no express power to develop and provide Statewide types of courses. There is no attempt to take over other areas, but just to give specific power to the TAFE Board to undertake that responsibility.

The Blackburn report and the working parties that have been established have again shown the attitude and response of the Government in involving all of the key education areas in consultation and participation in the decision-making process, with the Government setting up a TAFE schools working party.

As a result of the work done by that working party, for the first time ever the Government has been able clearly to define the responsibilities of the TAFE sector and the school sector. Regional working parties are now undertaking the implementation of those proposals.

The first of the two other matters on which I shall comment is the point raised by the honourable member for Sandringham about the need for greater industrial training and experience for teachers. That point is accepted. I have had a number of discussions with the Chairman of the TAFE Board. I am keen to develop further policies on this matter.

The accusation was made that there has been a decline in the standards of teaching. I reject that claim and challenge any member of the Opposition to provide evidence that there has been a decline in the standard of teaching in this country over the past ten years. That is not true. Every report undertaken in this area—whether by the Commonwealth Government or the Australian Council for Educational Research—has reached the conclusion that over the past ten years there has been an increase and not a decrease in the standard of teaching. That does not mean the Government is not concerned about the basic competencies. The Government spelt out a number of programs in the Budget which are designed to improve basic competency in literacy and numeracy in our schools and that will remain a key priority of the Government.

I now refer to the accusation that too many changes have been made. That is always the claim of conservatives who are against changes simply by the nature of the ideology they represent. The Government is not afraid of change and in undertaking any changes it will continue to consult not only with principals, teachers and school councils but also with the general community. The community supports the thrust of the changes the Government is making within the education system.

The motion was agreed to.

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

**MELBOURNE SAILORS’ HOME BILL**

The debate (adjourned from October 31, 1985) on the motion of Mr Spyker (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

**Ms SIBREE (Kew)**—This is one of those Bills about which the House does not get into a great frenzy. To a certain extent, I feel slightly out of place handling this Bill on behalf of the Opposition because a sailor’s life has tended to be a male dominated domain.

The Bill is a reflection of the passage of time, changing values and changing lifestyles. It reflects the fact that a romantic era has disappeared. The days of ships sailing into port like they did 150 years ago are no longer with us. We thought about things like that last year during Victoria’s 150th anniversary. A sailor’s life used to mean many months at sea travelling from one port to another. Modern vessels have reduced that time to a few days between ports.
I suppose one reflects on the days when a sailor had a heart in every port as well. I suppose also, I have a particular interest in the Bill in that I have had some very pleasant past associations with Missions to Seamen. The Bill is really just an administrative matter to perhaps clean up something that has now become somewhat of an anachronism.

I have a particular yen for the sea. My forebears came to Victoria soon after it was established. My great grandfather arrived in the port of Melbourne as a sailmaker, so perhaps that is why I am responsible for handling the Bill in this House on behalf of the Opposition in the sense that at least there is some history in my family of an association with the measure.

I can remember, as a young girl of about eight or nine years, visiting the Missions to Seamen with my mother and her friends, taking our pies, pasties and pikelets, as they were known in those days, down for the Sunday night tea, which used to be served to the sailors in the mission under the dome near what is now the World Trade Centre.

I can remember a feeling of great magic as everybody arrived and prepared themselves to go down to the mission on a Sunday evening to dance with the sailors. I used to sit around and watch most of the time and did much of the washing up, I suspect, being a mere child of eight or nine years.

I remember that place as a very happy one for many sailors who had not seen their families for a long time. I can remember it being a place of gaiety and fun and I can remember the feeling that one was providing a useful service to people who were a long way from home.

My recollection is that in those days most of the sailors who came to the Missions to Seamen were English or Irish, or at least certainly from the British Isles. I suspect those times have changed. These days we see large container vessels in the port of Melbourne from Japan, Korea, South-East Asia and Russia and many other parts of the world, but I remember nights when one could not speak English at all to the people visiting but nevertheless somehow there was a certain amount of comradeship and a feeling of people caring in a port that was fairly unfamiliar.

The Bill virtually changes the responsibility for a fairly small sum of money, which over a period has been dissipated in terms of its value and worth and now represents a little over $100 000, into various trusts—$45 000 to the Missions to Seamen, $17 500 to the Stella Maris Club and $17 500 to the Sailors Welfare No. 1 Account. As a result of the changes brought in by the Bill, these moneys will be vested in the Public Account and distributed by the Minister for Community Services.

I suppose I may have a few concerns about these changes that just might be worth taking up with the Minister for Community Services in another place. They concern the sailors' welfare, at which these Acts have been primarily aimed. This is important but I guess there is also a need for sailors to know that moneys are available for them, and I wonder what mechanisms will be used by the Government to communicate the fact that there is money in the Public Account that will be available for certain works, basically for people helping the welfare of sailors or persons working in the maritime industry.

It is all very nice to have approximately $120 000 sitting in an account but there is not much point in it being there if people do not know that it is there. I seek an assurance that the Minister and those responsible for the administration of the new account will make sure that sailors are aware that the money is there to help them.

I am a little bemused, when reading through the Bill, to find that although the objects of this new account will be primarily to make grants to organizations promoting the welfare of sailors or other persons working in the maritime industry, when one looks further down at the grants from the Sailors Welfare Fund, which will be the new name of the fund, one finds that the Minister may authorize payments out of the fund to organizations that promote the welfare of sailors who operate out of Victorian ports from time to time or,
secondly, who promote the welfare of persons working in the Victorian fishing industry or other maritime industries.

The fishing industry is one that slipped into the Bill, and it is a fairly controversial industry at present. People hear the wonderful poems of great men going down to the sea. However, I understand also that, unfortunately, many of our oceans close to Australia and those north of the continental shelf have been fished out of certain types of fish, which provided a livelihood for many people in the fishing industry.

The Government is now very much aware of the problems being experienced by scallop fishermen around Victoria. Although the money is being transferred to the new account from the former trust fund, which was primarily established to assist sailors visiting new ports, the Bill also introduces, presumably, a new area of fishermen.

If it is fishermen that the Government wishes to assist through this piece of proposed legislation, I should like to know about it—and I am sure the fishermen would also like to know.

I can understand that it would be quite useful to obtain money to help these fishermen whose industries are obviously not as financially viable as they have been in the past.

The Opposition supports the Bill, of course. It is an administrative measure, but I believe it truly marks the complete passing of an era. The romance of the sea has gone from us for ever in terms of the large ships. However, like many others, I look forward to seeing the tall ships arriving for the 200th anniversary of Australia.

Australians started their colony and land after coming here by sea; their ultimate Commonwealth would never have succeeded if it had not been for those who were prepared to come here by sea and colonize this place. The Bill marks the end of an era. It is the culmination of the fact that we have now all come of age and are a community that takes in everybody. Sailors coming to our shores do not feel like strangers, and all who come to our shores are taken in and made welcome, regardless of where they come from. With those comments, I indicate that the Opposition supports the Bill.

Mr WALLACE (Gippsland South)—The National Party certainly supports this small Bill. It is a measure that marks the passing of history, as the honourable member for Kew has just said. They certainly must have been interesting and exciting times when the sailors' home was made available, when sailors coming to Australia from overseas countries were able to have somewhere to go, to have a home.

Funds have been made available to sailors since 1868. Although there is $129 000 in the account, that amount will not last very long. That money will probably be used in the form of grants to sailors. I am not sure how the Minister for Community Services intends to use that money; perhaps the Minister for Consumer Affairs, who has responsibility for the Bill in this place, can enlighten honourable members on the plans of the Minister in another place.

The National Party supports the Bill and the principles contained in it. If the money is not being used as it should be, as it has been in the past, perhaps a measure such as this needs to be implemented.

The National Party is concerned mainly with the use of the money. I hope it is used for the benefit of the fishing industry and the people who need the help. The money will go a long way in helping families, fishermen and other people who have lost their loved ones. The National Party has no objection to the Bill; it wished only to bring those two matters of concern to the attention of the House.

Mr STIRLING (Williamstown)—I believe the honourable members for Kew and Gippsland South have missed the point that the Government is repealing some extremely historical pieces of legislation. I am sure the honourable members for Kew and Gippsland South have done some research in this area, but if they had read the history of the
establishment of the Melbourne Sailors' Home they would have been better prepared for the debate tonight.

The Melbourne Sailors' Home was established in 1868 in Spencer Street, Melbourne. A Mr Siddley was employed as superintendent of the home at an annual wage of 100 pounds. Very soon the land on which the home was established became extremely valuable and efforts were made to move the home to an area near the end of the Yarra River. As honourable members would be aware that area is infested with mosquitoes and the like so, naturally, the attempt to move the sailors' home was not successful. The main reason was that at that time there were some genuine liberal people—like the honourable member for Doncaster—who opposed this move. There have been three sailors' homes in Melbourne.

There was corruption at that time and the sailors were exploited. The superintendent would receive 5 shillings from every sailor he was able to help board a ship back to England. My great grandfather arrived in Williamstown on 17 July 1856 on a ship called the *Mermaid* and I am aware of the conditions that applied at that time. If honourable members are interested in the history of these sailors' homes they should read the report of the debate on the original Bill, which was debated in 1901. The information is available in the Parliamentary Library. The Acting Speaker and his good lady come from the same area my ancestors left to settle in Australia, he may be interested in the history which I have outlined briefly.

The only reason I wanted to contribute to this debate tonight was to add a little humour and interest to the proceedings because four Acts will be repealed. That is a shame because it is part of our history.

The Acting Speaker would know that in the United Kingdom there was a sailors' home organized called Aggie Weston's which provided a bed at a cost of 2s 6d, but no drink was provided. I am sorry, as I said before, that these Acts will disappear from the statute-book because they are of historical significance.

**The ACTING SPEAKER (Mr Kirkwood)—** Order! Before I call the Minister for Consumer Affairs, I am sure honourable members would be happy for me to record their thanks for the historical oration made by the honourable member for Williamstown.

**Honourable Members—** Hear, Hear!

**Ms Sibree (Kew) (By leave)—** I point out to the honourable member for Williamstown that the 1901 *Hansard*, which I was trying to find this morning, has disappeared. It must be very good reading!

**Mr Spyker (Minister for Consumer Affairs)—** I thank honourable members for their contributions and, as the Leader of the Opposition said, although I may not have come out to Australia on a sailing ship I did come here on a ship in 1955. It is not surprising that Victoria has prospered since my family arrived that year.

Honourable members would all have great sympathy with the comments made by the honourable member for Williamstown because it is indeed the end of an era in the development of this continent—especially when last year Victoria celebrated its 150th anniversary. We can appreciate many of the difficulties that the early pioneers encountered in coming to this country. Indeed the months of the journey from Great Britain and Western Europe would have been a difficult time. There was high casualty rate and many people suffered from scurvy and ill health. Some of them did not come voluntarily, either. Some were transported from Great Britain, although others were free settlers.

This is a small deregulation Bill—apart from its historical associations—because it brings together several funds and allows the moneys to be used now.

The honourable members for Kew and Gippsland South raised a matter about which I shall obtain details from the Minister for Community Services, concerning how the beneficiaries are to be advised that a fund is available. I am not sure how that will be done.
Concerning the fishing industry, unfortunately it is the end of an era and these funds are available and should be used to the advantage of the beneficiaries.

The sad situation is that, with modern communication and travel, passenger shipping has changed. People are sailing only on short trips around a particular area. The time of migration and travelling from one's country of origin by ship and spending months at sea is in the past.

Mr Acting Speaker, when you came to Australia in the 1950s, it was an era of travel by ship from Great Britain and Western Europe. When I came out in 1955 I spent four and a half weeks on board ship and conditions became somewhat tiresome after spending that time on the water. One can imagine the conditions faced by early pioneers. The present conditions for seamen are much better than they were in the past. Honourable members would have seen television programs about the cruelties that were dished out, especially to the sailors, and one could imagine that there was a need in those days for a sailors' home where they could receive shelter.

I thank the honourable member for Williamstown for his remarks because of his close connection with the industry, as one might say, and the traditions of his family. I am proud to put on record that my father-in-law, who is a McGregor, came from the same country as yourself, Mr Acting Speaker, and he takes great pride in his Scottish heritage. He also takes pride in having been a member of the merchant navy for many years.

The honourable member for Kew mentioned before about sailors having different hearts in different ports. Because of my father-in-law's 30 years' experience in the merchant navy, he can tell extremely colourful stories and has briefed his children on the ways of the sea. Unfortunately, this history is lost to most of us. The character has gone from today's mode of travel; it is fast and efficient. Nothing can be done about it because that is progress. Nevertheless, it is sad that a whole lifestyle of people and interesting travel has disappeared.

I hope the honourable member for Williamstown will record his views. He has seen the change develop over the years and his knowledge should be recorded for our children and grandchildren.

I thank all members for their contributions and their support for the Bill.

The motion was agreed to.

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

TRANSFER OF LAND (SHARE INTERESTS) BILL

The debate (adjourned from November 28, 1985) on the motion of Mr McCutcheon (Minister for Property and Services) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—This is a short Bill. It has four clauses and the fourth of those is the important clause. The Opposition is pleased to support the Bill. It provides for separate titles to be issued for time shares or time interests in land.

One of the main problems with the law relating to titles to land is that there are so many different Acts of Parliament which relate to these different titles.

When Australia was first colonized, it inherited the British system of titles to land. A title under the old law comprises a chain of title, a chain of muniments of title and each time a property changes hands an indenture of conveyance is executed between the parties. The conveyance becomes part of the chain of title and is retained with it. During the nineteenth century Victoria introduced what was called the Torrens system of title to land, copied from a South Australian model of registration. A single certificate of title document was issued for all new titles issued after the introduction of the first Transfer of Land Act. Both the old law or general law—the names are synonymous—and the certificate of title or Torrens title have survived to the present time and are still in operation.
The Property Law Act governs the old titles—the more ancient ones—and the Transfer of Land Act governs certificates of titles or Torrens titles. However, to complicate matters further, several other kinds of title can be held under Victorian law.

Strata titles can be held under the Strata Titles Act; cluster titles can be held under the Cluster Titles Act; various rights to occupy real estate have been established by schemes involving unit trusts or company shares; and various types of occupation rights have been established under the Land Act, such as permissive occupancies, residence areas and so on. The Bill adds another dimension to the Torrens title or certificates of title under the Transfer of Land Act.

It would be a tremendous service to Victorians if a consolidation or rationalization were undertaken of all Acts relating to the different sorts of titles. At present different rules and regulations apply to each title, and this serves only to confuse people and to be more costly.

Time-sharing, which is the essence of the Bill, has been defined by Mr G. L. Jones in the journal Valuer of October 1983 at page 700. He defines time-sharing:

...as essentially a method whereby a number of persons own and/or have the right to use and possession of a single piece of property at different times.

Time-sharing adds a dimension to property after length, breadth and height. The person who invests in time-sharing in effect purchases a share in a property, which may be the right to occupy that property for one week of the year. Other persons will also own the right to occupy the property for other weeks of the year. It is common for a holiday apartment property to be divided into 50 shares representing 50 weeks of the year and allowing two weeks for the necessary maintenance.

It is, therefore, an excellent way of purchasing one's slice or share in a favourite holiday resort at an economical cost. Although most people consider it a great holiday investment—and no one would deny that—it may not necessarily be a great real estate investment.

Many criticisms have been made of time-sharing in terms of a real estate investment. Firstly, there is the problem of oversupply, which is symptomatic of the boom-bust syndrome.

Secondly, there is a lack of confidence in the industry. Over recent years, some of the schemes, especially those in Queensland, have collapsed. Thirdly, there is a lack of simple and safe rules of operation, which leaves this area of investment open to unfair exploitation, often causing damage to the honest and reputable developer. Nevertheless, there has been phenomenal growth in this area of real estate investment.

The concept of time-sharing first commenced in Switzerland in 1963. It rapidly spread to the rest of Europe and then to the United States of America. The growth of time-share investments in the United States of America and Canada is quite spectacular. For example, in 1975, there were 10,000 individual owners of 80 resorts; in 1983—less than ten years later—there were 475,000 individual owners of 650 resorts. Similar percentage growths have occurred in other part of the Western World.

In Australia, since 1978 more than 10,000 individual owners have invested in more than 40 projects or resorts. Share interests, as they are described in the Bill, sell for amounts varying between $2000 and $15000 each. More than $60 million has been invested in Australia since 1978.

Throughout the world, there are now more than 1400 time-share projects and resorts in 40 countries with more than 1 million individual owners. The Transfer of Land Act presently does not provide for separate titles to be issued for each time-share interest. As honourable members can imagine, that has caused chaos at the Titles Office. The master title must be produced every time there is a dealing with a share interest. That means that every time there is a transfer of a time-share interest, every time there is a mortgage or...
every time a caveat is lodged by a bank or finance company, the master title must be produced.

If there are 50 individual owners in each project, honourable members can imagine the enormous problems caused at the Titles Office whenever a master title must be produced. The problems are worse when a project is sold at the initial stage, as many of the purchasers lodge their share transfers virtually at one time. They may be followed by mortgages, each of them varied and different. It causes absolute chaos at the Titles Office!

The Bill, which the Opposition is pleased to support, will allow the Titles Office to issue a specific separate title for each share interest. In the view of the Opposition, that will assist the Titles Office, the owner, the real estate agent, the solicitor and the developer. The Opposition is pleased to support the Bill.

Mr ROSS–EDWARDS (Leader of National Party)—The National Party supports the Bill. It is simple in concept; it will allow share interest titles to be issued in advance of the dealing, as presently occurs in the normal subdivision of freehold land.

The Transfer of Land Act, as the honourable member for Bendigo East has pointed out, does not provide for individual titles for share interest to be issued in one block at the outset.

Every time a share interest is disposed of, the parent certificate of title has to be endorsed and a new certificate prepared and issued for the share interest. This is a ridiculous state of affairs and the obvious question arises: why did we have to put up with this ridiculous state of affairs in Victoria for so long? It would have seemed elementary in the earlier stages of time-sharing that we should have made a move to have simplified this process.

Time-sharing is an interesting concept. I am not here tonight to pass judgment on it; that would be wrong, and this is not the appropriate debate. Nevertheless, many people who would not buy real estate in the normal course of events are attracted to it and we have an obligation as a Parliament and as members to ensure that the processes of legislation are made much more efficient and workable than they are at present. If the Minister for Consumer Affairs, who is at the table, could provide information on why we, as a Parliament, have taken so long to act, I should be interested to hear his reply.

Mr SPYKER (Minister for Consumer Affairs)—The Leader of the National Party asked why so much time had elapsed before the Government sought to legislate in this area. Parliament is very much like that; we tend to react when the situation has already occurred in the market-place. I shall have to take that question on notice.

I thank the honourable member for Bendigo East for his contribution. He obviously took a few liberties in ranging far beyond the scope of the Bill. The proposed legislation deals with a situation that has occurred in the market-place over a number of years. From the comments I have heard, people are interested in time-sharing but they want to ensure that they have a real interest in a particular property. Some doubts have been expressed about the problem of time-sharing arrangements where people have believed they could not enforce the contractual arrangements. The Bill clarifies the situation and I hope it has a speedy passage through the House.

The motion was agreed to.

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

LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

The debate (adjourned from November 14, 1985) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

Mr REYNOLDS (Gisborne)—The amendment to the Lotteries Gaming and Betting Act achieves several aims and deals with a wide variety of matters that affect a variety of people.
The Bill amends penalties and sentences that may be imposed on those people who are convicted of starting price betting. It alters the rules related to the conduct of Calcutta sweepstakes, as well as lucky envelopes and trade lotteries. The Bill also amends the Lotteries Gaming and Betting Act in relation to mixed sport gatherings and, lastly, but by no means least, it amends that part of the Act that refers to the conduct of bingo.

The Opposition does not oppose many of the provisions in the Bill; in fact, the Opposition agrees entirely with many of its provisions. However, it does have some reservations. SP bookmaking has been a blight on our community and on the racing and gaming fraternity. Mr Costigan, in conducting the Royal Commission on the activities of the Federated Ship Painters and Dockers Union, estimated that the turnover was in excess of $1000 million. The Bill, in effect, doubles the penalty applicable to those offences. The Opposition does not disagree with that move; in fact, it agrees entirely with it. The Costigan inquiry recommendations suggested that the Government could go further than merely doubling the present penalties.

The Bill introduces stamp duty of 2.25 per cent on the turnover of those people who are convicted of starting price bookmaking. If the turnover of the bookmaker is not available, the duty is computed on the turnover that rails bookmakers at Flemington or any city course would achieve in a year. That is a devastating penalty and could amount to many thousands of dollars in a year. Of course, a person convicted of SP bookmaking who has this turnover tax inflicted upon him has the right of appeal through the courts. When a person is finally convicted of such an offence, that amount of stamp duty is computed on his estimated turnover, but if he does not admit to the liability, the Deputy Commissioner of Taxation may inflict a further penalty, because undoubtedly an SP bookmaker is cheating the taxation system and, therefore, the Australian Taxation Office will expect to extract its pound of flesh. That will also be a severe penalty.

The Costigan inquiry found that there was an immense flow of money between various bookmakers. It also found that registered bookmakers were participating in the network. The substantial loss of income to the State by way of avoidance of stamp duty and/or the consequent loss of turnover to the Totalizator Agency Board was costing the Government significant amounts of money. The evasion of taxation was of concern to the Commonwealth Government.

Mr Costigan also found that outstanding debts to SP bookmakers was causing violence and standover tactics within that industry and there were allegations of bribery.

I commend the Costigan report and particularly note the comments of Mr Costigan when he stated:

However, I have not conducted a free-ranging enquiry into it and much remains to be done to identify fully the participants and to expose them. In this area, my race is run and I hope that the matter can be taken up by the National Crime Authority.

It is obvious Mr Costigan thinks a fuller inquiry is needed into the activities of SP bookmakers in Australia. A national effort is needed on an investigation which points out how much money is being gambled by punters.

SP bookmakers are evading all forms of taxation. I ask that the National Crime Authority take up the recommendations of Mr Costigan and proceed with a national inquiry into the SP bookmaking industry so that all States at least have an opportunity to participate in cracking down on this insidious form of gaming. That is necessary because SP bookmakers are evading State taxes as well as Federal taxes, particularly income tax.

