Wednesday, 19 November 1986

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 11.5 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

NURSES' DISPUTE

Mr KENNETT (Leader of the Opposition)—Will the Premier explain what he meant when he stated yesterday that nurses have been kicked around for too long by hospital boards of management and doctors? Given that the Premier meant what he said, what action is he now planning against hospital boards and doctors to rectify the situation?

Mr CAIN (Premier)—I do not intend to be distracted as the Leader of the Opposition would wish me and others to be distracted from this important issue by matters on the periphery. It is important that these matters should be put in their historical perspective. I did that yesterday, and that is understood by those involved in the industry.

Yesterday I indicated how nurses believe they have been treated historically. There is certainly no criticism whatever of the contemporary attitudes of those organisations to which reference was made. However, the matter must be seen in its historical perspective.

Mr ROSS-EDWARDS (Leader of the National Party)—I refer to the current nurses' crisis facing this State and ask whether the Premier will make clear to the House and, hopefully, to the media, the Government's position on the present industrial dispute; will he indicate that the Government has no intention of negotiating privately with the nurses and that their claims will not be heard by the State Industrial Relations Commission until they return to work?

Mr CAIN (Premier)—What the Minister Assisting the Minister for Labour has said here and elsewhere has made clear the view of the Government that the only place a settlement can be reached is in the Industrial Relations Commission. The Government has been doing all it can to ensure that the nurses are back in the Industrial Relations Commission today.

The commission has been at great pains to point out to nurses that an agreement reached through negotiation between the parties outside the processes of the commission would have no legal force. The conditions the commission lays down about the nurses' attendance or non-attendance is a matter for it; I can give no undertakings about that.

As I understand it, as a matter of law, matters in dispute can be resolved only before the commission, in view of what the commission has said. I only wish the nurses would adopt the same attitude that the Government has adopted. The Government has indicated that it will abide by the decisions of the commission, whatever the result may be in terms of a financial commitment.

I reiterate that position: although the commission has publicly intimated that it will may look with some favour on a number of the nurses' claims, the Government will abide by those decisions of the commission whatever the consequences that may flow.

The House should be under no illusions about the complexity of the issues. Despite the agreement about the new career structure that was handed down on 20 June, the Royal Australian Nursing Federation has since identified another twenty issues. Some of those relate simply to settling down problems with the new structure while others do not and are new claims.
The Government is keen and determined to sit down in the Industrial Relations Commission and deal with the real issues. That will be the Government's endeavour today at the resumed hearing. The dispute can be settled expeditiously if the nurses return to work and are prepared to accept the decision of the umpire, which is the Industrial Relations Commission, as is recognised by all sides of this House.

The Government is prepared to accept the umpire's decision. I call on the Royal Australian Nursing Federation (Victorian Branch) to do likewise. It is in its own interests and in the interests of all its members and the community, which depends upon nurses for essential care and attention in hospitals and other places.

**MELBOURNE STOCK EXCHANGE**

Mr REMINGTON (Melbourne)—Will the Treasurer inform the House of the Government's success in its economic strategy in promoting Melbourne as the commercial centre of the nation, especially in the performance of the Melbourne Stock Exchange?

Mr JOLLY (Treasurer)—Because he is the member for Melbourne, the honourable member takes an active interest in the Melbourne Stock Exchange. This is an area where many initiatives have been taken by the Government and the private sector. It has been a boom area of activity in turnover and employment, and the employment element is exceptionally important from the Government's point of view.

I shall enumerate the initiatives taken in Victoria since the Cain Government has been in power. A second board at the Melbourne Stock Exchange and a futures market have been established. That was made possible only by facilitating legislation that was supported by all parties in the House.

Stamp duty on transfers of fixed interest debentures has been removed and the Victorian Public Authorities Finance Agency has been established.

As part of its economic strategy, the Government has improved the efficiency of the Corporate Affairs Office and this has resulted in a dramatic improvement in the turnaround time associated with prospectuses.

The Government has also used its position to encourage the establishment of the headquarters of new foreign banks and new financial institutions in Victoria. That has been an outstanding success.

The Government has also boosted expenditure on finance education, and both the University of Melbourne and the Royal Melbourne Institute of Technology have taken up the challenge in that area.

The current Budget contains two specific initiatives that will further boost the standing of Melbourne as a financial centre throughout the Pacific region. They are the removal of stamp duty on marine insurance and the removal of stamp duty on corporate debentures. They are wide-ranging initiatives.

Mr Ross-Edwards interjected.

Mr JOLLY—The Leader of the National Party should be pleased to know that new capital raisings in Victoria have resulted from these initiatives.

Honourable members interjecting.

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Speaker, as you can see, the Treasurer is obviously reading from a prepared document. That is not the intent of question time. If the Treasurer wants to make a Ministerial statement, there are appropriate forms for that procedure. I suggest you have the Minister wind up his remarks.

The SPEAKER—Order! I cannot see the Minister reading from any prepared statement and I do not uphold the point of order.
Mr JOLLY (Treasurer)—I was explaining to the Leader of the National Party in particular about the new capital raisings in Victoria. I should have thought the Leader of the National Party and others would have been proud of this outcome because the Melbourne Stock Exchange has shown an increase of 79 per cent in new capital raisings over the past twelve months.

That is $2374 million, which is 79 per cent. The increase—for the benefit of honourable members opposite—has been 79 per cent compared with only 1 per cent for Sydney over the past twelve months.

That highlights how Melbourne has forged ahead as the commercial capital of Australia. I congratulate the Melbourne Stock Exchange on an outstanding effort and I am sure that is supported by all honourable members, despite the noise made in this House today.

VICTORIAN SECONDARY TEACHERS ASSOCIATION

Ms SIBREE (Kew)—Is the Minister for Education aware that the Victorian Secondary Teachers Association encouraged members to attend the ACTU public rally yesterday and told members to seek the approval of their school administrative committees to attend the rally?

Will the Minister condemn this outrageous attempt to enable Government employees to attend this demonstration on full pay; and will he direct that the pay of any teacher who attended the rally be docked for the time away from school?

Mr CATHIE (Minister for Education)—I am not aware of the facts of the case, but I shall ensure that they are properly investigated.

SALE OF TEACHER RESIDENCES

Mr HANN (Rodney)—In view of the continuing concern within many school communities about the proposed sale of teacher residences, is the Minister for Education prepared to halt immediately all proposed sales of residences and delay those sales until at least February of next year to enable the school communities more clearly to assert what the specific requirements of those communities are for teacher housing?

Mr CATHIE (Minister for Education)—I am not prepared to stop all current sales by the Government Employee Housing Authority. I am prepared to have discussions with my colleague, the Minister for Property and Services. I have always said that, if any community can show that there is a shortage of general housing in that community or that difficulties are posed because the community is isolated, we will consider any case of hardship on its individual merits, and that offer remains open.

TECHNICAL AND FURTHER EDUCATION

Mr HILL (Warrandyte)—Can the Minister for Education provide to the House details of steps that the Government has taken to provide additional technical and further education places for Victorians?

Mr CATHIE (Minister for Education)—In developing its economic strategy, the Government has emphasised both economic growth and jobs in Victoria; it is in doing that that we understand very clearly the supportive role of both education and training as the foundation that supports the Victorian industrial and manufacturing capacity and base.

For those reasons, the Government has given technical and further education in this State a very high priority in successive Budgets. This year, the Government has increased recurrent funding by 10 per cent. We absorbed a record number of apprentices last year, and that has had a pipeline effect this year; also, there is again a high intake in the number of first-year apprentices.
As a result, the Government has initiated a number of steps to ensure that more Victorians will have the opportunity of having access to vocational and skills training of one sort or another.

The Government has taken a number of specific steps in expanding the education capital works program to ensure that places will be available to young Victorians.

For example, in north-eastern Victoria, the Government has recently purchased the Albury-Wodonga Development Corporation office building from the Commonwealth at a cost of $3.52 million. That building will be refurbished for the purposes of technical and further education. Additional resources will be made available to upgrade the facilities for people in the whole of north-eastern Victoria.

In Bendigo last week the Premier opened some new buildings, but work on the third stage of the Bendigo College of TAFE is about to begin and that will cost approximately $10.5 million, which will provide library, education and technology facilities, learning skills, computer services, science, mathematics, general and welfare study facilities.

At the Sunraysia College of TAFE, the Victorian Government will start work this month on a major redevelopment in Mildura at a capital cost of approximately $10 million, and that will provide new facilities for carpentry, joinery, plumbing, motor mechanics, fitting and machinery, electrical goods and electronics, metal fabrication, food studies, graphics and textiles.

In all these areas the Government is committed to the continuing role of technical and further education in this State and it believes it is important to strengthen the whole manufacturing capacity and competitiveness of Victorian industry.

**IMPROPRIETY OF PUBLIC SERVANT**

Mr COOPER (Mornington)—I refer to the Premier’s support of standards of propriety which led him to sack a Minister on a technical breach and to demand that public servants not make public statements, and I ask: in the light of the misappropriation and misuse of Government property by the Director of Insurance, Policy and Management, in the Department of Management and Budget, for self-seeking political purposes, will the Premier explain his double standards in condoning the misappropriation rather than demanding that the individual be sacked?

Mr CAIN (Premier)—I find this an astonishing question coming from the honourable member for Mornington if implicit in his question is concern about misuse of Government resources. He is the honourable member who sent out hundreds of dollars worth of telegrams, is he not? He is pretty conscientious about Government resources, he is!

If honourable members want a good example of an abuse of Government resources they should have a look at the honourable member for Mornington; he is about the best example they would find.

Honourable members interjecting.

Mr CAIN—I understand the enthusiasm of some members of the Labor Party to obtain preselection, and I also understand the lack of enthusiasm of those opposite who would want to be in that lot!
There is a difference in attitude—I understand that—but that does not not offer any excuse for what Mr Baker did. I have made very clear what my response is.

Mr Kennett—They have got you over a barrel.

The SPEAKER—I ask the Premier to resume his seat. I ask all honourable members to cease interjecting. It is impossible for the Premier to make a sincere response while there is a barrage of interjections. I ask the honourable member for Mornington particularly to cease interjecting to enable the Premier to respond to his question.

Mr CAIN—I have said publicly that Mr Baker’s action was stupid. As the Leader of the Opposition knows better than anybody in Victoria, being stupid does not mean that one “does” one’s job!

The head of the department has taken appropriate steps; he has censured Mr Baker. He has insisted that Mr Baker should refund money for the expenses incurred by way of stationery or courier services.

This is not a matter in which the Treasurer or I have any responsibility to intervene.

Mr Kennett—No!

Mr CAIN—The Leader of the Opposition says, “No”. Anyone who says that the Treasurer or I should intervene is seeking to politicise the Public Service. Some members of the Opposition seek to interfere in the merit, performance and principles of the Public Service—some of them are trying to do so now!

If the Liberal Party again achieved office, it would be up to the same caper of trying to politicise the Public Service. Performance, lack of performance and discipline are matters for the head of the department to determine. Members of the Opposition should not suggest otherwise.

I excuse the honourable member for Mornington because he is ignorant and does not know any better but the Leader of the Opposition has been a Minister and he should know better, as should some other members of the Opposition who have been Ministers.

The Leader of the Opposition keeps interjecting but I repeat that being stupid, as he was, is not a reason for “doing” one’s job. The Leader of the Opposition knows that better than anyone else. If being stupid were a reason for “doing” one’s job, he would be on the back bench. That has never been a reason for losing one’s job; it never will be; and it never should be.

Mr Baker has demonstrated his capacity in a number of areas. That should be recognised. It is easy meat for members of the Opposition to abuse and criticise public servants. They can say what they like! The facts are: the Public Service enjoys the independence and protection of the Public Service Act provided under the Government.

In the past the Public Service may well not have enjoyed that protection under the former Liberal Government and I doubt whether it will enjoy that sort of treatment under a future Liberal Government—God forbid!—because its members have made known their views about these sorts of things.

COUNTRY RAIL SYSTEM

Mr SHEEHAN (Ballarat South)—Will the Minister for Transport outline recent decisions taken by the Government to further improve Victoria’s country railway system?

Mr ROPER (Minister for Transport)—I am aware of the concern expressed by the honourable member for Ballarat South about the State’s country rail system and the need for it to continue to be an effective way of moving both freight and passengers.

The Government has considered arrangements for future grain handling and grain expenditure. Following briefings between the Victorian Farmers Federation and the relevant
rail unions, the Government has announced a significant upgrading of seven country railway lines. The tracks will be properly laid and fully modern trains will be run in those areas.

Some members of the Opposition and members of the National Party are aware that in many of those areas the capacity of some lines has significantly deteriorated. For example, on the Carpolac line, which will not be upgraded, an engine was derailed while it was stationary. It was too much for the track!

Many country lines are extremely debilitated and a decision was made to invest approximately $30 million to upgrade them to ensure that an adequate service is provided to grain growers throughout the State. In the case of the Robinvale line, the Government will ensure the service to an important provincial town is continued and will ensure access is provided for the transport of freight apart from grain. It is hoped the decision on the Robinvale line will produce the financial results the Government believes it will.

It is also hoped that the decision to upgrade the line from Mount Gambier to Heywood, which decision is supported by the honourable member for Portland, will also have the effect of increasing traffic in that developing area of the State and will produce the financial results that I and all honourable members want from Victoria's railway system.

PO ICE E V E S T IG AT I ONS IN P UBL IC SECTOR

Mr Crozier (Portland)—Will the Minister for Police and Emergency Services inform the House whether it is a fact that, for some months now, about half of the members of the police Fraud Squad have been involved in corruption investigations within Victorian Government agencies, such as the Public Works Department, the Ministry of Transport, the Department of Labour and the Ministry of Housing? Can the Minister further advise the House of the total cost of these investigations to date; how many prosecutions have resulted, and how long are the investigations expected to continue?

Mr Mathews (Minister for Police and Emergency Services)—The services of the Victoria Police are available to the public sector as they are to the private sector. As to the elaborate information that the honourable member seeks, I ask him to put it on notice and I shall provide an answer.

ROAD FUNDING

Mr Whiting (Mildura)—Further to the question put to the Minister for Transport regarding the upgrading of grain-carrying lines in this State, will the Minister give an unequivocal undertaking that, in those areas where rail lines are not being upgraded, he will provide adequate finance to municipalities for upgrading roads that are required to carry grain traffic that was formerly carried by rail, so that no stationary grain trucks will be bogged in that situation?

Mr Roper (Minister for Transport)—One of the main matters taken into account in making the decision was the cost of upgrading the rail lines and the cost of running trains on those lines in comparison with the cost of moving that grain by truck to the nearest railhead and also—and I emphasise this—the cost of the additional roadworks that would be required.

As the honourable member would be aware, over the past couple of years we have provided funds for a number of country shires that have had additional expense as a result of the development of central receival points. This year I think more than $600,000 has been provided for that purpose.

It is the intention of the Government, through the Road Construction Authority, and working in cooperation with local shires, to provide additional funds to meet the additional road costs that will be required. That will run into some millions of dollars over the next three years but, in making this decision, those figures have been calculated by the Road
Construction Authority; and our divisional engineers and city or shire engineers will work together to ensure that the roads are upgraded as necessary and not allowed to deteriorate.

INTERNAL MUNICIPAL BOUNDARIES

Mr CULPIN (Broadmeadows)—Can the Minister for Local Government inform the House of the result of correspondence that he forwarded to municipalities regarding the restructuring of riding and ward boundaries?

Mr SIMMONDS (Minister for Local Government)—I thank the honourable member for his question. He has a longstanding interest in local government and would be aware that the letter I wrote to municipalities has raised the question of the imbalance in representation within wards and ridings.

The Local Government Commission has received numerous inquiries from councils that have been most cooperative in addressing the imbalance in the present structure. I commend particularly the municipalities of Frankston, Berwick, Rochester, Gordon, Korumburra, Otway and many others, which have taken a positive stance on addressing that imbalance.

I also commend the commission which, in the past two months, has done an enormous amount of work in preparing the essential data to allow the introduction of a fairer and more equitable system of voting in Victorian municipalities. My advice is that some 40 to 50 municipalities have been so processed in a manner that will enable elections to occur in 1987 on boundaries that will reflect the proposition that citizens in Victorian municipalities are entitled to equality of voting and representation.

AUDITOR GENERAL'S REPORT

The SPEAKER presented the special report No. 4 of the Auditor-General on court closures in Victoria.

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

PAPERS

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


Statutory Rule:


RACING (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from October 23) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

Mr NORRIS (Dandenong)—In supporting this Bill, I take the opportunity of congratulating the Minister on the magnificent job that he has continued to do for racing in this State. It is commonly known, of course, as the sport of kings. It could be said with justification that the Minister has made it the sport of the people. The great racing game continues to flourish and, more importantly, it continues to grow.

Unfortunately, the corporate sponsorship madness appears to have gripped many facets of the sporting world and the hierarchy have succumbed to the fat chequebooks of the beer barons. It is difficult to think of any great sporting event that has not got beer sponsorship and, during the spring carnival in Melbourne, we saw a further sorry proof of that fact. Nothing disturbed me more than to hear the greatest sporting event in this State, the Melbourne Cup, being referred to by some commentators as "the Foster's cup". That
was absolutely appalling and another example of corporate sponsorship gone mad. Unfortunately, that product tended to dominate the magnificent proceedings of the spring carnival.

That being said, the success of the spring racing carnival was absolutely outstanding. At Flemington alone, during the four-day carnival, $37.5 million was taken by bookmakers on the course. That is up 17 per cent on the same period for the carnival last year. In fact, in the year just concluded, bookmakers’ turnover was up by 14 per cent, the Totalizator Agency Board turnover was up by 14 per cent, and the dramatic increase has been the distribution to clubs, an increase of 29 per cent. That is an incredible result; in fact it is almost four times the consumer price index. Therefore, the distribution to clubs is up 29 per cent.

This Government is undoubtedly the best Government for racing that this State has ever known and this Minister for Sport and Recreation is acknowledged by all sectors of the racing industry as the best Minister for racing the State has ever known. Even the Victoria Racing Club, the great hive of racing conservatism, has come to recognise what this Government, since it came to office, has done for the sport of racing. The Victoria Racing Club is strong in its praise of the Minister and, so far as it is concerned, he is the greatest thing that has happened to the game this century.

When the Labor Party came to office, the racing game was in a reasonably parlous position and returns to the clubs were less than the increase in the consumer price index. I have just cited figures showing that distribution to the clubs last year had increased by 29 per cent. In addition, I failed to add that another 10 per cent had been put in reserve. Therefore, there has been an increase of 29 per cent in distribution with a further 10 per cent being placed into a reserve for the clubs to use in the event of a rainy day. What an incredible performance! Many of the innovations that have enabled the racing game to progress have certainly been on the instigation of the Minister for Sport and Recreation.

Clause 6 removes the restrictions currently applying in section 16 (1) (b) of the principal Act, which states, in part, that of the 252 harness meetings allocated to the country, not more than 217 shall be held outside the Mildura area. Both the Harness Racing Board, which controls harness racing in Victoria, and the Racecourses Licences Board, with responsibilities including the allocation of racing days in this State, have recommended that these restrictions be removed to allow more flexibility in the allocation of harness racing meetings.

At present the Racecourses Licences Board allocates the maximum number of days allowed under the Act. It seems sensible that the board, which has had the responsibility of controlling the industry, should be allowed to allocate harness racing meetings. That allocation should be made on performance alone, without restriction, but for the betterment or the advancement of harness racing in Victoria.

I am aware that some Opposition members are no doubt under pressure from within the electorates they represent to take a parochial and blinkered view of the matter. I know the proposition has created some heat in certain areas of the State but I ask those honourable members, in fact I appeal to them, to support the clause for the overall benefit of harness racing in Victoria.

The point should also be made that this measure merely gives greater flexibility to the board. It may be that there will be no change in the allocation of racing meetings but the flexibility should rest with the board but, at the moment, it is absolutely and unnecessarily restricted.

Eminently sensible people who love the sport will see the sense and the reason for this move and they will agree with me, if they think clearly and rationally, that the board must be given the right to allocate racing meetings based on the performance of the clubs.

I refer to clause 13. Under the Racing Act, the only power conferred on the Totalizator Agency Board is the power to promote its services. The board, which must rate among the
top ten businesses in the State—last year it had a turnover of $1.2 billion—should have the right and be encouraged to promote itself like any other major business corporation.

Surely the appointment of the new board under the astute chairmanship of Bob Nordlinger has produced the results for all to see. A reading of the annual report for last year shows that the board so far has done a magnificent job under the chairmanship of Mr Nordlinger and benefits have flowed to the great racing industry in the form of an increase in distribution to the clubs of 29 per cent. What better performance could one expect from the board?

Not only has the board been able to increase its turnover, but also through its businesslike approach—this is an important facet that should appeal to members of the Opposition—the board has been extremely successful in reducing its own operating costs, which is something that Parliament should applaud. Honourable members should get behind the board and give it the power it requires.

The operation of a Totalizator Agency Board agency on licensed premises is another provision about which I should like to comment. Anomalies have arisen. The honourable member for Lowan has spoken about some of the anomalies of the “pub TAB” and the old yardstick for measuring the distance of a TAB from a licensed premises, which was “as the crow flies.” The hotel agency was not to be established any closer than 60 kilometres from the General Post Office and 15 kilometres from an existing Totalizator Agency Board outlet.

As the honourable member for Lowan has said, the “pub TAB” has possibly not taken off with the rapidity one may have thought and he cited one or two hotels with the TAB facility in his electorate at which the turnover was minimal; but I see it as a service that could develop and increase the patronage for the hotel proprietor. Hopefully, it will develop into a nice profitable sideline for him but, at the moment, it is merely a valuable service for the customers of his establishment.

An example of an anomaly existing in the “as the crow flies” situation occurs at San Remo in the electorate represented by the honourable member for Gippsland West. The nearest TAB is in Cowes and it may not be far from San Remo to Cowes as the crow flies, but by road it is quite a distance to go to that TAB. The proposed amendment will remove the anomaly that presently exists.

Another point worth mentioning concerns the date of registration for bookmakers. At present, it is 1 November but the Bill proposes to amend that date to 1 December. This is also a justified move because, unfortunately, a small element of unscrupulous bookmakers register themselves on 1 November to scoop the cream, as it were, from the great spring racing carnival and, a week or two later, ask for a refund of their registration fee and turn in their licences. In other words, they do not want to be involved for the rest of the racing season. The clause will remove that option currently enjoyed by this small number of unscrupulous bookmakers.

I reaffirm my support for this package of measures which, once again, demonstrates that the Government has a commitment to ensure that the viability of the racing industry continues, that the industry continues to prosper and go from strength to strength under this astute and, importantly, innovative Minister for Sport and Recreation.

He is a man who has gained the respect of all facets of the racing industry and I congratulate him and indicate that I have great pleasure in supporting the Bill.

Mr JASPER (Murray Valley)—I wish to raise specific issues of concern with the Bill. The honourable member for Lowan has given the views and criticisms of the National Party on the Bill, particularly those related to clause 6, which will reduce the number of meetings held in the north-western part of the State.

The National Party is concerned that clause 6 may be used by the Harness Racing Board to reduce the number of race meetings held in the north-west of the State.
Clause 12 permits the establishment of Totalizator Agency Board agencies in hotels where there is no other agency within a 15-kilometre radius. When the amendment was made to the Racing Act to permit the establishment of board agencies in hotels, the Liberal Opposition indicated that it was not very keen on that aspect of the legislation, even though the National Party strongly supported the legislation. The National Party recognised the advantage of the Minister for Sport and Recreation having power under the Racing Act to permit the establishment of the TAB agency in an hotel in a remote area in restricted circumstances and where an established need existed.

For example, in the small town of Chiltern in the electorate I represent there is still no TAB agency. Many residents in the area are keen followers of the three racing codes and saw the need for the establishment of an agency. On 29 November this year the Telegraph Hotel at Chiltern will open a TAB agency. For the information of the House, I will have the honour of opening that agency for the proprietors of the Telegraph Hotel and I shall pass on the good wishes of the Minister at the opening ceremony.

The Telegraph Hotel at Chiltern is the first hotel in the electorate I represent that has been granted approval to operate a board agency. The National Party supports the amendment contained in clause 12 which measures the distance of the proposed agency to the nearest TAB agency by the most direct road route.

The National Party suggested to the Minister that he should include in the amendment a provision to restrict the radius to 15 kilometres. The Minister accepted the amendment in good faith because he recognised the commonsense approach of providing a further service for country people who are interested in the three racing codes. It is disappointing that the Opposition has foreshadowed an amendment to the clause.

Mr Reynolds—It has not!

Mr JASPER—The Opposition has learned the error of its ways and has decided to support the clause!

Clause 11 allows the TAB to provide oncourse totalisator operations. I am totally opposed to clause 11, which is detrimental to the interests of those people who have been involved in the industry for a long time and who have provided an excellent totalisator service to country race clubs. I refer especially to Noreast Totalisators Pty Ltd, which has provided oncourse totalisator operations at country race clubs for the past 25 years.

Noreast Totalisators provides oncourse totalisator operations at 450 race meetings a year covering the three racing codes at clubs from as far afield as Wodonga to Mildura to Hamilton. Mr Carmody and his partner have successfully operated Noreast Totalisators Pty Ltd, based in Wangaratta, for the past 25 years.

The cheap service provided to race clubs has, in many instances, been the salvation of many of the race clubs. For example, the turnover at a race meeting held at the Towong Turf Club in the far flung north-eastern corner of the State has been as low as $1500. Yet Noreast Totalisators has provided oncourse totalisator operations for that club; indeed, for any club regardless of size. Towong is located 180 kilometres from Wangaratta and yet Noreast Totalisators has provided oncourse totalisator operations for that small centre, with little compensation for the company. Mr Carmody has taken the good with the bad. For example, there is one TAB meeting a year at Donald. Even in its home town, in the centre of the electorate I represent, the company has provided oncourse totalisator operations for the Wangaratta Greyhound Racing Club.

The company has handled large race meetings, such as harness racing meetings at Shepparton and Mildura. In recent years the Wangaratta Turf Club has developed its facilities and utilises the operations of Noreast Totalisators Pty Ltd.

I should highlight the importance of maintaining the close links between the race clubs and private enterprise in providing oncourse totalisator operations on an economical basis. There will be no advantage to the country race clubs having to operate their
oncourse totalisator operations through the TAB. Mr Carmody indicated that he operates on a return of 8 per cent to country race clubs, yet those clubs who have transferred their oncourse totalisator operations to the TAB have received a return of approximately 6 per cent from the turnover.

Many race clubs want to retain the excellent service provided by Noreast Totalisators, which has provided a better return than the TAB to race clubs. For example, on the day after the Victorian Football League grand final, the turnover at the Maryborough Harness Racing Club was such that the club was required to pay more than $300 to the TAB for the oncourse totalisator operations. Previously those operations were provided by Controlled Systems, which was sold to the TAB and which now provides the oncourse totalisator operations for that club.

I discussed the matter with Mr Carmody and asked him about this particular race meeting and what sort of a return his company could have provided the club. On that particular day the oncourse totalisator turnover was $88 000 but the club incurred a loss of $300.

When these issues were raised with Mr Carmody, his response was quite clear. I asked whether in his opinion, in the operations of Noreast Totalisators Pty Ltd at that meeting, he would have been able to provide a payment to that particular club. He said clearly to me that on his estimation the turnover and the cost of operating his establishment he would have been able to pay the club more than $2000. That highlights the difference between the operations of Noreast Totalisators Pty Ltd in clubs across Victoria, what is proposed to be provided by the TAB, and operations which are at present controlled by the TAB.

The Minister for Sport and Recreation should examine clause 11 closely to determine whether the best of both worlds can be achieved. He should investigate ways of retaining this service to achieve the benefits of both the TAB operations and the service that has been provided over 25 years by Noreast Totalisators Pty Ltd which is a partnership between Mr Neville Carmody and Miss Noela Van Damm. The two partners operate on a full-time basis and employ 140 people on a part-time basis.

When I raised these concerns with representatives of the industry and with the Minister, it was suggested that the only way in which Mr Carmody could have provided a better return, for example to the Maryborough Harness Racing Club, would have been by not paying his part-time employees their correct salaries and wages. I indicate in this House that Mr Carmody has stated that he runs his business by the wages book; he runs his business correctly; he pays his people precisely as they should be paid; he believes he should do that. His accounts demonstrate that.

Mr Carmody is operating under the private enterprise system. He has been able to run his operation more efficiently and to provide better returns to the clubs than has any other organisation. That is the way businesses should operate. It has been suggested that the service is limited and that Mr Carmody is unable to cover race meetings held in other parts of Victoria and throughout Australia. I inform the House that in addition to Mr Carmody's operations at the various race meetings that he covers now, his operation is being connected into an interface system which started in July this year, so that people using Noreast Totalisators Pty Ltd can gamble on other race meetings throughout Victoria and, with the extension of this service, they will be able to gamble on race meetings elsewhere.