Mr Costigan suggests that the fine for a first offence should be up to $25 000; for a second offence a minimum fine of $25 000 with a maximum fine of $100 000 and for the third offence three years gaol plus a fine of between $50 000 and $250 000.

I think that level of penalty should be imposed because these people are parasites on the community and the racing industry and they should be convicted and fined for their...
efforts. The penalties should be harsh because these people make absolutely no contribution to either the economy or the racing industry.

The Minister is to be commended for his endeavours to catch up with SP bookmakers with this Bill. The Bill also endeavours to catch up with modern technology. Radio, television, computer technology and air travel are available to SP bookmakers in their endeavours to beat the system. Beating the system is what criminals are all about. The Bill allows authorities to crack down by providing legislation that empowers them to overcome the efforts of people who hop borders or use new modern technology.

It is prudent to point out that on 14 November 1985 the Minister suggested, when foreshadowing this measure, that the Government was introducing tough new legislation to help in the fight against organized crime and illegal betting.

Obviously the Minister, by that very statement, acknowledges that starting-price betting is part of organized crime and illegal betting, as do other provisions in the Bill.

The Minister delivered his second-reading speech on the Bill on Thursday, 14 November 1985, and, with the concurrence of the National Party and the Liberal Party, it was agreed that the Bill could proceed late in November or early in December. However, the Premier, in his haste to have a long Christmas break and escape from the scrutiny of the Opposition, decided that the Bill was not important enough to proceed with.

The very fact that it was one of the few Bills not proceeded with shows that, when the Government said it intended to crack down severely on illegal gambling and illegal gaming, it was perpetrating a sham and a facade. It had no intention of cracking down on this insidious crime.

Because the Premier did not continue with the sittings of Parliament, the Bill—which does many things, including cracking down on and severely raising the penalties for starting-price bookmaking—did not come into effect, and four and a half months later honourable members are still considering the same measure. To my mind, although it is a step in the right direction, it shows hypocrisy on the part of the Government that it has taken so long to bring the Bill on for debate.

Mr Fordham—You would not let it go through.

Mr REYNOLDS—The Deputy Premier is out of his place and out of order. He says the Opposition would not let the Bill go through, however, he did not even bring it on for debate, so how can he say the Opposition would not let it go through? I am surprised that the Deputy Premier would make such a childish comment.

Although the Opposition believes the points raised and the penalties inflicted are a step in the right direction, the Government has probably not cracked down hard enough or soon enough on these practices. I hope they will continue to be monitored and that honourable members will see some evidence from the Minister, from the Premier and particularly from the Deputy Premier—because he has been so vociferous tonight—that they are cracking down on SP bookmakers.

The Bill also allows additional Calcutta sweepstakes to be conducted. Currently, these forms of gambling are conducted only in fully licensed premises and, for instance, the Moonee Valley Racing Club is currently not able to conduct a Calcutta. Clubs permitted to conduct Calcuttas are only permitted two a year and then only on horse and greyhound races.

The Bill will allow reputable club premises like the Moonee Valley Racing Club premises—which are as fine as any in the State—to handle more than two sweepstakes a year, and in fact to conduct up to a maximum of ten a year.

This is a sensible piece of proposed legislation and a sensible move, and I commend the Government for it. Of course, the fact that the Opposition commends the Government
does not raise much of a ripple on the Government side of the House, or in the Parliamentary Press Gallery.

The Bill also makes changes to the legislation relating to lucky envelopes. There is no doubt that the control of this facet of gaming, where lucky envelopes are allowed to be dispensed from machines, has been lax. There has been little control, and perhaps that is because the Act that has been in place has not been adequate. This form of gambling has not been policed.

Although the Act states that the lucky envelopes must be dispensed by machines, I have personally purchased such envelopes in licensed premises from certain persons. Therefore, the envelopes were dispensed by hand. I am sure many honourable members, particularly those who represent country electorates, are aware of this flouting of the law. The honourable member for Whittlesea interjects and says that it has never happened in his electorate. It is obvious that he does not travel around the electorate that he represents. He has not—and I commend him for it—even entered a hotel to see this happening. I know it does occur in the part of the electorate that he inherited from me as a result of the last redistribution of boundaries. Therefore, the honourable member is obviously not going to the right places.

The proposed legislation is legalizing what have been illegal practices in the past. I caution the Minister for Sport and Recreation and the Government about this action. One should carefully monitor proposed legislation that allows the granting of prizes in money terms, as distinct from prizes of kind or goods. What is the difference between lucky envelopes, which offer monetary prizes, and poker machines?

The fact that, by regulation, by law and by control, lucky envelopes do not contain huge prizes means that one cannot win a huge jackpot, as occurs with poker machines. However, one will be able to win monetary prizes in lucky envelopes. To my mind, that is not much different and not far away from allowing premises to install poker machines for use by their patrons.

I caution the Government about changing the provision of the Bill that allows monetary prizes to be won from lucky envelopes. The practice can get out of hand. Another aspect that worries me in this regard is that the lucky envelopes are allowed to be sold in licensed premises.

In the past, licensed premises have usually offered prizes in the form of bottles of beer, in which case the publican or the licensee is able to elicit and obtain, as a result of the conduct of this gambling practice, the profit from the sale of the bottles of beer. If a monetary prize is to be offered, there will be no rake-off to the licensed premises. I believe very few licensed premises will be interested in selling the lucky envelopes if they are not able to receive a rake-off for themselves.

That will not be done for nothing unless the people involved are particularly interested in the club; therefore, I suggest the Minister will have to examine the amendments that deal with the provisions of lucky envelopes. The Minister should consider the legislation in Queensland which allows the owner or occupier of the premises $10 a set of lucky envelopes as a site allowance to sell the envelopes.

The printer of the lucky envelopes should have to submit to the Raffles and Bingo Permits Board a statutory declaration of the number of lucky envelopes that have been printed. The turnover in this enterprise has decreased alarmingly in recent years. In 1982–83 the total turnover for the State was $2.2 million; in 1983–84 it was $1.5 million; and in 1984–85 it was $1.2 million. The availability of cash prizes may help the small form of gambling, which assists small charitable and sporting organizations, by providing a fillip.

The Bill was introduced on 14 November 1985. I raised my concerns about the lucky envelopes with the Minister on 24 September 1985. I then received from the Minister a letter dated 18 November 1985. The letter said the Minister expected to introduce the
necessary amendments to the Lotteries Gaming and Betting Act later that month. What a farce! The Minister apparently wrote the letter on 18 November to assure me that he would take my suggestions into consideration in the near future. The letter was written four days after the proposed legislation had been introduced! That shows that either the Minister was confused or he cannot read the calendar.

I understand the letters are drafted within the department and therefore it is difficult for the Minister to understand exactly what is happening. I do not admonish him for that oversight, but it is odd that the Minister should sign a letter directed to a spokesman of the Opposition when it is four days out of date. The Minister should take more care in future.

The Opposition has no argument with the aspects of the Bill which affect trade promotion lotteries. Victoria is now out of step with other States by virtue of modern technology and the introduction of new legislation. The measure is sensible because it puts Victoria into line with other States.

The Bill allows for an increase in a number of mixed sports gatherings. At present only 60 mixed sports gatherings are allowed but the Bill provides for another twenty; therefore, there will be a total of 80 mixed sports gatherings in future. The amendment is necessary when one considers the increase in population, the increase in the amount of leisure time and the increased demand for such mixed sports gatherings.

As the member for Gisborne, I had cause to make representations to the Minister during Victoria's 150th birthday celebrations for the granting of a permit for a mixed sports gathering to enable a picnic race meeting to be held at the now closed Woodend racecourse, but because all 60 mixed sport gathering permits allowed by the current legislation had already been allocated, this was not able to occur.

Fortunately, with the help of the department which was extremely considerate and obliging, the Woodend community was able to overcome this problem. By increasing the number of permits by twenty there is little doubt that members of Parliament like myself will be more successful when suggesting to the Minister for Sport and Recreation that our towns or areas should hold picnic race meetings. They will be able to conduct these meetings as part of the program for celebrating Australia's bicentenary.

The next and probably the most important area of this Bill concerns bingo. There is no doubt that many honourable members have received a large number of representations and have been involved in discussions with people from all sections of that industry in which pressure has been brought to bear on them to have amendments made to the legislation.

I did not know a great deal about bingo when the Bill was presented to the House on 14 November 1985 but I can assure honourable members that I am now a great deal more informed and better educated in this area than I was. Since January I have been talking to people who play bingo, who run bingo or who have permits to conduct bingo sessions. I have spent many, many hours discussing the whys and wherefores of this industry with a large number of people.

Mr W. D. McGrath—Have you won any money?

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Gisborne should take no notice of the interjection.

Mr REYNOLDS—The answer is, "No" whether I should take notice or not. I have not won any money and it seems impossible to me, as a gambler in this community, to win money at bingo. Nevertheless people do win and that is the point that needs stressing. There is no doubt that people who play bingo play for money and the players are hooked on one thing—the get-rich principle. They play not to assist the beneficiary of that session but to win money.
The other section of the industry that wins because of the conduct of bingo is the permit holders. Those charities, sporting organizations and community groups who are privileged to be permit holders, gain enormous benefit from their allowable two sessions of bingo a week. The people who gain the most are the bingo hall operators.

In the late 1940s and early 1950s, bingo was played solely for the benefit of the people who ran the game. Some operators conducted games in tents and decrepit premises. In 1954, the then Government declared that bingo, as it was then played, was illegal and had the game banned.

In recent times, because of poker machine operations interstate, pressure from sporting and charitable organizations was brought to bear to reinstate the game of bingo in Victoria to counteract the disadvantage caused by interstate gambling. In 1977, the Victorian Government decided to reintroduce bingo, with strong and dictatorial guidelines, so that sporting and charitable groups could benefit from the gains.

The growth in the industry has been marked. In 1977, the Statewide turnover was $13.2 million. It has grown at the rate of 13 per cent per annum to $92.3 million in 1984-85. In 1983-84, the Statewide turnover was $82.5 million and the rake-off by the Government was $2.2 million. On those figures, it would appear that people spend more than $250 000 a day on playing bingo. This shows the strong community acceptance and need for the game of bingo and the benefits it brings to the Government.

In accordance with Sessional Orders, the debate was interrupted.

ADJOURNMENT

School Medical Service in Caulfield—Funding for fire and emergency services—Lyrebirds in Sherbrooke Forest—Regional police station for Rosebud—Proposed National Aviation Museum—Magna Dry carpet cleaning—Hamilton Education Centre Ltd—Funding for performing arts centre at Croydon—Staffing at Belmont High School

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived. The question is that the House do now adjourn.

Mr TANNER (Caulfield)—I raise a matter with the Minister for Transport, who represents the Minister for Health in this House, and express the concern of many parents of children in the Caulfield area about the lack of a School Medical Service.

Honourable members would be aware that the present Minister for Transport, when he was the Minister of Health, initiated a review of the School Medical Service. He issued a press release on 27 June 1983 which stated:

The failure of the School Medical Service to reach all Victorian school children will be examined by an expert committee which will report to the Minister of Health, Mr Tom Roper.

That committee reported to the Minister in April 1984 and recommended that there should be a school medical inspection of all children in prep year, Year 4 and Year 8. Unfortunately, in many schools in the Caulfield area there is still a lack of a School Medical Service.

Honourable members should investigate the position in the electorates that they represent. I have been disturbed to find that in the Caulfield area the following schools lack a proposed inspection of their children by nurses from the School Medical Service this year: Carnegie Primary School; Caulfield South Primary School; Montessori Primary School; St Joseph’s Primary School, Elsternwick; St Patrick’s Primary School, Murrumbeena; Ripponlea Primary School; St Aloysius Primary School, Caulfield; Adass Israel School; Glenhuntly Primary School; St Anthony’s Primary School Glenhuntly; Murrumbeena Primary School; Caulfield Primary School; Yavneh College; Holy Cross Primary School, Caulfield Sholem Aleichem College; Caulfield Technical School; Caulfield
High School; Murrumbeena High School; and I also found the lack of a school nurse to assist the doctor at the Ormond Special School.

There has been a total breakdown of the School Medical Service in Caulfield and the surrounding areas. That is an absolute scandal in view of prior claims of the former Minister of Health and the Government about the need for such a service.

An article in the Herald of 5 October 1984 under the heading “Staff worries despite extra medi funds” referred to a series of questions prompted by concerned parents. A spokesman for the then Health Commission stated:

- The value of the pre-school medical examination is that it’s important to find out as soon as possible if children have any major health problem.

- But even if pre-school children miss out on their medical examination, they will certainly be covered in the medical examination in their first year at primary school.

That is not the situation in Caulfield. The purpose of the school medical examination is to ensure that students in prep year are tested for problems concerning their vision, hearing, neck, mouth, chest, spine, pulse, possible hernia, gait, co-ordination and, if males, testicles.

In Year 4 they are tested for vision and speech and receive a general screening. In Year 8 they are tested for vision; students referred by teachers are further examined and previous reviews are taken in account.

I suggest that, if the Government cannot provide school nurses through the School Medical Service to conduct medical inspections, the parents of students in Caulfield should be provided with vouchers so that their children can be sent to medical practitioners to have examinations which the Government has previously claimed are so necessary.

Mr W. D. McGrath (Lowan)—I bring to the attention of the Minister for Police and Emergency Services a matter relating to the proposed arrangements for funding fire and emergency services in the State. Although most honourable members agree with the principles involved, some of the anomalies that are emerging are causing much concern in the rural community, especially in the electorate I represent where there are properties with high municipal valuations.

Recently a senior public servant gave an indication that the emergency service funding will commence at the beginning of the next municipal year—1 October 1986. I seek some confirmation from the Minister of the assurances he gave to the Shire of Dunnmunkle and the West Wimmera District Council of the Victorian Farmers and Graziers Association when he recently visited the area to open three police stations that there would be no change during this year.

A number of questions were raised with the Minister which resulted in two deputations. I am interested to know what thought the Minister has given the eleven or twelve queries that have been raised. One suggestion that has currently been floated among rural communities is that the funding should be based on capital improved value of a property rather than net valuation. That would mean that the property that would burn easily would be the basis on which to rate the area for funding of fire services rather than the area that would not burn, such as large areas of bare soil.

I raise this matter with the Minister for Police and Emergency Services and ask him to explain to the House what he understands is the future of the funding for fire and emergency services; what are his intentions regarding proposed legislation; whether it will be in place for the 1986–87 financial year or whether he is giving the matter further consideration so that all parties may have full and adequate opportunity of consultation before any proposed legislation is introduced into Parliament.

Mr Pope (Monbulk)—On a number of occasions I have raised in this House the problems of the Sherbrook Forest.

The Speaker—Order! To which Minister is the matter being directed?
Mr POPE—I direct the matter to the attention of the Minister responsible for Conservation, Forests and Lands in this House. As I stated previously, on a number of occasions I have raised problems with respect to Sherbrooke Forest and the lack of a management plan within the forest, specifically the problems caused through urbanization around the area and its effect upon the fauna within the forest.

On two occasions I have raised the problems of feral cats, dogs and foxes and their effect on the lyrebird population of Sherbrooke Forest. The Sherbrooke Survey Group was formed in 1958 to examine the population of lyrebirds in the forest. It has indicated that the population of lyrebirds has diminished from 160 to approximately 90. I understand that that is an optimistic estimate of the number of lyrebirds remaining in the forest.

The greatest problem with the population of 90 lyrebirds is that the majority are males. The females and chicks are subject to attacks by feral dogs and cats, which have been let loose in the forest, when the birds are trying to build nests and to hatch their eggs.

In late 1984 I had a meeting with all parties concerned to ascertain ways and means of overcoming the problem. The meeting involved representatives of the former Forests Commission, Pet Watch, the Royal Society for the Prevention of Cruelty to Animals, most of the various animal groups, as well as statutory authorities that had some connection with the commission.

The end result is that there is a continuation of the problem in the forest. The 1985 annual report of the Sherbrooke Survey Group shows that there were six killings of lyrebirds in Sherbrooke Forest at a time when the juvenile lyrebird record showed that only four birds had been born that year. There is some doubt about whether those four birds have survived.

A need exists for an over-all management plan. On 30 January this year I had a meeting with the Minister for Conservation, Forests and Lands, representatives from the Sherbrooke Survey Group and representatives from the Friends of Sherbrooke Forest to work out some type of over-all management plan. This would involve examining ways and means of controlling the feral animals in the park as well as finding methods for controlling the urban sprawl around the park.

Will the Minister responsible advise the developments that have taken place within the department to control the problem and the method of putting into place a management plan that will have a meaningful effect not only on the lyrebird population but also on all fauna in the forest.

Dr WELLS (Dromana)—I refer the Minister for Police and Emergency Services to the proposed regional police station at Rosebud on the Port Phillip coast. The funds for the construction of the police station are available. Ministers of the Crown assured me of this some months ago and said that it was a question only of getting the paperwork done. Various deadlines were proposed; the foundations were supposed to have been completed last July and the contract let in November or December.

Will the Minister advise when the work will get under way. A major need exists for the police station, which will be the only one on the southern Port Phillip coast. The lack of a station is causing difficulties, discouragement and problems in the electorate I represent.

I ask the Minister to indicate when the work will get under way and whether he will undertake to use his good offices to get the project moving as quickly as possible. It is not a question of building work or funding; it is a question of getting the paperwork done so that work can commence on a station that is urgently needed.

Mr JASPER (Murray Valley)—I raise a matter for the attention of the Minister for the Arts concerning the application from the Victorian Government to the Federal Government for the development of a national aviation museum.

The Minister will be aware that the Premier visited Wangaratta late last year to open Drage Air World. While opening Drage Air World the Premier announced that Victoria
would be pressing for the National Aviation Museum, which pleased everyone, but he then announced that the museum would be sited at Laverton. The Premier then indicated that museums at Wangaratta and Ballarat would be developed as, I think he said, affiliated museums, to the museum established at Laverton.

The matter I raise with the Minister for the Arts is that over a twelve-month period extensive inquiries were undertaken among the people of Wangaratta and Drage Air World. The Minister visited the area on a number of occasions and on two occasions, at my request, inspected the development taking place. The Minister is aware of the many thousands of dollars invested by the City of Wangaratta and the enormous development that has taken place with more than 40 vintage-type aeroplanes being displayed at Drage Air World.

I ask the Minister to inform the House why there was such a snap announcement by the Premier that Laverton would be put forward as the site for the National Aviation Museum when it appeared that discussions were still taking place in many areas around Victoria that were pressing to have the museum sited in their areas. It appeared from what the Minister had said that there was time for representations to be made because the working party was still assessing the various areas in contention.

I ask the Minister to detail what representations have been made to the Federal Government, what response there has been and where Drage Air World will fit in with this so-called development, recognizing that the working party was still undertaking the investigations when the Premier made the snap announcement.

The people of Wangaratta and district and myself, as their elected representative, want to know why those actions were taken without suitable consultation.

Mrs Ray (Box Hill)—I raise for the attention of the Minister for Police and Emergency Services a matter relating to a carpet cleaning operation being canvassed in the Box Hill area and the serious intimidation that has occurred to other carpet cleaning organizations.

An organization known as Magna Dry, a Canberra-based company, purports to have developed a revolutionary new system of carpet dry cleaning, which it claims cleans carpets faster than conventional steam cleaning or shampooing. The published literature states, according to Specialised Chemicals Products Pty Ltd, that conventional methods of carpet cleaning leave moisture in the underlay, which often causes mildew and shortening of carpet life. Specialised Chemicals claims that Magna Dry is remarkably effective on all stains, not just oil-based stains, and does not damage carpets in any way in removing stains.

The American company from which the operation derived in 1979 is now alleged to be bankrupt, but it has a 10 per cent ownership of the Australian operation. This matter was brought to my attention by a constituent, Mr Jeffrey Rowan, who is also the Chairman of the Carpet Cleaners Co-operative, which has 60 members throughout Victoria. The aim of the operation appears to be to sell equipment and the specialized method of cleaning carpets to a person willing to set up in a self-employed operation. The purchaser pays $8000 and 5 per cent of his earnings and agrees to purchase all chemicals and equipment from the company. The actual cost of these materials is in the vicinity of $2000 to $3000. Failure to comply results in a $500 000 lawsuit.

Those carpet cleaners who have been operating legitimately for many years can also be accused of being in breach of the patent.

I refer to a letter sent to a member of the Carpet Cleaners Co-operative in Wodonga signed by Mr Charles C. Borg, Chief Executive, which states:

I am the owner of the Australian Patent Number 536 072, which is commonly known as the Magna-Dry system of carpet dry cleaning. I am also the owner of the trade name and trade mark for Magna-Dry under registration numbers A379091 and A379092.

It has been brought to my attention that you are using a system of carpet dry cleaning that could well be in breach of our patent.
If this is the case we expect you within the next seven days to account to us for all proceeds you have collected by the use of the system, you are also required within the next seven days to desist from using this system, if in fact it is in breach of our patent, and to ensure that the system is not used by you in the future without our express permission.

Continued use of the system can be carried out by you on payment of a once only fee of $500,000 (five hundred thousand dollars).

Geoffrey Rowan has been issued with a writ both as an individual and as chairman of the Carpet Cleaners Co-operative. No date has been set down for the hearing. The letter was signed by Mr Ray Cooper of Coshan Nominees Pty Ltd. He received letters on 6 November 1985 and again on 13 January 1986.

The action is clearly being dragged out for as long as possible and during this time Geoffrey Rowan can take no action in the courts. In order to gain some protection and to expose the operation, Geoffrey Rowan spoke to Mark Day on Channel 7 at 12 o’clock and four hours later the individual reporter who filed the story and the channel were threatened with a law suit if the program went to air.

My constituent, in an attempt to obtain protection against what he describes as a sham operation, has approached the Federal Trade Practices Commission, the ACT Corporate Affairs Commission and the Ministry of Consumer Affairs in Victoria, all with no result.

Last week my constituent received a telephone threat on his house and family. I ask the Minister to ensure that the matter is investigated in the interests of small independent operators so that they may pursue their livelihood without intimidation.