Strong consideration should be made of the particular circumstances of Mr Carmody's business. His business has been developed over a lengthy period and he has invested money and resources in it. Four years ago he said that he had invested approximately $200 000 in his operations. His service is supported by all involved in the racing industry. With that support, he will be able to continue his operation. He has upgraded his equipment. It was suggested that he should not continue to upgrade his equipment because changes might be made in the racing industry in the future that would affect his operation and
Mr STEGGALL (Swan Hill)—I am sorry that the honourable member for Dandenong is not present to hear the debate because he will learn of the other side of what can be termed parochial arguments on the Bill. Clause 6 relates to harness race meetings in the Mildura district, which affects the Swan Hill area. The effect of the provision and of what the Minister is trying to achieve is a downgrading of the harness racing industry in that area.

The provision for 35 harness race meetings a year to be held in the Mildura district was introduced in 1964 by Sir Percy Byrnes, MLC, to guarantee that Victoria had a harness racing industry that was spread throughout the State. Right throughout the north west, the Mallee, the Millewa and the Sunraysia districts, there is a very strong racing industry. The Minister for Sport and Recreation is aware of that. There are top-class facilities and, as I said, there is a strong following. The north-west district also services the Riverina district.

The honourable member for Dandenong stated that decisions made on race meetings should be based on performance. I wonder what sort of performance he was talking about and whether he was referring purely to turnover statistics of the Totalizator Agency Board. The harness racing industry is diversified throughout the State. The north-west district provides the harness racing industry with a standard of racing that is important for the whole industry. If clause 6 is agreed to by Parliament, race dates in the Mildura district very quickly will be taken away from the north-west area.

Mr Trezise—Why?

Mr STEGGALL—If the Minister does not know, I suggest that he withdraws this amendment to the Act because there is no reason for it. If the Minister were to suggest that additional dates would be allocated to the area, that would be a complete change of policy and attitude of the Government. I should like to hear his response along those lines when he concludes the second-reading debate.

Country people have lost any trust in the Government as a result of the Government’s activities and their effect on small towns and industries outside the Melbourne metropolitan area. The Minister’s interjection implies that there is no specific reason for including clause 6 in the Bill, but I suggest that the provision has been included to take away race meeting dates in the Mildura district. If the Minister has anything to say to the contrary, I shall be delighted to hear it.

There has been some restricted harness racing in the north-west area and, as there will be an upgrading of restricted harness racing, it is obvious that dates for harness race meetings in the Mildura district will be transferred to restricted meetings. If that occurs, it will narrow down the whole of the harness racing industry. There are many breeders and trainers in the harness racing industry and the existing legislation is not unfair; no-one is being diddled by the 35 harness race meetings a year that are allocated to northern Victoria.

The industry is functioning well. The sport is in good heart in that part of Victoria. It is servicing the whole State industry, which benefits by a strong northern area.

Mr Trezise—Why?
Mr STEGGALL—The Minister asks why. I doubt whether the Minister will take away the race meetings. I shall quote a letter of 13 November 1986 from the Secretary of the Victoria Racing Club to the honourable member for Lowan. The last two paragraphs of the letter relate to Mildura and Swan Hill. It states:

As you are probably aware, there is already a problem within the industry with clashes of dates between thoroughbreds and harness meetings. Having betting at restricted harness race meetings with the probable changes in traditional dates which will result, and providing for meetings to be transferred from the Mildura/Swan Hill area to other areas in country Victoria, will lead to further clashes.

There is no doubt that the intention of the proposed legislation is to strip race meeting dates from the northern area. The racing industry across the board is very strong in northern Victoria.

For example, Swan Hill has built up a first-class winter racing carnival. It is one of the best winter racing carnivals in the State. Successful Totalizator Agency Board meetings are held on a Friday. In talking about trust and doubts, I point out to the Minister that, this year, Geelong—which is an area with which he is familiar—changed its TAB harness racing night-time meeting to clash with the Friday TAB race day of the Swan Hill winter racing carnival. The reason for that was to prevent Melbourne punters from going to Swan Hill; they will go to Geelong instead. If that is the intention of the Minister and the way in which he believes the industry should operate, country Victoria will be even further behind Melbourne.

The National Party will not accept the proposed amendments with any assurances or suggestion by the Minister, which I think is rather strange, that more dates may be provided. The experience of the National Party with assurances on all types of legislation and Ministerial activity is such that it will not accept Ministerial assurances because Ministers change. The National Party has had many bitter experiences in the past.

I shall make one final point in summary. Small towns throughout country Victoria are struggling. They will survive; there are no worries about that. However, the people of country Victoria have had enough of being chipped away bit by bit, week after week, by changes to Government policies. It is reaching the stage where country hospitals, education, courts, roads and whatever one names are being chipped away bit by bit. The Government wants to chip away a bit more on what would seem to some people as being a sensible arrangement. As the honourable member for Dandenong said, let those race dates be decided on performance. I should like to know just where those areas would fall down on performance, and why there is the necessity to do this.

The harness racing industry is important to many people in country Victoria. It is a sport that is taken seriously. Country owners and trainers are more likely to enter an amateur group compared with the professional operator in Melbourne. Country Victoria is a testing ground and breeding ground for many good horses and sportsmen and sportswomen.

Any attempt by the Government to change clause 6, which will open up and expose race meetings closer to Melbourne, will be fought at every turn. The National Party will support the Bill, except for a couple of provisions. I am delighted that the Liberal Party has similar feelings on the matter.

Honourable members look forward to hearing the Minister’s response, particularly his thoughts and ideas about providing more race dates in north-western Victoria. If he seeks to amend the Bill to provide 40 days instead of 35, that amendment will be considered.

Mr J. F. McGrath (Warrnambool)—I support my colleagues in the National Party, particularly the honourable member for Swan Hill, in debating the Racing (Miscellaneous Amendment) Bill. The honourable member for Swan Hill talked about parochialism. Perhaps I can speak without parochialism because the area I represent, from south-western Victoria to the Mildura area, is a long, sparse area.
I declare a pecuniary interest in the Bill as I have an interest in racing. I have received strong deputations from people involved in harness racing in the Warrnambool electorate who have expressed grave concern about the removal of the 35 meetings from Mildura; that is perhaps removed from the parochialism that the honourable member for Swan Hill spoke about.

The people concerned claim that originally the 35 meetings were to provide specifically for a particular isolated area of Victoria, something removed in a far corner and that had stood the test of time. The development of harness racing has been beneficial, and if one considers the number of breeders, owners, trainers, and drivers in that area, and all people associated with the harness racing industry, it is obvious that it has been an important move to set up the overall plan for racing in that area. One should bear in mind the fact that if any of the dates are taken from that area, those people will have to travel further south for adequate racing to keep up their commitment to the industry. This will place enormous demands on their time.

It is important that people involved in harness racing in south-western Victoria seek to support the people in the Mildura district in retaining 35 dates. It is significant that those people regard it as important for the overall industry. The honourable member for Dandenong has strongly supported, in recent times, Bills introduced by the Minister for Sport and Recreation. As I have said before in this place, I believe the honourable member is starting to put himself forward as a possible Minister for Sport and Recreation. I wish the honourable member were here because he certainly shows enthusiasm in this area.

The honourable member for Dandenong spoke about the need for flexibility. The people in my area, particularly those associated with the Terang harness club, view with grave concern the impost that flexibility can have if decisions are made without an understanding of the ramifications for the whole of the industry statewide. The Kilmore Racing Club was recently allowed to change a date which clashed with a significant meeting at Terang.

The overall aspect of harness racing must be examined before a flexible approach is developed. The National Party supports the provision regarding Totalizator Agency Board facilities on licensed premises, as the honourable member for Lowan has indicated. That will provide a service to people who would otherwise be discriminated against and, indeed, may have to travel considerable distances or indulge in the hazardous occupation of telephone betting. Later on I may discuss telephone betting which discriminates against a punter instead of providing a service.

People in western Victoria view with great enthusiasm the provision to improve oncourse Totalizator Agency Board facilities. Clause 11 provides for a uniform oncourse totalisator service throughout Victoria. One of the problems punters face in using oncourse facilities is that with a small pool the dividend is substantially reduced. I cite an example of a person who attended a small country race meeting and put ten units on the double, taking the favourite in the first leg of the double and a horse that he favoured in the second leg. It was a small bet, but when the approximates were issued, the second leg was estimated to pay $1.45. It demonstrates that if the pool is not large the dividend to the punter can be quite small.

The industry needs to look after the punter as well as those vitally involved in harness racing and the galloping industry. The provision will enable small racing clubs in western Victoria such as Koroit, Purnim and Woodford to participate in TAB betting during their carnivals which are held during the tourist season.

I express my concern about clause 6, and shall oppose the removal of the 35 dates and the extension of the promotional powers of the board set out in clause 13. The board does not need to spend more money on promotional activities.

Mr WHITING (Mildura)—Clause 6 refers to harness racing meetings in the Mildura district, so I feel compelled to comment at this stage. Like other members of the National Party and the honourable member for Gisborne, who is the lead speaker for the Opposition,
the general view of those interested in harness racing in the north-western part of Victoria, together with a number of groups around the State, is of great concern about the amendment to section 16 (1) (b) of the principal Act. That section was inserted in 1964 to ensure that the Northern District Trotting Association would have adequate dates to warrant the establishment of training facilities and good tracks which eventuated at the same time that the Nyah trotting track was being developed. Those meetings have proved to be viable over the intervening 22 years. It is proposed that section 16 (1) (b) of the principal Act will now read:

Not more than 252 race meetings for harness races shall be held of which not more than 120 shall be held before seven o'clock in the evening.

That provision is designed to maintain a reasonable balance between daytime and night-time meetings and has no relationship to the existing section 16 (1) (b). That is a serious fault with the Bill.

I value the support of the Opposition and of my colleagues within the National Party. I hope the Minister will take on board the comments that have been made and withdraw that clause or face the consequences during the Committee stage.

Clause 4 provides for increased prize money at restricted harness racing meetings. The National Party supports that provision because it brings harness into line with gallops and greyhound racing.

Clause 12 clarifies the position of the availability of Totalizator Agency Board facilities being established on licensed premises within Victoria. Although the 15-kilometre provision was inserted in the Act, it did not clearly set out the method of measuring the distance, and it is obvious that in most cases it is difficult to define a radius distance, particularly in mountainous areas where the direct line relationship has little relevance to the road route that may have to be traversed to go from point A to point B. The clause clarifies that situation and states that it be a distance measured by the most direct road route. The National Party is in agreement with that clause.

Some honourable members have indicated that there should be a reduction in the 15-kilometre radius and I am concerned about that. I received a letter dated 10 November 1986 from the President of the Merbein Development Association, Mr Graham Lemon. Mr Lemon indicates that at a recent meeting of the association on 6 November, the association expressed considerable concern about TAB agency No. 474 situated in Merbein. The association stated that the regional sales manager of the TAB agency was canvassing the area seeking an alternative site for the agency, that an agent had not been appointed until approximately two months after the previous agent had been transferred. The association indicated that an agent was appointed at Merbein only on a temporary basis and that the rumour was that the Merbein agency would be closed as soon as the current lease expired and would be relocated in the Merbein Hotel.

The association believes the agency should be retained within the main shopping centre, because a number of residents of Wentworth and Dareton, across the border in New South Wales, travel to Mildura, via Merbein and use the agency facilities.

My colleague in another place, the Honourable Ken Wright, took up the matter with the Minister and received a letter dated 6 November, in which the Minister stated:

Further to your representations made on behalf of the Merbein Development Association regarding the Totalizator Agency Board’s agency located in Merbein, I have received advice from the Board that the Merbein agent has recently been transferred to the Red Cliffs agency and because the operating profit at Merbein is below the required level to provide industry distribution, an evaluation of the operations has recently been completed.

After careful consideration the board has decided to retain the current level of service at Merbein. However, the viability of the Merbein agency will be reevaluated by the board in twelve months time taking into account financial and service issues.

Consequently the Merbein Development Association is concerned that there may be something sinister in the words of the Minister in that the agency may be closed completely
or transferred to the Merbein Hotel, which would not be as convenient as an agency in the normal shopping area of the town.

The distance from one of the existing agencies in Mildura is 11.5 kilometres and, if there were a reduction to 10 kilometres, it would be wide open for the Totalizator Agency Board to immediately transfer the agency to a hotel. That is against the wishes of the Merbein Development Association, as I have already outlined.

There may well be a case for a small reduction in the distance of 15 kilometres, but it would appear to be splitting hairs to some extent and I hope at some future time we can again debate that issue, should it arise.

Apart from the issues to which I have referred, the strong opposition to clause 6 and the reservations about clause 13, the National Party supports the Bill and believes it will improve racing operations and facilities for betting on races in Victoria.

Mr TREZISE (Minister for Sport and Recreation)—I thank the honourable members for Gisborne, Swan Hill, Mildura, Warrnambool and Murray Valley for their contributions and constructive suggestions. I shall try to answer the queries they raised.

In respect of the Mildura district, it was not a Government initiative to introduce the proposed legislation. The proposed legislation was introduced following strong representations to the Government from the Harness Racing Board and the Racecourses Licences Board. Those organisations, which have independent chairmen, represent harness racing interests in the country and city areas.

They believed, in the interests of the harness racing code, there should not be a barrier which says, “So many meetings must be held here and so many meetings must be held there”. Those organisations considered that the board should be given discretion in the allocation of meetings and that this would be in the best interests of harness racing across the length and breadth of the State.

The honourable member for Mildura seemed to think that the proposed legislation would automatically mean fewer harness racing meetings for the Mildura district. Why should that be so? I presume that the Harness Racing Board, which, I think, has the confidence of the country racing industry, would make the decision. The board would be aware of the isolation of country areas like Mildura and Swan Hill and the importance of providing adequate harness racing meetings. I can see no reason—if the argument is there—not to increase harness racing in those areas. However, it is up to the Harness Racing Board, and the decision has nothing whatsoever to do with the Government.

Mr Whiting—And the Racecourses Licences Board.

Mr TREZISE—The Racecourses Licences Board made a recommendation that the proposed legislation should be introduced. All I am doing is acting on the request of the harness racing industry. Those organisations will decide the venues for the future and there will be no Government intervention.

I am aware of the activities of the Nyah Harness Racing Club, which is located near Swan Hill. I know the chairman of this excellent club. I have attended the Mildura Cup held at that course for three years in a row and I trust I shall attend for some years to come. It is a well run and well patronised club. So far as future race meetings are concerned, the matter is not in the hands of the Government or any other future Government.

The honourable member for Murray Valley referred to the successful operation of the small private totalisators on some courses in the electorate he represents. The racing industry has recommended that the Totalizator Agency Board provide tote facilities on all country courses. The industry considers this would be more successful than the small private totes. I realise that the honourable member for Murray Valley has queried whether this is so, and I shall be happy to present his views to the racing industry and the working party and seek the answers to the questions he raises.
If the honourable member for Murray Valley is correct in his assessment that private totes should be available in favour of the TAB, I shall certainly review the situation in the interests of the racing game. I am willing to provide that assurance to the honourable member.

Shortcomings have been experienced with the small private totes. If one attends a race meeting, for example, on grand final day in Maryborough, has a successful bet on a race and leaves the course, one cannot collect the winnings unless one goes to a course where the same tote is operating.

Under the proposed system of having the TAB on all courses, if one has a bet in Swan Hill and then comes back to Melbourne, one can collect the winnings at any agency or course. I realised there would be teething problems and that is a reason why the working party, the Victoria Racing Club and the country racing council suggested the Government should make the move it did.

The honourable member for Gisborne referred to the future of TAB agencies in hotels. The honourable member questioned whether more discretion should be used. It has been unanimously agreed to reduce the 15-kilometre limit by measuring the distance from the most direct road route. In the next few weeks the future of TAB agencies in pubs will become a large issue for consideration.

Honourable members are aware that the chief of the police Racing Squad contacted me a month ago and a meeting was held which honourable members were invited to attend. Concern was expressed about video recordings of greyhound and harness racing events being televised by the Bond organisation's Sportsplay, whereby racing would be put on the walls of hotels and racing clubs around Victoria.

The police were concerned that this would have an impact on starting-price bookmaking in those venues, especially if TAB agencies in the neighbourhood close at 6 p.m. because of lack of patronage. When greyhound and harness racing events are screened in those hotels and clubs at night, it is only natural that people may wish to place bets, and this could lead to an escalation in starting-price bookmaking.

The police Racing Squad has asked me—through Parliament and the Government—to keep a close eye on the situation. Victoria may have to give consideration to adopting the situation that has been adopted in other States where somehow TAB facilities must be made available to cater for demand whether it is in hotels or has some connection with the local TAB agencies.

Honourable members who are interested in the racing industry and I will be examining that matter in the future. I have asked the police to report to me and interested honourable members in two or three months' time. I thank honourable members for their contributions to the debate.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 5 were agreed to.

Clause 6

Mr REYNOLDS (Gisborne)—I invite honourable members to vote against this clause. The clause has caused considerable discussion, particularly by my colleagues in the National Party who represent electorates in north-western Victoria. The Minister has stated that the clause allows flexibility and has the support of industry organisations, but that does not apply to all of them.

I have received letters from various clubs which disagree with clause 6 because it will allow 252 race meetings for harness races to be held outside a 32-kilometre radius of Melbourne virtually anywhere in Victoria. The current legislation ensures that no more
than 35 race meetings must be held in north-western Victoria and no more than 217 race
meetings in the remainder of the State.

It is an intriguing way of writing proposed legislation. I am arguing against myself in
saying the removal of the restriction will allow more than 35 race meetings to be held in
north-western Victoria. In effect that is so, but in reality it will not occur.

Mr Norris interjected.

Mr REYNOLDS—I am delighted that the honourable member for Dandenong has
returned to the Chamber. The honourable member was not present when he was being
lambasted for his earlier contribution. The honourable member has now returned and we
will give him some of his own medicine.

Mr Norris—Let us have a rerun!

Mr REYNOLDS—The Bill will allow harness race meetings that were designated to be
held in north-western Victoria because of its isolation to be held closer to Melbourne. The
move within the industry is to centralise rather than to decentralise.

The honourable members for Swan Hill and Mildura spoke at length about the value of
harness racing to the areas they represent. In effect, harness racing is a decentralised
industry. Robinvale has 20 trainers, 25 to 30 breeders and many more owners of horses.
Robinvale is a small club that runs five restricted meetings a year. There are many other
clubs in the remainder of the State that hold race meetings each year.

The sitting was suspended at 12.45 p.m. until 2.3 p.m.

Mr REYNOLDS—As I was saying prior to the suspension of the sitting, clause 6 opens
up the number of meetings that may be held in the north-west area of the State. As the Act
currently stands, 35 meetings must be held in Mildura. The Opposition's amendment will
omit the clause.

During the second-reading debate, I omitted to declare a pecuniary interest in this Bill
which, given recent events, I should do. I am a part lessee of a harness racing horse that
has had some success in the past. I shall not declare that it may win in the future because
it is injured and I might get into trouble if I suggest it can win.

The clause does away with the principle of decentralisation in Victoria, which has
worked well in the manufacturing industry. Harness racing is a big industry in the north­
west region. In opposing the clause, I shall refer to several matters.

It is interesting to note that the Ouyen Harness Racing Club, the Nyah District Trotting
Club, the Robinvale and District Harness Racing Association and the Mildura Harness
Racing Club have all written to me suggesting that the clause be opposed. Later I shall
quote from a letter from the Vice-President of the Mildura Harness Racing Club.

It is interesting that some clubs that may be seen to benefit from doing away with the
restriction ensuring 35 meetings support the omission of the clause. The clubs at Terang
and Wedderburn could benefit. One organisation from which I would least expect support—
and I do not mean that in a disrespectful way—is the Victoria Racing Club. That club
supports the retention of the present number of meetings in country areas.

Mildura and the clubs that run registered meetings are extremely efficient. On the scale
of efficiencies that is used there would only be three clubs in Victoria that hold night
meetings that could be considered to be as efficient or more efficient than Mildura, and I
refer to the clubs at Geelong, Ballarat and Bendigo. Due to the size of those cities, it is
difficult to compare them with Mildura. However, one can compare the performance of
the clubs. Mildura ranks equally with those three major Victorian country clubs.

Mildura, Ouyen and Nyah have no difficulty in attracting entries even during times
when it is difficult to find entries. Some clubs have to hold invitation events allowing them
to invite specific horses to compete. Those three clubs are extremely competitive.
The north-west district is good horse-growing country. As horsemen say, it is good, hard country and excellent for training horses. Some time ago, a report indicated that 10 per cent of harness racing horses trained in Victoria were trained in the north-west area of the State.

An argument put up for centralising harness racing is that if one takes a central point in the north-west area, such as Robinvale, and draws a radius of 150 kilometres, three clubs within that radius—Nyah, Ouyen and Mildura—would hold harness racing. However, if one took another central point in Victoria, one would find that many more than three clubs would be embraced in the 150-kilometre radius and many more meetings would be held. It is logical and sensible that those 35 meetings be retained in that district.

It is some time since the total of 252 meetings held outside a 32-kilometre radius of the General Post Office was decided upon. The ceiling of 252 meetings may need to be raised. That is in the Minister's court and a change would be made on the recommendation of the Harness Racing Board and the Racecourses Licences Board.

I conclude my remarks by quoting from a letter from the Mildura Harness Racing Club signed by its Vice President, Mr Barry Bottams:

It is commonly stated that if the amendment goes through, it won't mean we will lose dates... He is saying that it has been stated in official circles that the Racecourses Licences Board and the Harness Racing Board would like some flexibility but there is no guarantee that any meetings will be lost from the three clubs concerned. If that is so, Mr Bottams asks: why alter it? I quote again from his letter:

There are 12 night clubs in Victoria, and speaking from Mildura's point of view, if a Club had to lose meetings because of its performance, and have those dates given to a Club which would contribute more to the Industry, there would be eight other clubs that should lose dates before Mildura.

That refers unequivocally to the point I raised, that the performance of the Mildura Harness Racing Club is the equal of, if not better than, the three other major clubs in Victoria at Geelong, Ballarat and Bendigo.

I urge the Minister to accept this amendment and I am sure that it will have the support of my colleagues in the National Party.

Mr W. D. McGrath (Lowan)—The National Party strongly supports the retention of the status quo in the principal Act and is not prepared to support clause 6 of the Bill.

Trotting is a little different from thoroughbred racing in that it is a family sport. Basically family groups are involved with trotting rather than the four or five major training complexes that provide such a large input into the thoroughbred racing industry.

Small family groups throughout Victoria are involved in the breeding and training of harness horses and the Mildura district is no exception. It has been pointed out by the honourable members for Mildura, Swan Hill, Warrnambool and Gisborne that statistics show that the harness racing industry in the Mildura district stands up well to its friendly competitors in other parts of the State. That is shown in the amount of stake money provided and the investment on the Totalizator Agency Board at the various meetings.

The meetings conducted in the north-west of the State hold up well against other meetings conducted by the harness racing clubs throughout Victoria. The honourable member for Warrnambool, representing the other end of the State, supported the retention of the status quo. One example of support from that area is that the Horsham Harness Racing Club is strongly in favour of the Mildura Harness Racing Club retaining those 35 meetings. I have no doubt that if clause 6 is passed, race dates will be transferred from the Mildura district.

Although I take a lot of note of the assurances of the present Minister for Sport and Recreation, I stress that one cannot always rely on those assurances to stand up under a
new Minister. An example is the assurances that were given by the former Minister for
Local Government that the Local Government Commission would not be used to bring
about amalgamation of municipalities. However, with a change of Minister and a different
philosophy, the role of the Local Government Commission was completely changed.

I venture to say that with a different Minister for Sport and Recreation, if this issue were
enshrined in legislation, it could mean the transferring of race dates from the Mildura
district.

I am pleased to see the support given to the harness racing industry in the north-west of
the State by members on this side of the House, especially the honourable members for
Swan Hill and Mildura who represent electorates in that area, and by other members of
the National Party who have added their support to retaining the status quo in the
principal Act.

Mr NORRIS (Dandenong)—I oppose the omission of clause 6, as proposed by the
honourable member for Gisborne, for the reasons I stated originally during the second­
reading debate. I can understand the parochial feelings of members of the National Party
and if I were from Mildura or some other country area I might take the same stance.
However, this issue must be considered in a general Statewide perspective.

There is no point in being parochial about the sport. The allocation of racing dates must
be left to the boards that are appointed to administer the sport. Those boards must be
given the rights and the flexibility to allocate racing days.

Some interesting statistics were taken out by the Harness Racing Board. The honourable
members for Gisborne and Lowan mentioned the fields that held up well at Mildura, the
lack of trouble getting entries, and so on. They mentioned the support they received from
Wedderburn, Horsham, Terang and other places. However, some interesting figures relating
to the distances travelled by horses to get to meetings were given by the Harness Racing
Board. Those figures show that the distance travelled to transport a horse entered at
Kilmore is 150 kilometres; the distance travelled to Moonee Valley is 170 kilometres, and
to Mildura, 450 kilometres. One does not know, for instance, what the eventual petrol
cost of transporting horses might be. However, one must consider the cost of the exercise
of taking animals to and from Mildura, 450 kilometres, compared to Moonee Valley 170
kilometres and Kilmore 150 kilometres.

This is only one aspect about which the board must be given flexibility. It is the board's
responsibility to administer the sport and it must be given the right to allocate the racing
days. I oppose the amendment.

Mr TREZISE (Minister for Sport and Recreation)—The Government does not accept
the views of the Opposition and the National Party in this regard. I endorse the remarks
of the honourable member for Dandenong. As a Government—and I am sure also as a
Parliament—we do rely on the views of the representatives of the harness racing sport,
particularly the Harness Racing Board itself, and the Racecourses Licences Board. Both
boards have said that they want this clause to be passed so that they can have this
flexibility.

No doubt, over the years and the decades, times and circumstances change. There may
be much interest in harness racing in some districts of Victoria for three or four years, and
then it could begin to die out substantially. There could also be the reverse situation: there
might be an area with very few race meetings but a tremendous increase in the number of
people or horse people in the area who deserve increased harness racing.

Therefore, the board wishes to set up race meetings where it believes it is in the best
interests of Victoria. Mildura and the surrounding district are an important part of Victoria,
as is the Gippsland area and all other such areas of this State.
I do understand the views of the local members of those areas; they are elected to Parliament to represent the views of their districts, whether they be Mildura, Swan Hill or other areas.

From a neutral point of view, so to speak, I believe, however, the board should have the right to set race meetings in areas where it believes it is in the best interests of the sport itself. Therefore, the Government will not accept the views of the Opposition and the National Party.

Mr WHITING (Mildura)—I am disappointed that the Minister for Sport and Recreation has not seen fit to accept the suggestion of the honourable member for Gisborne for the Committee to vote against the clause. Sufficient information has already been provided to the Committee to indicate that honourable members are really talking about 35 race meetings for an area within a 200-kilometre radius of Ouyen, compared with 217 meetings for the rest of Victoria.

Surely that is not a great problem in anyone's language. The comment of the honourable member for Dandenong is absolutely ridiculous. He is saying that, because it is too far to travel—and it is actually 550 kilometres from Melbourne to Mildura—if a horse from the metropolitan area were entered to race in the Mildura Pacing Cup in March, it would involve travelling 550 kilometres to Mildura and the same distance back again.

However, the honourable member for Dandenong does not understand that if a number of meetings were taken away from that northern district trotting association area, the horses that are based in that area would have to travel a similar distance to compete in the metropolitan area or somewhere else. The honourable member's argument does not hold water. He talked about petrol costs. What about the costs to those people in the north-western part of the State?

The other point that should be made is that the letter from the Vice-President of the Mildura Harness Racing Club (Incorporated), from which the honourable member for Gisborne quoted, stated that if the race meeting dates are based on the performances of the various clubs that hold night trotting meetings, another eighteen clubs will lose race meetings ahead of Mildura.

The National Party is saying that once this provision is omitted from the Bill, it will be possible for the present Minister, future Ministers or the Racecourses Licences Board to transfer those meetings from the Mildura district to some other part of Victoria. There is no way in which it would be possible to put race meetings back into that district.

Section 16 (1)(b) was inserted in the Act in 1964. That section should be retained, rather than being substituted by the provision contained in clause 6, so that the rest of the State can go ahead as it likes. However, the north-western area should be allowed to remain a viable trotting area that does credit to the rest of the State.