Mr CROZIER (Portland)—I raise a matter for the attention for the Minister for Education. As the Minister would be aware, the Hamilton Education Centre Ltd, like similar education centres, is funded by the Commonwealth Schools Commission but it is the responsibility of his department to make payments.

I understand that payments are made on a six-monthly basis and this is the problem. The payment due in January was not made until 25 February. As a consequence of this delay, despite assurances to the contrary given to the centre by the Minister’s department that the new technology of electronic funds transfer would expedite these procedures, the centre ran out of reserves. It postponed payments and even considered closure and putting staff on leave without pay. It suffered a financial loss of $500. Needless to say, that $500 leaves a hole in the projected budget surplus of $2400.

The board of management of the centre was sufficiently concerned to write to the Minister’s Federal colleague, Senator Susan Ryan. In the letter, the secretary of the centre stated:

- Given that we budget to a surplus (projected) of $2400, a $500 loss is quite a blow, particularly when it stems, as it appears, from Victorian Ministry ineptness.
- I ask the Minister, firstly, to assure the House and the centre that this performance will not recur and, secondly, I ask him to take appropriate steps to restore the budget situation of the Hamilton Education Centre Ltd.

Mr HILL (Warrandyte)—I raise a matter for the attention of the Minister for Education, who will recall that last year he and the Minister for the Arts visited the Croydon High School to hear that school’s case for funding to be put towards a performing arts centre. The Croydon High School is 30 years old. It is an excellent school achieving high academic standards and with a great sense of community spirit; that is, it serves not only its students but the whole local community, where it can.

The school has developed a keen interest in music and drama. Both the Minister for Education and the Minister for the Arts will recall on their visit seeing part of the school’s excellent production of Grease.

The interest in and development of music and drama have been hampered by make-shift accommodation. There is a real need to foster this student interest.
As long ago as 1974 the school applied unsuccessfully to the Education Department for music facilities. From 1980 onwards numerous representations for facilities were made, still without success. More recently the concept of a community performing arts centre developed and found strong community support.

At the school’s request, I argued to the Minister for Education its submission for funding. The Minister was impressed and, last year when he and the Minister for the Arts visited the school, the Minister for Education indicated that his Ministry would provide $100 000 towards the construction of the centre.

Will the Minister now kindly indicate when the funding will be made available and what steps the school should now take to receive it?

Mr DICKINSON (South Barwon)—I raise with the Minister for Education on behalf of the Belmont High School in Geelong the question of staffing at the school. The position is critical and I understand that the school council has directed correspondence to the Minister and also to the Honourable Rod Mackenzie, MLC, asking for their intervention in the posting of additional staff to the school.

Currently, the enrolment of the school is 918, which is only three fewer than confirmed enrolments, and the staff establishment for 1985 was 68.9. The decision by the Ministry to reduce staff entitlements when agreed projections proved to be too high has thrown the school’s entire timetable into jeopardy and the school has indicated that, unless the establishment figure is improved, it faces the prospect of declaring another teacher in excess and of being unable to cope with the loading, or the teaching of French.

The principal is currently on sick leave and no replacement has been forthcoming. In the event that the school’s submission is rejected by the Ministry, it seems inevitable that a seventh stream of Year 10 students will be dismantled and those students allocated to other Year 10 groups.

Such an action would have a devastating effect on the students currently enrolled at the school.

I urge the Minister to look into the plight of the Belmont High School and take some remedial action.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for Lowan referred to a visit that I paid recently to Minyip, Donald, Dimboola and Nhill. I might say that that visit was in company with Assistant Commissioner Glare of the Victoria Police and its purpose was to open new police stations at Minyip, Dimboola and Donald, as well as to open the magnificent new arts centre at Nhill, for which this Government is making a contribution this year of some $29 000 so that proper seating can be provided.

I might further state that I have been surprised during these visits to country Victoria by the number of people who commented to me on the fact that they see so very much more of Ministers from this Government than they saw of our predecessors. I note that the honourable member for Murray Valley nods his head; he can confirm that that is the case.

The matter of concern raised with me by the honourable member for Lowan was not the opening of the three police stations to which I have referred nor, indeed, the opening of the community arts centre at Nhill. He raised with me the matter of the deputations, which I received at Minyip and Dimboola to discuss the question of proposals for new fire and emergency services funding arrangements, which have been put forward in recent months by a working party working under the Readiness Review Committee of the Disasters Services Council.

I should make it clear at the outset that the Government has not, at this stage, determined its attitude to those recommendations. The Government does appreciate very deeply the immense amount of effort that has been put into the preparation of the proposals and into
the preparation of commentary on them by groups such as those which made up the two deputations.

I have passed on the suggestions that those two deputations put to me in Minyip and Dimboola, and I shall inform the honourable member for Lowan of the reaction to them at the earliest possible opportunity.

I should say that it is the concern of the Government that Victoria should have the most equitable and effective possible funding arrangements for its fire and emergency services. The Government is concerned, where people still have queries to raise about this matter, that they should receive proper replies, and I shall ensure that that is the case with the constituents of the honourable member for Lowan.

The honourable member for Dromana raised with me the question of the Rosebud police station. I should say to the honourable member that this year major works on nine new police stations are being undertaken. The Government has made a record allocation of $40.5 million for police capital works this financial year that will enable 22 major building programs to commence. That is a 34 per cent increase in Government spending over the previous twelve months, and a fourfold increase in capital spending between 1982 and 1985.

The Victoria Police is now better housed, better staffed and better equipped than it has been at any previous time in its history.

Overall, Government support for the police is at an all-time high, with $376 million being provided this financial year, an 11 per cent increase in spending over 1984–85, which is well ahead of the rate of inflation.

The recruitment during the next twelve months of an additional 258 police will bring the total strength of the force to 8958. Since the honourable member raised his query tonight I have consulted the Minister for Public Works, and we know of no reason whatsoever why there should be any holdup with the letting of tenders for the Rosebud police station. The funds are provided, the authority has been given and the project can go ahead. It will be going ahead in conjunction with construction of a police station of similarly major proportions to the one at Corio. There will also be new stations at Cobden, Dromana, Sea Lake, Trentham, Walwa, Winchelsea and Woodend.

Major renovations and extension work will get under way at a further ten police stations this financial year. The stations receiving funding for upgrading are Cheltenham, Elwood, Footscray, Frankston, Mansfield, Newstead, Portland, Springvale, Wedderburn and Sunshine. The cost of the new 24-hour police station and divisional headquarters in Corio is the most expensive single item on the present works program, costing an estimated $3.1 million. The new 24-hour police station at Rosebud is not far behind in cost; it will cost $2.7 million.

The new stations at Cobden, Dromana, Sea Lake, Trentham and Woodend are all worth $150,000 each. This is part and parcel of the greatest program for building new police stations and police houses, and renovating existing ones, ever undertaken in the history of Victoria.

The honourable member for Narracan cannot deny that because he knows that in the last year of the former Liberal Government, of which he is a supporter, only $10 million was made available for police capital works programs and this year the allocation is $40 million!

Honourable members interjecting.

Mr MATHEWS—Not even the convoluted arithmetic of the Leader of the Opposition can suggest that it is not a fourfold increase on what the former Government, of which he was a Minister, was prepared to make available to the Police Force for capital works. The record is there and the scores are on the board. The Leader of the Opposition cannot
contradict that and neither can any member of the Opposition, however hard he might try.

The honourable member for Murray Valley raised the question of the proposed National Aviation Museum.

Honourable members interjecting.

The SPEAKER—Order! I have advised the honourable member for Malvern a number of times to cease interjecting. Firstly, he is out of his place, and secondly, he has a responsible job within the party as Opposition Whip. I shall have no hesitation whatsoever in ensuring that the honourable member misses tomorrow's proceedings, if he does not cease to interject.

Mr MATHEWS—Thank you, Mr Speaker. The honourable member for Murray Valley raised the matter of the proposed National Aviation Museum. I should make it absolutely plain that there is no foregone conclusion that the proposed National Aviation Museum will be coming to Victoria as a bicentennial project, but it is very much the hope of the Government, as it should be the hope of the honourable member for Narracan, that this great project will come to Victoria and that Victoria's claims to be able to provide the most appropriate setting for the museum will be recognized by the Federal Government.

In order to make certain that the strongest possible case for the National Aviation Museum could be put forward to Canberra, I set up a working party as a source for advice to me on the submission which should be prepared. I take this opportunity to express appreciation to Mr Bob Edwards, the Director of the Museum of Victoria, for the enormous amount of work which he and his fellow members of that working party have put into that project.

It was desirable that a response should be put to Canberra at the earliest possible opportunity and so that the first advice sought from the working party was on the proposed location for the museum. The advice that came forward from the working party was that a multi-campus approach would be the most appropriate and that that approach should incorporate a central facility for the museum at Laverton, with a presence at Wangaratta and Ballarat.

That arrangement was announced at the earliest possible opportunity by the Premier during a visit by him to Wangaratta, as was pointed out by the honourable member for Murray Valley, and at a time when the views of the Government were being communicated to Canberra. The Government put forward a strong case to Canberra for the National Aviation Museum to be built in Victoria as a bicentennial year project.

If it is to come on-stream in the bicentennial year obviously a decision will have to be taken as soon as possible and obviously construction will have to get underway at the earliest possible opportunity. It is appropriate that the claims of Wangaratta should be recognized, because the Wangaratta City Council showed great initiative when it moved so quickly to snap up the Drage aircraft collection from under the nose of the Premier of Queensland who was down here trying to filch it away from Victoria.

Similarly, the Wangaratta City Council showed great initiative in its upgrading of the airport facilities and in its preparedness to arrange loans for the construction of the building which houses the Drage Air World there. It is appropriate that the Wangaratta facilities should be closely integrated with those of the National Aviation Museum in the event of the Federal Government accepting Victoria's submission recognizing the strength of its case and agreeing that the aviation museum should be built in this State.

The honourable member for Box Hill raised her concern about representations put to her by Mr Geoffrey Rowan from the Carpet Cleaners Co-operative. She passed on to the House circumstances in which Mr Rowan had had his livelihood interfered with, in which his family and house had been the subject of telephone threats and in which his efforts to air these matters, both through the courts and the media, had been systematically frustrated.
On the basis of what the honourable member has put to the House, there is justification for an examination of these matters both by the Police Force and by the Law Department.

I shall be raising both matters with the police in the morning, as I hope the Attorney-General will be keen to do with the Law Department tomorrow.

Mr ROPER (Minister for Transport)—The honourable member for Caulfield raised a matter that I shall take up with the Ministry and respond to him.

Mr CATHIE (Minister for Education)—The honourable member for Monbulk raised an issue with the Minister for Conservation, Forests and Lands about the need to develop a management plan for the Sherbrooke Forest because of the effect of feral dogs and cats on the lyrebird population and the need for better control. I shall refer that matter to the Minister for further report to the honourable member.

The honourable member for Portland raised the issue of the Hamilton Education Centre Ltd that is funded under a Commonwealth payment but paid through the State Ministry of Education and the effect that a late payment had on the possible closure of the centre and the financial loss of $500. I am not aware of the facts of that case but I shall have the matter investigated and report back to the honourable member.

The honourable member for Wantirna raised the issue of a need for a music-drama complex at the Croydon High School. I recall visiting that school and I was most impressed with the high standard of the musical drama produced there. The Government is prepared to make $100,000 available for the development of that complex.

Honourable members interjecting.

Mr CATHIE—That is well within the Budget constraints of the Government. That amount is for the 1986-87 financial year. Regarding the procedures of planning and expenditure of those moneys, that should be discussed between the school council and the regional officer.

The honourable member for South Barwon raised the matter of what he claimed was lack of staffing at the Belmont High School. The Government has made it clear to all schools that they must manage their programs within existing resources. It is not a matter of continually coming back to the Government and expecting the Government to provide more and more staff whenever a request is made. Because of that situation, the Government is determined to control and manage the employment of emergency teachers within the schools. That means that schools and regions must plan employment of emergency teachers within the constraints of the Budget and the line appropriation in the Budget.

The staffing formula that has led to those difficulties was not criticized when schools were having expanding populations and new enrolments and they had the benefit of a generous staffing formula. Now that enrolments are falling, it happens in reverse. Once schools received 1·5 teachers for each group of 25 students or part thereof, now if they begin to lose enrolments either in 25s or part thereof, it greatly reduces their entitlement. That may lead to a more adequate staffing formula for next year and I have given an undertaking that has been accepted by the teacher unions to have discussions about a more sensible staffing formula than the 1·5 teachers to each 25 students or part thereof which currently exists in our secondary schools.

Given all of that, and coming to the specific complaints about the Belmont High School, I understand that the honourable member for South Barwon has written to me on behalf of that high school and I shall consider those matters and respond to him later.

The House adjourned at 11.20 p.m.
Thursday, 13 March 1986

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

TRAVEL ENTITLEMENTS

Mr PESCOTT (Bennettswood)—I refer the Premier to his approval for official overseas travel last November of the Victorian Tourism Commission's senior project development consultant, Mr David Faggetter, and ask: why did the Premier approve of Mr Faggetter using a free airline ticket on that trip, given the Premier's own standards on overseas travel, and what does he intend to do about information provided to his department that unauthorized expenditure on this trip may have exceeded $4000?

Mr CAIN (Premier)—The letter to which the honourable member refers has come to my notice and it has also come to the notice of the Deputy Premier, the Minister responsible, and it is presently under consideration by him.

I am aware of the intense interest that has been taken by the honourable member in these matters and I just hope that when he is looking into them he takes some time to compare the sets of guidelines and requirements that presently exist with those that existed under the previous Government, because we have imposed standards on members of Parliament and on public office holders who claim travel and other expenses from the public purse.

That has not been easy after the rorts that went on under the previous Government. It has been very difficult indeed, as honourable members would appreciate, and, although I will not cite instances chapter and verse today, I could cite a whole range of rorts, such as Parliamentary committees which, under the previous Government, contrived trips.

There was a Parliamentary committee looking at a proposed Bill of Rights for Victoria and it wanted to go to the United Kingdom via Uganda when Idi Amin was in full flight. There was an honourable member four or five years ago who sought to convert—he may have done it, I do not know—his Parliamentary travel entitlement to take a trip to Bali for a holiday. If members of the Opposition want me to cite such instances chapter and verse, I will do so, but those instances I have referred to created the climate and the environment that this Government inherited so far as travel is concerned.

The standards the Government has imposed have upset and, I suppose, will continue to upset the nest of “perk” merchants who are waiting to prey on the public purse by virtue of travel. I note that the honourable member for Bennettswood nods in assent. I shall do all I can to stop those people and will provide every facility to stop them.

I do not say the Government is perfect yet, but it is much closer to being perfect than the Opposition was when it was in government. We are trying to impose standards—something which the Opposition did not do.

Mr Ramsay interjected.

Mr CAIN—In answer to the interjection of the honourable member for Balwyn, I say we are trying to correct the wrongs of a long period when persons on the public pay-roll chose to use the system to try to gain personal benefit of considerable magnitude. Members of the Government will try to stop that happening.

The matter to which the honourable member referred is under consideration by the responsible Minister. I understand he has already communicated with the department
about the matter, and appropriate action will be taken if matters are found to have occurred that ought not to have occurred.

LOCAL GOVERNMENT RESTRUCTURING

Mr STEGGALL (Swan Hill)—In view of the fact that the Government claims its social justice policy is the reason for the boundary restructure of local government, will the Minister for Local Government inform the House which areas of the Government's social justice policy could not be implemented under existing local government boundaries?

Mr SIMMONDS (Minister for Local Government)—The honourable member discloses a lack of knowledge of the Government's social justice strategy, a lack of knowledge about the thrust of the local government restructure that is currently being conducted and the climate of the activities of the Local Government Commission. The social justice strategy is a wide-ranging strategy designed to assist the under-privileged citizens of Victoria. As a result of the economic recovery that has occurred in Victoria, the Government is in a position to develop a wider range of options in addressing the problem.

Local government is an important and integral part of the approach to that problem. The purpose of restructuring local government is to ensure that it has full participation in the Government's program and that the resources of local government are adequately and efficiently organized to play a major role in the delivery of services in areas in which the local government system is most able to deliver, which is in local areas.

The importance of the restructure is related to reorganization of the mechanisms of local government, which have not been addressed in the past 120 years or so. I do not want to pre-empt debate later in the day, but I thank the honourable member for the question as it raised the issue of the Government's approach to social justice in the proper context.

PRIVATE SECTOR EMPLOYMENT

Mr SHELL (Geelong)—Will the Treasurer inform the House of the current trends in private sector employment in Victoria?

Mr JOLLY (Treasurer)—As you would be aware, Mr Speaker, the Government's long-term economic strategy has been directed towards creating a favourable environment not only for growth of employment in the private sector but also for growth in private investment. On both counts the Victorian economy is performing remarkably well.

Statistics released by the Australian Statistician indicate that in the quarter from June 1985 to September 1985 there was an increase in private sector employment of wage and salary earners of 17,500, which is 1.7 per cent. Across the rest of Australia, partly because of the poor performance of Queensland, employment declined by 8700 or 0.2 per cent. Therefore, in the last quarter Victoria experienced an increase of 17,500 private sector wage and salary earners compared with a decrease of 8700 in the rest of Australia.

When one considers the period from the September quarter 1984 to the September quarter 1985, one recognizes that the performance was even more remarkable in Victoria. It highlights the Government's success in stimulating growth in the Victorian economy. The increase during that period in Victoria was 7.5 per cent of private sector wage and salary earnings. That margin of growth had not previously been experienced in Victoria, and it compares with an increase of 3.5 per cent for the rest of Australia.

There is no doubt that the Government's economic policy and long-term economic strategy is stimulating private sector employment and private investment growth in Victoria, and that is why we are experiencing an outstanding economic performance.
LEIGHTON HOLDINGS LTD

Mr GUDE (Hawthorn)—I refer the Minister for Employment and Industrial Affairs to the dramatic split between the Government and Leighton Contractors Pty Ltd, a subsidiary of Leighton Holdings Ltd, in which the Minister yesterday threatened the Leighton company with black-listing because it had done a deal with the Builders Labourers Federation.

Honourable members interjecting.

Mr GUDE—I ask the Minister: does that mean the Government will also put its rhetoric into action and black-list the partnership arrangement between Leighton Holdings Ltd and The Met in the Kowloon–Canton railway contract in Hong Kong and force The Met to withdraw from that international arrangement?

Mr CRABB (Minister for Employment and Industrial Affairs)—I am confused about the viewpoint from which the honourable member has asked the question. I am also confused about the view put forward by the Leader of the National Party. I should have thought all honourable members would support the Government in its present endeavours.

Leighton Contractors Pty Ltd made an offer to the builders labourers on its building sites as of yesterday which involves the payment of the 3.8 per cent national wage increase at the end of projects on which they are currently engaged. The company representatives assure me that those jobs will all take at least twelve months to complete. Fortunately, the Builders Labourers Federation will be deregistered long before that.

The difference between the offer of the company and the Master Builders Association of Victoria appears to be one of semantics. However, it appears that the semantics have been sufficient for the federation to accept the offer. The reason why the offer has been accepted is that Norm Gallagher has recognized the reality that builders labourers are returning to work on site after site in Victoria, and I am pleased that they are doing so.

In regard to the code of conduct, I wrote a letter to the company this morning indicating that, if it pays the 3.8 per cent national wage increase to builders labourers prior to their being entitled to it, by virtue of belonging to a union that has given undertakings to the Conciliation and Arbitration Commission, the company will be in breach of the code of conduct and will be subject to the sanctions that apply.

LOCAL GOVERNMENT RESTRUCTURING

Mr STEGGALL (Swan Hill)—Can the Minister for Local Government inform the House who will bear the cost of delivering human services at the local government level? Will they be funded from rate revenue or by State Government funding? If human services are to be funded by the Government, will it be 100 per cent funding?

Mr SIMMONDS (Minister for Local Government)—The range of human services currently delivered by local government through the various Ministries and departments is extensive. I have asked for a survey of the extent of those arrangements to be collated. The Government will then be in a position of objectively dealing with the capacity of local government to deliver the existing range of services and any additional services that may be capable of being delivered, as a result of the restructure, which will broaden and increase the capacity of local government.

It is significant that a wide disparity exists in the range of services offered by various municipalities. The rate movement over the past twelve years has varied from a reduction of 48 per cent to an increase of 202 per cent.

The number of services offered by municipalities varies widely from approximately 30 to 40 services to more than 80 to 90 services and, in some cases, more than 100 services are provided.
Local government is carrying out a wide range of activities. In developing its social justice strategy, it is the intention of the Government to analyse the capacity of local government and upgrade its capacity in a co-operative manner through a restructure program.

**COAL INDUSTRY**

Mr Hockley (Bentleigh)—Will the Minister for Industry, Technology and Resources inform the House of recent developments in the expansion of the activities of the coal industry following the formation of the Coal Corporation of Victoria?

Mr Fordham (Minister for Industry, Technology and Resources)—I welcome the opportunity of outlining to the House the significant work the Coal Corporation of Victoria has undertaken since its establishment in January 1985 as part of the Government's economic strategy. Since that time, the corporation has notched up a significant series of achievements and has now fully established itself at its base at Traralgon.

During the past year export sales of Victorian briquettes have risen by almost 50 per cent due to the expansion of the Korean market and the opening of further sales opportunities overseas. In addition, domestic sales have also arisen by almost 20 per cent; the first increase since the early 1970s when the introduction of natural gas led to a drop in briquette sales.

I am pleased to confirm that the sale of raw brown coal to the APM Ltd factory at Maryvale has also increased by approximately 15 per cent over the past year. Honourable members will be pleased to know that the success of the brown coal liquefaction project based in the Latrobe Valley—the pilot plant at Morwell—has prompted an agreement with the Japanese Government to extend that experimental program until September 1989. No doubt exists that that project is to the forefront of world technology in this important area.

I am pleased with the continuing co-operation between the range of Government authorities, including the Coal Corporation of Victoria, and the Japanese consortium. Late last year, the first solvent refined coal was successfully produced at the plant.

The Coal Corporation of Victoria has received approximately 41 registrations from Australian and overseas organizations for the "Coal for Industry" project, which is aimed at developing new industries based at Loy Yang. The Government announced that scheme late in 1984 and approximately 5 million tonnes of brown coal has been allocated each year from the Loy Yang open cut mine for the development of solid fuels and carbons, active carbons and liquid fuels from this magnificent and large coal resource.