Mildura is important in this regard, particularly when one considers that quite regularly horses from Adelaide, Murray Bridge and other areas of South Australia attend race meetings at Mildura.

If the provision to allow not more than 35 meetings in the Mildura district is retained in the Bill, those South Australian horses will have fewer options of racing than they would otherwise have. It is easy to say that we will leave Mildura as it is, but if the race meeting dates in Ouyen and Nyah are reduced, there is no way in which they can remain viable.

I am disappointed at the Minister's attitude to the suggestion to vote against the clause, and I hope he will reconsider the matter before this measure is debated in another place.

Mr REYNOLDS (Gisborne)—The honourable member for Dandenong should have paid particular attention to the remarks of the honourable member for Mildura. After all, when I interjected earlier and asked the honourable member for Dandenong whether he had ever attended a trotting or harness racing meeting at Nyah, Ouyen or Mildura, he did
not answer. Obviously, he has not attended such a meeting to see at first-hand the interest in the sport that exists.

The honourable member for Dandenong talked about the distance from Melbourne to Mildura. I point out to him that 10 per cent of the horses racing in Victoria are stabled in that area. It is just as far from Melbourne to Mildura as it is from Mildura to Melbourne—or does the honourable member’s speedometer not work that way?

In previous debates, the honourable member castigated the sponsorship of the Melbourne Cup. Carlton and United Breweries Ltd contributed $5 million over a five-year period for sponsorship of the Melbourne Cup. If the honourable member for Dandenong can suggest some other way in which the Victoria Racing Club can obtain that sort of money, I am sure the club would be delighted to hear from him.

The Committee divided on the clause (Mr Fogarty in the chair).

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Majority for the clause 3

**AYES**

Mr Andrianopoulos  
Mr Cain  
Mr Cathie  
Dr Coghill  
Mr Cunningham  
Mr Ernst  
Mr Fordham  
Mr Gavin  
Mrs Gleeson  
Mr Harrowfield  
Mrs Hill  
Mrs Hirsh  
Mr Hockley  
Mr Jolly  
Mr Kennedy  
Mr Kirkwood  
Mr McCutcheon  
Mr McDonald  
Mr Norris  
Mr Remington  
Mr Roper  
Mr Seitz  
Mrs Setches  
Mr Sheehan  
Mr Shell  
Mr Sidiropoulos  
Mr Simmonds  
Mr Spyker  
Mr Stirling  
Mrs Toner  
Mr Trezise  
Mr Wilkes  
Mrs Wilson  

**NOES**

Mr Austin  
Mr Coleman  
Mr Cooper  
Mr Cruzier  
Mr Delzoppo  
Mr Dickinson  
Mr Evans  
(Ballarat North)  
Mr Hann  
Mr Hayward  
Mr Heffernan  
Mr Jasper  
Mr John  
Mr Lea  
Mr Leigh  
Mr McGrath  
(Lowans)  
Mr McGrath  
(Warnambool)  
Mr McNamara  
Mr Pescott  
Mr Ramsay  
Mr Reynolds  
Mr Richardson  
Mr Ross-Edwards  
Mr Smith  
(Glen Waverley)  
Mr Smith  
(Polwarth)  
Mr Steggall  
Mr Tanner  
Mr Weideman  
Dr Wells  
Mr Whiting  
Mr Williams  

Tellers:
Mr Micallef  
Mrs Ray
Clauses 7 to 10 were agreed to.

Clause 11

Mr TREZISE (Minister for Sport and Recreation)—I move:

1. Clause 11, line 16, omit "(1)".

This is a machinery amendment which foreshadows amendment No. 2 on the same clause.

The amendment was agreed to.

Mr TREZISE (Minister for Sport and Recreation)—I move:

2. Clause 11, line 23, after "effect" insert "including paying the costs and expenses of the operations of the Board."

The amendment inserts in new section 116 HC (2) the power for the board to pay the costs and expenses of the provision of oncourse totalisators. The amendment clarifies the situation that the board may pay such costs and expenses but it is not required that those costs and expenses will receive Ministerial approval.

Mr REYNOLDS (Gisborne)—I issue a word of caution to the Minister. I realise that this amendment, along with the Minister’s amendments Nos 1 and 3, is intended to rewrite the clause to make it a little clearer.

In clause 11 where the words “including paying the costs and expenses of the operations of the board”, are to be inserted, I presume there will be some controls on this and that it will not entitle the board to willy-nilly charge up costs and expenses of the operations of the board. I hope that some care will be taken. There are no other matters other than that; I just express that word of caution.

Mr W. D. McGRATH (Lowan)—This amendment will alter clause 11 considerably. The clause relates to the Totalizator Agency Board provisions oncourse totalisator, and the amendment adds the words, “including paying the costs and expenses of the operations of the board”. As I could not hear what the Minister was saying because of the noise in the Chamber, I should like him to give a fuller explanation of what will be included in the costs and expenses of the operation of the board. I presume this relates solely to the TAB taking over the provision of oncourse totalisators.

I should like to have clear in my mind when the Committee is called on to approve or disapprove of the clause that this matter does not relate to clause 13 about the promotional powers of the board. If the Minister can give me a clear explanation that it relates only to the paying of the operators of the oncourse totalisator that is being provided by the TAB, I will be more relaxed about giving the clause my support.

Mr TREZISE (Minister for Sport and Recreation)—This is purely a matter of the expense of oncourse operations of the Totalizator Agency Board. The amendment does not allow for any other matters; it is purely to bring the measure exactly into line with the present operations of the board.
Mr TREZISE (Minister for Sport and Recreation)—I move:

3. Clause 11, page 5, lines 1 to 4, omit all words and expressions on these lines.

The amendment deletes clause 11 (2) of the Bill. The substitute provision was picked up in the previous amendment.

If this provision were to remain in the Bill it would require Ministerial approval for the payment of all oncourse costs and expenses of the Totalizator Agency Board. It was not considered appropriate to require the Minister to approve all such payment of costs and expenses as that would be carried out on a daily basis.

However, it should be noted that the requirement that currently exists under section 1160 (3B) for the Minister to approve any capital or works program will remain. This is found in section 1160 (3B) (a) in the current Act.

The amendment was agreed to.

Mr JASPER (Murray Valley)—I refer specifically to the provision of oncourse totalisators. I raised this matter during the second-reading debate and I reiterate my concern about the full impact of the proposed changes and the total takeover of the operations of oncourse totalisators by the Totalizator Agency Board.

Due account should be taken of the people who have operated totalisators in country areas. For example, Noreast Totalisators Pty Ltd, which I mentioned during my second-reading speech, operates from Wangaratta and is involved in 450 race meetings throughout country Victoria. The Minister will need to investigate the operations of private enterprises more carefully than he has to date.

Private enterprise has operated the totalisator system at country race meetings and has provided an excellent service. I am not happy with the response that I have received from the Minister and the people who are involved in the racing industry. They have tended to write off those who operate totalisators in the country. The returns that have been provided to country clubs over a long period by private operators will not, I believe, be matched by the operations of the Totalizator Agency Board. These people have operated in good faith.

The working party and those involved in the racing industry have not taken due account of Noreast Totalisators Pty Ltd and other private operators. They need back-up, support and recognition of their work. It will cost more to replace their services with those provided by the Totalizator Agency Board.

The Minister said that the proposed change would provide patrons of country race meetings with greater opportunity of betting on all race meetings held on that day not only in Victoria but also throughout Australia. Since the inception of the interface system in July, the services provided at country meetings have been extended. Noreast Totalisators Pty Ltd has been able to extend its totalisator facilities to cover other race meetings as well as the one at which it is operating.

The Bill could be extended to allow private operators to continue their present operations and to allow them to cater for all race meetings held on any day. The Minister should be cautious about the track down which he is being led by people in the industry and the working party who have a fixed idea about how totalisators should be operated.

I was not happy with the response I received last evening from a member of the working party. He tended to write down what was to be done by Mr Carmody, who has provided
factual information. Again, I seek an assurance from the Minister that adequate account will be taken of the operations of private enterprise in country Victoria.

Mr TREZISE (Minister for Sport and Recreation)—I appreciate the sincere remarks made by the honourable member for Murray Valley, who believes the private operators are able to do a better job in this area than the Totalizator Agency Board. That view is not supported by the racing industry.

The honourable member also believes that the Government is being led down the path on this issue or, as he may say, that it is being semi-conned by the fixed ideas presented by those who think the board is superior to the private operators. I have already requested officers of my department to report fully on where this provision is intended to take the racing industry. I have not shut the door on this issue.

The honourable member for Murray Valley and I will examine this provision with people who are involved in racing and officers of the department to ensure we are given a satisfactory reply at the earliest opportunity.

The clause, as amended, was adopted, as was clause 12.

Clause 13

Mr TREZISE (Minister for Sport and Recreation)—I move:

4. Clause 13, lines 11 and 12, omit all words and expressions on these lines and insert—

"(b) to provide the services and activities of the Board and with the approval of the Minister undertake other promotion of the Board;".

The amendment provides for the deletion of the words currently expressed in clause 13 to allow the Totalizator Agency Board to undertake normal promotion of its services and activities, as it does at present. Therefore, it will now not require the approval of the Minister.

The clause will then stipulate that the Totalizator Agency Board may undertake other promotions that will require the approval of the Minister. These words were suggested by the board. As the clause is presently worded it could be interpreted that the board would have to seek the approval of the Minister for all normal activities such as advertising or erecting signs. It should not be necessary that it come to me for approval for every step, lock, stock and barrel.

I point out that the way people bet with the agencies, the way in which they can renew different forms of betting, and the way in which the board advertises on the radio or in the newspaper are normal services and activities. The words "with the approval of the Minister" are inserted to overcome grey areas that have existed in the past and to indicate how far the board can go in making decisions.

Mr Reynolds—They have not been legal, have they?

Mr TREZISE—The board is comprised of racing people, in the majority, who decide what they believe is in the best interests of the board and of racing.

One matter that was considered as being in a grey area was the sponsoring of the veterinary clinic at Werribee. I believe it was in the interests of racing and it had the overwhelming support of racing people, but there may be times in the future when the board may go into other areas that should have the approval of the Minister. For example, it may be decided to advertise the Totalizator Agency Board by painting up a tram with advertising. Another matter that comes in that category is the parade of champions when Melbourne Cup winners parade down Bourke Street on Cup eve.

If the board wished to go into some new form of business that was not related to betting and services—such as the assistance of a drug research venue for racing—ultimately that matter should come to me. The object of the amendment is to allow the board to carry on normal services and activities without Ministerial intervention but to provide for approval
by the Minister if the board moves into a wider field. Seeing that it is a $1.2 billion organisation that has been very successful in recent years, it is important to allow it to use its vision and its scope to decide how far it should invest in the interests of the board, with the benefits flowing back to racing.

Those words are inserted in the amendment to clarify that the "services and activities of the board" are the everyday activities that do not have to come to me for signature every day of the week. Other promotions will be outside those principles.

The amendment was agreed to.

Mr REYNOLDS (Gisborne)—The Opposition will oppose the clause. I have listened intently to the Minister's explanation of his amendment. The Opposition accepts that it clarifies the Minister's position, but the Opposition will vote against the clause as a whole.

I direct the Minister's attention to the clause as contained in the Bill as printed, which provides:

For section 116GA (b) of the Principal Act substitute—

"(b) with the prior written approval of the Minister, to promote the Board and its services and activities; and".

In other words, the Minister had to sanction the promotional work of the board.

Before going further on that aspect, I refer honourable members to the Minister's second-reading speech in which he said:

I would particularly draw to attention, however, that the use of such promotional powers will require the prior written approval of the Minister.

The result of the Minister's amendment is that the board will not require Ministerial approval because the amendment enables the board to promote its services and activities. The Opposition does not argue about the services aspect but would like a full explanation by the Minister of what is meant by the word "activities".

The Minister suggested that it may mean painting a tram. I can imagine it painted up, probably with the glamorous face of the chairman of the board on the front!

The clause, as amended on the motion of the Minister, goes on to say:

and, with the approval of the Minister undertake other promotion of the Board.

The Minister's amendment leaves the position wide open: he will not have to approve of a thing. The board will be allowed to promote its own services and no-one could argue with that; it is sensible and logical. The board will not need to obtain sanction from anybody anywhere to promote its own activities. I beg the Minister to inform the Committee what are activities. To my mind that conjures up a million things.

This clause is not acceptable to the industry itself. I have not seen anyone who agrees with it, and I have spoken to many. As the Minister knows, when receiving Bills that deal with the racing industry, I circularise the entire industry—about 130 different clubs and organisations.

The Totalizator Agency Board is a monopoly; it controls legal, off-course betting. Why does it need to promote its image? Everybody knows that the TAB is where one places a bet if one wants to do so legally. When the board was founded back in 1961, it was the agency of the oncourse totalisator. Let us not forget that it is the agency of the oncourse totalisator. It is not there to lead the racing industry by the nose, as is thought in some areas.

The Minister alluded—and it receives pride of place in this year's report by the Chairman of the TAB—to the fact that the new racehorse performance laboratory at Werribee was sponsored by the board, and that might not have been quite legal.

The board was established to provide an agency for legal, off-course tote betting. It is also there to help the racing industry and to channel surplus funds back to the clubs, which
then direct those funds to the areas that they know best, whether it be as stake money, for facilities, to buy equipment or whatever. The clubs know best how to run racing. They have been doing it for hundreds of years and they know better than the board how to direct racing.

This year the board celebrated with fanfare its 25th anniversary. That should have been mentioned and it should have been given some prominence but, in replying to a question without notice some few weeks ago, the Minister indicated that in just a few short weeks the celebration of the 25th anniversary of the board took $285 500 of the board's $350 000 advertising budget.

Mr Whiting—Where was the party?

Mr Reynolds—The honourable member for Mildura obviously was not invited! We had breakfast at the Blue Diamond Stakes at Caulfield, at which only 100 people fronted, and the Minister cannot tell me how much it cost; the board held an open day at its headquarters at 1 Queens Road, and I do not argue with that; it sponsored the A. G. Hunter Cup at Moonee Valley; it put up a marquee at a race meeting at Flemington; it provided some sponsorship at the Australian Cup meeting; it put on the ANZ Pavilion Anniversary Dinner, to which several people were invited; it undertook some sponsorship at a greyhound meeting; it issued a special edition of Tabloid, the board's journal; it sponsored the TAB racehorse performance laboratory “jogger run” in which 2000 people participated; it sponsored the Silver Anniversary Handicap at Moonee Valley and the TAB 25th Anniversary Handicap at Sandown for the Victorian Amateur Turf Club.

Almost four-fifths of the board's total promotional and advertising budget for the year was spent in a few short weeks in a centralised area of racing, in Melbourne, at the direction of the board—not at the direction of racing, which ought to know best how to spend it.

The Totalizator Agency Board should have the right to promote its own services, as the Act currently states; no-one can argue with that but the broadening of that provision through this amendment is totally wrong. As I said earlier, in opposing this clause I have the support of the entire racing industry.

If the amendment is taken to its logical conclusion, the TAB, by directing where its promotional money will go, has the de facto power of determining the distribution of its surplus; it can spend any amount it likes and any honourable member with the slightest amount of imagination—knowing the workings of the TAB and the personalities concerned—can foresee what is likely to happen in this area.

If the Bill is to legalise something that is already done, that should be pointed out and it should be decried. The Totalizator Agency Board, as an agency of the oncourse totalisator, for the betterment of racing should channel its resources where it considers they should be channelled. However, the surplus and resources of the Totalizator Agency Board should be used for the racing industry and should be channelled to the three codes of the racing industry because they know best where to spend the resources or any surplus.

Mr W. D. McGrath (Lowan)—I wonder why the Minister has just turned the words around in the proposed amendment. It does not alter the meaning a great deal. The only word of any significance that has been taken out is the word “written”. The Bill states with respect to the promotional powers of the board:

For section 116GA (b) of the Principal Act, substitute—

(b) with the prior written approval of the Minister, to promote the Board and its services and activities;

The Minister is wanting to replace these words by inserting instead:

to promote the services and activities of the Board and with the approval of the Minister undertake other promotion of the Board;

If one takes away the word “written” I would have thought that it would have a detrimental effect, because if someone has to sit down and write a letter, one gives a lot more thought
to the subject than if one just has to provide an approval. By removing the word "written" it weakens the argument of the Minister considerably.

As the board is obtaining the power to control oncourse totalisator operations across the State, some time in the future it will have a total monopoly over the legal totalisator operations in Victoria. Therefore, the need for it to engage in promotional exercises outside the immediate operations of the Totalizator Agency Board is really not necessary.

Certainly, it is in competition with the bookmakers for the punter's dollar and it is fair enough that it engage in promotional and marketing exercises such as "double your dividends", which was used during the Melbourne Cup carnival. The National Party has also examined the summer entertainment campaign that was attempting to get those who were on vacation to invest their punting dollar with the TAB.

Another initiative is TALAMAR which is another service for phone betting. There is nothing wrong with those promotions or marketing exercises but no further development or promotions are needed by the TAB to promote its corporate image. The board is a big corporate institution, and no-one doubts or denies that. It has the record on the track for increasing the amount of turnover on a yearly basis by somewhere between probably 8 per cent and 20 per cent over the past decade. The Totalizator Agency Board is moving along very satisfactorily and does not need the additional promotional powers that the Minister is trying to provide under this clause. The National Party will not be supporting clause 13, as amended.

Mr TREZISE (Minister for Sport and Recreation)—I thank honourable members for their comments. The honourable member for Gisborne criticised the expenditure of the board, indicating that it was somewhat outlandish in terms of its expenditure on the recent entertainment, for its 25th anniversary.

If one compares the expenditure of the Totalizator Agency Board under Labor Governments compared with the board's performance under Liberal Governments, one would be tremendously surprised at how well it has performed. If one examines the reduction in the overheads this year compared with previous years, one can find just one reason why the racing industry has received its greatest boost in the history of racing in this State.

Be that as it may, the Totalizator Agency Board is comprised of personnel representing all facets of the racing industry, including the Chairman of the Harness Racing Board, the Chairman of the Greyhound Racing Control Board, the country representative of the galloping code, the city representative of the galloping code and the chairman and deputy chairman, which means that racing people have a majority on the board when it comes to making decisions of where the board spends its money in the interest of the board and the racing industry. I should also point out that the TAB does need continual promotion. The board turnover on racing in the metropolitan area in the present year, however, is not going as well as it has in the past but with further promotion and other ideas, I am sure it will continue to have its upward trend and reach the tremendous high enjoyed by the racing industry in the past four or five years. The turnover has jumped from 6 per cent when the Labor Party came to office, to 18 per cent, 13 per cent, 9 per cent and 14 per cent.

The criticism of the present board is somewhat unjust; the present board has been a tremendous boost to racing in the State and has provided a tremendous contribution to State revenue.

In terms of TAB activities, one such activity would be advertising. However, if the TAB moved outside the scope of the actual betting subject and into wider promotion, one example would be drug research. It is possible that the racing code could decide to conduct drug research in some sort of laboratory and, at present, a working party is looking into this possibility. If the racing people decided that they would like the TAB to make a contribution in this area I would presume that, unless the Bill is passed, this could not be done.
There may be other gimmicks used in the future to promote racing; for example, if we tried to bring more people back to the racecourse by providing a bus to convey elderly citizens from different parts of Melbourne to the races perhaps the clubs might be interested, or the TAB may be prepared to look at that idea in the future. If that is the case, the board would have to come to me for permission and I would automatically contact the racing fraternity whether it be the Victoria Racing Club, the Country Racing Council or the industry, to determine whether to give permission or not.

That is how I interpret the situation, otherwise we would close the door on them when there is a need to broaden the scope for the TAB for the betterment of the racing industry itself. That is the reason for the clause.

The Committee divided on the clause, as amended (Mr Fogarty in the chair).

Ayes

Noes

Majority for the clause, as amended 5

AYES

NOES

Mr Andrianopoulos

Mr Austin

Mr Cain

Mr Cooper

Dr Coghil

Mr Crozier

Mr Ernst

Mr Delzoppo

Mr Fordham

Mr Dickinson

Mr Gavin

Mr Evans

Mrs Gleeson

(Ballarat North)

Mr Harrowfield

Mr Gude

Mrs Hill

Mr Hann

Mrs Hirsh

Mr Hayward

Mr Hockley

Mr Heffernan

Mr Jolly

Mr Jasper

Mr Kennedy

Mr John

Mr Kirkwood

Mr Kennett

Mr McCutcheon

Mr Lea

Mr McDonald

Mr Leigh

Mr Mathews

Mr Lea

Mr Micallef

Mr McArnaboot

Mr Pope

Mr McGrath

Mrs Ray

Mr McNamara

Mr Remington

Mr Mathews

Mr Roper

Mr Micallef

Mr Rowe

(Mewanaboot)

Mr Seitz

Mr Micallef

Mrs Sitches

(Ballarat North)

Mr Shell

Mr McNamara

Mr Spyker

Mr McArnaboot

Mr Stirling

Mr Smith

Mrs Toner

(Glen Waverley)

Mr Trezise

Mr Smith

Mr Walsh

(McArnaboot)

Mr Wilkes

(Polwarth)

Mrs Wilson

(Tellers:)

Tellers:

Mr Cunningham

Mr Austin

Mr Sheehan

Mr Cooper

Mr Coleman

Mr Cunningham

Mr Crozier

Mr Steggall

Mr Cunningham

Mr Delzoppo

Mr Cunningham

Mr Dickson
The remaining clauses were agreed to.

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

**PLANNING AND ENVIRONMENT BILL**

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

Mr McNAMARA (Benalla)—The purpose of the Bill is to establish a framework for the planning, use and development of land in Victoria. The National Party supports the Opposition in calling for debate on the Bill to be deferred until the autumn sessional period.

The proposed legislation continues the erosion of local government by the Cain Labor Government that has been occurring over almost the past five years. Recently, the Labor Government lost the issue of restructuring of municipalities and, as a result, there are threats now to get back at local government through the Victoria Grants Commission or through funding by other Government instrumentalities.

Recently, planning controls of the Melbourne and Metropolitan Board of Works were removed from that authority—and local government had some input to those planning controls—and given solely to the Minister for Planning and Environment. This issue was highlighted by the honourable member for Ivanhoe. The National Party is equally concerned about the issue. At one time some 20 or 25 municipalities were represented on the Melbourne and Metropolitan Board of Works. Municipalities had a major representation. However, some years ago this representation was reduced to four local government representatives. Subsequently, these planning controls have been removed entirely from the board and, as a result, from municipalities.

The measure contains 88 new planning provisions; it has a schedule of 134 items; it makes a total of 200 amendments to other legislation; 28 clauses have been identified as making major restructuring changes; and another 100 clauses contain significant changes. The measure extensively alters planning guidelines for the State.

Several authorities have not been given adequate consultation on the proposed legislation, not the least of which are municipalities. The time given to the Municipal Association of Victoria to contact its 210 bodies has been inadequate. Other bodies such as the National Trust of Australia (Victoria), the Historic Buildings Preservation Council and the Association of Town Planners have indicated that they would like more input on this measure.

The measure provides for the transfer of the Planning Appeals Board to the Administrative Appeals Tribunal of which it will become a division. Later, I shall quote comments of Mr Stuart Morris on that issue. Some interesting proposals have been made. One is the Administrative Appeals Tribunal's power to refuse applications on the basis of economic issues. Again, this matter was raised by the honourable member for Ivanhoe.

If Victoria reaches the stage where bureaucrats determine the viability of businesses, God help society. Surely businesses are sufficiently mature to determine whether there is a market and a future for them; that should not be determined by the general planning criteria. It is up to businesses to take economic risks. It is not up to a group of bureaucrats...
to determine whether businesses will be viable. This provision will be another brake on opportunities for people establishing businesses. It will put a brake on the business activity that Victoria needs to get back on the map and to get some real economic growth in the State.

The proposed legislation is provided in plain English form. The Government claims that the scope of planning has been broadened and clarified in ways which will improve planning legislation. The Government claims that, instead of being bound by the restrictive Third Schedule, planning schemes may take into account a wide range of interests including economic, social and environmental interests. The National Party seriously questions providing such wide factors within planning matters in a legislative measure.

Further, the Government claims that the new consolidated planning scheme will be provided for each area where there are State, regional and local chapters. The Government claims it will be simpler and more flexible. There is a consequent abolition of interim development orders. Whether or not the Government decides to supersede interim development orders, local communities will lose the right to determine their own planning decisions.

The Government states that the planning schemes will incorporate other agencies' requirements. There is provision for referral authorities. Again, here is the hand of Big Brother, whether it is the Road Construction Authority, the Melbourne and Metropolitan Board of Works, the State Electricity Commission or whatever.

At present councils refer planning applications to several authorities. Of course, water authorities have the opportunity of imposing their requirements. Also there are instances where authorities such as the Road Construction Authority have had the opportunity of imposing other requirements. Generally, local councils have the opportunity of either accepting or rejecting the recommendations of those other so-called responsible authorities. At times that has meant the difference between a development proceeding or not proceeding.

In the electorate that I represent there have been instances of the council forwarding applications to various referral authorities and each of those authorities imposing its own requirements. For example, the State Electricity Commission may want powerlines to be constructed underground; the water authorities may have certain requirements, and so on. Every authority is in for its cop. As a result, subdividers often feel like the goose that lays the golden egg and that these authorities are continually taking advantage of them. There are times when the requirements of these authorities are such that the development will not proceed.

There is a need to get back to the stage which once existed when new communities were being developed and the restrictions imposed on them were less onerous. Many communities have indicated that their preference is to be allowed to go ahead with a development that will include a gravel road rather than a bitumen road on the understanding that at a later stage of development, when the streets are extended and traffic becomes heavier, those gravel roads will be sealed. There is a reason for that. Bitumen roads require sufficient vehicular use to maintain their condition; otherwise, they break up quickly. It is only sensible for both the municipalities and the developers initially to provide gravel roads for new areas.

The Bill provides for mandatory notification and referral applications with councils acting as a "one-stop-shop". There is merit in that proposal. There are new arrangements that will allow the councils to change permits. Many of these provisions have occurred as a result of the highly publicised Wade case.

There are new enforcement arrangements. Widespread dispute settling roles are provided for the Planning Appeals Board. A subdivision of land Act is to be incorporated in the Planning and Environment Act. Although this is not provided for in this Bill, the Government intends to initiate legislation for this purpose. There will be links between the Planning Appeals Board and the Administrative Appeals Tribunal as a result of this
Bill and the House will be dealing with that total package later. There are links with the Environment Protection Act and with provisions for fees for permits and applications. It is fair to say that the use of objectives in legislation is a positive step forward towards the type of corporate planning one would want Government instrumentalities to adopt.

Again, the National Party wishes to stress the importance of independence of local communities in determining their planning parameters. The Bill provides power for schemes to incorporate new municipal policies and codes of reference. This will give municipalities opportunities to put on paper their corporate plan and where their directions lie. It will make it easier for people in the area to view these objectives, and it will assist municipalities in taking a consistent view with various applications that they might receive.

I suppose that is a major criticism of any planning process where people identify inconsistencies. When the rules are known and the authorities are inconsistent in the application of those rules so that one person seems to gain an advantage while the next person does not, the concerns of the general public are raised. The Bill provides a standardisation of the notification procedures for amendments, a broadening of the grounds for cancellation and amendment of permits, and a clearer and more open procedure for seeking amendments.

The major concern of the National Party about the proposed legislation is that it reinforces and significantly extends the power of the Minister; it centralises that power. The National Party has always held the view, particularly on issues such as planning, that local input and knowledge should be taken into account. It is difficult for people at Mansfield, Nagambie, or Echuca, who know the history of specific problems in their area, when bureaucrats in Melbourne look at a map when drawing up boundaries and tell those people what will happen in the area.

When I was involved in local government, precisely that problem arose when an interim development order was introduced. Advisers from the Ministry for Planning and Environment proposed a plan for areas of farm subdivision, which were areas that local people wanted to retain as rural tracts of land. The areas they deemed to be suitable for subdivision in the future were miles away from any existing power and it would have cost millions of dollars to extend power into that area. It was also not feasible to get reticulated water into the area in the foreseeable future and there was probably too much water in the area because much of the land proposed for development was swamp and floodprone.

The bureaucrats in Spring Street, Melbourne, had looked at a map and decided that was an area for development, whereas if they had spoken to two or three people who lived in the area they would not have made such a suggestion in the first place.

The Bill will give the Minister greater involvement at all stages of planning matters. The Bill will enable the delegation of his authority and, therefore, planning matters will be run by bureaucrats based at the central location in Melbourne. A number of specific new powers of Ministerial direction are provided, and there is an automatic overriding power of the Minister over the local authority. There is a virtual power of veto by the referral authorities, so that local government is getting the short end of the stick either by the Minister, a bureaucrat in the Ministry for Planning and Environment or, failing that, by the various other referral authorities.

What does local government receive in return? It receives far more in the way of responsibility, but less power. It must issue more notices and have responsibility of referral. Local government must implement the various planning issues and will be liable for error. I am referring to clause 36 of the proposed legislation. Overall, the Bill offers very little for local government.

The National Party believes the Government has overreacted to the Wade case. Whether it has adequately met the problems identified in the Wade case is open to question. I wonder whether the procedures for automatic notification to neighbours is justified in all
circumstances. Honourable members dealt with the Wade case not long ago. It was an horrific story with people running into debt of more than $1 million over the issue of a planning permit that involved only about $30,000 or $40,000 of expenditure.

I wonder whether all matters have been covered, but in any event I wonder whether it will increase notices and advertisements required for all sorts of proposals, such as a swimming pool, tennis court, flagpoles, mail boxes or fences. It will increase the amount of paperwork and the cost of planning processes.

Many of those activities can be done without referral to any authority by the landowner. There is restriction on the power of the individual landowner to determine what he can do with his property. There are added administrative costs for municipalities and various penalties for municipalities if they do not comply with the provisions or override the provisions. There is power for the Minister, bureaucrat or referral authorities to override that act in any case.

The answer may be to provide wider discretionary powers for municipalities, such as a simpler procedure for rectifying errors. I ask the Minister for Housing to refer these matters to the Minister for Planning and Environment.

The whole process is cumbersome and inflexible. It will result in unnecessary delays. The Bill does not do much to free up the development process which the Government has been espousing as its ten-year program. The other day the Premier announced that the Government would be reviewing the ten-year program. One of the keys of any development program is the planning process that will give industry and individuals the power to develop as they would like to develop.

There will be unnecessary notices that will cause delays. The time scales set down are too rigid. In practice, it will be difficult for municipalities to meet those time scales. If they do not, there are various appeal provisions. The scope for legal intervention has been increased for the Planning Appeals Board and also the Supreme Court.

At one stage the National Party argued that, to remedy the problems highlighted by the Wade case, provision for seeking legal recourse should be provided for additional hearings which will be added by the proposed link with the Administrative Appeals Tribunal, and also to provide additional opportunities for objectors before the responsible authority, the board, the Supreme Court and the Administrative Appeals Tribunal itself.

The scope of inquiry before both the authority and the board have also been widened. The fees and costs to prospective objections may be a deterrent to some developers. That is certainly not anything the National Party wants to encourage in the proposed legislation. Development approvals will be more difficult; they will be more costly, more protracted and more uncertain. The Government is placing more problems in the way of development in this State. There will be substantial increase in the way of appeals to referrals to the Administrative Appeals Tribunal, and this will increase the workload and delays.

The National Party, with the Opposition, believes the proposed role of the Planning Appeals Board is unnecessary and undesirable. The board has developed some special expertise; it is informal but informed.

Mr Stuart Morris, in his role as Chairman of the Local Government Commission, wrote a letter that was included in the Australian Municipal Journal of September 1986. Mr Morris makes the point:

The Victorian planning appeals system is the best in Australia and care should be taken to ensure that its strengths are retained in any reorganisation. By comparison with other states it is responsive, non-legalistic and informal.

Mr Morris is a solicitor and has been involved with the Planning Appeals Board. Mr Morris makes the interesting comment that he has experienced far more legalism in Australian Labor Party branches than in proceedings before the board. Perhaps that is part of the problem and why there is excessive legalism in the proposed legislation. I do
not know if the Opposition should be promoting the lawyer who is standing for preselection in Williamstown. Perhaps that is another issue and one that will be resolved in the Labor Party caucus. Other issues have to be resolved within the Labor Party, as the Minister for Housing well knows.

The ACTING SPEAKER (Mr Hockley)—Order! I ask the honourable member to return to the Bill.

Mr McNAMARA—Certainly. Apparently almost one-third of Labor Party members have not paid their Parliamentary levies and it is suggested that they be barred from attending future caucus meetings. I wonder whether the party will adopt a legalistic measure and issue summonses for the outstanding fees.

I was dealing with the proposed role of the Planning Appeals Board. As I indicated, the National Party, with the Opposition, believes it is unnecessary and undesirable. The board has acquired an expertise and the confidence of a number of people, including Mr Stuart Morris and others. It has operated well and cheaply for the people involved. The process and procedures are simple and prompt by comparison with the courts and other tribunals. The Government should not add to the complications. It is difficult enough to get projects off the ground and undergo feasibility studies, let alone run into the brick wall of a bureaucracy creating difficulties.

The Chairman of the Planning Appeals Board has the status of a Supreme Court judge and it makes no sense to direct points of law to a judge of lower status. That is a strange proposal. Perceived problems should be changed by changes in arrangements within the appeals board. It is a good system and the Government should not muck it up. If tinkering is required, then tidy up some of the board’s procedures and make it even better. Mr Morris has said it is by far the best planning appeals system in Australia. There is no justification for creating an additional layer of hearings.

The proposed enforcement procedures are substantially unnecessary. Planning schemes should be obeyed and enforced without the need for an enforcement order. The granting of an enforcement order only delays a prosecution. The appeal against the enforcement order further delays a prosecution. The process adds to the cost as well as the delay. Similar powers in existing Acts have been ineffective and virtually unused. The Government should consider increasing the powers of courts to give direction, stop unauthorised works or uses or close or quarantine premises. This should be considered as an alternative.

The Bill moves away from the canvassing quota to bind the Crown. The Bill does not contain the intended subdivisional procedures and I ask the Minister for Housing why those proposals were withdrawn because the National Party was advised they would be included in the proposed legislation.

The Bill is basically a development control rather than a planning measure. It fails to achieve the integration that is required. The Bill should streamline planning and not be a brake on development.

Local government has had more to say on the proposed legislation than any other organisation. Both I and Mr Baxter, the member for North Eastern Province in another place, have received more than 100 responses from various municipalities as well as a detailed response from the Municipal Association of Victoria and the metropolitan district assembly of municipalities. The comments and requests they have made indicate to the National Party and the Opposition that there is considerable concern with the proposed legislation and that local government in particular wants more time to consider the matter.

I now deal briefly with local government concerns. I received a letter from the Municipal Association of Victoria that includes a motion that the association passed regarding the Planning and Environment Bill. I shall read that motion to the House. It states:

While a degree of consultation on principles for new planning legislation was undertaken in 1983, there has been insufficient opportunity for local government to properly assess and have any meaningful consultation with the Government on the Bill currently before Parliament.
The association forwarded a letter to the Minister for Planning and Environment requesting that the Bill lay over to the autumn sessional period in 1987 to enable further consideration of the detail in the Bill. The motion was moved and was passed unanimously.

The Government would be wise to heed the request of the 210 municipalities in Victoria. It is easy for the National and Liberal parties to put up a proposal as I intend to move at the conclusion of my speech to have the proposed legislation held over until the autumn sessional period next year, but the Government would do itself considerable credit if it took the initiative and responded reasonably to local government.

Mr Plowman—Not this arrogant Government!

Mr McNAMARA—The honourable member for Evelyn, by interjection, said, “Not this arrogant Government”. I hope it is not a matter of arrogance but more of commonsense. On an issue such as this involving major changes in legislation the Government should respond quickly and responsibly.

As much as the Government seeks to diminish the role of local government in planning matters, it must remember that local government is an integral part of the process; local government is the first-stop shop of all planning matters. The Government will need the cooperation of local government in the future if it is to make the proposed legislation work effectively.

The major concerns of the Municipal Association of Victoria are that, firstly, the Bill diminishes the real powers of local government while, at the same time, imposing additional liabilities and responsibilities on local government to perform “properly”—whatever that means. Secondly, the association is concerned about the further administrative and procedural requirements—and hence costs—that will be imposed on councils.

Thirdly, councils will be required to enforce cumbersome and inflexible application procedures and will have to bear the brunt of criticism by applicants who will be making inquiries. Fourthly, councils are concerned that they will be hamstrung by additional matters of appeal going to the Planning Appeals Board. Fifthly, the association is concerned that the enforcement of planning schemes will be left, in the main, to councils which will have to cope with enforcing procedures that will be substantially ineffective and inefficient.

It is interesting to note the difference in philosophy between the Planning and Environment Bill and the proposed new local government Act. The Minister for Local Government has been going around the State—as did the Minister for Housing when he was Minister for Local Government—speaking about the importance of local government being independent and determining its own priorities. At a meeting to launch the move towards municipal amalgamations, the Premier said that it was part of the package to give additional autonomy to local government.

Mr A. T. Evans—He does not mean it, though!

Mr McNAMARA—One wonders whether the Government is genuine in its motives. On the one hand, one hears comments about what is to be incorporated in the new local government Act, which is supposed to increase local government powers, provide greater flexibility and enable local government to operate more effectively and efficiently and so on, and, on the other hand, one sees the introduction of a piece of proposed legislation like the Bill before the House which shifts the emphasis with respect to the planning responsibility and places it clearly in the hands of the Minister. The ultimate power is totally in the hands of the Minister for Planning and Environment.

The Bill seeks to increase the procedural requirements imposed on responsible authorities leaving little or no room for flexibility or discretion. That is thrown out of the window. The municipalities will be directed from Spring Street. If a local council wants to implement a planning scheme that the Minister does not like—bang, it is out of the window. The Minister's view will be superimposed on municipalities.
Many amendments in the proposed legislation deserve commendation. Many amendments will streamline and improve matters. The National Party would be the first to acknowledge that fact. However, at the same time, local government has made it clear to all political parties that it had insufficient time in which to properly consider the proposed legislation.

The Minister said the proposed legislation has been published as a draft for several years. That is not the case. The Bill before the House is substantially different from what has been floating around as draft legislation. The Bill contains 88 new clauses and 134 new items in the schedule. Some 200 changes are to be made to various other Acts.

If this is not the most massive change to the statute in the approximately five years of the Cain Government's administration, few measures would have made more substantial changes. I cannot recall any previous legislation having more massive changes than the Bill currently before the House. Local government needs more time to assess the proposed legislation in the light of the massive changes that are being introduced in the Bill.

On 10 October the Municipal Association of Victoria wrote to the Minister for Planning and Environment asking that the Bill be deferred until the next sessional period. On 6 November a meeting took place at which the Minister pointed out that the proposed legislation could not be delayed and that adequate opportunity had been provided for public comment and consideration of the Bill.

However, the Minister invited the Municipal Association of Victoria to make further submissions by 21 November. In other words, the Minister allowed the association an additional fifteen days for municipalities to further consider the Bill. The Minister wants to receive final submissions by the end of the week; yet the House is dealing with the Bill now. Will the Minister take those final submissions seriously? Of course not. The Minister has made up his mind. The Bill was dealt with today because the Government intends to see it steamrolled through without consultation.

The Minister's actions are an acknowledgment that adequate consultation has not taken place. On 6 November the Government allowed only a period of fifteen days for local government to undertake further consultations and report back by 21 November.

The Municipal Association of Victoria will not have adequate time to contact the 210 municipalities, many of which meet only on a monthly basis, to consider the massive changes in the Bill. The Bill consists of 102 pages. There are 134 items in the schedule and 230 clauses. Of the 210 Victorian municipalities, probably as many as 150 municipalities meet on a monthly basis. Most of the municipalities would not have received an updated copy of the Bill.

Many of the responses received by the National Party in respect of the proposed legislation—and I understand the same is true of the Opposition—were based on the draft legislation. Therefore, many councils have not seen the latest Bill. There is no way on God's earth that local government will be able to make an informed response to the proposed legislation by 21 November.

The only reasonable attitude for the Government to adopt is to accept the request made by local government to hold over the Bill until the autumn sessional period next year. In this way local government would have two or three months in which to properly consider a Bill that proposes the most massive planning changes that this State has ever seen.

The Bill contains massive changes in planning principle. Although numerous changes dealt with in the Bill are long overdue, many municipalities are terrified about what they see as a threat to their autonomy. I urge the Minister to consider the proposal of the opposition parties and, therefore, I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until adequate time and opportunity has been given by the Government so that all interests affected can make detailed and considered responses to the issues raised by the Bill."
The DEPUTY SPEAKER (Mr Fogarty)—Order! After the honourable member for Benalla has completed his contribution on the reasoned amendment, all speakers thereafter will be addressing the motion and the reasoned amendment.

Mr McNAMARA—The National Party is concerned that inadequate consultation has taken place. For that reason the Government should seriously consider my amendment to provide local government with what it has unanimously requested. Some 210 councils at their recent conference and grassroots community organisations have asked for consultation on these matters. The metropolitan and district assemblies of municipalities have also requested time to consult.

I ask the Minister to consider the proposals that have been made and from that point on we might have some reasonable ground and logical debate relating to the clauses in the Bill.

Mr A. T. EVANS (Ballarat North)—The honourable member for Benalla has adequately highlighted the insincerity of all the talk of the Cain Government about granting additional autonomy to municipal councils. The Bill is an attempt to slash the existing autonomy, and the limiting of the time given to municipal councils to consider the many significant changes to planning controls further demonstrates that the Government is persisting with its policy of Clayton’s consultation.

The Government has spoken about granting more responsibility to municipalities but at the same time it has threatened to reduce Government grants. A letter from the Premier to municipalities warns that if they do not toe the line and follow Government policy, grants will be restricted. In other words, the Government will impose financial sanctions.

With that background policy, how can anyone believe the Government when it says it will grant more responsibility to municipalities? Maybe, but certainly without compensating Government funding.

The Minister for Planning and Environment already has more responsibility than he can handle. I have high regard for the ability of the Minister but he is unable to handle the heavy workload he has as Minister for Planning and Environment and as Attorney-General.

The proposed legislation will place far greater loads on the Minister and will make it difficult for him to make sensitive everyday decisions which will affect hundreds and thousands of Victorians. It is obvious that those decisions will be made by his bureaucratic assistants. I have experienced that situation recently and have received several letters carrying the rubber stamp of the Minister’s name at the bottom. I am certain the Minister has no idea of what officers of his department are doing. How can the Minister possibly cope with all those responsibilities? The Bill will give power to the Minister and to the Government but it will not give increased service to the community.

Recently I had an experience relating to the imposition—and that is the right word—of the North Creswick Mining Sites Interim Development Order 1986 which covers 128 mine sites. Someone obviously took a map and said, “We will put an IDO on these mine dumps because we may be able to keep some of them for tourist attractions”.

Honourable members should recognise that those mine sites have no resemblance to the original mining heaps because they have been dragged over several times whenever the price of gold has made it worthwhile. This interim development order covers extensive areas of the north and south ridings of the Creswick shire and was entered into without any consultation with local landowners. No opportunity was given to object until the order was signed, sealed and delivered.

On 12 June 1986, Mr Peter Streader, the manager of Planet Resources Group NL, sent a telegram to the Minister in which he asked for an opportunity of discussing the matter before the interim development order was imposed. He received no reply and the order was imposed on 17 June. I am certain that the Minister did not even see the telegram.
On 14 June the Manager of the Central Highlands region of the Ministry at Ballarat, one of the major creators of this oppressive order, answered Mr Streader's appeal, so the Minister did not even see it. The appeal finished up in the hands of Caesar!

On 7 August I directed the attention of the Minister to the hardships caused to people affected by the interim development order and asked a series of questions. On 9 September I received a reply from Mr Bennett, the regional manager, and the person responsible for the order, in which he said he was replying on behalf of the Minister.

On 11 October I again wrote to the Minister seeking clarification. The next reply was on regional office stationery but had the Minister's rubber stamp on the bottom. How on earth can the Minister handle an even heavier workload when that occurs within his Ministry?

On 17 October I spoke to the Minister at Parliament House about receiving a deputation and he agreed to my request. However, shortly afterwards I received a reply from his office stating that no deputation would take place. I have been trying since then to approach the Minister about this issue. I made a telephone call and was told to put it in writing. I had already put my request in writing after I had spoken to the Minister, so that again demonstrates the chaos existing within the Ministry.

Some of the mines affected by the interim development order involve only a few barrowloads but no-one can build houses or do anything with the land until the order is lifted or modified.

I support the reasoned amendment moved by the honourable member for Benalla because councils should have the right of more participation in sensitive planning issues. On the evidence I have produced, it is clear that the Minister and departmental officers should have considerably less involvement.

A brake must be placed on the accelerating trend of Cain Government policy in centralising power in Melbourne with Ministers whose workloads are too great, or with inefficient Ministers, and where decisions are made by departmental officers and departments are run by the bureaucracy.

Mr Sidiropoulos—I object to that!

Mr A. T. EVANS—The honourable member for Richmond would not understand what goes on beyond the end of the city tramlines. I support the motion moved by the honourable member for Benalla that the proposed legislation be held over until the next sessional period so that it can be redrafted giving greater responsibility to municipalities, as once promised by the Cain Government.

Mr PLOWMAN (Evelyn)—I shall make only a few brief comments on the Bill because the honourable members for Ivanhoe and Benalla have made excellent contributions on its substance. The shadow Minister for Local Government will address other matters later in the debate. The Bill is complex and far-reaching, with consequences that will affect the whole community.

As the Minister for Housing would readily acknowledge, it is normal practice when a Bill such as this is introduced for it to be held over during the Parliamentary recess to allow adequate consultation and consideration to occur. That approach is taken because there is much wisdom in the community, in local municipalities and planning organisations. If sufficient time is given for these organisations to study the Bill and its implications, the Government will benefit from their contributions. Ultimately, substantial amendments are included in a Bill of this type which make for a better Bill and a better outcome for the people of Victoria.

As has been pointed out by the honourable member for Benalla, a number of planning organisations have sought additional time to consider this far-reaching Bill, including the Municipal Association of Victoria, the Metropolitan Municipal Association, the Royal
Australian Planning Institute, the Local Government Planners Association, the Town and Country Planning Association and the Law Institute of Victoria.

The Bill presented to Parliament is considerably different from the draft Bill that was circulated to councils. This Bill contains 88 new clauses, 134 items making 200 amendments to other Acts—many of which are quite substantial—28 significantly amended clauses, and a number of principles and provisions contained in the draft Bill have been dropped. It is little wonder that municipalities and planning organisations have made representations to the Opposition and, no doubt, to the Government, seeking deferment of the Bill until the autumn sessional period.

Just as members of the Opposition have received representations, I have no doubt that members of the Government have also received them. I am concerned that no member of the Government has spoken on behalf of a municipality and stated that the Bill should be held over to give municipalities the opportunity of studying the Bill.

The municipality that I share with the honourable members for Monbulk and Warrandyte—the Shire of Lilydale—has most certainly written to honourable members seeking a deferment of the Bill. I am concerned that those members are not prepared to stand up on behalf of that municipality to seek a deferment of the Bill.

It has been the custom for Bills of a wide-ranging nature with considerable consequences for the community to be held over. I am absolutely certain that the former Minister for Planning and Environment would have stuck by that convention. The Minister for Housing, who is handling the Bill in this place, must do the bidding of the Minister in the other place.

The Minister for Planning and Environment is simply showing his arrogance in not being prepared to listen to the submissions from planning and local government bodies around the State. By showing his intransigence and by not cooperating with municipalities and planning organisations, the Minister is simply inviting the deferment of this Bill in the other place so that it will be held over during the summer recess.

Rather than gaining the cooperation and goodwill of municipalities and planning bodies, the Minister for Planning and Environment has simply brought frustration and anger on his head. If he had been a little more cooperative instead of being so arrogant and keen to ramrod this Bill through Parliament, he would have found a great deal of goodwill and we would have had a better Bill as a consequence.

I hope the Minister for Planning and Environment will learn from this experience that, in future, when a Bill which has such vital consequences to the community comes before the House, he should follow the custom of holding the Bill over to give sufficient time for all concerned organisations to consider it. I support the reasoned amendment moved by the honourable member for Benalla.

Mr COOPER (Mornington)—I am pleased to make some comments on the Bill. In doing so, I congratulate all the speakers on this side of the House, who have put their cases extremely well. In particular, I pay tribute to my colleague, the honourable member for Ivanhoe, for an excellent contribution on an important piece of proposed legislation.

The Bill creates a framework for the planning, use and development of land in Victoria. No-one would argue with such an objective as it is commendable; certainly, the Opposition does not argue with the basic objective of the Bill. However, one of the problems is the ramifications of the measure.

The Bill has 102 pages and has significant ramifications, which have been expressed quite clearly by a number of organisations. Their concerns relate to the lack of consultation and time given to them to consider the Bill. Those matters have been brought to the attention of the National Party and the Liberal Party, and I would assume that they have been brought to the attention of the Government. However, the Government has ignored them.
The Royal Australian Planning Institute, the Town and Country Planning Association, the Municipal Association of Victoria, the Metropolitan Municipal Association and many individual councils have expressed concern about the lack of consultation and time to consider the Bill.

The provisions do not simply consist of a couple of pages; it is a large Bill with many concerns for organisations and municipalities. They should be treated decently and reasonably. They have not been and all of them, without exception, are seeking the deferment of the Bill. It is a sad condemnation of the Government that that has not been granted. I request the Minister and the Government to reconsider the matter because it is a reasonable request.

I shall address some of the major concerns that the Opposition has about the Bill. I shall do it in general terms because the Opposition does not propose to do anything specific about the Bill as it does not believe reasonable time has been given for its consideration.

The Bill reinforces centralisation of effective power in the hands of the Minister for Planning and Environment. That will not be in the best interests of democracy and proper planning and it will not enable local communities to have a decent input into the planning process.

The Minister will have an increased degree of involvement at each stage of the planning process. Bureaucracy will have effective decision-making powers that will take matters out of local government hands. There are specific new powers of Ministerial direction and there is an automatic overriding of the local part of any planning scheme in the event of any inconsistency. There is virtually a power of veto by referral authorities and the local power of initiation of amendments has been diluted—some say to an absolute degree.

The ownership schemes will be handled by the Government rather than by local municipalities. This is a situation where centralisation comes into being, taking matters out of the hands of local communities. This move is dangerous and is not supported by people around the State.

A second major concern to the Opposition would be the increased onus and responsibility on the municipalities at a time when they are given less real power. There are many more notices, responsibilities for referrals, obligations to implement and liabilities for error. All of these responsibilities are placed on the municipalities which do not really have the power. That is, again, all centralised.

A third major point is the cumbersome and inflexible procedure that will result in unnecessary delays. The Bill does not free up the development process; it screws it down tighter, and it will create a situation that will not be in the best interests of development in this State. Necessary notices will cause undue and unavoidable delays because of their requirements. Time scales set down for rigid step-by-step processes will be unlikely in practice to be met. However, they are in the Bill.

It is the sort of Bill that has been created by somebody who does not really know what the on-the-ground practice should be. It is a theoretical person’s Bill, not a practical person’s Bill.

Additional layers of hearings will be added by the proposed link with the Administrative Appeals Tribunal. I shall address the subject of that tribunal in more detail in a moment. Fee costs and prospective objectives that may be a deterrent are also in the Bill and they certainly will be a deterrent to many developers.

All in all, the Bill tightens up the development process unnecessarily without any reason for that tightening up. It is purely and simply a tightening up in the interests of bigger bureaucracy and against the interests of local communities.

It will definitely cause a substantial increase in the range of appeals and referrals to the Planning Appeals Board that will increase the board’s workload and will in turn increase
delays. That is not in the best interests of sensible planning but it is one of the problems with the Bill that needs to be addressed.

All the matters I am enumerating have come about because the Bill has been rushed into this place in an attempt by the Government to have it passed quickly. This Bill, which has been found to be so wanting, could have been corrected with the proper consultation processes that normally would apply to measures of this magnitude and import.

The prospective role of the Administrative Appeals Tribunal, as envisaged by the Bill, needs to be addressed. As it is spelt out, that role is both unnecessary and undesirable. After all, the Planning Appeals Board has been operating for many years and is at the stage where it could be classed as an organisation with special expertise.

It is supposed to operate in an informal but informed manner. Unfortunately, my experience with the board over twelve years or so led me to question whether it always pursues its role in an informal but informed way. Too often the board becomes a place where barristers spend their clients' money in increasing amounts to the detriment of the ordinary, average citizen. However, as it was set up and as it should be operating—and as it does operate on many occasions—it is certainly an informal board and one could say it has a special expertise that should be retained.

That view has been strongly addressed by Mr Stuart Morris who I understand is known to some members of the Government. He said in a letter to the *Australian Municipal Journal* in September 1986, that the Victorian Planning Appeals system is the best in Australia and care should be taken to ensure its strengths are retained in any reorganisation. By comparison with other States its response is non-legalistic and informal. We might argue with many things that Mr Morris says and a good many things that he has done, but we would certainly have to agree with his comments about the planning appeals system in this State.

That system in general terms is responsive, non-legalistic and informal although, as I have pointed out, on occasions it has been known to become a little legalistic. However, overall it is a body that is correctly described by Mr Morris and I should have thought that his views would have been taken into account by the Government. If anyone were to take Mr Morris's views into account, it should have been this Government. However, his words appear to have fallen on deaf ears and a Bill has been presented that does not perpetuate the view that the planning appeals process should not become a place of income earning by the legal profession. If the Bill is passed, that is what will happen.

The Bill will create a situation where enforcement procedures will not be in the best interests of local communities. They are envisaged in a way that can be described only as cumbersome and substantially unnecessary. There are requirements that planning schemes should be obeyed and enforced without the need for an enforcement order. The whole process that is envisaged adds to costs and delays, and those matters should be addressed by the Government.

The Bill is basically a development control measure rather than a planning measure, and it fails to achieve integration of those two processes. That is a little sad.

I have received representations from municipalities around the State. Some municipalities have addressed the Bill in detail and are extremely concerned about it. They wish to have the measure deferred for some time so that it can be examined, corrected and brought together in a reasonable way. One of the municipalities that is of this mind is the Shire of Flinders. Its manager for planning and development, Mr Brickell, has written a letter and detailed a number of points. These points summarise the concerns of many municipalities and organisations that are involved in the planning process and wish to see that process properly carried out rather than in the half-baked manner provided for in this Bill.

The first point in Mr Brickell's letter is:

The general thrust of the legislation seeks to create a centralized control mechanism at the State Government level—in effect, a transfer of powers from the Local level to the State. However, the responsibilities at the local...
level become much more onerous ie. more notices and paperwork, requirements for referral, liability for error and compensation. A great deal of power is given to the Minister which is reflected in the three tier structure proposed for Planning Schemes, ie. State, regional and local. It is interesting to note that the Minister may prepare amendments to any part of a Planning Scheme, a Regional Planning Authority may amend the regional and local parts, but the Local Authority may only amend the local scheme. In the event that there is any inconsistency between the parts of a Scheme, there is an automatic overriding of the local scheme.

The very simple point that I was making before has been expressed by Mr Brickell; that is, that all of this centralises the powers and dilutes—and, in many cases, deletes entirely—the powers of the local authority.

The second point that Mr Brickell makes is:

2. The Crown is exempt from planning schemes. Such a provision is contrary to the earlier intent of the legislation and will exacerbate an existing problem in the planning process.

Most honourable members would be aware of what Mr Brickell is referring to when he talks about exacerbation of existing problems. Certainly those who have spent any time in local government would be well aware of the kinds of exacerbations that occur in cases where the Crown overrides or attempts to override local planning schemes.

That can create many amenity and development problems and, in fact, it reached the stage many years ago where the then Premier, now Sir Henry Bolte, instructed Government departments that they must abide by local planning schemes. I understand that instruction has been continued by successive Premiers. I believe the present Premier has instructed Government departments to abide by planning schemes, and I hope that is occurring. However, the whole point should surely be that if a planning scheme is in existence, it should be applicable to everybody in the community, whether they be part of the Government or not.

To have in this Bill—which is supposedly a measure that will clean up the planning process, start afresh and improve the system—a clause which exempts the Crown from planning schemes is certainly something that needs to be carefully examined and should certainly not be implemented without more consideration and consultation. Those things have not been done.

The third point that Mr Brickell makes in his letter is:

3. The requirement for the automatic giving of notice of all applications is completely unjustified. Such a process will dramatically delay the permit issuing process, and will simply invite objections to developments which would otherwise be granted a permit within a reasonable period of time.

Again, anyone who has played a part in the planning process at the local level knows precisely what Mr Brickell is addressing. He makes a reasonable point, and one which I should have thought the Government would have taken up and would have made part of the Bill. To tighten up the process to the stage where notices of all applications must automatically be given is unjustified and, frankly, it is crazy.

Mr Brickell also states:

It would appear that no consideration has been given to making objectors more accountable, in order to avoid the costly delays which could result from vexatious objections.