Negotiations both in Australia and overseas are being held and will continue over the next few months to further firm up development projects and contracts arising from the "Coal for Industry" scheme.

Over the past year, as part of its strategic role, the corporation has undertaken extensive consultation with both public and private sector organizations and groups. The record of the corporation to date further demonstrates the dynamic and entrepreneurial operations of the organization in fostering the development of brown coal industries and boosting sales of briquettes and brown coal.

The corporation is a further example of close collaboration and work being undertaken by the public sector—the Government—facilitating and assisting the private sector in developing this State, harvesting Victoria's competitive strengths and putting into effect the much lauded and appropriately supported economic strategy of the Government.

**FREIGHT REVENUE OF V/LINE**

Mr Brown (Gippsland West)—I refer the Minister for Transport to the recent loss by V/Line of a number of major customers, including Broken Hill Proprietary Co. Ltd and Australia Post, because, as a spokesman from Broken Hill Proprietary Co. Ltd commented,
“V/Line has become totally unreliable and we are unable to get goods delivered”. I ask the
Minister whether it is a fact that V/Line has lost freight revenue of almost $20 million in
the past three months and that the projected V/Line total deficit for this financial year was
last week revised upwards by the Ministry of Transport by $36 million.

Mr ROPER (Minister for Transport)—Honourable members will recall the sterling
defence of the honourable member for Gippsland West for the Leongatha rail line and his
desire to close rail lines throughout country Victoria and, indeed, in Melbourne itself.
Honourable members know that a significant number of industrial disputes have taken
place in V/Line during the past three months as the change projects have been put into
effect; change projects that a prudent and proper Government should have introduced in
the 1960s and 1970s but chose not to do so.

As honourable members will recall, a dispute occurred over two-person crewing. Although
it was a fairly brief dispute, none the less it was a dispute from which no one benefited.
Honourable members should bear in mind that locomotives ceased to require a fireman
in 1955 and for the next 27 years the former Liberal Government paid someone to put in
the coal even though it was not necessary.

That project was put in train by the Minister for Employment and Industrial Affairs and
is now operating effectively. Most of the locomotives in the west of the State are operating
on a two-person crewing basis and that is spreading throughout the rest of the system. It is
a major change that should have occurred many years ago, but did not.

The second major change project was to review the trading and catering arrangements
so that the number of staff employed in that area could be more appropriately employed.

Honourable members interjecting.

Mr ROPER—With respect to two-person crewing, there are two persons to run the
train that takes the freight.

With respect to trading and catering, we have achieved savings and improved services
on a number of routes. In Ballarat and elsewhere there are now far more services for
passengers.

The major change that has caused the most industrial disruption has been the shunting
review that commenced two and a half years ago under my predecessor and involved
examining shunting operations throughout the State. Over the years significant changes
have taken place without any consequent action by the former Government to change the
way in which the railways operated. The change projects caused the dispute of last December
and this has continued as a major concern to the Government. However, with the assistance
of the Arbitration Commission, the problem was resolved this week. The management
and the unions are now working to overcome what represents—and we have said so—a
severe loss of revenue as a result of that dispute.

The revenue losses have been serious, but the major source of revenue loss was as a
result of the carriage of wheat this harvest and from circumstances before the harvest
where, for a variety of reasons, there was much less wheat to carry. It was expected that
there would be about 1.9 million tonnes carried prior to Christmas. Because of the inability
of the Australian Wheat Board to sell wheat and arrange shipping, only 1.4 million tonnes
were carried. This had a severe effect, and V/Line’s revenue dropped. In some areas there
has been a significant drop in the amount of wheat available this financial year. Honourable
members would be aware that in a number of areas there were either significantly higher
levels of damaged wheat or, as honourable members representing the Mallee would be
aware, there was virtually no wheat at all.

That resulted in a significant reduction of revenue. The Government determined that it
would, as occurred in 1982-83, have the taxpayers assist V/Line in that problem. If
V/Line had been asked in 1982-83 to meet that problem in a situation of virtually no
harvest, it would have been disastrous for the whole of the State. This year, additionally, funds have been provided.

The Government has decided not to make up the full revenue losses, but to have those losses made up by V/Line bearing down far more on its costs than it would otherwise have to do. That is the instruction being given to the Chairman of V/Line and that will be carried out. V/Line does not like losing part of the custom of a major customer such as Broken Hill Proprietary Co. Ltd. That company made a decision five years ago to diversify from the sole use of rail to rail and road. V/Line is competing for as much of that traffic as it can.

A major problem occurred as a result of the shunting review. I and the Government expect that considerable work will now be done to regain that trade that has been lost and to ensure that V/Line is able to offer the kind of service that was increasingly gaining attraction to country people so far as the sending of freight was concerned. V/Line has suffered a bad commercial period but, having got the shunting review now resolved, it should be able to work with its employees and the local community to get on the path of increasing freight traffic, which it has done for the first time in more than a decade.

RESTRUCTURING OF MINISTRY OF EDUCATION

Mrs RAY (Box Hill)—I ask the Minister for Education: can he provide the House with details of the further progress in the restructuring of the Ministry of Education?

Mr CATHIE (Minister for Education)—I thank the honourable member for her question, because the effective and efficient management of a Budget of some $2.6 billion on behalf of the public of this State is an important undertaking by the Government.

In the reconstruction of a new Ministry of Education, the Government has been concerned with two major issues. The first of those issues has been to seek greater co-operation between the two sectors and agencies of education in this State to open up better access and opportunities for our young people, not only to continue into the post-compulsory years of secondary or post-primary education, but to continue further into either technical and further education or higher education in a college or university.

The second issue with which the Government is grappling is the equally important issue of how we efficiently deliver services in terms of management by effectively devolving to the local schools, school councils, local communities and to the regions, functions that are currently exercised at the centre of the system. The question of devolution is an important part of the restructure of the Ministry of Education to ensure that the right sort of support is being given to the practising teacher in the class-room where, in fact, the educational process takes place.

To pursue this undertaking I have had a number of discussions with the Public Service Board and as a result of those discussions a joint project team has been set up comprising representatives of the Public Service Board and the Ministry of Education.

In order to address the issues—and there are many issues facing us in education at present—I have decided to consult widely with every major organization and agency within education to achieve the objective set out in the project. That means we not only have a widely-based consultative committee—I have already chaired two meetings of that consultative body, which consists of representatives of every major organization within the education community—but also there is a smaller Standing Committee, which consists of the major organizations within the education community, plus a steering committee. It is a matter of bringing those three areas of consultation and participation together to ensure the widest possible consensus and support not only within the education community but also within the wider community.

If we are able to get this right, the restructuring of the Ministry will be able to solve the central problem of managing a very large body and ensuring effective delivery of education programs right across the educational spectrum in Victoria.
PETITIONS

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

Child care and kindergarten programs

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

We the undersigned wish to express our concerns regarding the future of child care and kindergarten programs in the State of Victoria.

We parents of young children and citizens of your electorate seek your assurance that these services, which are essential to the well-being of the community, will continue to be provided and funded as in the past by your Government not only in the coming year but in the years that lie ahead.

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

By Mr Williams (29 signatures)

Footscray-Moonee Ponds tram service

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE VICTORIAN PARLIAMENT IN PARLIAMENT ASSEMBLED:

Whereas the Western Suburbs are poorly serviced by public transport and the No. 82 tram service provides a feeder to the Footscray and Moonee Ponds rail stations and the rail lines from these stations and also serves as a cross suburban link between Footscray, Moonee Ponds, Maribyrnong and Essendon.

And whereas this tram service is heavily used by students attending the Footscray Institute of Technology; the Footscray Technical School; the Maribyrnong High School; workers of the Defence Laboratories and Workshops at Maribyrnong and new Migrants residing in and attending English language classes in the Commonwealth Migrant Hostel in Maribyrnong.

And whereas residents and shoppers making shopping trips to the Footscray market; the Highpoint West and Essendon shopping centres, use this tram for their transport needs.

And whereas apart from the convenience aspect there are economic, equity, energy and environment factors in favour of retaining this tram route. Only those with cars can get to the educational institutions, the Migrant Hostel and the work-shops and shopping centres in these suburbs. This is not fair to those without cars and driving licences and who cannot afford the high costs of petrol.

We therefore request the State Government to retain the No. 82 tram route and improve the efficiency and levels of service as promised in your election promises.

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

By Mr Rowe (10 697 signatures)

Police station manning

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that we urge the immediate appointment of a full-time police officer at the Township of Yallourn North in the State of Victoria because of the vandalism, theft, house burglaries and shop burglaries and other acts of hooliganism that are presently occurring.

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

By Mr Delzoppo (465 signatures)

Police station manning

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that we register an emphatic protest at the proposed closure of the single-manned police station at Korong Vale.

Your petitioners pray that the honourable members will heed our request that the police station remain open and manned at all times, and your petitioners, as in duty bound, will ever pray.

By Mr Steggall (317 signatures)
It was ordered that the petitions 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:

Country Fire Authority—Report for the year 1984–85
State Employees Retirement Benefits Board—Report for the year 1984–85—Ordered to be printed.

The following proclamations fixing operative dates for various Acts were laid on the table by the Clerk, pursuant to an order of the House dated 3 April 1985:

Magistrates (Summary Proceedings) (Amendment) Act 1985—Sections 1, 2, 3, 5, 6, 7, 9 (c) and 13—5 March 1986. Sections 4, 9 (a), 9 (b), 10, 11 (a), 11 (b) and 12—1 April 1986.
Sections 11 (c) and 11 (d)—1 October 1986. (Government Gazette) No. 13, 5 March 1986.

MOTOR CAR (LICENSING OF DRIVERS) BILL

Mr I. W. SMITH (Polwarth) moved for leave to bring in a Bill to amend Part III of the Motor Car Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

AMALGAMATION OF MUNICIPALITIES

Mr COOPER (Mornington)—I move:

That this House condemns the Minister for Local Government for seeking to enforce amalgamations of municipalities, in clear contravention of the assurances given by his predecessor, and calls on the Government to—(a) issue immediately a public statement which guarantees that referenda will be held among all ratepayers in every municipality affected by any proposed amalgamation or annexation measures; (b) abide, without exception, by the result of the referenda referred to above; and (c) immediately instruct the Local Government Commission to investigate and report on methods, alternative to amalgamation, which could reasonably improve the role and effectiveness of local government and delay any steps towards amalgamation, including referenda, until the report is published and given opportunity for public comment.

Mr MACLELLAN (Berwick)—I second the motion.

Dr COGHILL (Werribee)—On a point of order, Mr Speaker, I ask you to rule the motion out of order as it anticipates debate on Order of the Day, General Business, No. 10 which appears on page 4 of today's Notice Paper.

I took as my authority May's Parliamentary Practice, twentieth edition, which refers on pages 380 and 381 to this matter. In particular, I quote two relevant sentences from that section of May. The first sentence, which is the opening sentence on this matter, reads:

A motion must not anticipate matter already appointed for consideration by the House, whether it be a Bill or an adjourned debate upon a motion.

On page 381 the following sentence appears:

A matter already appointed for consideration by the House cannot be anticipated by a motion or an amendment.
I put it to you, Mr Speaker, that this motion clearly embraces matters that are entirely within the matters covered by Order of the Day, General Business, No. 10 and that, on that ground, the motion is absolutely out of order.

Order of the Day, General Business, No. 10 opens with this wording:

That this House—(a) condemns the Minister for Local Government for his handling of the local government portfolio . . .

That is an all-embracing statement about the Minister’s handling of his portfolio. The motion goes on “in particular, . . .” That wording cannot be seen to limit in any way the generality of the opening sentence. For authority on that I refer to the various dictionaries in our Parliamentary Library; for example, to the Shorter Oxford English Dictionary, third revised edition revised with addenda, published in 1965, page 1439; to the Collins English Dictionary, to the Macquarie Dictionary, to the Concise Oxford Dictionary and to Webster’s Third New International Dictionary.

Without doubt, the motion that is on the Notice Paper as Order of the Day, General Business, No. 10 on page 4 embraces entirely the issues that the honourable member seeks to raise in this motion.

If one examines debate on that motion as recorded in Hansard on 31 October 1985, one sees that every specific issue raised in the honourable member’s motion was dealt with in debate—in many cases by the honourable member for Mornington himself—on 31 October 1985. For example, the first point of his proposed motion refers to assurances given by the Minister’s predecessor. That very matter was covered in debate on 31 October by the honourable member for Mornington as recorded in Hansard on page 1542.

Paragraph (a) of his motion refers to the Minister issuing a public statement and so on. That issue was covered by the honourable member for Mornington, again recorded on page 1542 of Hansard of 31 October 1985 and again covered in the Minister’s response on page 1549.

Paragraph (b) of today’s motion mentions abiding by the results of referenda. Again, the honourable member for Mornington and the Minister dealt with that point in the references that I have quoted.

Paragraph (c) of today’s motion refers to immediately instructing the Local Government Commission. That matter was indeed covered in detail by the Minister, again as reported at page 1549 of Hansard.

On that occasion the Minister for Local Government spelt out the action that would have achieved, and is in the process of achieving, the very results sought by the motion before the House today, or sought to be put before the House today.

The report that the motion of the honourable member for Mornington seeks is now published and will inevitably be discussed when debate is resumed on Order of the Day, General Business, No. 10.

The honourable member for Mornington can be excused for putting forward such a motion, because he has been a member of this House for less than one year and, to the best of my recollection, this is the first occasion on which the rule of anticipation has arisen since that honourable member was elected to this place. However, there can be no excuse for the Leader of the Opposition and other front-bench members of the Opposition not giving the honourable member for Mornington guidance in the preparation of the motion.

Clearly, the Leader of the Opposition does not have his heart in his job these days, and that at least in part explains why he has not provided guidance to the honourable member for Mornington.

There are only three possible explanations as to why the motion has been brought forward in the form in which it has been presented. The first possibility, and it is the most
serious, is that it has been a deliberate attempt by the Opposition to test the Chair and to flout the traditions, practices and precedents that govern debate in this place.

The second possibility is that it is simply incompetence on behalf of the Opposition—and, quite frankly, that is not difficult to believe, given what honourable members have seen from members of the Opposition during the week. The third possibility is that it is simply laziness on the part of the Opposition.

The SPEAKER—Order! I should advise the honourable member for Werribee that he has gone much further and ranged far more widely than he should. I was remiss in not directing him back to the main point with respect to the relevancy of his point of order.

Dr COGHILL—Thank you, Mr Speaker. As I stated when I commenced my remarks, my concern is that the motion that has been moved and seconded infringes upon the rule of anticipation in that it anticipates debate on Order of the Day, General Business, No. 10.

I accept that the issue to which the motion refers is a major one that ought to be debated in this House. The problem is not whether the issue should be debated; it is the wording of the motion moved by the honourable member for Mornington. It would have been a simple matter to draft the motion to allow debate on the issue in a way that would not infringe the rule of anticipation.

Many members on this side of the House, and even members of the Opposition, some of whom are former Ministers—such as the honourable members for Berwick, Polwarth, Frankston South and Benambra—could have advised the honourable member for Mornington on this matter. Of course, the former Chairman of Committees, the honourable member for Ballarat North, could have similarly advised on the matter.

It may well be that there are such bitter divisions among members of the Liberal Party Opposition that they have not discussed the matter.

The SPEAKER—Order! I ask the honourable member for Werribee to return to the point of order.

Dr COGHILL—I repeat that the motion, as it has been worded, offends the rule of anticipation. The motion, as it has been put to the House, cannot be properly debated unless it anticipates debate on Order of the Day, General Business, No. 10. Clearly, the motion is inadmissible, and this points to nothing more than the stupidity of the Opposition and the way in which it drafted the motion.

The content of the motion is embraced entirely within the subject of Order of the Day, General Business, No. 10, and I ask you, Mr Speaker, to rule that it is out of order.

Mr COOPER (Mornington)—On the point of order, Mr Speaker, unfortunately, there is one question that the honourable member for Werribee did not address—but should have addressed—in his 20 minute tirade, in assisting you on the point of order. That question is whether it can be judged by you, Sir, whether there will be reasonable time for Order of the Day, General Business, No. 10 to be brought forward for further debate.

I put it to you, Mr Speaker, that it cannot be judged whether reasonable time will be available for that Order of the Day to be brought forward; therefore, the motion I have moved is entirely in order, and I ask you to rule accordingly.

Mr WILKES (Minister for Housing)—On the point of order, Mr Speaker, I find myself in sympathy with the honourable member for Werribee. There is no doubt that the rule of anticipation must give you, Sir, some concern in judging the outcome of this point of order merely because of the way the motion listed on page 1 of today’s Notice Paper, which we have been asked to debate today, is couched.

Notice of Motion, General Business, No. 4 on page 1 of the Notice Paper refers specifically to amalgamations and restructuring in local government. There can be no doubt about
that. The motion listed as Order of the Day, General Business, No. 10 also refers to the Victoria Grants Commission report as "the blueprint for restructure of local government throughout Victoria." There must be a conflict between the two motions.

The rule of anticipation must apply. The point raised by the honourable member for Mornington is valid because it questions whether Order of the Day, General Business, No. 10 will be brought on for debate at a particular time. There are plenty of precedents for that argument in this House and, Mr Speaker, you would be aware of them.

If the Leader of the House can give an assurance that Order of the Day, General Business, No. 10 will be brought on during this sessional period, the rule of anticipation will be breached and the honourable member for Mornington would be out of order.

Mr MACLELLAN (Berwick)—On the point of order, Mr Speaker, the honourable member for Werribee raised a contentious point of order, which he supported with the argument that because matters are raised during a debate, one cannot thereafter raise a substantive motion in the House on any of the subjects that were raised in the debate and recorded in Hansard, to which he referred.

Mr Speaker, the honourable member for Werribee was inviting you to make the most alarming ruling, which would be that because certain matters had been raised, during debate, the House had disqualified itself from thereafter discussing a substantive motion on the same subject during that sessional period. The honourable member for Werribee went far beyond any precedent that he could have found in any authoritative reference. When the honourable member dealt with that part of his argument, he made no reference to May's Parliamentary Practice on that subject.

The starting principle has to be that the House is in charge of its affairs; that the House can debate substantive motions, if it demands them, and that privilege should not be cut down unless urgent or compelling reasons arise for doing so. That goes to the heart of the privilege of any honourable member in the House and the House itself.

I suggest, Sir, you should examine carefully the substantive motion to ascertain whether it is a direct copy of some other matters that have been debated before the House or are likely to be brought to the notice of the House within a reasonable time. A reasonable time is not, as Sessional Orders will have it, whenever a Thursday occurs that is not a Grievance Day; a reasonable time is the general term for the whole Parliamentary calendar, which includes Tuesdays, Wednesdays and Thursdays and within Government Business time. It has nothing to do with Thursdays, as might have been suggested by the Minister for Housing. The point is to do with when the matter will be brought on for debate, because the honourable member for Mornington would like to debate the motion and the House has a right to accept the motion and to debate it.

If parts of the motion that have been moved by the honourable member for Mornington are a repeat of Order of the Day, General Business, No. 10 and it is thought to be anticipating a debate, you, Mr Speaker, would have to rule that any honourable member debating the motion would not be able to debate the matter too broadly, if indeed at all. That is up to you, Sir, who must control the debate.

I suggest that many parts of the motion moved by the honourable member for Mornington and seconded by me are not in anticipation of any debate. The honourable member is entitled to move the motion and to have it debated today. That is the privilege of the House and is the important and compelling reason why, you, Mr Speaker, should allow debate on that motion to go ahead.

The SPEAKER—Order! In my time in the House I have heard this matter argued many times. It is a most difficult ruling for the Chair to make and I have heard the matter examined and have examined it myself. I intend to rule that the motion is in order but I also intend to advise the House that the motion that has been moved by the honourable member for Mornington, which seeks to condemn the Minister for Local Government for his actions in relation to amalgamations of municipalities, is similar to the subject-matter
of Order of the Day, General Business, No. 10, which, as has been drawn to the attention of the House, is an item for the resumption of debate on a motion relating to local government amalgamations. That motion seeks to censure the Minister for his handling of the portfolio, and therefore in fact goes further than the motion that is before the House at present.

Mention has been made of page 381 of *May's Parliamentary Practice*, twentieth edition—which I have studied—which deals with anticipation of debate. Consideration of the rule of anticipation in this case requires a determination by the Chair as to whether the motion contains essentially the same matter as covered by Order of the Day, General Business, No. 10.

The motion now before the Chair condemns the Minister for seeking to enforce amalgamations, while the motion referred to in Order of the Day, No. 10 condemns the Minister generally for his handling of his portfolio. The current motion calls on the Government to guarantee referenda and to abide by the results and to require the Local Government Commission to investigate alternatives to amalgamation. Order of the Day, No. 10 calls on the Government not to enforce amalgamations without substantial community support.

I also add for the record that, although the matter is essentially the same, I believe the terms of the motion before the Chair are not identical with those contained in the motion referred to in Order of the Day, General Business, No. 10. However, the terms of the latter appear to allow all the matters proposed by the present motion to be canvassed and therefore to proceed with the motion would effectively anticipate further debate on the motion referred to in the Order of the Day.

A further question for the Chair to resolve is whether the motion should be allowed to proceed on the grounds that the matter being anticipated—that is Order of the Day, No. 10—will not in fact be brought forward for further debate within a reasonable time. As the Leader of the House is not present, and I am of the opinion from experience that it could not reasonably be expected that Order of the Day, No. 10 will be brought on in the near future, it is therefore my view that the present motion should be allowed to proceed on this ground.

As I intend to rule accordingly, a difficulty, of course, arises concerning the scope of the debate. It would be improper and would contravene Standing Order No. 93 for reference to be made to the earlier debate on the motion now listed as Order of the Day, No. 10; nor should members in debating this motion be permitted to extend their remarks to the other matters that are covered by the Order of the Day. The Chair will be in a difficult position—as will any Acting Speaker—during the course of this debate in ensuring that persons debating the motion now before the Chair do not infringe. I do not uphold the point of order.

Mr COOPER (Mornington)—If ever there were a need to write a book about enforced amalgamations of municipalities and if there were a chapter in it entitled, “How not to do it”, the Minister for Local Government should at least be retained as a consultant even if he does not manage to be the author of that particular chapter.

The Minister for Local Government has, during the time he has occupied that office, fumbled and bumbled his way around the Victorian community. He has managed to divide and confuse the community.

The Minister never answers questions that are put to him but he drones on with meaningless rhetoric. He is continually demonstrating his total failure to grasp the subject about which people are speaking when they ask questions that are important to them and to the communities of which they are members or which they represent as councillors.

The Minister’s performance yesterday at a seminar of the Municipal Association of Victoria at the Moonee Valley Racecourse and his performance today at question time
clearly shows that the Minister has no grasp of his portfolio and has no sensitivity or sensibility about the subject that is on the lips of many people throughout this State.

The Minister is an obvious embarrassment to his party, to the Cabinet and to the Local Government Department. More importantly, he is now a clear threat to the survival of the Government and to many honourable members in marginal or near marginal seats.

The Victorian community wants many questions answered by this Government and by this Minister. Those questions have been asked but they have not yet been answered. This motion raises these matters in the House and I shall put eleven specific questions to the Minister today that require sensible answers from him and I trust that in his response the community will receive those answers.

The first question was asked of the Minister only the day before yesterday. Why has the Minister reneged on the firm assurances given to the Victorian community by his predecessor that no amalgamations or annexations would take place without community approval through referenda? In the written record of this House and in press statements put out by the Minister's predecessor from 1982 onwards, one can find documentary evidence to support that statement; there have been firm assurances given by the Minister's predecessor, who is now the Minister for Housing, that this would not occur.

The then Minister for Local Government, in his second-reading speech on the Local Government (Board of Review) Bill on 26 May 1982, stated:

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

Later on in the second-reading speech, he said:

The provisions in this Bill strike a balance and provide the mechanism for bringing about change if it is desired and is shown to be in the best interest of local government.

The then Minister for Local Government issued a press release on 26 July 1982, in which he announced that major parts of the Local Government (Board of Review) Act would come into force the following Monday, and he stated:

It provides the mechanism for bringing about change if it is desired and is shown to be in the best interests of local government and the people it serves.

No mention is made of compulsory and enforced amalgamation and assurances were given in debate that this would not occur.

In the September 1984 Australian Municipal Journal, in which the then Minister Mr Wilkes wrote—and the present Minister also writes—as a regular contributor, he stated:

If it can be demonstrated that a changed municipal structure would lead to a more adequate resource base and more acceptable level, cost and depth of services across the board; and, in a more equitable distribution of the cost burden, then change should occur.

The key words then appear:

I am confident that the pace of locally inspired change will quicken.

Honourable members on the other side of the House might say that thalleaves a question mark, but there was no question mark in the next edition, the October 1984 edition of the Australian Municipal Journal.

The then Minister, Mr Wilkes, is reported as having stated:

We also, however, believe that local people as well as their municipal elders, must be a vital part of the change.

The Government policy is, and has always been clear—the local councils or populace must set the ball rolling—and there is no intention at this stage to change this policy. I believe that you can and will see the need and it is my wish that you set change in motion at your own hand.

Opposition claims that there are secret maps carving up Victoria, proposals for massive enforced amalgamation; or a master plan waiting for the return of this Government before being activated are sheer nonsense.
The Government has placed its faith in the rationality and farsightedness of councils and their communities. I believe that faith is well placed.

It is reasonable, when one re-reads those words dating back to 1982, repeated around the State during that time by the then Minister for Local Government, now the Minister for Housing, for communities and councils throughout the State to say that they have been given an assurance, that they have been given the word of the Government through the responsible Minister at the time and that they have accepted that word.

In March 1985 that word was broken. However, it was not only the Minister for Local Government who gave that assurance but also other people gave that assurance at the time. During the debate on the Local Government (Board of Review) Bill, the honourable member for Monbulk at page 962 of *Hansard* of 9 June also gave a very firm assurance to the people of Victoria that there would be no enforced amalgamations by using the words, "Of course, everybody knows".

Dr COGHILL (Werribee)—On a point of order, Mr Speaker, I direct your attention to Standing Order No. 93, which indicates that there should not be an allusion to any debate in the same session. The honourable member for Mornington is clearly not merely alluding to previous debates but is in fact quoting from a previous debate.

The SPEAKER—Order! I will rule on that point of order forthwith. The honourable member is out of order if he is reading from *Hansard* of this current session of Parliament.

Mr COOPER (Mornington)—Mr Speaker, I am referring to *Hansard* of 9 June 1982.

The SPEAKER—Order! The honourable member is in order.

Mr COOPER—I am sorry that the honourable member for Werribee is so sensitive about this matter, but I can understand the reasons why and I shall elaborate on them later. On 9 June 1982 the honourable member for Monbulk is reported in *Hansard* at pages 961 and 962 as having stated, *inter alia*:

However, it is not envisaged that there will be any change in operation from that which currently exists.

Honourable members will agree that a poll of ratepayers is the best way to ascertain the feeling of those affected, or to gauge whether there is any opposition or opinion. That is the best way to examine whether there should be any changes in boundaries.

I would agree with the words used by the honourable member for Monbulk in 1982 and I would suggest that anybody with any sense and sensibility and regard to matters concerning local government would agree with those words as well.

However, one has the quoted words, although I understand the Minister now denies that he used those words—"So what"—in response to the referendum that the then Minister forced to occur in Traralgon. I do not want to go into the detail of that particular matter except to say that the then Minister, or the Minister's spokesman, as he was described in one of the local papers at the time, said that he could not understand what was going on in communities that would vote against such matters.

The Minister's words, through his spokesman, in regard to the 74 per cent no-vote were, "So what!". The Opposition is telling the Minister that an extremely clear body of opinion—not just among local government but also among the general community—is saying to the Government and the Minister that it wants not only the right to vote at referenda where municipalities are affected, but also the right to demand that the Government abides by that decision.

I am not talking about a minor matter; I am talking about a change to the fabric of government in the State. If there were to be a serious proposal to change the fabric of government at the Commonwealth level or at State level, in all cases the proposal would be canvassed through a referendum. The Government is hiding behind a section in the Local Government Act and merely mouthing its way around when confronted with the
question: “What do you mean?” The section provides that the Minister shall have regard to the result of a poll. The Opposition says the Minister should abide by the result of a poll.

In 1982 an amendment was moved by the Leader of the Opposition in the Upper House, the Honourable A. J. Hunt, which would have required the Minister to abide by the result of a poll, but that amendment was defeated. That was a sad occasion and the result of that vote is now dividing and causing tremendous unrest in the community.

My second question to the Minister is: why has he seen fit to use the Local Government Commission section of the Local Government Act as a vehicle for wholesale restructuring when his predecessor promised that this would not occur? At the time the Local Government (Board of Review) Bill was debated in 1982, clear commitments were given that this would not occur. The then Minister for Local Government, the Leader of the Government in the Upper House and the honourable member for Monbulk, said it would not occur. Those commitments were given not only in contributions to debate in this House but also in press releases.

I direct the attention of the House to a press release issued by the Minister for Housing, Mr Frank Wilkes, on 26 July 1982 when, as Minister for Local Government, he stressed that the Act was not a licence for the wholesale restructuring of municipal government in Victoria. That was the assurance given to the people of Victoria. After the change of Minister in March 1985, why has the Government changed its tack? Why is it going back on its word?

Could it not be that there is some basis in the fact that the grand plans of the Whitlam years are still in the minds of many people on the Government benches? The honourable member for Werribee is sensitive about this issue. Those plans are still in the minds of the loony left, of which the Minister is a member. They are so prepared to go ahead with dogma and manic desire that they are prepared to do anything, even destroy the very Government of which they are members, to incorporate those plans.

The favourite bedside reading of the honourable member for Werribee is probably material put out by the Victorian Fabian Society. Further, I guarantee he still has beside his bed a well-thumbed copy that he quotes in the party room all the time—no doubt it is almost his required reading—of the words of Mr Whitlam, the then Leader of the Federal Opposition. In September 1969 Mr Whitlam said:

> If we were devising anew a structure of representative government for our continent, we would have neither so few State governments nor so many local government units. We would not have a federal system of overlapping parliaments, and a delegated but supervised system of local government. We would have a House of Representatives for international matters and national matters, an assembly for the affairs of each of our dozen largest cities and a few score regional assemblies for the areas of rural production . . .

The words that I am sure are dear to the heart of the Minister are:

> Vested interests and legal complexities should not discourage or deter us from attempts to modernise and rationalise our inherited structure.

This is the manic desire of the Government. It was incorporated in the words of Mr Whitlam before he became Prime Minister, but attempts were made to put it into force during the Whitlam era. Now it has returned to haunt this Parliament and all Victorians.

Although the Federal Labor Party has now become a party which bows to the whims and pressures of the community, that is not the case with some members of the Government front bench, particularly the Minister for Local Government. The Minister is continuing on his course, regardless of community attitude. It is crash through or crash, and the sad part for the Government is, as most sensible people would recognize, that it will be “crash” rather than “crash through”.

My third question to the Minister is: does he support the concept of locally inspired change to municipal restructuring? It is obvious that the former Minister for Local Government, Mr Wilkes, did. When he was Minister he looked for locally inspired change
and espoused what was Labor Party policy in those days. However, the present Minister has decided that locally inspired change should be guided. He does not believe in democracy but in restructuring, despite local competency.

The feelings of the general community have been aptly summed up in a letter I received from a constituent of mine, which states:

As one of your constituents and as a private Victorian citizen, I write to express my concern at the unilateral actions of the State Government on this matter.

He is referring to forced amalgamations. The letter continues:

The missing link in the present exercise is "public opinion"—we are constantly being asked what is going on and why, but are unable to reply.

Having seen the strong reactions of people in Geelong and Bendigo and elsewhere in the State, I wonder whether we need a "Day of Mourning" for Local Government in this State—an "Operation Citizen—Feedback" or similar to let the people in all Municipalities have their say in unison on the same polling day in an effort to halt the indecent haste of the present campaigns.

However, to deal with Local Government as is currently being done and to apply such time constraints and pressures without adequate consultation and citizen feedback is, in my "apolitical view" unpardonable.

I believe that Councils should be invited to take action in unison to work out their own destiny and guidelines—after they have consulted all ratepayers.

This is the voice of Victorian citizens.

Dr COGHILL (Werribee)—On a point of order, Mr Speaker, I ask the honourable member to identify the document, particularly the author, and, in accordance with the normal practice, that he make it available to the House.

Mr COOPER (Mornington)—It was written by a constituent of mine, Mr Ken McArthur of Turnbull Street, Mornington, and is dated 3 March 1986. I shall make it available to the House.

In relation to locally inspired change, I asked the Minister whether he will address those questions that have been asked by many people, or will he continue to avoid matters by using rhetoric. I have moved the motion to give the Minister the opportunity of finally debating the issue and explaining to Victorians what he is seeking to do.

My fourth question to the Minister is: will he say why he has strongly recommended to Labor Party controlled councils that they should withdraw their councils from membership of the Municipal Association of Victoria? I should not have to remind the Minister that he is the Minister for Local Government and not the Minister against local government or the Minister responsible for destroying local government.

I also remind the Minister that Labor Party policy is that the Municipal Association of Victoria will be recognized as the organization speaking on behalf of local government in Victoria.

Dr COGHILL (Werribee)—On a further point of order, Mr Speaker, in ruling on my earlier point of order on the rule of anticipation, you laid down some clear guidelines on the limits of the debate and, in particular, the limits to which any speaker could go in referring to the subject-matter of this debate and in any way embracing the subject-matter of Order of the Day, General Business, No. 10.

I have been listening carefully to the honourable member for Mornington parroting off League of Rights sentiments and other extreme views, but I find it impossible to relate the matter on which he is currently dwelling to the subject-matter of the motion before the Chair. The honourable member seems to be referring to a communication between the Minister for Local Government and certain municipalities which bears no relation to either the introduction of the motion or points (a), (b) and (c).
The SPEAKER—Order! The honourable member for Werribee has again drawn my attention to the rule of anticipation and to the ruling that I gave previously. I have taken an interest in what the honourable member for Mornington has said, and I believe he is directing his remarks to the general matter of the amalgamation of local government. I do not believe he is infringing my previous ruling in respect of the original point of order raised by the honourable member for Werribee. I do not uphold the point of order.

Mr COOPER (Mornington)—I take strong exception to the honourable member for Werribee attempting to smear me and any other person in the community who expresses an opposing view to the Government's manic desire to destroy local government by describing them as spokesmen or members of the League of Rights. I am not a member of the League of Rights; I do not agree with the views of the league. If the only contribution the honourable member for Werribee can make is to run around the State with his trousers up and his brain in neutral, tipping buckets on people and describing them as members of the League of Rights, I suggest that he lacks credibility.

The honourable member should cease tipping buckets on people and get to the point of the subject. I am attempting to bring the Government to the point. The Minister is avoiding the point; he is talking around the issue, and the honourable member for Werribee is doing the same in his own inimitable style by bucketing people and describing them as things they are not.

I shall repeat the fourth question: why has the Minister for Local Government strongly recommended that Labor Party controlled councils withdraw from membership of the Municipal Association of Victoria?

Dr Coghill—What has that got to do with the motion?

Mr COOPER—It has plenty to do with the motion because it creates a situation of divide and rule.

If the Minister wishes to uphold the Labor Party's policy and continue to keep the Municipal Association of Victoria as the organization representing local government, why would he try to destroy that organization? That question needs to be answered and it is of interest to the local government community.

The fifth question is: does the Minister agree that it is the intention of the Government to require his restructured councils to take on responsibility for matters such as welfare housing, legal aid, fire services, employment schemes and apprenticeship schemes and that the cost of those activities will be borne by ratepayers? The Minister has avoided that topic. He raves on about social justice but does not come to grips with this subject.

The Minister does not inform local government of what is going to occur. He uses rhetoric but avoids the specific points that are of major importance to people who, I hope, will be required to cast educated votes on the future of their municipalities. The Government has an obligation to make these points known to the community, however, the Minister has avoided the subject. Unfortunately for the Minister, one of his back-bench colleagues in another place has not avoided the issue; that honourable member has been honest and straightforward. At a public meeting held last month at Geelong, the honourable member stated that these responsibilities were to be transferred by the Government to local government when restructuring occurs.

Why does not the Minister come out and admit the answer to my fifth question?

Members of the Opposition know it is true and members of the Government back bench are telling the State it is so. Yet the Minister hides behind the rhetoric. He fails to answer the question; he deliberately avoids the question. Why does he not tell the truth and uncover for once in his life and tell people what is going on?

The Minister well knows that there is a conspiracy to hide the truth until the restructure has taken place. He should admit what is going on. If one has a social justice policy—
The SPEAKER—Order! I advise the honourable member for Mornington that the procedure is that he should direct his remarks to the Chair rather than to an individual Minister, as it appears he is doing.

Mr COOPER—The Minister was directing remarks to me, and I was directing remarks to him.

The SPEAKER—Order! That is out of order.

Mr COOPER—In moving these important functions over to local government, is this an attempt to try to balance the State Budget by handing everything over to the ratepayers? The ratepayers are demanding answers to questions and they are entitled to receive them.

The sixth question is: has the Minister investigated or had investigated, if he is not capable, any alternative methods of restructure other than amalgamations and annexations? If so, will he explain why those alternatives are not being pursued? There are experts around the world, not only in this State and in this country who say that there are alternatives to boundary changes and that these matters should be investigated before embarking upon boundary changes.

There is a requirement on the Government to do some thinking—preferably lateral thinking—but at least some thinking, when the Minister and the Government say that no alternatives are available.

We are embarking upon massive surgery. If I went to a doctor and said, "I have a cold", and the doctor said that he would put me in the operating theatre, I would rightly complain. The situation is that we have in the local government area a head cold that requires minor medication initially and further investigation if the cold is not cured. It could end up that the cold is diagnosed as a brain tumour that requires surgery. However, initially it is not surgery that is required but medication and an educated look by the experts who know what they are speaking about.

The Government has failed to carry out that approach and has failed to examine the issue laterally. The Minister used the lifeboat that economies of scale are the real reasons for the restructure. Economies of scale will not be achieved by restructuring the larger municipalities.

When that boat was shot out from under the Minister by independent reports, he abandoned it and he and the Premier climbed on to the boat of administrative costs. Currently the Premier, the Minister for Local Government and the Minister's messenger boy, the Chairman of the Local Government Commission, Mr Morris, are saying that administrative costs are the reason why the massive restructuring is required.

The experts say that there are methods other than restructuring and massive boundary changes to overcome the problem, if it is a problem. I shall address the problem of administrative costs later. I do not believe it is the problem that the Minister and the Chairman of the Local Government Commission make it out to be. The approach they are adopting towards restructuring local government is clearly designed to divide the community.

It is not a question of the Government trying to unite the community or trying to do something for local government; it is a question of the Government trying to do something against local government to create a structure which it can use to dominate and control through the other methods it intends to employ and other proposed legislation that it has already said it will ultimately introduce.

My seventh question is: are the principles that are outlined in the so-called Morris report regarded by the Government as criteria with some meaning, or will they be thrown aside whenever it suits the Government to enable particular amalgamations to be consummated? The Chairman of the Local Government Commission is as strong on what he calls "principles"—the principles being the first word in the report that he has produced—as a piece of cooked spaghetti.
Mr Morris approaches the question of enforced restructuring in this State with a limp wrist. This is the messiah who has been dragged from the wilderness by the Premier and the Minister for Local Government to head the Local Government Commission. He is the man who has the position of providing the Government with the strong unequivocal and clear evidence that will support the Government’s approach to enforced amalgamations and wholesale restructuring of local government.

Recently, Mr Morris said that he is totally flexible in regard to the application of principles that he espouses in his report. The report is only some weeks old and is already being brought into question by its author, the man whose name that document will bear for ever more. The report is not even good enough to prop up a short leg on a table and it is certainly not good enough for local government. It is not good enough for the Government and the Minister to come into this place and say, “Here is the evidence, the Bible, to enable us to proceed with what we intend to do”. The principles are flexible and Mr Morris is really doing nothing more than boosting his name at the expense of local government.

He is travelling around the State on a Government-sponsored and Government-funded self-promotion program, and this is well known throughout local government. The Mayor of Port Melbourne has appealed to the Government to do something about the Chairman of the Local Government Commission and get him back on the job. The Mayor said:

We need to know whether he is conducting a community awareness program or undertaking an exercise in press agentry funded from the public purse.

Obviously this is another report that will end up in the rubbish bin because it is meaningless. The Chairman of the Local Government Commission has already said so.

My eighth question is: is the Minister prepared to give an assurance that he will institute referenda in every municipality affected by an amalgamation or annexation proposal? If not, why not? Why is the Minister hiding behind a requirement of the Act that requires 10 per cent of the people of the municipality to sign a petition? Why does the Minister not come out and say, “We are prepared to give people a vote on this matter. It does not matter whether people sign a petition for a referendum, we will require a referendum to be held because we are interested in what people think about amalgamation in this State”?

The Government has already announced that it intends to introduce into Parliament a Bill of Rights, but it is not interested in people’s rights on local government issues. It is not interested in ensuring that they have a referendum where their municipalities are threatened. It is not interested in acknowledging or supporting the people who constitute the municipality; no, that is different. The rights of people are very different when it comes to local government amalgamations. This Government is going to enforce amalgamations on municipalities whether they like it or not. I wonder whether this principle will be one of the matters enshrined in people’s rights in the proposed Bill of Rights. It is hypocrisy of the worst kind.

The Minister for Local Government is hiding behind the Act. The Minister talks in riddles when he is asked about having regard to a poll of ratepayers. It is clear that the Minister is not genuine on this matter.

My ninth question to the Minister is: will the Minister explain why he has instituted a new fast time-table for the wholesale enforced restructuring of local government in direct contradiction to his public assurances of 1 September 1985?

The Minister was quoted in the Sun of 2 September last year as saying:

1 am patient, and I’m prepared to be even more patient. It’s not a question of time, but a question of process and result.

A couple of months later this fast track time-table was introduced and the whole matter is supposed to be over by the end of 1987. That means 210 municipalities and their communities are to be consulted in the space of eight months. That is an example of what consultation will take place.
I suggest to the Minister and the Government that it is meaningless rhetoric and nonsense, and the Minister knows it is. The Minister's mind is made up, as is the mind of the Chairman of the Local Government Commission. The others will put up their hands in assent when they are told to do so. That is what will happen.

The rhetoric is meaningless nonsense. The change has been forced on the Minister and the Government, probably with not too much fighting back by the Minister because the Government knows that it is on a loser. The Government will lose seats on this issue. The Government and back-bench members of the Government will know that seats will be lost but they hope that the matter will be resolved by the end of next year so that there will be a twelve-month run up to the next election at which time the flack will have died down. Some honourable members who will be voting in favour of enforcing the view of the Government on the community—they will not stand up and defend the community against the Government and fight for the right of the community to express a view through referenda and have these views abided by the Government—will lose their seats.

They are the back-benchers in electorates like Ballarat South, Bendigo West, the provinces of Gippsland and Geelong and at least another seven metropolitan electorates. The nervous nellies on the Government side know this is true. Members representing electorates like St Kilda, Bentleigh, Box Hill, Mitcham, Warrandyte and Monbulk will pay the penalty for the Minister's desires to destroy local government. The Labor members who retain seats will be sitting on the Opposition side of the Chamber in disgrace with communities around the State because they went ahead with a proposal that was clearly against the best interests of the State.

My tenth question is: will the Minister confirm that he is an advocate of regional government and that he is considering the development of regions as a further step in his amalgamation proposal? On 2 September last year the Minister was reported in the Sun as making that statement and he has not denied it since. I put it to the Minister that he is heading along the path of regional government. The Minister is aware of that, so why not tell the people of Victoria? The Victorian Fabian Society's newsletter says that is what the Minister is all about. The Sun of 2 September reports the Minister as stating:

Councils should grasp this as an opportunity.

The alternative is the development of a regional structure to provide services.

That is the path being followed by the Minister. The people in local government communities around the State deserve a straight-forward response from the Minister as to why he is following that path. The Opposition asks the Minister to respond to the question, which has been put to him before but which he has repeatedly avoided.