These sorts of objections do occur; they are not just an oddment. Vexatious objections occur on many occasions. They are costly not only to the developer but also to the local community.

I know that honourable members from all sides of the House could each name good developments, which would have improved local economies and would have been of benefit to the local areas, but which have not proceeded because of vexatious objections that have caused developers to say, “I have had enough. I shall go to Queensland”.

That is where many developers end up, or in some other State, where the development process facilitates reasonable development and does not allow vexatious objections to smash down proposals that are good for the State and local communities.
Mr Brickell makes the points on behalf of the Shire of Flinders. I suggest that he does so very well on behalf of local communities and local authorities throughout the State. The next point he makes is:

Referral authorities will have an effective power of veto over those applications that must be referred. This process, despite the imposition of time limits for authorities to reply, may in reality cause further delays. Whilst the principle of the local authority acting as a co-ordinating body is accepted, the extent to which applications need to be referred must be carefully controlled and the determination of such applications should substantially remain with the Council.

That is the point to which I referred earlier. I shall not go into it in any detail, but it is certainly important and should be properly addressed by the Government in giving reconsideration to this Bill.

The last point that Mr Brickell makes is:

5. The process relating to Enforcement Orders appears to be a cumbersome method of dealing with breaches of planning. Appeals against enforcement to the Appeals Board will delay the ability to prosecute and involve more paperwork. As the Appeals Board will be the final arbiter in the case of Appeals, Amendments to permits and enforcement, then the end result must be more power being exercised by the Government over local issues. In order to meet these additional commitments, the Planning Appeals Board will need to be greatly expanded, however, even if this happens, it is still likely that delays will occur because of the sheer volume of work that the Board will need to handle.

Again, this is an example of an expanded bureaucracy being created by the Bill.

I do not believe the Minister and the Government really thought of that when they introduced the Bill. I should certainly hope that one of the Government's desires was not that the bureaucracy be expanded to deal with the measure. However, the import of it is that that will happen. The bureaucracy will be expanded at great additional cost to the taxpayers, and all for the purpose of handling a loading on the department and the planning appeals system, which is entirely unnecessary.

That is one of the great weaknesses of the Bill and a major reason why its consideration should be deferred and why it should be sent back for further consideration. It should certainly be sent back for consultation with the expert bodies that must deal with this sort of legislation on the ground.

The planning institutes and local councils have day-to-day expertise and day-to-day responsibilities in this area. They will have to wear the flack of the demands of developers in local communities; they will be put to the rack by this measure. They should be given adequate time and allowed adequately to consult in the redrafting process of the Bill.

Mr Brickell finally states:

- In summary, the legislation:
- Increases the involvement of the Minister.
- Increases the responsibilities of municipalities but reduces authority.
- Dramatically increases paperwork and potential for delays.
- Reduces certainty for developers.
- Increases potential for objections.
- Increases the involvement of the Planning Appeals Board, which will cause delays.
- Does not bind the Crown.
- Does not include subdivision provisions.

All in all, when one considers that kind of letter from a person who is a day-to-day practitioner in the planning area, one must say to oneself that the Government has dropped the ball. There is no other way that one can put it.

I know that you, Mr Speaker, would express it in exactly the same way: the Government has dropped the ball. I am sure you would agree with me, Sir, that—having regard to the validity of the objections to the Bill that have been made by speakers on this side of the
House—the deferment proposal moved by the honourable member for Benalla is eminently reasonable. It should certainly be supported in the interests of justice and reason.

There is no doubt that if the Government fails to accept the reasoned amendment, which proposes to defer consideration of the Bill, the Government will not get its way. The Liberal and National parties will not allow the Government to ramrod this measure through Parliament. They will not allow the Government to impose upon the people of this State a measure which is clearly faulty and which has flaws that stand out like the proverbial country building. We are not prepared to accept that or to inflict it on the people of this State.

In supporting the reasoned amendment of the honourable member for Benalla, the Liberal Party makes a plea to the Minister to accept what is not only a reasonable argument but also an argument that is quite clearly in the best interests of the people of Victoria.

Mr DICKINSON (South Barwon)—As the member for South Barwon, I have a request from the City of South Barwon of the Minister with regard to the Planning and Environment Bill that consideration of the Bill be held over until the autumn sessional period in 1987 to enable further consultation to take place between the State Government and local government on the ramifications of the Bill in its proposed form.

I direct this to the attention of the Minister for Housing, who is at the table, and I am particularly delighted that he is at the table because there was considerable interest in Geelong during the build-up to council amalgamations and it was felt that the Minister would have taken it slowly, step by step. Councils look forward to their submissions being well received because proper planning is essential to orderly living. Because of the number of municipalities that exist in the Geelong area there has always been tension and sometimes frustration, with friction between existing municipalities when large proposals and big schemes are entertained. There is often conflict with the role played by the Geelong Regional Planning Commission because of its being the proposer of projected schemes and at the same time seeing that the blueprint that has been adopted for the area is adhered to.

I am aware of small councils sometimes letting their self-interest get the better of them, and sometimes elected councillors forgetting they were elected to represent the people and not their self-interests. However, I suppose in public life it is to be expected that some people are motivated by self-interest and not by that of the ratepayers or the people they represent.

There are many inputs made into local government and into planning projects. I grew up in Geelong many years ago and when I came back some twenty years later and noted the transformation that has taken place in that region, I was mindful of the good examples that have been implemented in that community, especially the City of Newtown, which transformed the hillside overlooking the Barwon River facing towards Queens Park. Great steps were made to enhance the Borough of Queenscliffe with the restoration of historic buildings in that region, which has attracted many tourists to the area.

The small municipality of West Geelong is mindful of the needs of its ratepayers, and has an attractive village-type shopping centre. The City of Geelong, too, has a small ratepayer base—although they pay large rates—with a small geographical area, which originally in the 1950s did embrace other municipalities, namely, West Geelong, Newtown and Chilwell.

There is confusion in the Geelong region over the planning of essential services such as police stations and law courts and the siting of those facilities. There is a need to upgrade the dilapidated prison. I had hoped that the old Geelong prison site could be utilised rapidly for the siting of a cancer hospital to treat people in Geelong. I understand a committee is looking at that proposal for the future use of the site. However, the Geelong City Council suggested that it would be a most suitable site for the police headquarters in Geelong.
In recent days there has been debated in Parliament the most suitable site for such a development, whether it be the Haymarket site, the old Elders site and, of course, honourable members are aware of the suggested proposal by the City of Geelong of the old gaol site, especially in the light of the development of the Lara prison which is called the Barwon Correction Centre.

It concerns me that in the planning and environmental proposals in the Geelong region some municipalities have become tin shed municipalities and are a growing eyesore on the environment. I refer especially to the municipality of Bannockburn, which in recent years has seen a great influx of tin sheds in the hatchery and deep litter sheds of poultry farms. These buildings are growing rapidly. I believe there must be 50 or 60 of them in the municipality. They are spreading like a rash throughout the community, without regard for their environmental impact and the impact that that they are going to have on some attractive areas in that region.

I hope the Bill, when it is considered fully, will allow for a review and close supervision of what municipalities are allowed to do, and for what their officers, whether they be engineers or municipal clerks, should be accountable to the people of those areas. The vested interests of councillors or municipal officers should be known and well publicised in the community because, just as Parliamentarians must declare their pecuniary interest, so, too, councillors, engineers and shire clerks are accountable to ratepayers and are not there just for their self-admiration and mutual interest. There is a need in the Geelong region for adequate planning to take place in the Belmont Common, Connewarre Lakes and Barwon River flood plain area. It is a beautiful and attractive area but it is crying out for a coordinated plan to embrace the environmental aspects that need to be protected, such as the lovely park at the bottom of Shannon Avenue in the City of Newtown that attracts wild birdlife and is an attraction for tourists.

When one travels around other parts of the world and one becomes aware of the beautiful lakes that other cities have—there is the development in Canberra of the Burley Griffin Lake on which boating and water sports are held—one realises that that is a forward step. Honourable members are aware that the Minister for Sport and Recreation and the Honourable David Henshaw, who represents the Geelong Province in another place, on recent visits to the United Kingdom went out of their way to visit the Nottingham water sports centre to see what had been done in that special and sensitive area and whether it was something that could be developed in the Geelong region. I am hopeful that other honourable members representing Geelong on both sides of the House will take the opportunity, if ever they visit the United Kingdom, of taking such a proposal on board.

I stress the need for the Minister for Housing, who is at the table, to recognise the submissions that have been made to him in the past for the development of a coastal shire in the electorate of South Barwon. Those proposals were put forward by 10 per cent of the ratepayers for consideration. The City of Barwon is keen to see a review of its boundaries with a need to rationalise what is to take place in Torquay, which is the surf capital of Australia. Bells Beach is a world famous surf beach, and this is important for tourism in the region I represent.

In recent weeks, the first sod was turned of a development which is taking place in the Lorne area in the Shire of Winchelsea. This is part and parcel of the sensitive and progressive planning of the Geelong region.

I urge the Minister to heed the requests made by the municipalities for further time to consider the Bill as there is insufficient time to consider it prior to the Christmas recess.

The SPEAKER—Order! Does the Minister for Housing wish to exercise his right of reply?

Mr WILKES (Minister for Housing)—Yes, Mr Speaker. I thank honourable members for their contributions to the debate on the Bill.
The House divided on the question that the words proposed by Mr McNamara to be omitted stand part of the motion (the Hon. C. T. Edmunds in the chair).

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Majority against the amendment 6

Ayes: Mr Andrianopoulos, Mr Cain, Mr Cathie, Dr Coghill, Mr Cunningham, Mr Ernst, Mr Fogarty, Mr Fordham, Mr Gavin, Mrs Gleeson, Mr Harrowfield, Mrs Hill, Mr Hirscht, Mr Hockley, Mr Jolly, Mr Kennedy, Mr Kirkwood, Mr McCutcheon, Mr McDonald, Mr Mathews, Mr McAllister, Mr Norris, Mr Pope, Mrs Ray, Mr Remington, Mr Roper, Mrs Setches, Mr Sheehan, Mr Sidiropoulos, Mr Simmonds, Mr Spyker, Mr Stirling, Mrs Toner, Mr Trezise, Mr Walsh, Mr Wilkes, Mrs Wilson

Noes: Mr Brown, Mr Coleman, Mr Cooper, Mr Crozier, Mr Delzoppo, Mr Dickinson, Mr Evans

(Tellers: Mr Seitz, Mr Shell)

(Pairs: Miss Callister, Mr Crabb, Mr Culpin, Mr Hill, Mr Rowe, Mr Simpson, Dr Vaughan)

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.
ABORIGINAL CULTURAL HERITAGE BILL

The debate (adjourned from October 2) on the motion of Mr McCutcheon (Minister for Water Resources) for the second reading of this Bill was resumed.

Mr A. T. EVANS (Ballarat North)—I move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this Bill be withdrawn and redrafted after consultation and agreement with the traditional elders of the recognised traditional Aboriginal communities, the Victorian Archaeological and Anthropological Society and the Australian Archaeological Association, to overcome the widespread criticisms which have been raised and to achieve the aim of a single Act for the protection of archaeological and Aboriginal cultural heritage.”

A study of the Bill makes it obvious that the wrong people have been advising the Minister; people who are out only to exploit their own personal political interests. These people, it appears, have dominated the drafting of the Bill.

An excellent example of this can be seen in my own electorate. In the Daylesford Historical Museum is a unique collection of local Aboriginal stone artefacts collected around Mount Franklin by Mr Gwyn Powell who still farms a property at the foot of the mountain and also artefacts collected from the same area by the late Mr Edgar Morrison of Yandoit.

Mr Morrison was an associate of that well-known historian and friend of the Aborigines, Mr Aldo Massola. Mr Morrison was also an historian of note and an admirer of Aboriginal tribes in the Upper Loddon Valley. He was also the author of three books dealing with the history of the Upper Loddon Valley and the Aboriginal protectorate at Mount Franklin, which was conducted by that well-known protectionist of Aborigines, Edward Stone Parker and his wife. In addition, he was also the author of Frontier Life in the Loddon Protectorate and The Loddon Aborigines. These books are available in the Parliamentary Library to honourable members.

Before any more proposed legislation concerning Aboriginal well-being is debated, honourable members should study the excellent collection on the history of Aboriginal tribes in south-eastern Victoria and their practices over the centuries, which has been compiled by such people as Mr Morrison and Mr Massola, in particular.

Draftsmen of Bills these days have not read these histories. There is also one, A. W. Howitt, who wrote an invaluable history at the turn of the century of the culture, heritage, artefacts and living ways of Aborigines. Today Bills are being drafted by people whose knowledge comes from publications written more for political purposes in the past ten or fifteen years rather than the facts that are covered by those well-known and reliable researchers in the previous 50 or 60 years.

For most of their lives Mr Powell and Mr Morrison, while working on their farms and during their leisure hours, carefully sought out these artefacts, knowing that they were working over the area of the former Mount Franklin Aboriginal protectorate.

When the Daylesford Historical Museum was established, they donated their collection to the local community. I spent some time with Mr Morrison at the museum as he was cataloguing the display and making this unique collection secure. The artefacts are now a tourist attraction in Daylesford, and they are also of significant educational value to the hundreds of schoolchildren who come to the museum each year. The collection gives these children some idea of the way in which the natives of this country operated over the centuries.

Efforts have been made to have these artefacts removed from Daylesford. Firstly, the Ministry for Planning and Environment said that they had to be sent to Melbourne. If they went to Melbourne, they would probably be stored in boxes somewhere, whereas they are well displayed and securely kept in Daylesford. More recently, endeavours were made by a Ballarat group of Aborigines to have the collection shifted to Ballarat where they hoped to establish a keep. Such a move would be sacrilege in the view of the Aborigines,
because these artefacts belong to the Jajowurrong tribe which frequented the upper reaches of the Loddon Valley. They have no association whatsoever with the tribes on the south of the Great Dividing Range where the main tribe around Ballarat was the Wathaurung tribe. Different hordes of that tribe roamed from Lake Burrumbeet right through to the Otway Ranges.

These proposed moves should be annulled immediately by the Minister. If the Bill is passed, I believe this collection will be lost to Daylesford because the Bill empowers the Minister to compulsorily acquire. In addition, he will appoint inspectors, and the inspectors will be nominated by the local Aboriginal group. I assume the Ballarat group would nominate its inspector who would recommend to the Minister that those artefacts be shifted from their traditional areas.

That would be quite contrary to what is laid down in the Aboriginal Cultural Heritage Victoria discussion paper that was issued in October 1985. At page 31 it says:

There are collections of Aboriginal objects in Victoria that come from other parts of Australia, such as the Western Desert, and which are still considered to be of secret sacred significance by the tribal Aborigines from whom they were collected.

It is of the utmost importance to understand that these Aborigines would be severely offended if their tribal objects were seen, handled, managed, or in any way placed under the control of other Aborigines who had not been initiated in and taught the law of the tribal Aborigines concerned.

This is a fundamental point which will be reiterated in appropriate sections throughout this Discussion Paper: Where such collections are involved only the tribal Aborigines themselves or non-Aboriginal people entrusted with the objects should be allowed to deal with them.

I appeal to the Minister for Water Resources not only to support the reasoned amendment but also to take immediate steps to prevent any compulsory acquisition of this collection from the Daylesford Historical Museum.

Another reason why the Bill should be withdrawn is to allow for full consultation with Aboriginal elders and more responsible groups of Aborigines. The Bill bestows powers on an unlimited number of people to become inspectors. As I have already mentioned, they will be nominated to the Minister by the local Aboriginal group for appointment. The inspectors will then have unrestricted entry into thousands of private properties.

They will simply have to assume that they wanted to protect known artefacts or are looking for as yet unknown artefacts.

The Act clearly sets out those powers, which are very dangerous indeed. It may not be the intention of the Minister that these people, who have had no training whatever or who do not possess any qualifications, are given powers far in excess of even the police, but that is the reality and there is no limit on the number of these people who can be appointed.

It means that these unofficial policemen or inspectors will be able to enter hundreds of properties and say that they are on the particular farm to look for artefacts. That is how open and dangerous the Bill is.

More and more, honourable members are witnessing Bills being introduced that are presumably for the protection and encouragement of Aborigines, but the problem is that we are creating another set of laws for one minority group of people in the community and these laws do not apply to other people. Today many minority groups in the community are enjoying a little bit of power that they have been given by the Government but in many cases these groups are not deeply interested in the welfare of the Aboriginal people. So long as they can secure for themselves—by the passage of a Bill of this type—some sort of power, they are happy; but it will be to the detriment not only of the majority of the people of this State but also more particularly of Aborigines.

I direct to the attention of the House the claim that there are 7000 known Aboriginal sites in Victoria, which may make up only 1 per cent of the total number of sites that exist. This means that untrained, unqualified inspectors, nominated by local Aboriginal
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communities, will have legal access, conceivably, to enter and search up to 700,000 properties throughout the State. It would appear that the Minister at the table, the Minister for Water Resources, does not realise what powers the Government will be unleashing after the Bill has passed.

I wrote to the Minister for Planning and Environment on 8 October, when the Bill first surfaced, and asked him whether he would forward a list of all of the 7000 known sites and the 2000 identified scarred trees of significance. I received no reply.

Last night at 10.30, the Minister for Planning and Environment was in the vicinity of this Chamber and I drew to his attention the omission of his office to answer my letter and, to his credit, at 10 o'clock this morning I received a computer print-out of those sites of Aboriginal significance. I express my concern that these sacred sites on this computer print-out are probably known by the owners of these properties on which they are sited.

I noted with interest that in the second-reading speech it was stated that there were remains in this State of stone houses that the Aborigines constructed. That was rather a surprise to me, having been a student of early history in Victoria from when the settlers first arrived in 1836 up to when gold was found in 1851. My study included the well-being and activities of Aborigines but nowhere in my extensive reading over the years did I read anything of stone houses built by Aborigines.

I have also read the history of William Buckley and certainly there was no mention by him either. Sometimes I think some of the Minister's own direct references are a bit careless. Others have researched some of the cultural claims in the Bill and, likewise, have found nothing to substantiate these claims.

Mr Buckley claims also that he taught the Aborigines how to use stone fishing traps. That point is also debatable as there are very few of them around. I understand that some wooden ones are in operation at Lake Condah. I should point out, though, that this should not detract from the historical significance of these traps even if they were built about 150 years ago.

On the matter of those stone buildings, there are two references to them in the print-out—one is located in the Portland area and another in the Heytesbury area. Probably the reference to Portland refers to the stone building at Lake Condah but if one reads the history of Lake Condah there were no stone houses before the arrival of Europeans. There could be some scoria walls that were built and then, of course, they only had bark and timber bush covering them so these could hardly be called stone houses. This disturbs me because if we are to have this inspector going around the countryside looking for Aboriginal artefacts and buildings, he could go into the paddock, look at a pile of stones and say, "I believe this is one of the stone houses." That is another reason why the Bill should be rejected; it is opening up too many dangers for the people of the State.

The granting of such powers to these inspectors is unprecedented and dangerous. It is an atrocious breach of privacy to allow these inspectors and their friends free access to properties. It is quite obvious that the Minister has not consulted the elders of responsible groups or obtained the expertise of scientists, archaeologists and anthropologists or those involved in the work of recognition and preservation of Aboriginal places and objects in Victoria.

In conclusion, I should like to reiterate the point that the Bill does not pay respect to the traditional and recognised elders in the Aboriginal communities of Victoria. The Minister and the Government has taken too much notice of the views and wishes of Aborigines from urban pressure groups and the incorporated groups which are dominated by the socialist left of the Australian Labor Party's Aboriginal Affairs Policy Committee.

The policy committee is chaired by Mrs Eve Fesl, who is an Aboriginal woman from Queensland and who would obviously have no knowledge of the Victorian situation. I probably have more knowledge than this lady of the tribal practices of the Aborigines of Victoria.
The secretary of the policy committee is Mr John Morrison, who is a white man and a public servant. These two advisers to the Minister for Planning and Environment are not recognised by the traditional Aboriginal community to be decision makers because neither of them are members of the traditional Aboriginal communities of Victoria.

For these reasons, I support the withdrawal of the Bill for further consultation with the parties who were omitted from discussions last time. I understand that some of the elders of the groups—and they are responsible groups—made representations to the Minister to be heard but he refused, which is undemocratic and will cause even more friction with the Aboriginal groups themselves.

The Government has a lot on its shoulders. A few years ago, 70 or 80 per cent of the Australian population voted for a fair go for Aborigines but the way the Federal Labor Government and this State Government has handled the issue, that number has turned from a majority into a small minority. I plead with the Minister to give further consideration to the proposed legislation.

Mr I. W. Smith (Polwarth)—The Bill is a combination of naivety and hypocrisy. The naivety is the Government believes it may do some good, and has obviously convinced the Aboriginal population that it will.

There is a major misunderstanding in the community about who is and who is not an Aborigine. There are approximately 3600 Aboriginal “cross” people in Victoria and probably only a handful of full-bloods.

The average person wants to do something to advantage and advance the Aboriginal cause. The average person believes Victoria has a large community of 3600 people who are full-blooded Aborigines, but at least 50 per cent of the genes of their parents—

Mr Micallef—They would be classified as black in South Africa.

Mr I. W. Smith—One would have a fascinating debate in the House if one tracked the genetics of the honourable member for Springvale, but I shall not embarrass him by doing that. The community should not be misled to the point where it feels obligated to the Aboriginal population, which is not totally composed of indigenous Aborigines who, over the generations, have had their genetics either watered down or improved, depending upon which way one looks at it, but certainly altered by mainly European genetics. Nevertheless, some of the Aborigines—very few of them—still hold dearly to their traditions, and they must be respected.

One must have serious doubts about the extent to which the Bill respects those traditions. I shall highlight the hypocrisy of the Government. Prior to the Minister for Agriculture and Rural Affairs in another place—the Honourable Evan Walker—becoming a member of Parliament, he sat down with some Aborigines at Portland. The Alcoa development at Portland is highlighted by the Government as being one of the great jewels in its industrial crown. However, that project would never have been commenced if the provisions in this Bill had been operating when that project started. The Minister for Agriculture and Rural Affairs would have been responsible for the abandonment of that project because of the provisions in the Bill.

Under the Bill an “Aboriginal object” means:

an object, including a natural object whether living or inanimate.

“Aboriginal place” means:

a place to which a cultural, historical or religious significance is attached by Aborigines.

The Alcoa site at Portland is one such site. In clause 19 there is a provision for the appointment of “inspectors”. Who will these inspectors be? Clause 19 states, inter alia:

The Minister may, in writing, appoint any person nominated by a local Aboriginal community to be an inspector...
One member of an Aboriginal group becomes an inspector, who then uses another provision in the Bill which gives an inspector the power to enter a site. That person can report to the Minister, who would have to be sympathetic to the Aboriginal cause, otherwise that Minister would not be responsible for Aboriginal affairs. One would then find the dead hand of Government placed on wherever the particular site is located. There is no way that the Alcoa development at Portland would have got off the ground if the provisions in this Bill had been in existence when that project commenced.

The Bill has the potential of preventing projects similar to the one at Portland from proceeding. A few Aborigines could gather together and say, “Many thousands of years ago my ancestors were here”. Wherever one is in Victoria one can be sure that Aborigines have, at some time, been there and left some remains.

There is absolutely no incentive in the Bill for genuine people to preserve important Aboriginal relics or sites. The honourable member for Gippsland East correctly assessed the situation when he said that the majority of Aboriginal sites and relics are on farmland. What will farmers do when they see the contents of the Bill and realise that the Minister can appoint inspectors with powers to enter their properties and powers of compulsory acquisition? Farmers will plow in whatever they find or remove or destroy the object because there is absolutely no incentive to do anything else.

The area I represent is riddled with Aboriginal middens, some remains of stone houses and so on. Aborigines would not have seen many of those items and would not know about them. Indeed, the majority of people do not know about those Aboriginal relics.

Do farmers have any incentive under the Bill to report such relics? No, because they know that when they do report the presence of such relics, they will be involved in much bureaucratic humbug. If they do have any incentive to preserve Aboriginal relics, it will cost them a lot of money and inconvenience.

For example, a constituent of mine had an arrangement with the Road Construction Authority for the supply of road-making material to provide the foundations for a road from his farm. When the operation was about to commence—and it suited the farmer because it involved levelling an area he wanted levelled and he was receiving quite a bit of money from the authority to provide the filling—someone from Melbourne came down and said, “I think there is an archaeological relic in that midden over there”. He was referring to a rise in the land. My constituent said, “How do you know that?” There was some scratching around and the remains of some birds and other animals were found. It might or might not have been an Aboriginal midden but that farmer and I were subjected to an unbelievable amount of bureaucratic humbug before the filling operation could commence. The works were delayed for approximately a fortnight, and I hasten to add that the delay would have been much longer if I had not been able to intervene on behalf of my constituent.

The upshot was that someone from Melbourne had the power to tell someone else that something might have existed and delayed a legitimate operation. The key to the success of proposed legislation such as this is the early identification of areas of Aboriginal interests and archaeological relics. Such areas should be identified and the persons on whose property they are found should be compensated. If that is not done there will be no Aboriginal relics left because people will subtly and sneakily destroy any of the Aboriginal relics on their properties so that they will not be inconvenienced.

The Bill has not been agreed to by the Aboriginal community, which is highly divided on whether the Bill meets its needs. Therefore, the Bill must be withdrawn so that wider consultation can occur. The points I have raised must be taken into serious account by the Government.

If the Bill is passed, the Government will never again get a major project off the ground in the State because some Aborigine or part-Aborigine somewhere will find something sacred about a site on which he or she thinks they can win the deferral of a project.
The Bill will place the dead hand of bureaucracy over any future development. The powers in the Bill are draconian. The Bill is not only untimely but also it is hypocritical and insincere. The Bill, if passed, will damage relations between the indigenous population and the introduced population. The Bill will be harmful for the proper and orderly development of the State, and I oppose it.

Mr RICHARDSON (Forest Hill)—I join with my colleague, the honourable member for Polwarth, in his description that the proposed legislation is a combination of naivety and hypocrisy. I add to that the observation that it is ideological claptrap, as is usual from this Government, in that it has not been thought through. It purports to represent, firstly, the interest of the Aboriginal community in this State and, secondly, some vague and ill-defined general public interest—it will do neither of those things.

If the Bill ever becomes law, it will act against the interests of the Aboriginal community and the interests of the general and wider population of Victoria. The Bill institutionalises apartheid in Victoria, separating Victorians by legislation into two groups. It provides one group of Victorians with powers that the other group of Victorians does not possess and provides for the invasion of privacy and property. It provides for the provision of powers to individuals appointed under the proposed legislation, powers that are not given to anyone else in this community.

The proposed legislation will discourage research and public information about Aboriginal cultural heritage in Victoria. It is a very rich and precious cultural heritage. The Bill purports to protect and to promote that cultural heritage, but the effect of the proposed legislation would be to destroy much of that cultural heritage through a variety of means. The honourable member for Polwarth has already described the way in which farmers may react when they find on their properties some relics of an Aboriginal occupation. It would be a natural reaction.

The Bill does not provide protection for owners of property or artefacts. The effect on the continuing development of Victorian resources and the interests of all Victorians would be retarded by the proposed legislation simply because of the powers it would devolve to people who have the capacity to hold up development. The Bill does nothing to further the interests of the Aboriginal community and encourage those who have a keen interest in matters relating to Aboriginal cultural heritage to participate in the cultural diversity of Victorian life.

The Bill not only creates apartheid in the human sense, but also creates cultural apartheid. It divides the community culturally and retards development of an interest in the cultural diversity of Victoria. It will do nothing to provide for preservation of the Aboriginal cultural heritage for Victoria. It will work against the protection and preservation of that cultural heritage. Although the Government purports to be well meaning, the effect of the proposed legislation will be the opposite of what it promotes. The Government was not serious when it drafted the proposed legislation. It is ideological nonsense.

There has been wide consultation with certain sections of the Aboriginal community—I would suggest, very carefully chosen sections. An important component in that consultative process has been an organisation known as the Koori Cultural Heritage Working Group. It is instructive to observe the objectives of that organisation because it is that set of objectives which is behind the proposed legislation.

One of the key elements in the set of objectives is to vest major control in the local community through a local heritage association. I cite a paper titled “a community discussion on our cultural heritage”. It is a working paper prepared by the Koori Cultural Heritage Working Group for discussion at the fourth Statewide heritage conference in Robinvale held in March 1986. Major control will be vested in the local community through its local heritage association. This heritage association may successfully reclaim and own a site through the Land Claims Compensation Act; it may negotiate with the landowner for use and control over part of his land; it will have the power to declare sites;
it will manage the sites in its area; it will appoint custodians and guardians for its local area and it will have the authority to carry out reburials and set up memorials.