My final question to him is: would the Minister agree that considerable statistical data set out in the Morris report is in error and will he undertake to have the report withdrawn, checked, corrected and then reissued for public comment and examination? Yesterday at a Municipal Association of Victoria seminar held at Moonee Valley Racecourse, Mr Morris agreed that some figures in the report were suspect and he made an appeal to the councils present. He appealed to them to help the Local Government Commission to get it right.

I have in my possession a report that has been available for only a fortnight and already cracks are appearing right throughout the data in it. It is entitled, The Restructure of Local Government in Victoria: Principles and Programmes and I ask the Minister whether he or his commission can head off on a path of reasonable decision making based on this report, which the Chairman of the Local Government Commission, its author, has already said contains suspect data.

I say to the Minister for Local Government, very clearly, that he should provide answers to those eleven questions and he should do so today. To assist the Minister, I hand to him now a copy of the questions.
In conclusion, any Government in Victoria has a responsibility for and to local government. That responsibility is to enhance the ability of local government to deliver the services that the community wishes to have and, therefore, it is not a responsibility that should destroy the structure. It should improve the structure and unite communities throughout the State to get behind the move to improve the structure and role of local government. Unfortunately, it is now clearly a matter of record that the Government has failed miserably in that endeavour if, in fact, it has ever endeavoured to pursue that course.

I say in all sincerity that the previous Minister for Local Government, the Honourable Frank Wilkes, had a sensitivity and sensibility to deal with this issue constructively and properly. The tragedy for local government in Victoria was that in March 1985 the Premier decided not only to decimate the Local Government Department but also to appoint as Minister for Local Government a man who is incompetent, who totally lacks sensibility and sensitivity and who is determined to wreck local government for political purposes based on his political ideals and philosophies, which are to create regions and politicize local government throughout Victoria in the most abusive and abrasive form.

I call on the Minister to step aside and to hand over the reins to another man. This House should condemn the Minister for the role that he is playing, and the Government should replace the current Minister with one who will carry out a job for local government rather than against it, as the present Minister appears to be doing.

Mr SIMMONDS (Minister for Local Government)—Honourable members have heard from the latest incumbent in the Opposition's position of spokesperson on local government while a number of resolutions that have not been dealt with remain on the Notice Paper.

The honourable member for Mornington had to skip over previous allegations about maps and pre-conceived concepts to arrive at the latest version of what must be described as the greatest cop-out of all, seeking to have a referendum, because the Government is about structuring all local government in a manner that will service the community of Victoria and carry it into the 21st century.

The Opposition continues to perform in the same manner as it performed for 20 or 30 years when it was in government. The Government is being asked to continue the lack of action and the do-nothing concept that were features of the approach of the Liberal Government to the question of local government.

I am rather surprised that the Opposition has seen fit to move this motion. Had the more senior, experienced members of the Opposition been given this task, the honourable member for Mornington would have been in a position of learning from some of his more seasoned colleagues. However, he has the task of presenting the case of a party which, after more than twenty years in government, now in opposition, belittles the institution of local government.

The former Liberal Government refused to give powers to local government; in fact it treated local government like a child, refusing to come to grips with the problems associated with the local government structure in Victoria.

After years out of government, the former Opposition has come to power and is able to put in place the policies on which it was elected. An election was held, and the Government won on the basis of its program. The Government is now in the process of responding to the people who elected it through the democratic processes.

The Government acknowledges this responsibility, unlike the Opposition when it was in government. Previous Liberal Governments set up three inquiries. For the record, they were the Mohr inquiry in 1962; the Voumard inquiry in 1972; and the Bains inquiry in 1979.

An Honourable Member—What did they do about them?
Mr SIMMONDS—One might well ask what the former Liberal Government did about those inquiries. Perhaps the honourable member for Benambra would have been able to answer that question if he had been allowed to speak.

As a result of those inquiries into the structure of local government, former Liberal Governments were told that the structure was inadequate for the late twentieth century and that changes were necessary; in fact, they were long overdue. What did the Liberal Governments of the time do? The answer is all too obvious; they did absolutely nothing.

What did the then Ministers for Local Government do? They stuck their toes in the water and then came back and said, “Well, it is too hot”. The honourable member for Benambra interjects and says that former Liberal Governments did something about it. That honourable member is content to watch this Government do the job that he and his former Government failed to do, in the hope that he will pick up the benefit at some time in the future.

The recommendations of the three specialist inquiries, which were set up by former Liberal Governments, were based on political expediency. Restructuring was considered too difficult to handle.

Apparently, the Opposition believes that all honourable members have short memories and that political advantage can be gained by attempting to run down the work of local government and the Local Government Commission in this State.

This Government’s policy on local government restructuring has been clear and consistent. It wishes to create a climate in which there can be a sensible assessment of the structure of local government in Victoria, and I stress the word, “assessment”. The Government’s approach to the question of restructuring is simple. The Government is not considering imposing a restructuring of local government on the community; this Government believes in the democratic processes. It sought the assistance of local government, and the community which local government represents, in pursuing the restructuring process.

At present, local government faces three major problems, the first of which is that the present structure is not suitable for the dynamic and progressive system of government in Victoria.

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Speaker, in light of the customs of the House, I ask the Minister to identify from what he is quoting and indicate whether he will make available a copy of it to the Opposition.

The SPEAKER—Order! So far as I am aware, the Minister for Local Government is not quoting from a document.

Mr Kennett—He is reading from something.

The SPEAKER—Order! I shall be the arbitrator on whether he is quoting. The Minister did not advise the Chair that he was quoting from a document. I presume the Minister is experienced enough to have advised the House if he intended to quote from a document. There is no point of order.

Mr SIMMONDS (Minister for Local Government)—I have no difficulty with the Leader of Opposition. I know that his technique is to disrupt debate in this manner in an attempt to divert the House from the consideration to which this subject is entitled.

At present local government faces three major problems. Firstly, there is a need for a dynamic and progressive local government system in Victoria. Secondly, the present powers of local government under the Local Government Act are inadequate. The Government has already taken some steps to remedy that position.

A need exists for flexibility in the funding of local government. Local government has no argument with that particular concept. All members on the Government benches recognize that they are the three major issues being faced at present.
Mr Crozier—Then why are you forcing the amalgamations?

Mr SIMMONDS—The honourable member for Portland was a member of the former Liberal Government team that assisted in drafting the present legislation, and the present program which is to be carried out had the support of the honourable member and the former Liberal Government. Those original principles are basically embodied in the Bill, yet no concern was expressed at that time!

On 1 July 1982, the honourable member for South Eastern Province, the Honourable A. J. Hunt, in another place, stated:

... as a result of submissions, there is a provision that the board or new commission investigating boundary changes must hold at least one public inquiry whereas previously this was discretionary. That provision will generally be regarded as an improvement protecting the right of all people to have their say.

The Liberal Party insisted upon that process and the present Government has continued it in the restructuring of local government in Victoria. It is rather late in the day for honourable members who were part of that former Liberal Government to support motions that basically attempt to do the same thing.

The Local Government Commission recently launched its report which included a 22-point principle and established a program that will assist the Government in delivering its policy, which it announced at the last election.

The Opposition says it does not oppose sensible restructuring of local government. I imagine that in the privacy of the party room members of the Opposition have discussed this issue and have agreed that it is in the best interests of local government. The discussions I have had with members of the Opposition inside and outside this place have indicated to me that a number of them relish the prospect of a more effective, efficient and viable local government structure. The Government is developing that structure under this program.

Because local government is an integral part of the over-all system of government, it should not be allowed to decline in status. The thrust of the approach taken by the Government is to strengthen the system of government itself because any weak link in the governmental system has an effect on other sectors of government. It is essential that local government be strengthened to play a role in the co-ordination of programs that have been developed through the Government's initiative in numerous areas.

If local government is to be the institution we would like it to be, the next twenty years will be very exciting and developing years for local government in Victoria. The over-all picture that the Government inherited was a local government structure that was attuned to the late nineteenth century. The development of an effective and viable local government structure needed redressing. I am sure all honourable members are aware of the Government's policy towards municipal restructure to encourage local initiative and self-examination. It will then provide a mechanism by which an independent assessment can be made about the need for change.

The Government has taken a number of initiatives. Firstly, legislation was enacted to establish a Local Government Commission to undertake the reassessment of local government structure. The provisions of the Local Government Act are based on principles of local initiatives and local involvement. In 1984, the former Minister for Local Government, Mr Wilkes, requested the Victoria Grants Commission to report on the prospective financial advantages of the restructuring of local government in Victoria. The commission is a body of the highest reputation throughout local government and it was the right choice to undertake this task. The report of the commission clearly indicated that from a financial point of view municipal restructure had become extremely urgent.

In the light of the report it was decided that the Local Government Commission needed to be strengthened. To that time the approach adopted to restructuring tended to be piecemeal but it became obvious that an over-all assessment of the system of local government was necessary. That leads me to the question of the Local Government
Commission. A full-time chairman of the commission was appointed, Mr Stuart Morris. Clearly, Mr Morris has the right credentials for the job and he leads a strong team, which was provided with the necessary assistance.

The first task undertaken by the commission was a Statewide review of local government to identify areas for further investigation. The commission completed that task and it recently released its publication, *The Restructure of Local Government in Victoria: Principles and Programmes*. In this publication the commission points out that the time has come to reform and restructure local government in Victoria. Many councils lack the resources to meet the challenges of the future whilst other councils are being held back by excessive regulation and inadequate powers. There have been consistent representations from councils which are concerned about that situation in Victoria at present.

In chapter 1, the commission asked the Government to consider the following important points: that the restructure of local government has changed little since 1880 and there has been a dramatic change in our society over the same period, such as changes in population, population distribution, communications, technology and urbanization. The commission also said that equally there has been a substantial change in the role of the local councils with a greater emphasis on the provision of human services, environmental planning and recreation. Despite all efforts the structure of local government has failed to adapt to the changed circumstances and new challenges. The commission then went on to note that, despite earlier inquiries, no reform has taken place but that the basic weakness of the structure of local government has not gone away.

The commission then went on to make an analysis of local government in Victoria. It said that many councils are financially weak and heavily reliant on Government grants. The commission believes there is a pressing need to consolidate the resources of local government so that councils can achieve financial autonomy and have the capacity to perform a wider range of functions. The commission said existing municipal boundaries divide communities with identical needs and interests. It also said there was an artificial distinction between town and country and often there are two or more sets of municipal offices in the same town or city.

The separation of communities has fragmented administration and has led to wasteful unco-ordinated spending. The commission also highlighted the weakness of local government that has given rise to a multitude of special purpose statutory authorities.

In preparing its comprehensive report, the commission received some 350 submissions from councils and community bodies. The commission said that there was no statutory requirement for it to undertake the report but it made the point that the principles in practice would provide a rational review of the municipal boundaries.

Honourable members interjecting.

Mr SIMMONDS—I am asked the question, do I agree? For the first time, Victoria has been given a set of principles, a guide and a process which will enable the lack of action in the past 130 years to be redressed. This is the first time the State has been provided with a basis for a consideration of the most appropriate structure to be implemented.

Honourable members interjecting.

Mr SIMMONDS—Because of the motion moved by the honourable member for Mornington, the House is placed in the position of dealing with aspects of the problems of restructure of local government under a cloud. The motion is a pretext for introducing the question of referenda and amalgamation in the hope of avoiding the real issue, which is the most effective and viable way of developing a structure to service the people of Victoria. For that reason, I propose to move an amendment to the motion.

I move:

That all the words after "House" be omitted with the view of inserting in place thereof the words "notes—(a) the Government's recognition of the pressing need to consider amalgamations as a part of the restructure of
municipalities to meet current and future community requirements and its determination to proceed with policies to achieve that objective having regard to: (i) the relevant provisions of the Local Government Act; (ii) the authority vested in the Minister by the Parliament; (iii) the role of the Local Government Commission as determined by the Parliament and its relevant reports and recommendations; and (iv) relevant principles included in the commission’s report “The Restructuring of Local Government in Victoria: Principles and Programme” and; (b) the principles and program for amalgamations of municipalities proposed in the report.”

The amendment directly places before the House the issue being addressed by the Government. It adequately reflects the situation in local government. Without the amendment, the motion does not address the major problems that confront local government in this State.

Some important aspects of the work of the Local Government Commission are not confined to the question of polls, referenda and boundaries, although the question of boundaries is an important aspect.

The commission noted in its report the need for fundamental review of municipal boundaries because restructuring should not proceed in an ad hoc, unco-ordinated fashion. It is for that reason that the commission, for the first time, did a survey of the State to co-ordinate considerations in specific areas.

The report identifies weaknesses in the current municipal system and determines principles and outlines the process that will be adopted in undertaking an independent analysis of the municipal system.

I reiterate that there is no hidden agenda. What has commenced is part of the process.

Honourable members interjecting.

Mr SIMMONDS—The manner in which the National Party understands consultation is that its members go out and have lunch, shake a few hands, talk to a few people and remember their names and then go around and try to obtain $1 from someone. The process of consultation in the restructure of local government is much more difficult than that and it is important that the process of restructuring should be implemented.

Because the Government has been dealing with problems that have been neglected for so many years by its opponents when in office, it has been described as having a fast track time-table when implementing the process to enable consideration to be given to the restructuring of local government. The Government has already received 350 submissions on options as part of the Statewide survey.

The Local Government Commission will travel throughout Victoria to conduct hearings and receive submissions. The Government has interpreted the Local Government Act so that there will be maximum participation between the parties in determining the options.

The Opposition claims that before that consultation is effected the Government should commit itself to a matter on which it does not even know the question. The Government is yet to determine the issues.

The honourable member for Mornington, who is interjecting, has a great concern for maps, of which he believes other people have copies. It should be noted that, contrary to the views of the Opposition, there is no hidden agenda or map of the proposed changes to municipal boundaries. The Government has not predetermined the issue.

The honourable member for Mornington is to be commended for his forthrightness on 3 February this year in stating the views of the Liberal Party on municipal boundaries. On 3 February the honourable member produced a map of the City of Melbourne that cuts Melbourne in half. I do not know whether the municipalities of Fitzroy and Collingwood were consulted on their absence from that map. There is no question that a Liberal Party Government would legislate for a new Corporation of the City of Melbourne. There would be no referendum or consultation because the Liberal Party believes if it has the numbers it can do whatever it likes. However, given the calibre of members opposite, it is unlikely there will be a Liberal Party Government after the next State election.
Twelve months ago I set myself the personal task of visiting each municipality so that the community would become aware of the particular issues involved. Most of the 136 municipalities I have visited regard themselves as being the most effective, viable, efficient and satisfactory councils in Victoria. The Local Government Commission will determine whether those judgments are correct and will accordingly advise me in the fullness of time. However, at this stage the Opposition is pre-empting that process.

There is no hidden agenda and there is no predetermined plan for municipal reform. I recommend that all honourable members opposite study the report of the Local Government Commission entitled *The Restructure of Local Government in Victoria: Principles and Programme*. That document outlines a task which ought to have been commenced last century but which has been delayed due to various conservative Governments in the State. It is a task that will be completed according to the program of this Government.

I understand the amusement of my colleague, the Minister for Housing, but he and I have seen a number of Ministers and potential Ministers in this place and realize that not many potential Ministers for local government are prepared to support the honourable member for Mornington in his latest attempt to impose a mechanism for carrying out Government policy in this State, should they become Ministers. There is no doubt their attitude to this matter is correctly reflected by their public statements in the past and their position in the Chamber today.

Stage 1 of the report of the Local Government Commission makes an important contribution towards the debate by stating that not only should the provisions of the Act be carried out so that there should be at least one public hearing in each locality but it also extends that provision to the extent of stating that the widest possible consultation should take place. The honourable member for Portland may be good enough to arrange a public hearing in Portland.

The commission also indicates in its report how the next stage of the review will be undertaken. It is a continuing process. Chapter six of the report states that, to make the reform more manageable, the commission has divided the State into fourteen segments. The segments do not have any functional significance. They are merely tools of convenience to enable the process to be carried out. The commission has positively set about tackling the stages by segments.

This will allow the commission to operate on a scale that permits general local involvement and also allows for examination of the over-all pattern of municipalities within a particular segment. The process of dividing the State into segments was developed for that reason, but there is no reason why any particular segment with an interest in adjacent municipalities in adjoining segments should not have an interest in each segment where its interests occur. I make that point in consideration of the Geelong segment and the Ballarat/Colac segment which involves municipalities that would have an interest in each segment. No doubt the commission, during its inquiries, will find other circumstances where that arrangement will occur.

Stage 2 will involve continuing consultation with local government and the community. The review process will define the best options for reform. I stress the point that the process is designed to highlight options and to allow for the making of representations. The commission will work with local councils and communities seeking voluntary change and co-operation. The commission notes that, even if voluntary change is not achieved during stage 2 of the review, the work will be useful in assisting the commission to understand the strength and weaknesses of various proposals.

The commission proposes that for each segment there should be what it calls an options paper, which will identify and discuss alternatives. The options paper, will describe existing institutional boundaries, physical features, population distribution, the pattern of human activities within the segment, the pattern of communications and financial features, such as rate capacity and rate mix.
The options paper will set out a number of alternatives for municipal boundaries. The commission, during this period, will conduct meetings with councils and community groups in the segments under review. At the conclusion of this stage the commission has indicated that it proposes to form an opinion as to whether it could advise me that specific proposals should be the subject of an inquiry in accordance with the Local Government Act.

Stage 3 is when the statutory requirements of the Act come into play. The provisions relating to municipal restructuring are contained in Part II of the Local Government Act 1958 and were included in 1982.

The Act provides for the establishment of a Local Government Commission, and I have already commented on the membership of that commission. If there is to be a formal investigation into a specific restructuring proposal, the Act provides for the appointment of one or more divisions of the commission. Each division consists of three members of the commission. Each division is then given a formal reference to consider one of a number of proposals. These include the constitution of new municipalities; the amalgamation of one or more municipalities; the annexation of an area of one municipality to another; and the subdivision of existing municipalities.

The function of each division will be to inquire into a proposal referred to by the Minister. More importantly, the division is required to hold at least one public meeting. I stressed the point earlier that the division intends to carry out that requirement as a minimum as best it can.

Any person likely to be affected by the proposal can make a written submission to the division or may appear before the division and make an oral submission.

This part of the Act has been designed by the Government to ensure the greatest possible degree of public involvement.

In conducting an inquiry, a division may examine a number of relevant factors, including community or diversity of interests; means of communication; topographical factors; historic patterns and factors; sociological patterns and factors; demographic, economic and employment patterns and factors; financial matters; facilities and services; and any other relevant matters the division regards as important.

Having completed that inquiry, the division then reports to the Minister for Local Government that the proposal referred to it should proceed, should be altered or should not proceed. In making its report the division may include any matters which, in its opinion, are necessary to give effect to the report.

This leads to the final stage in the decision-making process. Because the Government believes in open government, the legislation has been drafted to ensure that the reports of divisions are not put in a cupboard and forgotten—as the previous Government did with a number of reports on restructuring. The report will then be made available to the municipality concerned. The municipality will give public notice of the availability of the report, and any person may inspect it at the office of the council for a period of not less than fourteen days from the day notice was given.

The Act also sets out the actions the Minister may take on the report. The Minister might take no further action, might require the councils concerned to give further public notice that a poll of voters may be held to ascertain the extent of public opposition to the proposal in the report—a matter that may be of interest to the honourable member for Mornington; might alter or amend the report, and then give the notice referred to earlier; or might refer the report back to the division.

Mr Delzoppo—Why don't you have regard to the poll?

Mr SIMMONDS—I shall. If the Minister refers the report back to the division he must specify the parts of the report the division is to re-examine. In carrying out its re-
examination, the division may make any amendments it sees fit, and it is not required to hold further public hearings or discussions on the report.

When the re-examination is completed, the division then reports back to the Minister, and the second part is dealt with as if it were a new report received by the Minister.

Once all these processes are complete, the Act provides for a poll to be conducted, if not less than one-tenth of the voters in the affected area request that a poll be held. If the Minister receives such a request, the appropriate municipal clerks are requested to undertake the necessary procedures for the holding of the poll. Such a poll would be held in the same basic manner as an election.

The Local Government Act provides that the Minister “shall have regard to the result of the poll”.

Mr Delzoppo—Like it did in Traralgon!

Mr SIMMONDS—Exactly! If the final decision is made to proceed with an amalgamation, an Order in Council is made to provide for necessary changes. Such an order would contain a number of matters, including where the new council is to be constituted, the number of councillors on the council and when the first election will be held.

The first major change under the new Act was the amalgamation of the Borough of Koroit and the Shire of Warrnambool, which took place on 1 October 1985. The new municipality arose from the initiatives of the shire and the borough, and I acknowledge the leading role of the President of the Shire of Koroit in the amalgamation. The shire and the borough exhibited far-sightedness and good old-fashioned common sense by agreeing to the amalgamation. I was privileged to be among the participants at the opening of the new municipality.

That amalgamation was the first unification to take place for many years and was especially important because it was an example of joining an urban community with a rural community. Much has been learned from that unification, which will be of considerable advantage when other changes come about. I specifically refer to good relations between councils and their communities, the positive involvement of the Local Government Commission and interaction between councils and the Government.

My understanding of the relevant rates of the newly amalgamated municipality is that a 30 per cent reduction in rates has occurred for the previous residents of the Shire of Koroit. The newly amalgamated municipality had the lowest level of rate increase of all municipalities over the past ten years. That may not be the norm, but that occurred this year.

Mr J. F. McGrath—Who is paying the bills?

The ACTING SPEAKER (Mr Stirling)—Order! The honourable member for Warrnambool will have his chance to speak.

Mr SIMMONDS—The honourable member for Warrnambool may have had his chance. A poll is an important factor to be taken into consideration in the amalgamation of councils, but it is not possible or sensible to ignore the previous work undertaken by the Local Government Commission. All the elements involved must be considered. The concerns of the councils and communities are involved in the matter, and those groups should be allowed to have a say in how the issue is settled.