They are the objectives behind the Bill. If it becomes law, despite what the Bill states, and it does not say all of those things, those objectives will be steadily worked towards. If this Government remains in office those objectives will be achieved.

Let there be no doubt that this Bill refers to land claims. All the documents associated with the consultative process clearly demonstrate that there is to be no separation between land claims and cultural heritage. For example, a meeting occurred on 25 March 1986 at Koorie Kolij, Fitzroy.

Dr Coghill interjected.

Mr RICHARDSON—It was part of the consultative process in which the Government engaged. The paper is headed “Aboriginal Cultural Heritage Victoria Consultation Phase Two”, and it was provided under the Freedom of Information Act. Consultation phase one took place between November and December 1985. Consultation phase two occurred between 25 March and 21 May 1986. On 25 March 1986 the main points from the meeting at Koorie Kolij, Fitzroy, were:

1. No Government should be able to make laws which affect the rights of indigenous people without their full agreement.
2. Aboriginal Sovereignty and Aboriginal Law must be recognised at the beginning before anything else can be achieved in the protection of Aboriginal Cultural Heritage.
   This is seen as a matter of principle.
3. Aboriginal Sovereignty, land rights and cultural heritage cannot be and should not be separated.
4. Aboriginal Sovereignty, land rights and cultural heritage cannot be and should not be separated.
5. There can be no compromise on Aboriginal values and rights.
6. The Minister's power of veto should be excluded from the Act.

Another point of criticism of the Government was:

8. A white person (Alistar Brookes) should not have been given the job of writing a discussion paper on Aboriginal cultural heritage in the first place. Aboriginal people should be given a chance to show how it could be done.

Another meeting was held with the Victorian Aboriginal Employment Development Association Incorporated in Fitzroy on 27 March 1986.

Aboriginal heritage and land rights cannot be separated.

A law should be made that would ensure people holding private collections of Aboriginal artefacts return them to their rightful owners.

One does not know who the rightful owners may be; that is not listed as a main point. It also refers to the Victorian Archaeological Survey and states:

The VAS should be under Aboriginal control as it is the organisation with all the information on Aboriginal heritage in the State.

The following recommendation was made:

... as a result of the present review of the Australian Constitution, it should be changed to have written into it recognition of the sacred right of Aborigines to sovereignty over their land.

An interesting observation was made at a meeting with the Far East Gippsland Aboriginal Cooperative, Cann River, on 2 April 1986. The view expressed was:

The recording of sites is against Aboriginal practices. Sites knowledge is private and sacred to families and individual people. It should not be public knowledge. It should not be discussed but left alone.
The Opposition has not seen that observation in anything the Government has said, yet that was a view expressed by a group of Aboriginal people earlier this year. They also make the following point:

Aborigines place emphasis on oral history and Aboriginal folklore rather than on sites and objects.

That is an interesting observation that seems to have been ignored in everything that the Government has done and said about Aboriginal cultural heritage. The point has been made by a number of my colleagues that the Government has listened predominantly to city-based activist Aboriginal groups. That is a view that is shared by Aboriginal people at Lake Tyers. They expressed that view on 2 April this year in saying:

The Melbourne group should listen to country Aboriginal people and what they have to say should be taken to the politicians.

That is one group of Aboriginal people who agree completely with the observations which have been made by my colleagues in the Opposition. The point is made:

The land is the Aboriginal heritage and vice versa. The land rights and heritage issues cannot be separated.

When one is talking about Aboriginal cultural heritage, one is talking about land rights. A meeting with the Moogji Land Council, Orbost, on 3 April this year espoused that view:

Aboriginal heritage must go hand in hand with compensation and land rights with the recognition of Aboriginal sovereignty.

Land rights must relate to land that provides Aborigines with a viable economic base. Public land, forests, national parks will only be good if the necessary resources and funding are made available to go with the granting of this kind of land.

The honourable member for Gippsland East will be interested in the following recommendation:

... because 95 per cent of land in far east Gippsland is in productive forest, a minimum of 2 percent of royalties from the logging industry in this area should be set aside to provide an economic base for the Aboriginal Community in far east Gippsland.

An interesting observation was made at a meeting with the Lakes Entrance Aboriginal Organisation on 3 April 1986:

Local Aboriginal communities should have control over anything discovered in their area.

They also make the following observation:

Aboriginal people’s right to hunt and fish in Aboriginal ways has been taken away by whiteman’s law. This right should be given back to Aboriginal people immediately so that they can use traditional hunting grounds and fishing areas in traditional ways. This is seen as a fundamental right.

The main points made at a meeting of the Central Gippsland Aboriginal Cooperative in Morwell on 4 April 1986 were:

All power and control of VAS should be handed over to the Aboriginal community immediately.

The SEC and the Government have made billions of dollars out of exploiting Aboriginal land and what is beneath it. They should be made to pay for their exploitation. APM should be approached on the same basis.

The power of veto should not be with the three Ministers . . .

White people, if they have a commitment to Aboriginal rights, should pay the rent for living on Aboriginal land.

The main point from a meeting of the Wathaurong Aboriginal Cooperative in Geelong on 7 April 1986 was:

Aboriginal cultural heritage must include land. It cannot be separated. Compensation must also be included.

The main point from a meeting of the Ballarat and District Aboriginal Cooperative in Ballarat on April 1986 was:

Land rights and Aboriginal cultural heritage are one and the same.

They make the telling point in item 4 in the list of main points:
The Government's discussion paper and other similar papers are principally designed to confuse Aboriginal people.

One can say that the people who are members of the Ballarat and District Aboriginal Cooperative have been alert to that, and have seen through the subterfuge and hypocrisy of the Government, the sort of hypocrisy which was referred to by my colleague, the honourable member for Polwarth.

At the Swan Hill and District Aboriginal Cooperative meeting held at Swan Hill on 10 April, the observation was made:

Not enough Aboriginal people know what their traditional beliefs are.

The Victorian Aboriginal Legal Service in Fitzroy had a meeting on 11 April 1986. It says that the membership of the proposed Aboriginal Heritage Council must be representative of interests on both sides of State boundaries. Tribal boundaries have to be taken into account. It would be impossible to stop at the borders of Victoria. The service is right. The Government has tried to divide and categorise Aborigines in Victoria, yet, if the Government were tuned to the reality with which it is dealing, it would recognise that its approach is nonsensical.

A meeting was held with students of the Jemuriia Aboriginal Transitional Program at Shepparton on 22 April where the point was made that it weakens the 'Aboriginal case too much for sovereignty not to be dealt with as the primary issue. If Aboriginal people do not have their sovereignty recognised, they do not have anything.

The expression of opinions from a wide variety of meetings of Aboriginal organisations has made it clear that land rights should not be separated from the cultural heritage. It is relevant to re-emphasise that Aboriginal organisations in rural areas are critical of the dominance of the city-based Aboriginal groups. For example, that is re-emphasised by the meeting at the Warma Aboriginal Cooperative in Echuca on 1 May where it was said:

There is a need for local communities outside Melbourne to establish their own opinions and goals first before the Melbourne people make decisions. Aboriginal people in the city have to listen to country people and talk with them and then a united approach can be taken.

The ACTING SPEAKER (Mr Kirkwood)—Order! Is the honourable member still quoting from the same document?

Mr RICHARDSON—Yes, the same document.

Mr Micallef interjected.

Mr RICHARDSON—I am happy to have the document incorporated, it is fascinating reading.

The ACTING SPEAKER—Order! Is the honourable member for Springvale moving a motion?

Mr Micallef—No.

Mr RICHARDSON—There is an endless catalogue of objectives from various groups within the Aboriginal community and a revealing expression of dissatisfaction, particularly from rural Aboriginal communities, about the way in which the Government went about the process of consultation.

Clear resentment exists on the part of a number of rural Aboriginal communities to the way in which the Aboriginal communities' case is being presented by the city-based Aboriginal communities. As the Government has taken more notice of city-based Aboriginal communities then it has of rural Aboriginal communities, it is clear that rural Aboriginal communities will be less than happy with the outcome of the Bill.

What is so very wrong about the proposals contained in the proposed legislation is the way in which it would divide the Victorian community. It would institutionalise apartheid.
It would separate our communities into two groups of people. One of those groups would have powers which no-one else in the community would possess.

I am particularly concerned at the powers of the inspectors whom it is intended should be appointed. The inspectors would have the capacity to disrupt commerce, farming and almost every aspect of community life if they chose to act in a way which was either obstructive or irresponsible, even if well meant. Nobody should have the sorts of powers that the Bill proposes for the inspectors.

All clauses appear to exclude the majority of the population. Even the preamble contains an exclusion of everybody who is not an Aborigine or of Aboriginal descent. Clause 1 (b) states:

To encourage public awareness and appreciation of that heritage, especially through education by Aboriginal people.

It excludes anyone else from being involved in that process. Many clauses contain the expression, “If a local Aboriginal community decides” as the opening words. Clause 6, which deals with the temporary declaration of preservation, states:

If a local Aboriginal community decides...

Clause 7 deals with the declaration of preservation and states:

If a local Aboriginal community decides...

Clause 8 (1) states:

A local Aboriginal community may cause notices to be placed on or near an Aboriginal place or Aboriginal object...

The Bill is discriminatory and divisive and will act against the interests of Aboriginal communities. It will act against the interests of the wider community. It will result in the destruction of objects and the hiding from public view of places of significance, and there are many places of great significance within Victoria.

Mr Sidiropoulos interjected.

Mr RICHARDSON—The Bill is the most discriminatory piece of proposed legislation that I have ever seen. The Bill would institutionalise apartheid in Victoria, and to have the honourable member for Richmond interjecting with such a stupid suggestion is mind boggling. The proposed legislation is wrong in principle and will prove to be wrong in practice. The Government has been given an opportunity to get itself off the hook. It can withdraw the Bill and rewrite it.

The honourable members for Polwarth, Gippsland East and I would be pleased to assist the Government in improving the Bill. Withdraw the Bill, get it right, think it through and forget the ideological nonsense in which the Government is engaged and perhaps, out of the process, the Government may produce proposed legislation which will be of genuine benefit to the Aboriginal community and the wider community, because it may lead to the effective preservation of the rich cultural heritage which is part of the history of Victoria.

Mr McCUTCHEON (Minister for Water Resources)—I was astounded by the comments made by the last few speakers, and I hope the House feels equally disgusted with some of the contributions made. I believe the spokesman for the Opposition, the honourable member for South Barwon, in leading off the debate, tried to set the tone for the debate on this important Bill. The honourable member certainly showed that he has a wide interest in Aboriginal cultural heritage, and the legislation, both Federal and State, which over the years has reflected many changes in the attitude of the Victorian and Australian communities to the rights, needs and place of the Aboriginal community in Victoria and Australia. The tragedy is that the speakers who followed him slipped rapidly downhill and resorted to narrower and narrower views on Aboriginal rights and the importance of the Aboriginal cultural heritage.
Honourable members referred to a number of matters, including the process of consultation. In trying to inform the House about the consultative process that has taken place, the honourable member for Forest Hill referred extensively to a document that represented an earlier part of the consultative process that extended over some two and a half years.

However, he missed out and did not report to the House on the extensive consultation that the Minister conducted with the widest range of representatives of Aboriginal communities in Victoria in drawing up the Bill. Many of the matters referred to by the honourable member for Forest Hill were superseded by the consultative process the Minister himself conducted. In producing the Bill, the Minister consulted and sought the views of the Aboriginal community. Some of the earlier recommendations were overridden so that the current views of the Aboriginal community could be written into the proposed legislation.

It is a tragedy that the honourable member misrepresented the consultative process. There is an extensive list of groups which took part in the representations, including both rural and urban Aborigines. For the honourable member to present the fact that Aboriginal communities in rural areas considered the consultative process was conducted purely with urban Aborigines is a distortion and misrepresentation. The local Aboriginal communities that were consulted included those in Ballarat, Bendigo, central Gippsland, Dandenong, Echuca, far east Gippsland, Framlingham, the Goolum-Goolum Aboriginal Cooperative, the Goulburn-Murray area, the Gunditjmara Aboriginal Cooperative, Healesville, Lake Condah, Lake Tyers, Lakes Entrance, Moogi Lands Council and many others. The widest range of local Aboriginal communities were consulted, and that should be placed on the record.

The House should be concerned also about the comments made by various speakers about the powers in the Bill. Extraordinary statements were made about the unleashing of all sorts of powers, and it was said that anyone could be appointed as an inspector. One honourable member said that inspectors would have unrestricted entry into private houses.

That is a complete distortion which is setting out to create fear and misunderstanding of the process that is clearly set out in the Bill. One point that must be made about the Bill is that it is written in relatively plain English. I am surprised that honourable members opposite cannot even read a Bill that is written in plain English and get it right. It is a disgrace that such an important topic in Australian society, where we are trying to work side by side with Aboriginal communities to establish ways in which those communities can have access to and rights over their heritage, is used by honourable members opposite to create fear and distortion of the truth.

If honourable members opposite who have spoken on the Bill had taken the trouble to read it, they might have had some hope of grasping the principles concerning the selection of inspectors. For example, the inspectors are to be nominated by Aboriginal communities, but the Minister has to assure himself that the people appointed as inspectors have suitable knowledge and ability to act as inspectors.

One does not appoint just anybody; the Minister has to ensure that the inspectors are capable of understanding Aboriginal cultural heritage and archaeological information, and have some skill in going about the task. The Bill clearly sets out the requirements for the selection of the inspectors. It is important that the Aboriginal communities have some real respect for the inspectors they nominate and that they know they have an understanding of Aboriginal cultural heritage and requirements.

The honourable member for Ballarat North spoke about inspectors having unrestricted entry into private homes. It is clear that the honourable member did not read the Bill. Clause 20 deals with the powers to enter, search and take possession, and states that an inspector appointed under section 19 who has reasonable grounds for believing that an offence against this Act has been committed in relation to Aboriginal cultural property on or in any premises or vehicle, other than a private residence, can take some action.
The clause precisely excludes the ability of inspectors to roam untrammelled through private residences. Therefore, honourable members can see that a complete mistruth was given to the House in that regard. The honourable member was trying to stir up fears in the community on needless grounds.

The comments of the honourable members for Polwarth and Gippsland East surprised me because they both said that, on hearing that proposed legislation might be before Parliament to help preserve objects and places of Aboriginal interest, farmers would start to plough those objects into their fields. Those honourable members said that, if farmers found any middens or objects of value, their first thought would be to plough them in.

I have never heard anything more disgraceful in my life! Parliament is moving to give Aboriginal communities some way of identifying, laying claim to and hoping they can enjoy the preservation of objects of some cultural value to them, and it is a disgrace to think that farmers and landowners would immediately leap onto their tractors and try to plough in any semblance of recognition of these items.

I hope the honourable members who spoke that way are not representative of country residents. I do not believe that is the attitude of Victorians; it is representative of the narrowest attitudes of our community.

There is protection in the Bill, through the process of declaring areas for emergency, temporary or permanent protection of the cultural heritage, and in each case the Minister is required to inform any person whose rights might be affected. There are opportunities for appeal and these would be heard by the Administrative Appeals Tribunal.

Therefore, there are rights available for anyone who might have on his property some object which is of supposed value. The Minister can consider those pieces of information and vary or revoke any order that he might have made on initial information in declaring a temporary preservation area before it becomes a permanent preservation order.

If individual landowners or property owners suffer from the preservation declaration being carried out, I point out that there is provision in the Bill for compensation. I do not believe one can have any more protection of individual rights than that. The Bill provides means whereby Aboriginal communities can enter into negotiations with people about sacred objects or objects of other cultural value to them.

The Aboriginal community has said that it is not interested in ownership. That might be difficult for members of the opposition parties to understand. Aboriginal communities want only access to objects that they consider to be valuable or important to their culture. Aborigines do not wish to own but simply wish to negotiate access to those objects; they do not mind if other people have them in their possession.

Members of the opposition parties must change their mode of thinking and attempt to deal with Aborigines and the concept that they regard certain objects as being important.

The Bill establishes that arrangement so that the Aboriginal community will have ways and means of letting other Victorians know that certain objects or other items of significance to which they require access are on properties or in someone's possession. It is a basic right that should be recognised if we are to allow the Aboriginal community to have proper access to its cultural heritage.

The honourable member for Forest Hill attempted to build a case on the Bill being introduced to cover land rights. That specious argument should be rejected. The Bill deals with Aboriginal cultural heritage and there is no such interpretation of the Bill, other than in the mind of the honourable member, that it involves land rights.

The Bill is the result of exhaustive consultation with representatives of the Aboriginal community by the Minister who has been intent on reaching a consensus in that community. That has been a difficult process but the Bill has gathered up the views of the widest range of Victorian Aborigines. The Bill does not deal with land rights but is a constructive measure dealing with the legitimate process of safeguarding Aboriginal relics.
and sacred objects. The Bill has done that with significant regard to the Aboriginal communities.

The Opposition and the National Party have presented in this House today all the worst views, conservative attitudes and paternalistic approaches on this topic. The attitudes of honourable members opposite demonstrate that little movement has occurred amongst them compared with the advance that has taken place among other Australians since the arrival and settlement of white Europeans over 150 years ago in Victoria and 200 years ago in Australia. I am certain most Victorians would disown the views that have been expressed by the opposition parties today.

The Government rejects the reasoned amendment moved by the honourable member for Ballarat North. I hope the Bill will be supported by the House today and by all honourable members in the other place.

The House divided on the question that the words proposed by Mr A. T. Evans to be omitted stand part of the motion (the Hon. C. T. Edmunds in the chair).

Ayes 41
Noes 37

Majority against the amendment 4

AYES
Mr Andrianopoulos
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Setz
Mrs Setches
Mr Sheehan
Mr Shell
Mr Sidiroopoulos
Mr Simmonds
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mrs Wilson

NOES
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
(Ballarat North)
Mr Evans
(Gippsland East)
Mr Hann
Mr Hayward
Mr Jasper
Mr John
Mr Kennett
Mr Lea
Mr Leigh
Mr Lieberman
Mr McGrath
(Lowan)
Mr McNamara
Mr Macellan
Mr Pescott
Mr Plowman
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Ms Sibree
Mr Smith
(Glen Waverley)
Mr Smith
(Polwarth)
Mr Stegall
Mr Stockdale
Mr Tanner
Mr Wallace
Mr Weideman
Mr Whiting
Mr Williams
AYES

Tellers:
Mrs Gleeson
Mr Micallef

Miss Callister
Mr Crabb
Mr Rowe
Mr Wilkes

NOES

Tellers:
Mr McGrath
(Warrnambool)
Mr Perrin

Mr Austin
Dr Wells
Mr Hefferman
Mr Gude

PAIRS

The SPEAKER—Order! Is leave of the House granted to proceed to the third reading?

Mr B. J. EVANS (Gippsland East)—On a point of order, Mr Speaker, you, Sir, have not put the question that the Bill should be read a second time.

The SPEAKER—Order! I was in the process of doing so. The question is that the Bill be now read a second time.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes 41
Noes 37

Majority for the motion 4

AYES

Mr Andrianopoulos
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Gleeson
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Seitz
Mrs Sitches
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan

NOES

Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
(Ballarat North)
Mr Evans
(Gippsland East)
Mr Hann
Mr Hayward
Mr Jasper
Mr John
Mr Leigh
Mr Lieberman
Mr McGrath
(Lowen)
Mr McGrath
(Warrnambool)
Mr McNamara
Mr Maclellan
Mr Perrin
Mr Pescott
Mr Plowman
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Ms Sibree
Mr Smith
(Polwarth)
Mr Steggall
Mr Stockdale
Mr Tanner
Mr Weideman
The Bill was read a second time, and passed through its remaining stages.

The sitting was suspended at 6.29 p.m. until 8.6 p.m.

ABORIGINAL LAND (LAKE CONDAH) BILL

The debate (adjourned from October 23) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—The objects of the Bill are numerous: (1) to make a grant of land to the Kerrup-Jmara Elders Corporation; (2) to make provisions for management of that land once the land grant had been made; (3) to allow the Kerrup-Jmara Elders Corporation power to make and enforce by-laws; (4) to spell out the powers of the committee of elders; (5) to require the Kerrup-Jmara Elders Corporation to compile a register of sacred sites on the land concerned and require that its contents not be divulged to any person without the approval of the committee; (6) to deal with the situation that would arise if the Kerrup-Jmara Elders Corporation is wound up; and (7) to spell out mining provisions on the land at Lake Condah.

The land grant is twofold, as outlined in parts A and B of the schedule to the Bill. Part A includes a site of 53 hectares of land to be granted to the Kerrup-Jmara Elders Corporation and Part B outlines the small piece of land that represents the old Aboriginal cemetery at Lake Condah.

The area concerned has an interesting and lengthy history. At the commencement of white settlement, a substantial area of land around Lake Condah was occupied by the Gunditj-Mara people of which the Kerrup-Jmara tribe was a sub-group and some survivors exist today in the Lake Condah district.

In January 1841 Mr David Edgar and Mr W. Thompson discovered the Lake Condah area which became part of an 18 000-acre pastoral lease No. 60 first taken up in 1843 by Mr George Coghill. I wonder whether that was a relative of the honourable member for Werribee.

Dr Coghill—Yes, it is.

Mr PLOWMAN—So the honourable member for Werribee has a pastoral background.

In 1841 David Edgar settled at nearby Fitzroy River and named the area Lake Condon. In 1850 the subsequent owner of the pastoral lease, Mr Cecil Cooke, changed the name to Lake Condah and that is the name by which it is known today. He had the mistaken belief that “condah” meant “black swan” in the Gunditj-Mara language. He subsequently discovered he had made a mistake but decided to leave it as Condah.

When the pastoral grant was revoked in 1867, the Church of England established its first mission station in the area.
That was a very appropriate place for the mission to be established, as the land chosen at Lake Condah for the mission station had been a traditional meeting place for Aboriginal people around the district for a long time before that.

In 1869, 2043 acres and 1 rood of land were reserved for Aboriginal purposes. At that stage 70 Aborigines lived on the reserve and, with the assistance of the Aborigines concerned, the mission was developed. The land was cleared and was grazed by sheep and cattle, and the buildings were erected.

Permanent bluestone houses with timber linings were built. In 1885, a very fine bluestone church was completed together with a schoolhouse. By that time, there were 22 permanent stone cottages.

As well as those permanent stone cottages, the church and the schoolhouse, there were also three limestone cottages—the others were bluestone—a weatherboard dormitory, a bluestone store, a bluestone stable, a sawn timber woodshed, a sawn timber milking shed, the bluestone and weatherboard mission house, a weatherboard teachers' cottage a hop kiln and two underground tanks or wells.

At its peak in 1889, the Aboriginal population living at the mission station reached a figure of 117. The decline of the mission station began in 1889, with the passing of the infamous “half-caste” Act.

The “half-caste” Act meant that Aborigines who were 34 years old or older and of mixed race had to leave mission stations all around Victoria. That meant a very substantial decline in the numbers at the Lake Condah mission station. With the decline in numbers, the whole station deteriorated. Houses were demolished or were moved and, by 1918, only four Aboriginal people remained at the settlement. The buildings declined further and materials were sold.

Ultimately, in 1957, the magnificent bluestone church, which showed a few cracks in the stone, was dismantled for fear that it might collapse. Rather than being maintained, it was pulled down, and much of the stone from it was pushed into the two wells that I mentioned were in existence on the settlement.

In 1951, the land was resumed and passed over for soldier settlement. That was the final stage when all Aboriginal settlement at Lake Condah ceased.

Historically, the Gundity-Mara people were not nomadic, as was the case with most Aboriginal people in Victoria. Most were nomadic for a variety of reasons, the most important of which was to seek food for their own subsistence.

The Lake Condah area is a high rainfall area and is reasonably close to the coast. It had an abundant amount of game, such as water birds, kangaroos and bush turkey. It also had an abundance of natural plants from which Aboriginal people took the tubers that they consumed as their natural vegetables.

Anyone who has visited the area would know that the country is extremely stony and, as a consequence, the Aboriginal people of the area built permanent stone houses and a series of stone fish-traps. The remnants of those houses and fish-traps can still be seen in the Lake Condah area.

Historically, this site is extremely relevant to this Bill and to the current Aboriginal tourist project that is being developed at Lake Condah.

In 1984, the present Government purchased 53 hectares of land from Mr Ken Field and temporarily reserved the area because of its historic and archaeological interest, which it undoubtedly has. It is an area rich with history and archaeological interest.

The Bill seeks to hand over this land to the Kerrup-Jmara Elders Corporation, which represents approximately 2500 survivors of the original Kerrup-Jmara tribe who, at this stage, are scattered all over Victoria and, in fact, all around Australia.
The Aboriginal people in the district are not satisfied that the approximate figure of 2500 accounts for all of the survivors, but they believe that is probably fairly close to the actual number.

On Friday last I was fortunate enough—and I thank the Minister for Conservation, Forests and Lands and her officers for arranging for me to do this—to visit Lake Condah and talk with the people there. I was in company with the honourable member for Portland and the honourable member for Ballarat Province in another place, Mr de Fegely, and Mr Alan Hunt, the shadow spokesperson on Aboriginal affairs.

We were conducted around the station by a number of Aboriginal people who were involved in the project, particularly Mr John King, whose wife was also with him. John King is the resident ranger. Also present were Mrs Georgina Williams and the regional planning manager of the Department of Conservation, Forests and Lands, Mr Dennis Read.

I could not help but be impressed by the great pride and enthusiasm being expressed, particularly by Mr John King and Mrs Georgina Williams, in the Lake Condah Aboriginal tourist project.

The history related to the Aboriginal mission at Lake Condah is very important where they are developing a tourist attraction to attract particularly visiting groups of schoolchildren for educational purposes, as well as groups of adults or members of clubs who may wish to visit the area either for the day or to stay overnight.

They have built five very attractive and comfortable cabins, which are beautifully kept, each of which has four bunks. Therefore, at present they are able to accommodate twenty people at the Lake Condah mission station project. They have developed a central kitchen with associated facilities such as laundry, toilets, bathroom, dining-room and so on.

They consider it to be a very valuable tourist project for the Aboriginal people of the area. As I said, the tourist project will rely on visiting school groups and other groups. The school groups will be given an insight into Aboriginal history.

They will be shown archaeological relics that exist on the site and the remains of the stone houses. They will be given information regarding the natural foods enjoyed in the past by Aborigines as well as those foods that are still available to any Australian citizen who, firstly, has knowledge of those foods and, secondly, wishes to pursue and find them.

They wish also, in the future, if possible, to have a corridor to connect the present tourist project at Lake Condah to the lake where the relics of the old stone fish-traps still remain. They also indicate to visitors that they can simply come and enjoy the natural beauty of the site; it is a very attractive area.

While we were there, we were shown a certificate which is given to schoolchildren to take home with some pride, it having been signed by the head ranger at Lake Condah. It is headed, “Survival Course, Kerrup-Jmara Junior Certificate”, and it goes on to certify that the named child has completed the junior Aboriginal rangers’ course at the Lake Condah Mission. It states:

- He or she knows north, south, east and west.
- How to find water.
- How to find food plants.
- How to find home.
- And survive.

This entitles the bearer of this document to be proud of their survival ability and tell everyone about Lake Condah.

Undoubtedly that will be a good educational experience for any child visiting the area. It is well worthwhile for school visitors or any other visitors to the area to enjoy what the tourist project offers.
The aim of the project is for the Kerrup-Jmara, who will be running the project, to be self-sufficient. The Opposition supports that objective of giving self-sufficiency to the Aboriginal people who will be running the project.

I understand a substantial grant of $750 000 has been made from the Victorian Tourism Commission to enable the construction of cabins and other accommodation and facilities and for the development of the site. In addition to that, a portion of the Alcoa settlement of $1·5 million has also been spent on the development of the Lake Condah project.

The Opposition seeks information regarding the expenditure of that $750 000 grant from the Victorian Tourism Commission. The Opposition does not say that it does not support it and the objectives for which the money is being spent, but there should be accountability and proper records kept so that the people of Victoria can examine how grants of this nature are spent.

The present accommodation capacity of the project is twenty, and when we were there last Friday additional cabins were being erected which will add another twenty accommodation places, which would mean the project could accommodate 40 persons overnight. This would cater better for visiting school groups.

The project obviously needs to be properly marketed. Some assistance may be needed for the Aboriginal people running the project to market their project and to ensure that school groups and others in the community are aware of that facility that is available for visiting.

It was indicated to us that the head ranger, John King, not only has to do his job as head ranger but also is required to be available to take telephone calls for bookings.

Whilst he is out on the job as a ranger he cannot be answering the telephone; he has had great problems with his answering service taking bookings and obviously has lost bookings as a result. Consequently he needs additional assistance in this area to ensure that not only do people know about this tourist attraction and that it is marketed properly, but also that additional assistance is given where it is needed to get the project started so that the Aboriginal people can stand on their own feet and begin moving towards the objective of self-sufficiency.

The Opposition supports the project and would like to see the Aborigines attain self-sufficiency, and as a consequence it supports the transfer of this land to the Aboriginal group concerned. However, it considers the transfer of the land and title that the Government is handing over as something of an insult to the Aboriginal people in the area.

The Bill sets out to pass the land over to the Kerrup-Jmara people but it gives them only a second-rate title. It does not give them true ownership of the land. The second-reading speech refers to self-determination, and yet the Bill seeks to tie up the land in such a way that the Government can be seen to be giving the land to these people but ultimately it can simply take it away. The Bill does not give free title of the land to the Kerrup-Jmara group.

The Liberal Party sees Aborigines as Australian citizens, not as a group separate from all other citizens, and certainly not as second-class citizens. They should have the same accreditation as any other citizens, such as those who have come here from other countries like the honourable member for Richmond, who is no doubt proud to be Australian.

I should like to see all groups in this country as one nation with the same rights and responsibilities as all Australian citizens. In that context the Opposition believes that instead of giving the Aborigines a second-class title, they should be given a first-class title—in other words, a free title, and they should be given the land in fee simple.

I foreshadow that during the Committee stage the Opposition will be moving an amendment to ensure that the land, if and when it is granted, is given not under a second-
class title but a free title in the same way as occurs when any other individual owns freehold land.

The Opposition has the same attitude to the Framlingham land. I make a passing reference to that because there will be a Bill before the House shortly to deal with that land. We believe that the land grants should be judged on the respective merits of individual cases. We totally reject, however, the land rights movement's ongoing claims to land in Victoria. We wish to support a Bill of this kind by which, judged on its merits, the land should be passed to the Kerrup-Jmara people at Framlingham, however, we totally reject the land rights movement's claims and those of the left wing of the Labor Government who are pandering to this articulate minority and continuing to lift its expectations in this area.

The Opposition has one or two other areas of concern in the Bill and will be moving a number of amendments during the Committee stage to address these concerns. My colleagues on this side of the House, the National Party, will be addressing some of those concerns also.

One concern raised by the Shire of Portland when we visited it, having been to Lake Condah, was in relation to the schedule. Part A of the schedule shows two roads, one on the northern boundary of the land concerned and one that almost bisects the land. These roads are to be closed. Initially the Shire of Portland expressed concern about the closure of both roads and said that the roads should remain open.

However, after discussions were held with the shire, it conceded that perhaps the north-south road, which almost bisects the land, should be closed and absorbed into the land grant but the east-west road, which is on the northern boundary, should remain open to provide public access to the Darlot Creek. A parish map of the area shows a substantial Crown frontage and therefore this access road would be required by people who wanted to fish or to use that frontage for any other purpose.

If the road were closed, the only access to the Crown frontage would be, according to the map that I have, a considerable distance away. In fact, it is so distant that it is not shown on the map that I have in front of me. Quite rightly, the shire expressed concern about that and asked that the road remain open. The Opposition will move an amendment to that effect when the Bill is in Committee.

Mr Cathie—I t is a track.

Mr PLOWMAN—I t is a track; however, it is the only access local people have to Darlot Creek. The parish map shows that the next means of access to the Crown frontage is many kilometres away. Access is needed for the public to fish or to undertake any other form of recreation.

Dr Coghill—No-one would be aware that that access exists.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member for Evelyn will ignore interjections.

Mr PLOWMAN—Mr Deputy Speaker, many people in the area are aware of that access. On behalf of the people in the district, the shire council wishes to maintain that access. That is not unreasonable.

Part A of the schedule makes one wonder why the road that almost bisects the land on the north-south access does not quite reach the creek. The parish map of the area clearly shows the Crown frontage that I mentioned passing along the northern boundary of the creek and forming a substantial part of the land that is shaded in the map contained in Part A of the schedule.

This appears to be something of a sleight of hand because nowhere in the Bill or the second-reading notes has it been mentioned that the Crown frontage has been absorbed into the land, but obviously that is what has happened. Perhaps the Minister for Education
could inquire of the Minister in another place what happened to the Crown frontage on Darlot Creek that was previously shown on the parish map. I should have thought a Crown frontage which has public access to it should be mentioned in the Bill or at least the second-reading notes of the Minister.

Another matter of concern is the power the Bill gives to the Kerrup-Jmara Elders Corporation to make by-laws and to enforce them. Such by-laws are extensive and are to be subject to the laws of Victoria and the Commonwealth of Australia. The Opposition agrees with that but also believes the power to make by-laws is virtually the same as that given to committees of management of other land in Victoria and should have the approval of the Governor in Council. That would provide an oversight of by-laws made by the corporation.

If the by-laws were approved by the Governor in Council they would then have to be published in the Government Gazette so that people who regularly scan the Gazette know exactly what the by-laws are to be.

The next matter of concern is clause 10 which deals with the winding-up of the Kerrup-Jmara Elders Corporation. What is to happen if that takes place at a future time? I should hope that will not happen. That matter should be addressed in the Bill.

The Opposition argues that if the land should be given to the Kerrup-Jmara Elders Corporation in fee simple and if the land is not transferred to another Aboriginal group, as is provided for in clause 5 (1) (b), instead of the proposal envisaged in the Bill, the same requirements should apply to this corporation as to any other corporation in Victoria. Therefore, it should be covered by the Companies (Victoria) Code.

Another area of concern is the mining provisions. The mining provisions contained in the Bill seem to be convoluted and complex as well as being quite different from mining provisions that apply to any other land in Victoria. The Bill should simply provide a set of laws for this group of Aboriginal people the same as that which applies to other private land-holders in Victoria. Instead of being different for white and black, or groups in the community, the mining provisions should apply equally to all people who hold land in free title.

The industry consulted with the Government after the Framlingham Bill was introduced approximately twelve months ago, but members of the industry are far from satisfied with the provisions contained in the present Bill. It believes little notice was taken finally of that consultation. I am interested to know the true feelings of the Minister responsible for mines in this situation. Given his responsibility under the provisions of the Act—

An honourable member interjected.

Mr PLOWMAN—The Minister will be bound by Cabinet solidarity and, no doubt, I will not learn what his true feelings are. That is why I said I was interested to hear them. Presumably he would say that it is a lot of garbage. Of course, he is not permitted to say that. The officers of the Minerals Group would probably also say that it is a lot of garbage but they are professional public servants and would not make such comments. No doubt, they would wholeheartedly support the proposition put forward by the Opposition.

During the Committee stage the Opposition will move an amendment to provide that with a free title, the provisions of the Mines Act 1958, the Extractive Industries Act 1966 and the Petroleum Act 1958 should apply to this land in the same way as to any other freehold land in Victoria.

My fifth point relates to the preamble. I shall not read the offending provisions as honourable members have the provisions before them. I simply say that, if we accept the rationale behind those provisions, we accept the whole thrust of the land rights movement in Victoria. As I said earlier, the Opposition totally rejects the ongoing claims of the land rights movement and will seek to amend the preamble to omit those provisions that simply accept the philosophy of the land rights movement.
The Opposition supports the project in so far as it relates to the transfer of land and would wish the tourist project at Lake Condah to be successful. The Opposition supports the Government’s objective of assisting the Kerrup-Jmara community in becoming self-sufficient. That is a laudable objective and it is laudable to try to assist the Aboriginal people to stand on their own feet and to give them the opportunity of running their own businesses, as this Bill and the project at Lake Condah set out to do.

The Opposition would wish Aboriginal people to be regarded as citizens of Australia—not as a separate group in the community—with all the rights and privileges of every other Australian citizen and, at the same time, the corollary of rights and privileges, that is, responsibilities.

If the Aboriginal community has problems that need to be addressed, they should be addressed in the same way as for any other group in the community, be they black, white, Greek, Turkish or of whatever background. The Aboriginal community should be integrated within the Australian community in the same way as the huge migration influx has been in this country.

Mr Cathie interjected.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The Minister will have the right of reply.

Mr PLOWMAN—If this does not happen, and if the Aboriginal community is set up as a separate group, that will be counterproductive for the Aborigines themselves because, in the long term, it will cause a white backlash against them. That would not be in their interests or in the interests of the stability of the wider community.

As I mentioned, the Opposition will move a number of amendments to address the points that I have raised. The Opposition wishes the project well. If the Government is prepared to accept the amendments, the Opposition will support the Bill.

Mr CROZIER (Portland)—I support the observations made by my colleague, the honourable member for Evelyn.

Mr Cathie—The first part was all right.

Mr CROZIER—It is the second part to which I particularly wish to refer. I shall not disappoint the Minister or anyone else.

The project has its positive side. Its merits have been well canvassed by my colleague. In short, the Opposition has no problem with people of Aboriginal descent or, more correctly in this case, people of part-Aboriginal descent owning land. In spite of the definition contained in this Bill and in another Bill that was discussed earlier today, anyone who can trace any part of his or her ancestry to the indigenous population can be recognised as an Aborigine. I refer to the definition contained in clause 3, which provides, inter alia:

In this Act—

"Aborigine" means a person who—

(a) is descended from an Aborigine; and

(b) identifies as an Aborigine; and

(c) is accepted as an Aborigine by the Committee of Elders on behalf of the Kerrup-Jmara Community.

I have some difficulties with this because the term "Aboriginal community" is bandied about, particularly by Government members, as if there were some ethnically distinct group that could be described accurately under that nomenclature. I find it a rather broad definition, and I find it scientifically inexact, but I shall not pursue a pedantic argument on the definition, although I believe the definition in this and similar legislation that has been before Parliament from time to time is of significance.
The Opposition has no problem with people of part-Aboriginal or Aboriginal descent owning land, provided that they own it on the same conditions as other land-holders. The Bill would impose constraints: it would require that the land be held, as the Minister pointed out in his second-reading speech, in a form of inalienable title.

The Opposition does not believe that is appropriate because that is not the condition on which land is held by other owners. Nor are the mining provisions appropriate. The Opposition will argue—I believe, with a degree of consistency—that the land proposed to be transferred should be transferred on exactly the same conditions as apply to any other freehold land.

This debate should not pass without some further reference to the background. My colleague has accurately described the historical background of this mission. It is a rather sad story. In spite of the good intentions of the missionary group, the members of the Uplift Society, as it was called, were not blessed with a great deal of local knowledge because they came originally from the other side of the world. In spite of their good intentions, the mission wound down to the point where, by 1951, the mission site and the reserve were sold. Today, only the remnants of the buildings that once stood on the site remain.

Originally my understanding was—and I believe it is the understanding of most interested Victorians—that the $750,000 allocated by the Premier as part of Victoria’s 150th anniversary celebrations was for a tourist project to reconstruct the mission. That seemed to be an extraordinary monument to Aboriginal culture, and I still find it more than slightly ironical. The *Victoria 150 News* of May 1984 states:

> The mission will be restored in a $750,000 project described by the Premier, Mr John Cain, as “a major recognition of the special nature of Aboriginal history and heritage.

The second-reading speech is resonant with similar sentiment. I remind honourable members of what the Minister said:

> The Bill’s objectives are in accordance with Government policy which aims to achieve self-determination and self-management for Aborigines. The Bill will enable the Kerrup-Jmara community to work towards a future from financial dependency on Government.

There are approximately 3500 members of the Kerrup-Jmara community, so we are led to believe, and it is true to say that some of those members could be materially assisted by the project. As my colleague has pointed out, a genuine and sincere attempt is being made to turn the project into a place where there will be opportunity for people who have a genuine interest in Aboriginal culture and customs to learn more about them. It will also be a focus for those of serious archaeological bent to view and learn more about the undoubted significance of those archaeological relics that are in the general area, but, for the benefit of the House, I add that not many of those are on the 53-hectare site; they are in the general Lake Condah area.

The Minister might indicate to the House whether the Government intends to acquire further sites of archaeological interest as part of the further development of the project, or else what other proposals his Government has for the preservation of those sites.

I do not dispute that statement in the second-reading speech, but I point out that it is a rather expansive objective to assume that all members of that particular community will benefit materially from this project being a tourist project.

I have my doubts about the project ever being a viable one, certainly not for a long time, but as a tourist project, I cannot see it paying its way. That does not mean that it does not contain merit in educational value, and I am sure the Minister for Education will be quick to recognise this and will point it out in his reply, but the Opposition recognises the educational element in what is proposed and that is important and positive.

Mr Cathie interjected.
Mr CROZIER—I welcome the Minister's interjection and I agree with him that that particular element of this project or, indeed, any other educational project is intangible and, therefore, not precisely assessible in monetary terms; but the second-reading speech continues:

The Lake Condah Mission Station is of considerable architectural, social and historical significance to European Australians.

I wonder where is the architectural significance. The buildings do not exist and, in most cases, are not to be reconstructed. That would be a mammoth operation and a totally nonproductive one, if the attempt were to reconstruct the mission station as it originally stood. That was the impression I originally gained. I understand that that has now been modified.

The second-reading speech continues:

It is the most intact example of nineteenth century mission planning in Victoria and is representative of a type of town planning unusual in Australia.

For those who do not know the area and have not been to the site, it would be quite understandable if they reached the conclusion that here was something from which people could gain considerable enlightenment from the architectural and town planning point of view. Those statements are, however, questionable to say the least and are probably also highly exaggerated.

The recent background of this development has not been a happy one. My colleague, in his resume of the historic background, took us up to about 1959 when the late Mr Edgar Field bought the property at public auction, remembering that the mission site and the reserve were sold, I understand, in 1951. Mr Edgar Field bought the property in 1959. He was a soldier settler and a former Tobruk “Rat”. The property subsequently passed to his son, Ken, and he and his family worked the property. He enjoyed living in the area as a local and as the son of a local until 19 May 1983 when, I understand, the honourable member for Werribee, acting in his capacity as the Premier's adviser on Aboriginal affairs and, no doubt, also in his capacity as Parliamentary Secretary of the Cabinet, visited the site with a number of advisers and, in the course of that visit, informed the Fields that the Government required the property and intended to take it over as an Aboriginal historical site. Furthermore, he told them that there was nothing that they could do about it.

Mr Evans—That's right, that is typical!

Mr CROZIER—I am afraid it was typical. On 11 April 1984, an article appeared in the Melbourne Sun by Tom Pryor headed “Heartbreak House for Takeover Family”. Mr Pryor correctly and in detail described the unhappy sequence of how Mr Field and his family were not only strongarmed, indeed, were pressured until, finally, they agreed to sell.

In the very first paragraph of the preamble to the Bill, the land referred to, “was on 22 February 1984 acquired under the Crown Land (Reserves) Act 1978”. That is probably a fair description because, at the time, there was considerable disputation about whether Mr and Mrs Field had been pressured and harassed in the manner I have described; but I have no doubt and Mr Pryor had no doubt that they were. Shortly after the article appeared, the honourable member for Werribee wrote to all municipalities, signing in his capacity as Parliamentary Secretary of the Cabinet and, in the course of that letter, he had this to say:

Mr Field voluntarily, and without pressure . . .

Mr Brown—I remember that!

Mr CROZIER—Indeed, the honourable member for Gippsland West would certainly remember that—

accepted an offer from the Government, being 29 per cent above the highest of the three valuations obtained in respect of the property.
He goes on to say:

The property was not purchased to be “given to the Aboriginal community”. It has been bought by the Government and will be managed in accordance with normal practice for Government properties. In this case, the National Parks Service will manage the land and include appropriate involvement of the Aboriginal people associated with the mission and the earlier Aboriginal community.

The reality was very different. That was established in the same month of May 1984. I accompanied the Leader of the Opposition and the honourable member for Gippsland West on an expedition to this area, along with our former colleague and friend, the late Don McKellar. We visited the Fields and their neighbours, the Muldoons, whose property was next on the list. Mr Field made it plain that he was pressured and, in confirmation, I quote from an article in the *Warrnambool Standard* of Thursday, May 31, which said:

Condah grazier: I was pressured.

Indeed he was. He was not only pressured, his family was subjected to a most outrageous series of veiled threats and they finally agreed to sell.

By the time this had happened, it had aroused so much public indignation that the designs of the Government on the Muldoon property resulted in such an uproar that the Government decided to back off, but not before considerable anxiety had also been caused to the Muldoon family and their friends.

I am pleased to say that the Muldoons are still there and I hope they stay there for as long as they want to and that they will not be subjected again to this type of manipulation. In effect, what happened, in spite of assurances by the honourable member for Werribee, was a fairly elementary use of the Crown Land (Reserves) Act, which makes provision for the compulsory acquisition of private land if it is “of conservation, historic or archaeological interests”. I agree that there is some archaeological and historic interest in the property but let us not have any humbug about what occurred. This was a totally disgraceful and devious episode and it has been one of the factors that has made the project a difficult one for the locals to accept with an open mind. Of course, at the time it was difficult to know where this would stop.

One of the ironies in this matter, as my colleague has pointed out, is that in Part A of the schedule one of the roads to be closed is the road on the north-south which provides access to Darlot Creek, although it stops short of the creek. People who do not know the area and the history might well be forgiven for believing the road went nowhere, but the road used to connect with the land now owned by the Muldoons. The road crossed the creek at a bridge that was washed away by a large flood in 1946 and was not replaced but there is still a track going through the Muldoon land. I can well imagine that if Mr and Mrs Muldoon had agreed to sell under the same duress which pressured the Fields into selling, there would have been no thought of closing this road.

I reiterate that the Shire of Portland is opposed to both road closures. There is particular concern that at least the road running approximately east-west, which does give another access to the Darlot Creek, is kept open.

The preamble to the Bill is totally unacceptable. If Parliament accepts the Bill, it also accepts the fact that this preamble becomes a pacesetter for any similar legislation. When reading a Bill one may not read the preamble or, if one does, one may not read it very carefully but a reading of this will show the Government’s devious ideological motivation. By interjection, the Minister for Education says that these are facts. I shall read some of the preamble:

And whereas that part of Condah land was traditionally owned, occupied, used and enjoyed by Aborigines in accordance with Aboriginal laws, customs, traditions and practices:

And whereas the traditional Aboriginal rights of ownership, occupation, use and enjoyment concerning that land are deemed never to have been extinguished:

And whereas that part of Condah land has been taken by force from the Kerrup-Jmara Clan without consideration as to compensation under Common Law or without regard to Kerrup-Jmara Law:
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And whereas Aborigines residing on that part of Condah land and other Aborigines are considered to be the inheritors in title from Aborigines who owned, occupied, used and enjoyed the land since time immemorial:

And whereas the land is of spiritual, social, historical, cultural and economic importance to the Kerrup-Jmara Community and to local and other Aborigines:

Another Minister of the Government, when discussing another Bill before the suspension of the sitting, said that the Aboriginal community, as he put it, was "not about ownership". I agree with him that Aborigines did not have the same concept of ownership as Europeans did. The Aborigines did not have "ownership"; they had tribal areas.

For the benefit of the Minister for Education and any of his colleagues who may dispute the argument, the State of Victoria can be and has been delineated into tribal areas by a number of people interested in Aboriginal history and culture.

Mr A. T. Evans—Every piece of land, including the Minister's home site.

Mr CROZIER—I welcome the interjection from the honourable member for Ballarat North. He is absolutely right. This preamble can relate to every piece of land in Victoria because, according to a very simple definition, every piece of Victoria—indeed, I suppose one could say the same about most if not all of Australia—at one stage consisted of loosely defined and sometimes precisely defined tribal areas.

If Parliament were to accept the words and the sentiments behind this preamble there would be no limit in philosophical consistency or legislative consistency about this Government or any Government of similar ideology applying the same sentiment to any part of the State. I very much doubt whether a sacred site will be found on some of the honourable member for Werribee's bailiwick but, nevertheless, once it was tribal territory before it was, shall one say, changed by European settlement. The Liberal Party rejects this sort of nonsense.

Mr Cathie—Are you against history?

Mr CROZIER—The Labor Party is trying to rewrite history. Not only is the Government trying to rewrite history but also it is arrogantly disregarding it. I remind the Minister for Education of the observation of the famous philosopher, George Santayana, who said:

Those who forget the past are condemned to repeat it.

I do not doubt history will repeat itself in this Parliament before much longer. Returning to the Bill, one finds the same expansive and poetic sentiments in the Minister's second-reading speech. It is perhaps good reading but it is not very strong on logic. I refer to that part of the Minister's second-reading speech where he justifies the special mining conditions. He states:

The Government acknowledges the special spiritual affinity the Aboriginal people have to the land, which for too long has gone unrecognised. The spiritual affinity lies at the heart of many of the social problems experienced by Aborigines, which are reflected in black-white relations. The Government therefore proposes to give the Kerrup-Jmara community appropriate control over mining on their land.

The Opposition has pointed out again that the Liberal Party not only supports but also actually encourages people of Aboriginal descent or part-Aboriginal descent, as Australian citizens to own land, to have the right to buy land and to sell land in the same way as every other Australian citizen. The Liberal Party does not support a different set of rules, and the Bill is characterised by a clear intent to do just that—the Minister agrees that it is a different set of rules—and as members of the Opposition pointed out during debate on the Aboriginal Cultural Heritage Bill earlier, what is being done is nothing less than an institutionalised separation of rights, privileges and powers.

That is something the Liberal Party cannot accept and if the Government goes down that road it is heading towards separate development. There is an ugly word that describes separate development and that is "apartheid". This is a form of apartheid in reverse. Despite the protestations of the Minister and his Government and, no doubt, the
honourable member for Werribee, that they are taking the high moral ground on this issue, they are institutionalising division.

Any measure of this sort that perpetuates divisiveness in the community as a whole by trying to write one set of rules for people of Aboriginal descent that is different from the set of rules under which everyone else works is bound to perpetuate the very divisions the Labor Party purports to eliminate.

This leads me to the next point—the powers to make by-laws. Those powers are unusual. I do not believe any by-law making powers similar to these are enjoyed by any municipality or Government agency. I quote:

The Kerrup-Jmara Elders Corporation may, subject to the law of Victoria and the Commonwealth of Australia, make by-laws for or with respect to—

(a) Law and order within the Kerrup-Jmara Community—

That is fair enough. Paragraph (I) states that the corporation may impose penalties for a breach of a by-law. The corporation may appoint a person to enforce any of the by-laws it has made.

The measure provides the power to enforce law and order. I should have thought that was not a function of local government. What is suggested in this set of by-laws is again a different set of rules, which could easily suggest that there would finally be two sets of laws that would apply to this particular piece of Victoria.

We find that questionable, and the safeguard to be proposed by my colleague is reasonable. These by-law making powers should at least have the further sanction of Governor in Council approval and, of course, the further exposure of being published in the Victoria Government Gazette.

To sum up my remarks, in spite of the chequered history of this recent development—and I believe the Government does not come out of it at all well—I reiterate the remarks of my colleagues: there are plusses in this project, but the merits of the project will not be assisted by legislation that is bound to excite, and it already has excited considerable apprehension in the local community.

If the Bill were allowed to pass in the form in which the Government has presented it, those divisions would be exacerbated. I sometimes believe it is the intention of this Government to deliberately incite those feelings, provoke them and keep them running for its own political purposes.

Honourable members interjecting.

Mr CROZIER—We condemn that approach, and we believe the Bill, as it stands, is seriously flawed, and for the reasons that have been expressed by those of us on this side of the House who have spoken, is quite unacceptable.

Mr A. T. EVANS (Ballarat North)—Before I address myself to the Bill, I should like to take up with the Minister at the table, the Minister for Education, the interjection that he made while the honourable member for Portland was addressing the House, when the Minister said that he supported the argument that the land was forcibly taken away from the blacks by these people.

I would say, in that case, if the Minister is to be consistent in his argument, he should go home tonight to Frankston and say to his wife, "Dear, we are on tribal land. I have bought a tent. We will move down to the local park because this is tribal land and, on principle, I could not camp on their land".

Mr Kennett interjected.
Mr A. T. EVANS—It will be tribal warfare at home if the Minister tries it. To fill the Minister in on some details, I refer him to this volume that is available from the Parliamentary Library, Aboriginal Tribes of Australia, so that the Minister will be able to seek out the descendants and say, “Come along boys, move in to my place”. Under the heading, “Victoria”, that volume contains the following:

Bunurong

Loc: From Mordialloc near Melbourne southeast to Anderson Inlet; on Western Port Bay and on Mornington peninsula; a coastal tribe; inland to near Dandenong Range; east to about Warragul.

The ACTING SPEAKER (Mr Kirkwood)—Perhaps the honourable member can explain to the Chair what that has to do with the Bill now before the House.

Mr A. T. EVANS—The matter certainly relates to the Bill, because the Minister believes that you, Sir, the Muldoons down at Lake Condah, and I should move out because we have illegal possession of our land.

I refer honourable members to a map that accompanies that volume which sets out tribal lands recognised by authorities throughout Australia. I suggest that the Minister obtain the map from the Library, so that he can take it home to convince his wife that they are on tribal land.

I support my colleagues who have spoken on the problem in a rational manner. This is not an easy problem to solve. We realise that the Aborigines deserve some special consideration. However, they should not receive it on the basis of the Government setting up laws for them that do not apply to all Australians.

There are many ways in which we can assist them in housing and education, and through the project at Lake Condah, which I believe has much merit from the tourism aspect.

I direct the attention of the House to the words of a Minister formerly responsible for Aboriginal Affairs, the present Minister for Agriculture and Rural Affairs from another place. In Ballarat in July last year, he said that the Aboriginal Land (Framlingham Forest) Bill would be the model for all other similar pieces of proposed legislation. We have been looking forward to that occurring.

Evidence now exists that the Minister was looking to use that Bill as the first domino in applying the domino theory by setting up settlements and—if honourable members accepted some of the legislation that the Government wants them to accept—setting up separate colonies in Victoria and giving them exclusive rights, including all-over mining rights.

However, for some mysterious reason, the Aboriginal Land (Framlingham Forest) Bill has disappeared. I understand that the Minister gave notice to reintroduce it today. Of course, honourable members know the background of that. The Framlingham people have not been in agreement with the Government’s policy.

The reason for that is quite obvious: the Ministerial advisers are not familiar with the requirements and the background of Aborigines of the Framlingham Forest or even Lake Condah.

It is necessary to look back deeply into the history of the problems arising from the attempted assimilation of the Aboriginal people with the Europeans and the Asians. Honourable members should make no mistake: the Asians played a very significant part in diminishing the Aboriginal population.

If one examines the early population statistics for Victoria, one notes there was very little decline in the population of full-blooded Aborigines in the first thirteen years of the settlement of this State. It was not until gold was discovered that the population began to decline, when there was an influx of more Europeans and Asians.

It is about time that the record was put straight in one regard. During the period in which squatters occupied this State, they did not go on bloody massacres, as many people
would try to have others believe. Much of the history of Aborigines in this State that is
being accepted and taught today is wrong. It has been written over the past ten or twenty
years by prejudiced people.

If one goes back into the depths, one finds that some of the earliest writers in this
country were great supporters and admirers of the Aborigines; those people have written
the facts, to which anybody drafting this sort of legislation should look first.

The matter of conflict, of course, arose when the Aborigines found that their natural
hunting grounds were diminishing because of the squatters having sheep grazing on those
areas. The Aborigines were concerned about their supply of food; and, naturally, they
turned around and knocked off a few of the squatters' sheep. They were not the only ones
to do that—the miners did the same sort of thing thirteen years later.

Of course, the Aborigines found it easier to sit around the homesteads of the squatters
than to go out and forage for their own food. This led to dietary problems which, on top
of the diseases that were introduced by the Europeans and Asians, brought about the
decline in the Aboriginal population.

The decline was not brought about by the massacres. There were some, and I shall
mention some that I know of, but they were not, as the Honourable Clyde Holding said in
his usual loud-mouthed, vulgar and irresponsible manner, "homicide".

I refer to some of the incidents of which I am aware, being a student of the early history
of this State. One of the most notable, and perhaps unwarranted, events was that of the
Faithful brothers of Benalla in a shootout with Aborigines. Another one was on the
Glengower station where Dugald McLaughlen came from around his sheep one day and
found that the cook had been murdered; we do not know what the cook had got up to
beforehand. He and his men followed the Aborigines and shot them in a waterhole. That
was one of the most disturbing episodes I know of in the country.

There is another story I have read, which I recall vaguely, in connection with Lake
Condah of the poisoning of Aborigines. However, I believe a writer of a history of
Warnambool years later said this case had not been proved. Although there were those
people, there were others such as Edward Curr, who had many station properties, mainly
around Tongala, and who was regarded strongly as a friend of the Aborigines.