The third point of the motion is that the Local Government Commission should be instructed to investigate alternative means to amalgamation to improve the effectiveness of local government. Once again the honourable member for Mornington has failed to understand what the Local Government Commission is about. It is the job of the commission to investigate the structure of local government; the commission does not undertake reviews of other aspects of the functions of local government, although it has
made some important contributions towards the benefits that can be accrued from the proper structure of local government. The commission has devoted the ninth chapter of its report to an analysis of some of those issues.

The introduction of the proposed legislation would have been impossible under a Liberal Government because the Liberal Party has been unwilling to provide proper powers to local government. I do not wish to debate the proposed legislation that is listed on the Notice Paper, but a fundamental benefit of the restructure of local government is the granting of additional powers to local government so that it can play a role that many councils in Victoria are seeking to play but are being restricted from playing because of the present legislation and the failure of previous Governments to respond to the situation.

I shall now refer to the press reaction in respect of some of the areas where confusion has occurred.

An article in the Sun of Wednesday, 5 March stated:

The Morris report is a reform document of intellectual integrity which should lift the standard of the often irrational restructuring debate.

That is a significant endorsement. On the same day an article in the Herald stated:

There's no doubt that the system of local government has to be reviewed, and the Morris report seems to contain much common sense.

The South Gippsland Sentinel Times, which is not a newspaper I traditionally read, stated:

Chairman of the Local Government Commission, Stuart Morris, has been accused of manipulating figures to show a one-sided picture.

He's also been accused of lobbying for restructure when many feel he should be maintaining an impartial stance.

And opponents of restructure are not showing much regard for the truth.

I could not agree more after listening to some of the comments that have been made in this Chamber today and after witnessing some of the activities of those people on the fringe of the Opposition, who are more adept at throwing bags of flour than they are at throwing logic around the world. An editorial in the Age on 28 December 1985 sums up the issue with the heading:

Council reform is essential

I have no doubt that the case of the Government for municipal reform is sound and, equally, that the Opposition has failed to make a case against restructuring. Deep down I suspect that most of the honourable members opposite applaud the Government for its approach, but are not prepared to make their thoughts public just in case. I join my colleagues on this side of the House who say that it is clear why the Opposition is the opposition. One has only to look at its performance in this arena.

Twelve months ago I regarded local government as a form of administration and political activity that was important, but it did not attract my first attention. During the past twelve months I have spent some time visiting practitioners in local government, speaking to consumers and watching how local government works. There is a fair amount to be learned by looking, listening and speaking to people throughout Victoria who know and understand the important things. The local people understand the nature of the soil in their areas, the rate mechanisms and that the way to get results is to communicate, to inspire confidence and to build on the knowledge of the past to develop the future.

Local government was hamstrung by the lack of concern in the past of politicians who were, in the main, concerned only about whether their actions would cost seats in the Parliament. That is what those Liberal politicians thought about the people of Victoria, local government and value for money in Government expenditure. The poor pathetic reflection of that philosophy will keep the Liberal Party on the opposition side of the Chamber for the next twenty years. The Opposition has no affinity with the community.
In summary, when the honourable member for Mornington quotes Gough Whitlam on the question of local government, he should look at the development of support for local government and the Federal-State basis that was developed in the Whitlam years. The Federal involvement in local government had its genesis in 1972. The problem with the Liberal Party is that it has not learnt anything since 1852. It is only in pursuit of power.

The honourable member for Polwarth had a great interest in local government in his local scene and was able to tell his constituents in an article in the *Camperdown Chronicle* that the Government had been elected on a program of amalgamation of councils and that local government ought to come to terms with that situation.

*In accordance with Sessional Orders, the debate was interrupted.*

**THE ACTING SPEAKER** (Mr Stirling)—Order! I shall resume the chair at 2 p.m. when Government Business will take precedence.

*The sitting was suspended at 1 p.m. until 2.5 p.m.*

**WERRIBEE LAND BILL**

**Mr CATHIE** (Minister for Education)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to excise an area of 1.376 hectares of land from the State Research Farm reserve at Werribee. The reserve contains an area of some 465 hectares of Crown land that is permanently reserved in the interest of agricultural research and is managed by the Department of Agriculture and Rural Affairs.

The excision is necessary to enable a 24-hour police station to be established on the site. The proposed new station is urgently needed to replace the existing two-storey station at Duncans Road, Werribee, which is now too small to cope with the increased workload in police matters in the Werribee-Hoppers Crossing locality. Problems at the existing site include overcrowding, insufficient storage space and lack of facilities for policewomen.

The new site on the Princes Highway opposite the intersection of that highway and Derrimut Road lies between the town development at Werribee and the rapidly expanding Hoppers Crossing residential development. This location is ideal in the interest of providing efficient police service for the community.

Although the general western section of the site is traversed by a mains sewer, there is sufficient space at the site for the proposed station without building over the sewer. The Melbourne and Metropolitan Board of Works has agreed in principle to lightweight structures such as a carport or shed being erected over the sewer.

The Department of Agriculture and Rural Affairs is agreeable to the proposed excision from the reserve.

The existing Duncans Road station adjoins the Werribee court house and it is proposed that it be used as a holding centre after the construction of the new police station.

I am sure honourable members will agree that the proposed new police station will provide the foundation for better police service to the Werribee-Hoppers Crossing community and, in support of that contention, I am pleased to commend the Bill to the House.

On the motion of Mr PLOWMAN (Evelyn), the debate was adjourned.

**Mr CATHIE** (Minister for Education)—I move:

That the debate be adjourned until Thursday, March 27.

**Mr PLOWMAN** (Evelyn)—On the question of time: in the spirit of co-operation, I suggest that the debate be adjourned for one week.
By leave, the motion was withdrawn, and it was ordered that the debate be adjourned until Thursday, March 20.

**STATE BANK (AMENDMENT) BILL**

**Mr JOLLY (Treasurer)—I move:**

That this Bill be now read a second time.

Honourable members will be aware of the Government’s commitment to ensuring that the State Bank is able to meet the competitive challenges it faces in the 1980s.

Specific reference was made to the role envisaged for the bank in the Government’s economic strategy and its agreement was at that time obtained to a number of measures designed to strengthen the bank while, at the same time, complementing the strategy. These measures included consolidation and expansion of the bank’s corporate lending activities, continued development of its strength in the retail sector and enlargement of its presence in overseas capital markets.

Many of the changes have now taken place, for example, the bank has recently opened a branch office in New York for the purpose of offering wholesale banking facilities to a range of institutional clients. On the local scene, the bank is further seeking to enhance the range of products it offers its customers with the introduction of “Insurance Bonds”—a form of fixed term, high interest investment.

The bank has also developed strongly in the area of corporate finance and with the innovative changes it is making to its retail services, such as the State banking system, which was the first integrated savings and cheque account, it is now far better situated to meet the demands placed upon it by an increasingly competitive banking environment.

The Bill provides for a technical amendment to the guarantee that operates in support of the bank’s offshore borrowings. In its existing form the guarantee would extend only to the initial purchasers of the securities, thereby severely restricting secondary trading, a restriction which would, of course, be reflected in a higher initial borrowing cost. The change proposed extends the guarantee to subsequent holders of the bank’s paper and thereby facilitates the development of a secondary market in the bank’s securities. This will enable it to take full advantage of the excellent reputation it enjoys as a borrower and thus obtain funds at the finest possible rates.

While on the subject of amending the Act, I point out that work is well advanced on the drafting of a complete revision of the State Bank Act. This will remove the need for the frequent minor amendments to the existing Act that have been necessary in recent years.

I commend the Bill to the House.

On the motion of Mr AUSTIN (Ripon), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, March 27.

**MINERS’ PHTHISIS (TREASURY ALLOWANCES) BILL**

**Mr JOLLY (Treasurer)—I move:**

That this Bill be now read a second time.

The Bill introduces an amendment to the Miners’ Phthisis (Treasury Allowances) Act designed to increase the level of allowance paid to former gold miners who contracted miners’ phthisis, an incapacitating lung disease, while working in the mines.

The present allowance is $364 per annum. There is no allowance for widows, wives or other dependants.
There have been a number of representations on behalf of the miners' phthisis sufferers for an increase in the level of allowance. The last increase was in 1954 when the allowance was raised to $7 a week.

An increase from $7 to $12 a week would be consistent with a legislative amendment in June last year increasing the supplementary pension payable to a retired coal mine worker and his wife from $8 to $12 a week. The Miners' Phthisis (Treasury Allowances) Act does not distinguish between married and single beneficiaries and no such distinction is proposed.

Since 1938 the number of afflicted miners has dropped steadily from 890 to the present 52.

The cost to the State in implementing this measure and providing some equity to this small group of senior citizens is an additional $13,000 per annum, which will raise the total cost of the allowance to $31,000 per annum. This amount will reduce steadily as the number of surviving sufferers of miners' phthisis declines. I commend the Bill to the House.

On the motion of Mr AUSTIN (Ripon), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, March 20.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Mr ROPER (Minister for Transport)—I move:

That this Bill be now read a second time.


The combined instrument—referred to as MARPOL 73/78—is generally regarded as the most important international treaty ever adopted in the struggle against pollution of the sea.

MARPOL 73/78 supersedes a convention adopted in 1954 and updated several times since then by the International Maritime Organization. The 1954 convention was concerned only with the prevention of oil pollution arising from routine shipping operations, such as the cleaning of cargo tanks. MARPOL 73/78 not only strengthens regulations dealing with operational pollution, but also introduces for the first time measures to mitigate the effects of oil pollution resulting from tanker accidents, as well as tackling pollution by other substances.

Perhaps one of the worst cases of oil pollution resulting from a tanker accident was the grounding of the Torrey Canyon off the southern coast of England in 1967, when her whole cargo of 60,000 tonnes of oil was spilled into the sea. Untold damage to the environment resulted which generated world-wide awareness of the problems associated with pollution of the sea by oil.

Closer to home, the Oceanic Grandeur in 1970 grounded on an uncharted rock in the Torres Strait, spilling an estimated 250,000 gallons of oil. This was the first major oil spillage in Australian waters. The threat of further spillages is always present, particularly when it is realized that in excess of 12 million tonnes of crude oil from Bass Strait alone is shipped out of Western Port each year. This oil is carried in tankers of up to 150,000 tons deadweight, which closely traverse the Australian coastline.

The effects of a serious oil spill can be very wide-ranging. Marine life is, of course, affected by both the physical nature of the oil, leading to contamination and smothering, and by its chemical composition resulting in toxic effects and tainting. As a matter of
marine ecology, this in turn affects the health of populations of associated plants and marine life. Oil spills can also contaminate fishing equipment and aquaculture products and can cause serious interference with normal working of power stations and desalination plants that require a continuous supply of clear sea water. The safe operation of coastal industries and ports can also be affected. The visual appeal and use of coastal amenity areas may suffer, particularly where persistent oils are concerned, whilst fresh crude and light refined products may constitute a fire and explosion hazard.

At present, control of oil pollution in Victorian ports and coastal waters is provided for in the Navigable Waters (Oil Pollution) Act 1960, the Port of Melbourne Authority Act 1958, the Port of Geelong Authority Act 1958 and the Marine Act 1958.

The Navigable Waters (Oil Pollution) Act 1960 provides for a total prohibition on the discharge of oil into seas under the jurisdiction of the State of Victoria, other than a discharge for the safety of life or of the vessel concerned, or a discharge due to an unforeseen and unavoidable accident. The other Acts referred to contain prohibitions against the discharge of noxious substances in the waters covered by those Acts.

At the ninth meeting of the Marine and Ports Council of Australia held in May 1981, it was decided that Australia should ratify MARPOL. Following that decision, model legislation was prepared by the Standing Committee of Attorneys-General to enable complementary legislation to be enacted by the Commonwealth, the States and the Northern Territory to implement the convention, the Protocol and Annexes I and II to the convention.

Commonwealth legislation has been enacted but has not yet been brought into force. The Bill implements MARPOL so far as Victoria is concerned, and it is understood that the other States and the Northern Territory are also in the process of enacting complementary legislation.

Annexes III, IV and V to MARPOL are optional, meaning that countries ratifying the convention are not obliged to implement them. Some countries have in fact made this reservation already and, as a result, these three annexes have not yet met the requirements for entry into force.

The Australian Transport Advisory Council has recommended that Australia also accept Annexes III, IV and V in due course. This recommendation follows detailed examination in the former Marine and Ports Council of Australia of the obligations which the Commonwealth, States and the Territories will be required to fulfil. However, it is not possible to predict at this stage what the likely timing of acceptance will be.

When the provisions of Annexes I and II come into force, they will replace the existing provisions of the Navigable Waters (Oil Pollution) Act 1960 relating to discharges of oil from ships, which will be repealed. That Act will continue in force to the extent that it relates to discharges of oil into the sea from places on land and to discharges occurring during land/ship transfers. MARPOL does not apply to these types of discharges of oil.

Annex I is concerned with operational oil pollution. The main requirements of this annex are as follows:

all new oil tankers of 20,000 deadweight tons and above built since 1979 must have sufficient segregated ballast tanks to operate safely on ballast voyages without using cargo tanks for ballasting;
	new tankers must be fitted with a crude oil washing system;

the total amount of oil which can be discharged from a tanker during the ballast voyage as compared with the 1954 convention is halved, and discharge from tankers is completely banned within 50 miles of land and in special areas where the ecology can be endangered;

contracting parties to the convention must provide facilities for the reception of oily wastes;
oil tankers must be fitted with special anti-pollution equipment;

strict inspection, documentation and control procedures must be adopted.

Annex II contains detailed requirements for discharge criteria and measures for the control of pollution by liquid noxious substances carried in bulk. Some 250 substances are divided into four categories which are graded “A” to “D” according to the hazard they present to marine resources, human health or amenities. There are requirements for the discharge of residues only into reception facilities unless various conditions are complied with.

In a country such as Australia, with its vast shoreline, the protection of the sea from pollution by oil and other noxious substances is a most important issue. MARPOL represents a very significant step forward in the struggle against pollution of the sea. Following the decision that Australia should ratify MARPOL by the enactment of complementary Commonwealth, State and Territory legislation, it is vital that Victoria plays its part to enable this to occur. I commend the Bill to the House.

On the motion of Mr AUSTIN (Ripon), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, March 27.

DECENTRALIZED INDUSTRY (HOUSING) REPEAL BILL

Mr WILKES (Minister for Housing)—I move:

That this Bill be now read a second time.

The purpose of this Bill is to abolish the Decentralized Industry Housing Authority by repealing the Act which established the authority.

Since the authority began its operations in 1973 it has been responsible for the provision of a total of 1074 housing loans to persons employed in industries established outside the metropolitan area. Only 483 of these loans were provided directly by the authority whilst the remaining 591 came from the State Bank on the authority’s recommendation.

The authority’s function of providing housing assistance in its present form is unnecessary, inappropriate and costly to Government. Furthermore, the authority’s continued existence is not in line with the Government’s administrative arrangements policy of reducing the numbers of Government authorities and qangos which operate in this State.

There are private lending institutions which can provide suitable housing finance to people who are relocated in country areas and there are other Government authorities that have legislative power to provide housing assistance if required. These include the State Bank, the Victorian Economic Development Corporation and the Government Employee Housing Authority.

Rationalization of the Government administration in this State will be well served by implementation of this proposal to abolish an unnecessary statutory authority.

The small scale of the authority’s operations will mean that its residual functions, that is, the administration of outstanding loans, can easily be absorbed by the Ministry of Housing at a minimal cost. Under the Bill the Director of Housing will become responsible for all rights, property, assets, duties, liabilities and obligations that are presently vested in the authority.

The Bill will do away with an expensive and unnecessary statutory authority. I anticipate that it will receive support from both sides of this House. I commend the Bill to the House.

On the motion of Mr RAMSAY (Balwyn), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, March 27.
ORDER OF BUSINESS

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

That the consideration of Order of the Day, Government Business, No. 6, be postponed until next day.

There have been some difficulties in the final drafting of the proposed legislation so the Bill will not be ready until early next week.

The motion was agreed to.

COURTS AMENDMENT BILL

The debate (adjourned from November 28, 1985) 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 makes significant changes to the court system in this State. The Opposition does not oppose the Bill but it does have a number of serious reservations about some aspects of it and it does sound some warnings about some of the proposals contained in the Bill.

The Bill affects all three courts which make up the judicial system in Victoria—the Magistrates Court, the County Court and the Supreme Court. The Bill adopts and develops some of the work of the Civil Justice Committee chaired by Sir John Young.

The most important proposal contained in the Bill is the extension of the jurisdiction of the County Court. It also proposes to reduce the retiring ages of new County Court and Supreme Court judges from 72 to 70 years of age. The Bill will also propose and permit the appointment of reserve or temporary judges for limited periods. It contains provisions enabling both the County Court and the Magistrates Court to make their own rules of operation. Previously the approval of the Attorney-General was required for the formulation of County Court rules.

Allied with these extra powers, which reinforce the independence of the Magistrates Court and the County Court, is the proposal to establish a Council of Magistrates and a Council of County Court Judges similar to the Council of Supreme Court Judges presently in operation. The Bill also removes the word "stipendiary" from the title of stipendiary magistrate and henceforth they will be known simply as magistrates.

The Bill makes a number of miscellaneous amendments to a number of other Acts of Parliament. The Government has foreshadowed a number of further amendments, of which the Opposition received notice only yesterday. These amendments propose to increase the jurisdiction of the Magistrates Court to $20 000 in all cases except for personal injury claims, where the limit is $5000.

It is proposed also to grant additional equitable jurisdiction to the Magistrates Court in much the same manner as the Bill proposes with the County Court. The Opposition agrees with the general thrust of the Government's foreshadowed amendments to the Magistrates Court jurisdiction but because of the shortness of time the Opposition has not had sufficient time to study the details of the large number of further amendments. So it reserves the right, after studying the drafting of the amendments, to seek, in another place, either to oppose or further amend the proposed legislation if it foresees difficulties or errors in the drafting.

By the end of 1986, one-third of magistrates will be qualified lawyers entitled to practise. By 1990, the overwhelming majority of magistrates will be qualified lawyers admitted to practice, with eight or nine years of practice prior to their appointment to the Bench. The Magistracy is becoming more professional and highly qualified and the Government intends to mirror the jurisdiction of the court to a large extent with that of the County Court. Generally speaking, there is no problem with delays in the Magistrates Court and the court buildings and facilities are generally adequate for the increased workload that will result from the increased jurisdiction.
Clause 11 proposes the increased jurisdiction in the County Court. Honourable members would be aware that the Supreme Court jurisdiction is unlimited but the County Court jurisdiction is limited by statute. The County Court has jurisdiction to a monetary limit of $100,000 in personal injuries claims and $50,000 in other matters. This will be increased to $100,000 in line with the monetary limit for personal injuries when the judges of the County Court are satisfied that the changes can operate smoothly.

The Bill adds to the jurisdiction of the court a number of new areas where the court can adjudicate, for example, in disputes regarding land and equity, although the Supreme Court still retains jurisdiction of title to land; in disputes of administration and probate matters, family maintenance and witness beneficiaries. It adds to the County Court jurisdiction injunctions concerning property up to the monetary limits of the jurisdiction of that court and a certificate giving the most recent valuation under the Local Government Act will be acceptable proof and evidence of valuation before the court.

To a large extent, the jurisdiction of the superior courts—the Supreme Court and the County Court—will mirror each other. The changes will mean more work for the County Court and, what is worse, longer delays. I am informed that the number of cases awaiting pre-trial conference or trial has tripled in the County Court in the twelve months from the end of 1984 to the end of 1985. This is something about which Parliament and the community may not be aware.

The delay between the filing of the certificate of readiness and the actual trial has also increased during that twelve-month period from six months to twelve months. The improvement in the delay in lists in the Supreme Court has not been as effective as was first hoped.

Opposition members have consulted and conferred with a number of responsible bodies affected by this measure. The Law Institute of Victoria has informed us that it opposes the passage of the Bill at this stage because of the proposal to increase the jurisdiction in the County Court and the effect that that will have on delays in the lists.

The Law Institute of Victoria also fears the diminution in the role played by the Supreme Court with its more limited jurisdiction in the more important matters. It fears that the Supreme Court may be further removed from the community and the people it is supposed to serve. The institute also claims that it may deter suitable people from making themselves available for appointment to the Supreme Court Bench.

The institute fears that the County Court will not be provided with transcript or recording facilities for proceedings. As honourable members would be aware, a major trial court must be provided with these facilities.

My colleague, the Honourable B. A. Chamberlain, who represents Western Province, received a letter dated 21 January 1986 from the President of the Law Institute of Victoria, Mr F. W. Paton, which states, *inter alia*:

> The council believes that the increase in the County Court's jurisdiction which took place in 1983, and the further increase in that court's jurisdiction which is now proposed, are likely to result in the Supreme Court being effectively left with jurisdiction only in substantial (mainly commercial) civil matters, major crime and appellant work.

> Mr Paton goes on to state:

> The council is concerned that the Supreme Court may become remote from the community and that the effective contraction of its jurisdiction may greatly restrict the range of persons suitable for appointment to the Supreme Court bench.

> The Law Institute considers that the matters raised above are of very great importance in the long term.

There are also three further important matters relating to the County Court which I would like to take this opportunity of mentioning to you.

Delays in the County Court
Not unexpectedly, delays in the County Court have increased substantially in recent months. The council suggests that, before this legislation is passed, the Government should announce its plans to deal with the further influx of work which must inevitably result from the proposed increase in jurisdiction.

Transcripts and Reporting of Proceedings in the County Court

The council is seriously concerned at the fact that substantial areas of work have been transferred to the County Court which does not have facilities for transcripts or the recording of proceedings in civil matters. The council believes that it is unacceptable that the County Court, as the State's major trial court, should lack these facilities when it is exercising its civil jurisdiction.

Therefore, the Law Institute of Victoria is concerned at the proposal to extend jurisdiction. The proposed increased jurisdiction will also mean the need for special lists in the County Court similar to the building lists currently in use. Judges with experience in these areas should be in charge of the lists.

The proposal to reduce the retiring age of judges from 72 to 70 years of age will mean that the superior courts in this State will fall into line with the superior courts of the other States of Australia.

Clause 5 permits the appointment of reserve judges or temporary judges. These reserve judges can be appointed for up to six months and used to deal with cases when the lists are thrown out of kilter because judges are ill or on leave or are tied up for long periods in complex cases. I do, however, seek firm assurances and undertakings from the Government on behalf of the Opposition that this proposal for the appointment of reserve judges will not lead to this Government, in effect, choosing horses for courses in political terms, that is, arranging for particular judges to be appointed as reserve judges to hear particularly sensitive cases which may have political overtones. The independence of the judiciary is fundamental to a fair legal system and any interference of a political nature is totally unacceptable.

The Bill makes other miscellaneous but important amendments to existing legislation and to other Acts. For example, clause 13 confers on the County Court the same powers in respect of punishment for contempt as are presently held by the Supreme Court.

Clause 14 provides that the court can order costs against a legal practitioner who delays a case or who mismanages it. At present the court has power only to award costs against either party. Clause 14 provides that a legal practitioner guilty of such misconduct can be penalized by having costs ordered against him.

Clause 15 establishes a Council of the County Court Judges and clause 26 establishes a Council of Magistrates.

The Bill also provides for changes to be made to the Instruments Act in respect of procedural matters associated with litigation involving bills of exchange or promissory notes. It provides for changes in administrative procedures, relieving the Attorney-General and the Executive Council from time-wasting and burdensome additional table work.

The Bill also increases the limit of $25 000 to $50 000 in the value of trust estates for which the Attorney-General may grant an order on an application under the doctrine of cypres. It enables the Attorney-General to make an order to ensure that a trust can be carried out as near as possible to its original intention.

The Opposition does not oppose the Bill, but it is worried about the prospect of political interference in the appointment of reserve judges. The Opposition seeks an assurance from the Government that this will not occur. It reserves the right to have a detailed examination of the further foreshadowed amendments relating to the extended Magistrates Court jurisdiction while the Bill is between here and another place. The Opposition is severely critical of the increase in delays in County Court hearings and is worried about the prospect of further delays with the introduction of the proposed legislation. We are concerned that adequate facilities will not be provided for the County Court to deal with the increased workload. I close by saying that we should remember that justice delayed is justice denied.
Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the extended jurisdiction, which has been thoroughly explained by the Minister for the Arts in introducing the Bill and by the honourable member for Bendigo East. I shall comment on three or four matters, but I shall not go into detail on the Bill. The Bill extends the jurisdiction of the County Court in the hope that it will reduce the waiting time of cases in both the County Court and Supreme Court. It gives County Court judges similar rights with respect to contempt as are used in the Supreme Court.

I am intrigued by the change in the retirement age for Supreme Court judges. There is no practical point in reducing the age from 72 to 70 years. In the old days judges worked into their 80s. At that time criticism was justified, as judges were appointed for life. Although they might have appeared not to be doing their jobs, they could not be dismissed. However, I am not aware of any problem that has arisen with judges in the 70 to 72 years age group. A generous pension scheme, which received full National Party support, is now available to judges.

A person may become a Supreme Court judge at, say, 54 years, retire from full-time service as a judge at 64 years and receive a full pension. In my view the pension scheme will cost the Government considerable sums of money in the not-too-distant future. I do not know whether the Minister for the Arts has calculated what the amount will be: it will obviously be considerable. I presume this self-proclaimedly money-conscious Government gave some consideration to the additional cost involved. I am in favour of judges who have recently retired being appointed as acting judges on a short-term basis. However, I envisage many vacancies occurring in the Supreme Court in the near future after the measure is passed, with many judges opting to retire.

I pass on to the Minister for the Arts the message that I and other lawyers in Parliament are interested to know who will be appointed after those retirements. I sincerely hope appointments will be made on merit. With the generous provision the Government is making, I am sure the number of appointments of Supreme Court judges will be much higher in 1986–87 than it has been in any previous two years in the history of the Supreme Court.

Another relevant matter involves the traditional close association that has existed between the Law Institute of Victoria and the State Government. I took it for granted when Mr Cain became Premier four years ago that that close relationship would remain, particularly because the Premier was a former president of the institute.

Over the past four weeks serious disquiet has occurred amongst members of the institute, and the president had to write to the Treasurer three times in a week to obtain information, but he still did not receive a satisfactory response. That situation has caused consternation, worry and concern amongst members of the legal profession and their clients—the people of Victoria, who do not deserve that treatment.

I ask the Minister for the Arts to ensure that a sensible, close working relationship is maintained between the Government and the Law Institute of Victoria. The institute has had a good record, over the years and conducts its affairs extremely well. The Government should not treat its representatives with the contempt it has demonstrated in the past few weeks.

The National Party supports the Bill, but points out to the Government that the cost of changes involving Supreme Court judges will be considerable. While the Bill is between here and another place, I ask the Minister to obtain an educated guess as to how much it will cost.

Mr HILL (Warrandyte)—I shall reply to some of the points made by the honourable member for Bendigo East and the Leader of the National Party. The purpose and content of the Bill have been well described by previous speakers. The honourable member for Bendigo East raised some concern about delays in the County Court as a result of its increased jurisdiction flowing from the Bill.
Honourable members should take into consideration—and this will become clearer when the Minister proposes amendments in the Committee stage—that there will also be an expansion of the jurisdiction of the Magistrates Court. Much of the work being undertaken by the County Court will be done by the Magistrates Court.

Not only will it be possible for the parties to issue more widely in the Magistrates Court as a result of the proposed amendments, but they will also be able to transfer to the Magistrates Court causes of action which have already been issued in the County Court but which will now come within the jurisdiction of the Magistrates Court. Much of the work being done by the County Court at present will be done by the Magistrates Court, and that will relieve delays and congestion in the County Court.

The proposed amendments will substantially increase the jurisdiction of the Magistrates Court, the proposed limit being $20,000 for all actions; that is a significant increase and will be welcomed by the community. The Magistrates Court is in a position to serve the community well in that it is more accessible to individuals. It is particularly appropriate that expansion will take place at this point because of the improved personnel in the Magistrates Court. As a result, appointments of new magistrates not only from the traditionally qualified Clerks of Court but also from a broader range of experienced barristers and solicitors have been made. The new appointments have been welcomed and have emphasized the capacity for the Magistrates Court to expand.

The amendments to be proposed will significantly increase the jurisdiction of the Magistrates Court in that it will allow equitable remedies to be sought in that court within the jurisdiction of up to $20,000 in value. That move will be welcomed by the community because it will allow people who wish to seek an injunction—

Mr MACLELLAN (Berwick)—On a point of order, Mr Acting Speaker, I understand that the honourable member for Warrandyte is addressing the House on the subject of some amendments proposed to be moved during the Committee stage. I ask you, Sir, whether all honourable members are to indulge in Committee-type speeches during the second-reading debate on proposed amendments that have not been circulated but about which the honourable member for Warrandyte has apparently been consulted, or whether we are to stick to the principles of the Bill during the second-reading debate, as is the tradition of Parliament.

Mr HILL (Warrandyte)—On the point of order, Mr Acting Speaker, I am replying to what was put by the honourable member for Bendigo East as a criticism of the Bill. He indicated that the Bill will result in delays in the County Court. I support that statement, and I understand the matter is being investigated by the Attorney-General.

The amendments to be proposed will significantly increase the jurisdiction of the Magistrates Court, thus relieving the County Court of much of the delay that might otherwise be caused.

The Bill increases the capacity of the County Court to deal with matters for which it now has no jurisdiction. The honourable member for Bendigo East made a valid point about the need for recording facilities in the County Court. I support that statement, and I understand the matter is being investigated by the Attorney-General.
To make the criticism that the Supreme Court is being devalued as a result of the Bill because cases which that court now hears will be heard by the County Court is to ignore the fundamental and essential point that the Supreme Court will be able to deal more exclusively with matters of complexity.

It is not appropriate to simply say that a court should have a particular jurisdiction only because the sum of money in question is of a certain magnitude. There are other considerations such as the complexity of the law. That is what is being aimed at and the proposed legislation will mean that the Supreme Court will be more able to concentrate on complicated and appeal matters. The reasons for many of the current jurisdictional limits are often historical rather than rational reasons.

The other point I wish to address is a remark made by the Leader of the National Party about reserve judges. He criticized the appointment of reserve judges.

Mr Ross-Edwards—I did not criticize the appointment of reserve judges; I said it was a good idea.

Mr HILL—The Leader of the National Party agrees that it is a good idea to appoint reserve judges but was concerned that the appointment of reserve judges can be influenced by political factors. That is a rather extraordinary thing to say seeing that the reserve judges will be judges who have been appointed and who have acted as County Court judges for many years. It is not as though the Attorney-General will appoint a reserve judge from any pool he likes; he will appoint judges only from a pool of judges who have been appointed and have worked as judges for at least ten years.

Mr Ross-Edwards interjected.

Mr HILL—The Leader of the National Party interjects to say that he was speaking about the new judges to be appointed. I have not heard it said that political factors were involved in the many new judges appointed by this Government over the past four years. I am surprised that the Leader of the National Party now anticipates that criticism will be made.

The Leader of the National Party also criticized the cost involved. There will be no change to the superannuation opportunities. At present judges can retire after a period of ten years. That has not changed. The superannuation benefits are the same. It creates a capacity for the Attorney-General to draw on a pool of reserve judges; that is, judges who have retired. This has the potential of saving money in that the Attorney-General will not have to meet the oncosts involved in appointing new judges when there might be a need to increase the number of judges. The Attorney-General will be able to draw on a pool of reserve judges without having to employ full-time judges with all the oncosts that go with it. The arguments of the Leader of the National Party about some sort of blow-out in the Budget are not well founded.

Mr MACLELLAN (Berwick)—Mr Acting Speaker, I thank you for your ruling on the point of order and for the opportunity that honourable members will have to expand the debate and encompass the proposed amendments that honourable members have not yet seen. That will provide an opportunity for honourable members to discuss during the second-reading stage amendments to be proposed in Committee.

The ACTING SPEAKER (Dr Vaughan)—Order! I ask the honourable member for Berwick to address the Bill before the House.

Mr MACLELLAN—I shall be only too delighted to address my remarks to the Bill and the amendments to the Bill that are not before the House. The honourable member for Warrandyte refuses to recognize that the Government has adjusted the jurisdiction of the Supreme Court and the County Court and that the delays in hearing cases have been transferred from the Supreme Court where the waiting times have been reduced, to the County Court, where waiting times have been increased. That is the simple fact that the honourable member will not acknowledge.
The honourable member will not acknowledge, for instance, that if there are so many magistrates, so many County Court judges and so many Supreme Court judges and those numbers are not expanded, and the length of time of trials is not shortened, the work will be distributed amongst those three groups in various patterns according to the various pieces of legislation, but the delays will be felt somewhere.

The honourable member for Warrandyte made a gratuitous insult to magistrates when he said that the personnel had been improved. The honourable member said "improved personnel", referring to the recent requirement that magistrates may be appointed from those qualified to be barristers and solicitors. I do not think the personnel of magistrates has improved; perhaps the qualifications of the people being appointed are different. I have a great regard for the magistrates who have carried the burden of running Magistrates Courts for so many years. Indeed, the vote of confidence in those magistrates is the Bill before the House, which is to change the jurisdiction of the County Court and the Supreme Court and to allow Magistrates Courts to have a wider jurisdiction, because the Government, at some time between the drafting of the Bill and the debate on it in this House, presumably up to two days ago when the amendments were prepared, suddenly woke up to the fact that it had a problem on its hands. The Government intended to move a large amount of work from the Supreme Court to the County Court under the provisions of the Bill, only to see the waiting times for actions being brought on, as a result of the Bill, expanded enormously.

Indeed, the honourable member for Warrandyte was gracious enough to refer to one problem area, the fact that as the County Court does not have a transcript recording service, complications occur now with matters with which it deals, let alone the matters that the County Court will be dealing with involving larger amounts of money and greater complexities of law as a result of the Bill before the House. Unless it has recording facilities and unless the facilities of the new County Court are upgraded significantly, further delays will occur rather then reduced delays.

If the amendments that I am allowed to talk about and not allowed to see are carried during the Committee stage of this Bill, Magistrates Courts will need to be upgraded so that they have the additional capacity to record information, because it will be ludicrous if a magistrate is expected to sit on a bench in a local court and record in his own hand a transcript of the evidence of significant legal matters that may be appealed against, in a jurisdiction with the capacity to handle matters up to $20 000.

The honourable member for Warrandyte might look forward to increasing the jurisdiction of Magistrates Courts up to $20 000, as may the magistrate, but the "poor bunny" who goes down to the court without any legal representative, who does not know what the maximum fine is or what the penalties or orders may be, will find himself in terrible trouble if an order of $19 000 is made against him.

The honourable member for Warrandyte might smile, but how many of his colleagues from suburban practices have gone down briefly to the Magistrate Court only to find that the decision that has been made has to be appealed against to a higher court so that the matter may be sorted out.

The honourable member appears to misapprehend completely the comments of the Leader of the National Party. The Leader of the National Party said that this "early retirement scheme" for judges, as I categorize it, will encourage Supreme Court judges to retire early and go onto a Supreme Court reserve judge list. That is likely to mean a considerable increase in the number of appointments to the Supreme Court. The Leader of the National Party has said that he will be watching carefully to see who is appointed to the Bench, as will the profession, the community and members of Parliament.

There have not yet been any political problems regarding the matter. Nevertheless, the Leader of the National Party was anticipating the possibility that reserve judge appointments would become political appointments. Honourable members have to turn their attention to that question because the honourable member for Warrandyte strayed
in his language—he is recorded in *Hansard*—when he said the Attorney-General could draw on a pool of reserve judges. That is not my understanding of what the Bill provides.

The Bill provides that the Chief Justice of the Supreme Court or the Chief Judge of the County Court may nominate to the Attorney-General a former judge, now a retired or reserve judge, for appointment; not that the Attorney-General will have a pool in which to go fishing and say he will have that judge or this judge, but that the Chief Judge or Chief Justice should make the nomination of the appropriate judge to the Attorney-General.

The political and constitutional situation is that because Parliament—this House—has a high principle interest in not allowing money from the Consolidated Fund to be appropriated except by legislation of the Parliament, the Bill cannot be amended to enable the Chief Justice or the Chief Judge to have the sole opportunity of picking which reserve judge will be used. It is a principle that ensures that once a judge is appointed there is no political interference in the work of that judge.

That is of fundamental importance if we are to have continuing confidence in the judges of the Supreme Court, the County Court and other jurisdictions. If the Attorney-General were seen to be picking the judge, he would be seen as picking the judge he thinks should hear the complicated case, the case that is expected to go for a long time or the awkward difficult or embarrassing trial. One need only describe this in terms of choosing a reserve judge to hear the case of the *Crown v. Gallagher*. That should put the position in crystal-clear terms for honourable members as it illustrates the troubles that could be involved if the Attorney-General ever took upon himself the right to choose which judge should hear a case.

That is the principle raised by the Opposition. We object to any suggestion that the Attorney-General should make the appointment but we acknowledge that, because of the supremacy of Parliament in money matters, it is not possible to amend the legislation. It is an important principle that Norm Gallagher, or anyone else, should not be tried by a reserve judge who is particularly chosen for the case by the Attorney-General.

I should not want to trust any Attorney-General with that responsibility, regardless of political colour, because I do not believe the public would have confidence in the result. I am happy for Attorneys-General to be criticized for appointments they make to the Bench and persons they recommend to the Governor in Council for appointment; I am not prepared to see legislation easily passed which suggests that the Chief Judge of the County Court or the Chief Justice of the Supreme Court might nominate a reserve judge and that no mention might be put aside by the Attorney-General who, for some reason, does not like a particular judge who previously sat on the Bench and then moved on to the reserve judge list. The Opposition is correct in seeking from the Minister a clear and unequivocal undertaking in this House before the Bill is passed.

A situation should be developed whereby, if the Chief Judge of the County Court or the Chief Justice of the Supreme Court recommends the appointment of a reserve judge, the Attorney-General should not reject that nomination and should find the money for it somehow; and that will involve persuading Parliament to pass the necessary appropriation to employ that reserve judge at the higher rate of pay at that time.

A situation should not develop where negotiations take place between the Chief Justice or the Chief Judge and the Attorney-General as to which reserve judge might be best. That has nothing to do with the Attorney-General or with members of Parliament. It is a matter for the judiciary and, if the public confidence in the judiciary is to be maintained, we must maintain that principle and ensure that it is not nibbled away simply because Parliament and this House want to maintain supremacy in money matters.

That too is an important principle, but where two or more principles clash, there is a way to overcome the problem; that is for an undertaking to be given, clearly, explicitly and publicly, that the Chief Justice of the Supreme Court or the Chief Judge of the County Court will nominate the reserve judge in the future and the Attorney-General will regard
himself clearly as a paymaster to arrange for the money from consolidated revenue for the increased pay that might be paid to a reserve judge during the course of his work and hearings.

That is an important and fundamental principle and one that ought to be maintained. It is one of the reasons why I raised the point of order regarding whether honourable members would be debating the proposed amendments during the second-reading debate. I see that, without the amendments, we are simply increasing delays in the County Court, and complicating simple matters, and the County Court will become the dumping ground for the Supreme Court's waiting list. The County Court will then have longer waiting lists, as outlined by the honourable member for Bendigo East.

Without more magistrates or more County Court judges or more Supreme Court judges, the delays will become worse. Or was the honourable member for Warrandyte really telling us that there are some magistrates around Victoria who have time on their hands to take many more cases, and that have apparently not been able to fill in the day?

The suggestion behind his remarks seems to be that, while some Supreme Court and County Court judges have been working themselves to grey hair, these magistrates have been sitting twiddling their thumbs with nothing to do and that, if we increase their jurisdiction under the proposed amendments, they will be able to cope.

I do not think any of them will cope; I do not think the Supreme Court, the County Court or the Magistrates Court will cope if Parliament merely has a long shot at what the jurisdiction ought to be—saying, “Should it be $100 000 or $110 000? Should it be $200 000? Let us have a bit of guesswork”.

On the one hand, unless the situation is monitored carefully and on a regular basis, we as a Parliament will never know whether the Supreme Court judges are in fact working at an unpressured pace while their colleagues in the County Court are facing enormous pressures. On the other hand, if the amendments are introduced, who will monitor the delays in the Magistrates Court, which needs the recording facilities and the additional back-up resources, and which does not have those services and may be struggling to deal with a case that is throwing out all the other matters on the list?

It is already a regular occurrence in Magistrates Courts throughout the State that where a case of unexpected importance suddenly comes up and takes an unexpectedly long time, it throws all other cases out of kilter. In this situation the police are sitting around, perhaps for hours, going back to the station and returning to the court at a later time, if that is possible, and police witnesses are left lamenting when one case suddenly overtakes another.

The honorary justice system should not be abolished. The work of honorary justices cannot be abolished in the expectations that the magistrates, the County Court judges and the Supreme Court judges, no matter in what combination, will hear cases more expeditiously.

The proposed legislation will do nothing to reduce the delays in the courts. It may change the place of the delay from the Supreme Court to the County Court and from the County Court to the Magistrates Courts. However, if there are not enough judges and magistrates to hear matters that need to be heard, delays will occur somewhere.

It seems to me that the proposed legislation and the foreshadowed amendments to it presuppose that we will all be better off if there are fewer delays in the Supreme Court and more delays in the Magistrates Courts. I have a strong regard for the people who must take matters to Magistrates Courts. I believe they are more deserving of first consideration than the industrial tsars who might be trying to hammer out some equity principle in the Supreme Court. These tsars may be able to put their arguments more succinctly and be able to afford the delay. However, the ordinary people in this State perhaps cannot afford the delay. If delays are to occur in the Magistrates Courts, I believe the Victorian people will be the poorer for the proposed legislation.
Mr MATHEWS (Minister for the Arts)—I thank my honourable friends on all sides of the House for their support of the Bill—they have made generally constructive comments during the course of the debate—and for the useful queries that have been raised. It was my intention to make some comment about the general thrust of the amendments that will be introduced at a later stage in these proceedings. However, in the light of the comments of the honourable member for Berwick and the honourable member for Warrandyte, that would probably be superfluous at this stage of the debate.

I do apologize to my friend from Bendigo East for the quite indefensible—but nevertheless unintended—discourtesy which was paid to him in the late drawing of the amendments to his attention. I similarly apologize to the Leader of the National Party on the same grounds. I would have wished it to be otherwise.

I now turn to the substantive points that have been made during the debate. The honourable member for Bendigo East was kind enough to read to the House a letter that he had received from the Law Institute of Victoria seeking some delay in the passage of the proposed legislation, a delay that I believe the honourable member had, on balance, decided would not be justified.

I take the point that the honourable member for Bendigo East raised in regard to the letter and I say to him simply that the bringing forward of objections such as those specified in the letter can perhaps be interpreted as indicating no more than that both parties are doing their jobs—the Law Institute of Victoria looking after the needs of the legal profession, and the Victorian Government looking after the needs of the Victorian people.

The honourable member for Bendigo East and the honourable member for Berwick went on to make some comment on the possibility of the provision for reserve judges being used, in effect, for a court-stacking exercise, or at the very least, to have proceedings presided over in a less impartial way than the system envisages, or indeed, than would be desirable.

I must say that that particular interpretation of the Bill had not, I think, occurred to the Government. Now that it has been put before the Government, I give both honourable members the assurance that the Government will resist the temptation that they have held out.

The honourable member for Bendigo East went on to talk about delays in the County Court lists and Magistrates Courts lists, and those concerns were echoed by the honourable member for Berwick.

It is fair to say to my honourable friends that never before in the history of this State has there been an Attorney-General who has shown greater concern for cutting down the waiting times that people must endure before they are able to obtain justice before the courts. I do not believe the rather harsh judgment expressed by the honourable member for Berwick, when he said that no impact had been made on those waiting times, was well-based.

Most litigants as well as most practitioners would feel that on the one hand the situation is a good deal better than was the case several years ago, and on the other, if it had not been for the actions of the Attorney-General and his predecessor, the situation would be cataclysmally worse than that which we are currently experiencing.

A similar reservation was expressed as to the facilities of the courts. The present Attorney-General, the previous Attorney-General, and indeed the Attorney-General who preceded them, have been sensitive to the practical needs of the courts and to those things that must be provided if the courts are to go about their business effectively and efficiently, and if the needs of those who are forced to turn to them for their services are to be adequately met.