There was also Captain Hepburn from my area who was regarded as a friend of the
Aborigines. Even though they circled his hut while only his wife and a convict were at
home, they remained calm until the convict could steal out with a gun to steal the flint
from the Aborigines' guns; the Aborigines then walked off the property. The captain
cultivated the friendship of those people, as most of the squatters did. They had working
and peaceful relationships with the Aborigines; they were not murderers, as many people
who are writing and drafting legislation today would have one believe.

In dealing with Lake Condah, reference to the history of the protectorates is relevant.
The protectorates go back into the early days of Victorian history—about the 1840s—
when the House of Commons became concerned about reports of ill-treatment of
Aborigines.

The House of Commons had the New South Wales Legislative Council set up an inquiry
into the operations of the protectorates. A reading of the report shows that the only
evidence received was from squatters; there were not many other people about in those
days. They made written submissions, and all of them said that the protectorates did not
work. I remain unconvinced of that point. They were probably looking at all aspects
except the welfare of the Aborigines.

I was interested in the case of the Reverend Alexander Irvine of Glen Logie, one of the
first settlers in central Victoria, who arrived in October 1887. He told the inquiry that he
was familiar with Parkers protectorate at Mount Franklin and felt that it was not a working
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... proposition, which was probably an unbiased view. It was difficult for Aborigines to settle in those protectorates because the Government offered Lake Condah and Framlingham and then tried to herd all of the tribes from as far away as the South Australian border. They each had their individual tribal territories and some had been warring enemies for centuries. This could not work.

As years went by the populations in the protectorates declined. Another inquiry was conducted in Victoria in 1877 to try to rectify the faults. However, by that time the Aboriginal populations had declined considerably. At the Mount Franklin protectorate, with which I am familiar, the numbers had dwindled to a low level. It was not a matter, as is often reported, that the Aborigines were pushed out by neighbouring squatters who wanted to buy the land. Parker himself, who was a great Christian and who operated the Mount Franklin protectorate, said in his writings, which are numerous, that population numbers dwindled until it was not worth operating the protectorate. That is how protectorates were abolished or abandoned in the end.

I should like to follow up the point raised by the honourable member for Portland about the concern of adjoining landowners at Lake Condah. When people say that Aborigines have an affinity with the land, it means that they have an affinity for a very large tract of land. I question what the honourable member for Evelyn said in claiming that some Aborigines were not nomads, because they used to move from waterhole to another. They only had affinities with many individual spots covering large areas; they may even have had an affinity with what is now the front garden of the Minister for Education.

I repeat my request to the Minister that he will not use the Crown Land (Reserves) Act to acquire additional land from the Muldoons for the Lake Condah settlement. I believe Lake Condah can be a successful tourist attraction. If it proves to be a success as a tourist attraction and farming operation, the Government can then consider, as a matter of normal business transaction, approaching the neighbouring owners to make a normal purchase. It was said by the honourable member for Evelyn that Aborigines should be given no more and no less than anyone else. I believe that once the project is under way, any expansion should be considered purely as a business matter.

Mr Sidiropoulos interjected.

The ACTING SPEAKER (Mr Kirkwood)—Order! Why is the honourable member for Richmond assisting the Opposition?

Mr Maclellan—He is a great colonist!

Mr A. T. EVANS—I am concerned, as are most Australians, about the land rights proposals in the proposed legislation. From the remarks in Ballarat of the Minister formerly responsible for Aboriginal Affairs, it was obvious that he and the Government planned to create a number of similar Aboriginal settlements around Victoria as different groups claim the same rights and privileges that have been given in Lake Condah and Framlingham.

By doing that, the areas involved could represent a large proportion of the state and be removed from the normal rights of mining operations. Aborigines would have special rights to control the land and to tell mining companies that they could not mine in those areas. Mining operations in Victoria have not ceased by any means. There is a possibility for expansion but, if a project happens to be on one of the special Aboriginal reserves, it will not matter how many men could be employed in the operation; it will be rejected by the local Aboriginal group.

Mr Cathie interjected.

Mr A. T. EVANS—I suggest that the Minister read the Bill. I had an idea that he was not aware of what it contains. The Government is trying to carry out what the left wing section of the Australian Labor Party wants, but the Commonwealth Government—

Mr Sidiropoulos interjected.

Mr A. T. EVANS—Yes, the honourable member and his red tie is well out in front of that group.
The Government is trying to achieve what the Commonwealth Government has not got the guts to do. Mr Holding, the Federal Minister for Aboriginal Affairs, wants to grant land rights, but the Prime Minister does not. Some Aborigines and other members of the community do not want land rights to be granted in that form. The left wing of the Australian Labor Party is the instigator of the proposed legislation.

Mr Sidiropoulos interjected.

Mr A. T. EVANS—the honourable member for Richmond has done enough damage to the country in the short time he has been here and should keep quiet. The Government hopes that all States of Australia will gradually accept the mining monopoly clauses in the proposed legislation that deny most people their rights. Action such as this has caused division within the Victorian community regarding the welfare of Aborigines. The do-gooders are selling out the Aborigines. When a referendum was conducted in 1967, almost 80 per cent of the population wanted to give the Aboriginal people a go, but, due to the demand for land rights, public opinion has swung around and the land rights issue has now damaged the Aboriginal cause. The Government has a lot to answer for.

Mr B. J. EVANS (Gippsland East)—The tragedy of the proposed legislation is that, if it had been framed to deal with the Lake Condah project and had been designed to facilitate the development of that property, it could have been passed with the approval and goodwill of all sides of Parliament and, indeed, of the people of Victoria. However, the Government chooses every opportunity to make a political statement of its philosophical views on Aboriginal land rights. It has lost a golden opportunity of gaining unanimous community support for a project for Aboriginal people. It would have been practical to introduce a Bill that dealt specifically with the project at Lake Condah without introducing questions on philosophical matters such as are outlined in the preamble to the Bill.

So long as I have anything to do with the policy of the National Party and it has the power to stop proposed legislation such as this being passed, Bills containing the sort of wording that is contained in the preamble to the Bill will not be passed by Parliament. That is divisive. That is setting the ordinary man against the Aborigines and the land rights issue.

It is tragic for the Aboriginal people that the Government persists in making political statements of this sort. If these matters are principles in which the Government believes, let the House debate these issues in so far as they relate to all lands. I agree completely with what has been said by Opposition spokesmen. If the principle applies to Lake Condah, it applies equally to the site on which Parliament House is erected. It applies equally to the home of every person in Victoria. I know of no action of Captain Cook, which I presume is how the British Crown took possession of Australia, that excluded Lake Condah. Captain Cook's proclamation encompassed all of Australia. One cannot say that Lake Condah or Lake Tyers was excluded. That sort of absurd notion that the Labor Party puts forward in the proposed legislation is doing the cause of Aboriginal people great harm.

It is strange how history seems to repeat itself. In the Minister's second-reading speech he made a statement, which has been quoted on a number of occasions—that the Bill is in line with the Government's policy, which aims to achieve self-determination and self-management for Aborigines. That is in line with the philosophy put forward by the then Liberal Government in 1970 when it introduced the Aboriginal Lands Act to hand over Lake Tyers reserve and the Framlingham reserve to a trust of Aboriginal people at those locations. The Government has learned something, because it has not made the stupid mistake of setting up another Aboriginal trust. If one could go behind the scenes and ascertain what is occurring in relation to the shares in the Lake Tyers Aboriginal trust and in Framlingham, one would find them to be a shambles. I doubt whether anybody knows who are the real owners of the shares in those trusts. I give the Government credit that at least it has learnt that lesson.
The then Minister for Aboriginal Affairs, Mr Ray Meagher, when challenged as to whether the Lake Tyers project could ever stand on its own feet—that was the expression that was used time and again—because the property did not have the capacity to produce agricultural products to support that community, said that I had not heard the whole story, but that it was proposed to build a motel to cater for the tourists and hire boats for use on the lake. A range of schemes was to be established that would make Lake Tyers a utopia for the Aboriginal people.

Lake Tyers is a beautiful site. In the 1970 debate, as recorded in Hansard, time and again the fear was expressed that, because it was a great attraction and of great value for commercial development, Victorians were running the grave risk of Aboriginal people losing the site, as economic pressures could force them to mortgage the land because they were not able to meet the repayments on mortgages.

I was disturbed that the small area of land—about 4000 acres—could be lost permanently to Aborigines because it was an area that had never been alienated. It has been regarded by Aboriginal people as Aboriginal land since the 1860s. It was regarded by the community as Aboriginal land, and I could never see the sense in changing that arrangement. The area was Crown land and was permanently reserved in 1965, rather belatedly, for the use and benefit of Aboriginal people. Less than four years later, Parliament passed legislation to hand over that land to a specified group of people.

Is it any wonder that the Aboriginal people are so confused and perplexed? In the space of just four years the land has been changed from something that is permanently reserved for the use and benefit of Aboriginal people to something that is being taken away completely from Aborigines as a people and given to a relatively small number of individuals.

Therefore, at least, we have seen an advance in that regard. Indeed, in some respects I suppose, in the management basis on which the proposed legislation is founded, we can find some association with the system that has been adopted in Queensland. It is interesting to note that the proposed legislation makes provision for the setting up of a committee of elders, the members of which, I understand, will be, in effect, elected to that position and, as was done in Queensland, it is introducing Aboriginal control of what may be regarded as "Aboriginal land" under the terms of the Local Government Act.

It may be said that there is an analogy here in that the committee of elders could be the equivalent of the local shire council and it can make by-laws for the management of the land. It can make provision in the longer term for individual Aborigines to be able to own their own homes or their own blocks of land within the framework of the proposed legislation.

The Lake Condah project is only a very small project. It involves only 53 hectares and it is not really intended that it would be a unit that could be operated completely under the system that is proposed in Queensland. Nevertheless, the germ of the idea is there and I commend to the Government the proposition of perhaps examining that in relation to other areas. Perhaps it will find it necessary to do something about the Lake Tyers and Framlingham trust areas to ascertain whether the legislation under which those projects operate should be changed to bring in that system. So far as I can see, the prospect of this project helping Aboriginal self-determination and self-management is not great.

A further aspect of the proposed legislation that is causing a great deal of concern arises from the provisions on mining. As I said, the project involves only one relatively small property. I fail to comprehend why there is a need to complicate the Lake Condah project by conditions relating to mining. The chance of anything of any significance being entirely dependent upon the ability to enter on to that land and operate a mine or explore on it or anything like that has to be so remote that it is not worth considering.

Yet the Government takes the opportunity—I believe very foolishly indeed—of introducing mining conditions into the proposed legislation. If the mining conditions had
been left out entirely, even the Minister must concede that there would have been a great deal less concern and objection to the proposed legislation.

Why did the Minister go to the trouble of writing in all these mining provisions? It is perfectly obvious that he wants to establish a precedent. That is the only possible explanation for introducing mining provisions for a property of an area of only 53 hectares.

Mr Micallef interjected.

Mr B. J. Evans—I wonder whether any of the honourable members on the Government side of the House who seek to interject have any idea how big an area of 53 hectares really is. I have a small farming property and its area is larger than 53 hectares. By any standards it is a small farming property and it comprises only 77 hectares.

Why is there a need for special mining conditions to be attached to a property of those dimensions? It is absurd. The whole exercise is so transparent that it is no wonder people—especially the mining industry—are perturbed at finding these fairly involved mining conditions inserted in the proposed legislation.

I do not propose to go into all the technicalities on the way the management of this area of land should be conducted. The detail concerning Lake Condah has been dealt with at length by previous speakers and it is not my intention to delay the House by speaking further on that aspect.

However, I believe the Government has wasted a golden opportunity by introducing proposed legislation to establish a project, which would be a small step, because as I said, it is a small property, towards creating a precedent for similar projects in other parts of the State.

However, if the Government is to introduce philosophical ideas into every Bill relating to Aboriginal affairs, it will continue to divide the community and put Aboriginal people at a disadvantage with regard to the rest of the community. That is a sad aspect indeed. It gives the lie to the claims of the Labor Party that it is concerned about the Aboriginal people. It is not concerned about the Aboriginal people because, by introducing this Bill, the Government has provided a perfect illustration that it is far more concerned about getting across its philosophical viewpoints than doing something of lasting value for the Aboriginal people.

Mr Maclellan (Berwick)—I want to address my remarks to the general principles that lie behind the Bill. I notice that the Bill provides, in the event of mining being developed on the property, that the Minister must establish an Aborigines' advancement trust fund and half the royalties would be paid into that account on behalf of the Aborigines of Victoria.

I disagree with my colleague, the honourable member for Gippsland East, and his aversion to the word “trust” because I think the word “trust” can be useful and the experience of Lake Tyers should not necessarily deter us from examining other corporations—if I could put it that way—which are described as trust corporations and which have worked successfully.

We ought to be looking for a suitable model for a reconciliation between the Aboriginal community and the non-Aboriginal community in Victoria since the Federal Government has decided not to proceed with land rights on a national basis and has now neatly sidestepped the issue and said it is a State matter and it is up to some State to act. Victoria has the opportunity of setting a precedent and a forward looking approach towards the reconciliation of the clash of interests that occurs and is perhaps symbolised, in a way, over land.

Land is basic to Aboriginal and non-Aboriginal communities, and although we might have difficulty in reconciling those interests, we must take every opportunity that exists.
Unfortunately this one-off Bill has a cynical stench about it, from the way in which the land was acquired at Lake Condah and the role played by the honourable member for Werribee. That cynical stench has continued down the line so that the House is not dealing with the principles that ought to be dealt with in debating the Bill.

Legislation has been passed by Parliament to establish Church of England and Roman Catholic trust corporations and to give those corporations certain powers. Those trusts are self-managed to accommodate small parishes and larger groups and have a full synod type of government making their own regulations and decisions and are not subject to outside interference. They even work on the basis of self-recognition in that Roman Catholics or Uniting Church members are recognised by others in the group.

In that way they do not face the difficulties which sometimes rise up as phantoms to scare them off an approach that might be suitable for reconciliation.

If Anglicans or Catholics can operate health services, hospitals or schools, it appears to me that Aboriginal groups within our community should be able to do the same thing. Those groups should be given powers by the State Government to enable them to have the resources to make decisions about matters which would assist them in getting rid of all aspects of white patronage and white domination which are embodied in the Bill.

Parliament is not really entrusting the elders of the corporation to make those decisions. Often a decision must be notified to the Minister, who then has to notify a second Minister who has to consult with a third Minister in an attempt to decide whether these people will be allowed to grant a mining lease or to convey the property to another Aboriginal group.

The Government has introduced a Bill that contains a veto. One person claiming to be an elder can veto the decision if the remainder of the community wishes to be involved in the project. The Government has written that provision into the proposed legislation. Again, white patronage is occurring because the Government is saying that Aborigines cannot manage their own affairs. The Bill provides for a number of steps to occur along the way, to make it difficult for Aborigines or to ensure that their decisions are double-checked.

If Parliament is to agree to self-management as a principle, it must accept that sometimes people manage their affairs badly, and that is part of self-management. Self-management must involve making good and bad decisions.

Honourable members do not tell the Roman Catholic Church Corporation how to run its affairs. They do not tell the Uniting Church Corporation which properties it should buy, which properties it should regard as significant or which properties it should have a sacred attitude towards—that is its decision. The Church of England can buy any property it desires on the open market. It can make its own decision about selling properties, and does not need to be told that by honourable members.

If the Anglicans want to sell St Paul’s Cathedral, they do not have to run to the Minister. They make their own decision and must live with it. I would be sad if that occurred, but that would be a decision of the Church of England Corporation which is recognised by other Anglicans to have that power.

The same principles should apply to Aboriginal reconciliation. If honourable members are sincere about the Aboriginal community managing its own affairs, they should get the white managers off their backs and allow Aborigines to make their own decisions. The role of Parliament should not be to pass one-off Bills about small farm properties that the Government has acquired as a matter of conscience because there are still a few Aboriginal historical or archaeological relics on that land. Parliament should pass legislation that will become the vehicle for assisting all Aboriginal communities in Victoria—every one of them. I accept that Aborigines have the right to identify other Aboriginal groups. I do not want to set the standard of acceptance—let them set their own standards.
All that honourable members need to do is pass legislation that provides for an Aboriginal corporation trust along the lines of the church corporation trusts to allow Aborigines to decide how best to manage themselves. They can then decide whether they should borrow, hire or accept as a gift the services of accountants or other advisers. They might not choose the ones Parliament wants to offer to them, because they might choose people whom they can trust or they might wish to do it themselves.

Legislation should be enacted so that it can be the vehicle forcommencing the reconciliation process between the Aboriginal community and the non-Aboriginal community in Victoria. If Aborigines want to call the body responsible the Koori trust, that is their decision. Honourable members do not tell the Anglican church what it should call its trust.

If the Aboriginal community wishes to choose some traditional name with it associates, it can make that decision. If the Aboriginal community decides it does not want to retain Lake Condah and the farm that the Government bought for it because some other area has been found which is more significant or important in the pursuit of their lifestyle, it can take that decision. Honourable members should not tie up the corporation in so many knots by proposed legislation, such as the one now before the House. We should not tell Aborigines that they cannot sell the land unless "whitey" tells them it is all right, or that it cannot transfer the land unless everybody agrees. No-one should be able to exercise the right of veto or to say that the land cannot be leased for more than three years. If Aborigines receive any royalties for minerals that might be exploited from this one farm, they should not be told that half the money must go into a fund administered by a Minister of the Crown and the remainder can be used by themselves. That is a white patronage theme Aborigines have suffered since the arrival of Europeans.

It has been done with all the good intentions in the world. In kindness, we have attempted to keep Aborigines away from alcohol and other things. We have been unsuccessful in attempting to do the right thing by the Aboriginal community.

Perhaps as a bicentenary offering the Victorian Government should attempt to resolve this problem. Perhaps Parliament should pass legislation that allows a Koori trust corporation to be established by the State with a suitable sum of money to allow the Aboriginal community to go into the marketplace and purchase properties that are of significance to them. If it happens to be Crown land, Parliament should be willing to legislate to enable the sale of that land to the Aborigines managing the corporation on behalf of the groups interested in purchasing it.

Of course, all honourable members can invent some fantasy that might deter them from that action. What would happen if the Aboriginal community wanted to purchase the shrine? What would be the result if they wanted to purchase what some people regard as an even holier shrine—the Melbourne Cricket Ground? What if they wanted to purchase Government House?

What would occur if the Aboriginal community wanted to purchase half of Parliament House? It might not matter whether they wanted this half or the other half! The answer would be that they would be unlikely to make those requests if their money was to be spent on acquiring those sites. However, if Parliament is silly enough to approach the matter on the basis of giving them funds in an attempt to salve the conscience of honourable members, I would not be surprised that Aborigines might request a few things that honourable members might consider unreasonable.

If Parliament decided that it would endow an Aboriginal trust corporation with $60 million, that should be enough for it to manage its operations and buy whatever it wanted; run its organisation; buy and sell land if it wanted to or acquire something else; but if it wanted some Crown Land, it would have to buy the Crown land at valuation—the land is not given to it as a sort of conscience gift. If Parliament wants to give Aborigines something, let it legislate to enable them to manage their own affairs and let it give them the hard cash which they can use to make the decisions on what are their priorities.
If their priorities are in land, in providing health services, in education, in running hospitals, in running elderly people’s homes or in doing anything else that is legal and proper within the community, that is what they ought to be allowed to do, just like any other group within the community; like Catholics might within their church groups; like the Anglicans might; like the Uniting Church and like any other group might.

Why does Parliament say, “Land is the answer”? For Aborigines land may be the answer if it is the only thing Parliament is willing to give, but if Parliament is willing to give Aborigines the power to make their own decisions, Parliament can make a greater gift than one little farm at Lake Condah, which was purchased because the honourable member for Werribee went out and stood over somebody.

Parliament can make a greater gift than it made when it passed over the title, so to speak, in a funny, mixed-up way for Lake Tyers, and it was done by a Liberal Government and I was a member of the House when it was done and I take responsibility for it. All I can say is I believe we have grown up since then, and the Aboriginal community may have become more sophisticated in its appreciation of what it wants and what it sees as its future in Victoria.

In terms of principles, the Bill has fewer principles even than the Lake Tyers Bill. Parliament has not made one step forward in this Bill, which is filled with the sort of “lefty-left” propaganda of no mining and so on, which is so insignificant when discussing a little farm in the middle of the Western District. Parliament is again avoiding the real issue of reconciliation with the Aboriginal community and is avoiding—again by its tokenism—fronting up to the issue of how it is going to allow the Aboriginal community to choose to run its own affairs; to choose to set its own priorities; to choose to make the good and the bad decisions and to live with them instead of Parliament making the decisions for them—its patronising condescension being a continual second guess on every decision the Aboriginal community makes.

If the Aboriginal community wants separate schools, it is a decision I will regret. I will regret that they feel the need to withdraw into separate schools, but if that is what they want to do, why should they not do it? Other people withdraw into separate schools, and it is not a question of colour. It is usually not always a religious question, but for some it is an educational philosophy question; for some it is a boarding school question; for some it is a dozen other reasons. Frankly, it is their decision individually and their decision as a community.

Just as every Methodist did not attend Wesley, even in the days of the present Minister for Education, so not every Catholic attended a Catholic school. I presume if there were an Aboriginal school not every Aboriginal child would attend that Aboriginal school.

The Bill reeks of that cynical approach. It is only about one farm in the Western District, which was acquired almost by accident. It does not really front up to the big questions that ought to be debated, considered and legislated for by Parliament. It sets a number of precedents and it raises unreasonable expectations about what Parliament may do in the future if it deals with larger or more significant areas of land.

Anybody who allows stupid fantasies, such as the Aborigines claiming the Melbourne Cricket Ground, Government House or the Royal Botanic Gardens, to deter them from seeking the proper reconciliation of those interests between the Aboriginal and non-Aboriginal communities within Victoria, is tragically wrong and is repeating the mistakes that have been made time after time for all the good reasons in the world by members of the white community in exercising their sort of “double check” over members of the non-white community in Victoria, the Aboriginal community, where that sort of patronising condescension has been expressed in terms of “We have to do something about them”.

I do not think we have to “do something about them” at all. We have to do something for them, and that is passing legislation to enable them to run their own affairs. We should
stop interfering in their affairs in the way that the proposed legislation purports to, and on its clear first reading, it is intentionally aimed at double checking, triple checking and frustrating decisions that they may wish to make.

Why should Parliament tell them that they have to recreate the stone cottages? The Minister, who is interjecting, may like to examine the clause which provides that they must list the sacred sites. Why must they list the sacred sites?

It is not only the sacred sites that they recognise themselves but it is also the sacred sites that are recognised by any other Aborigine in Victoria. Why do we still have legislation in 1986 that says what they must do?

Aboriginals must be allowed to make their own decisions. If they wish to list certain sites at Lake Condah, Lake Tyers or, indeed, on any other land that they might be able to own as being sacred to them, that is their business. It is no more my business than it would be if I told the Catholics that they had to list the sacred sites on Catholic properties or the Anglicans that they had to list the sacred sites on Anglican properties and so on down the line.

These are the sorts of principles that ought to be behind the Bill. Those principles are not obvious in the Bill. The Bill is a one-off—it relates to one little farm in the Western District. The Bill reeks of cynicism, and patronage by a Government which has infected the Bill with a few trendy, lefty words and philosophies in the preamble and in various clauses of the Bill, but which has let pass a great opportunity to commence that reconciliation which we must make with the Aboriginal community in Victoria and which we ought to be leading Australia in, not following South Australia.

Parliament should be setting the pace in the reconciliation process and not leaving it to others to make the running, with Victoria merely following in the fond belief that its problem is not as great because it has fewer Aborigines.

If Victoria has fewer Aborigines than other States, Parliament has a greater responsibility and a greater opportunity to find a solution which Australia so desperately needs in its relationship with the Aboriginal community across the country.

Mr J. F. McGrath (Warrnambool)—I support the comments made by my colleague, the honourable member for Gippsland East who, with his experience and broad understanding of the issue, clearly summarised the attitude of the National Party.

The Bill is similar to another one which has been on the Notice Paper for some time, namely, the Aboriginal Land (Framlingham Forest) Bill, which is of vital interest to me because the Framlingham Forest is located in my electorate.

Like the honourable member for Gippsland East, I also find distaste with the implications in the preamble to the Bill. It is fair to say that people from the part of Victoria that I represent do not specifically oppose the handing over of land but they do oppose the precedent-setting move in the preamble of the Bill.

I share the opinion of previous speakers that if that preamble had not been included, the Bill may have received more favourable consideration.

The Lake Condah issue has been the subject of much controversy. It is sad that an issue that brings the Aboriginal people together with those around them is clouded by the philosophical argument that only sets people apart. The classic example of that was the Muldoon episode. A large facility in Warrnambool was packed to capacity with a crowd of people expressing grave concern about the Government compulsorily acquiring the Muldoon family's land. It was clearly demonstrated on that night that the residents of western Victoria would not take the treatment handed out by the Government. The Muldoon family was placed under enormous pressure and emotional stress but the family stood together and, as mentioned by the honourable member for Portland, are now proceeding satisfactorily on their property. However, it is a pity that the issue had to be brought to such an emotional level before commonsense prevailed.
The Shire of Portland does not oppose the concept of land belonging to the Aboriginal community, provided the transfer of that land carries with it the same responsibilities as any other transfer of land. That relates to the issues of vermin and noxious weeds and fire control that must be dealt with in an appropriate manner.

One of the disturbing aspects of the Bill relates to road access. Although the map on page 15 of the Bill shows the track actually stopping before Darlot Creek, it is my understanding that the track goes right to the river bank because, as the honourable member for Portland rightly said, the bridge was washed away in a flood but the track still remains.

It is appropriate that that track be left open for access to Darlot Creek. The road that runs east and west must also be left open. The Shire of Portland feels strongly about that. The matter of access to local people is an important aspect and should be given consideration.

If we are serious in our concern for Aboriginal people and their function in Australia as part of one society, we are setting about it the wrong way with our philosophical stance of setting people apart.

The mining aspects of the Bill have already been mentioned and the Victorian Chamber of Mines has expressed concern about those mining aspects. In fact, the chamber is examining the Bill conjointly with the Aboriginal Land (Framlingham Forest) Bill and it has expressed concern about the implications contained in both Bills in relation to mining. The chamber makes reference to reliance on legislation in other States that deals with similar issues and it enlarges on the problems that have been created by negativity towards mining exploration.

The Government is certainly creating much concern and division, not only between local communities but also between Aboriginal communities who find themselves at odds with each other about management control and so on of these lands.

It is a fine philosophy to provide these people with the opportunity of becoming self-sufficient and managing land in a constructive and businesslike manner. That is one of the concepts of the Government's overall philosophy. However, it is probably important to reflect on what has happened at Lake Tyers where some 120 people were supposedly given the opportunity of becoming self-supporting. I understand that those people have received from the Community Employment Program a grant of $205,000 for afforestation. That is a substantial amount of money to be given to a group that is self-supporting or heading towards self-supporting.

A lesser grant by the Community Employment Program of $48,000 was provided for barbecue facilities for the Lake Tyers people. It must be an extremely elaborate barbecue facility to cost that amount of money. If the Government is providing a total of almost $253,000 to a group of people who are supposed to be self-supporting, it is doing a lot of things wrong. It is right to allow these people to continue with the overall management of their land and to give them direction with that management. However, I fail to see how anyone can spend $48,000 on a barbecue facility.

There is some question as to whether the land involved is 55 hectares or 52.5 hectares. However, it is somewhere around 137 acres or 140 acres and it provides for title to an Aboriginal cemetery covering an area of 2184 square metres.

The handover of the land has been aptly described as a Clayton's title—the freehold title one has when one does not have a freehold title. Consultation has been mentioned. I wonder how much consultation with the broad community has taken place. It is obvious from my consultation with people in the Framlingham area that the Government has failed to have adequate consultation before compiling the Bill before the House.

I do not know of any people who oppose the concept of Aboriginal people having land that they can control and develop. However, opposition is taken to the philosophy and
methodology behind the introduction of the measure. I abhor the intimations contained in the preamble to this Bill which could set a precedent for an Australia-wide piece of legislation.

The National Party opposes the Bill, not only because of the preamble but also because the closure of the access road to local people is not accepted. The Government should take notice of local municipalities which probably are in the best position to make judgments about access roads, their value to the community and their best usage.

Honourable members ought to be respecting the view of the Shire of Portland and ensuring that access tracks remain open. I do not intend to take any more time on this matter except to reflect on the problems that the philosophy of the left of the Labor Party may have on the endeavour of Aboriginal communities to establish themselves as self-supporting people. That is best illustrated in the Purnim area adjacent to Framlingham, which will be dealt with in proposed legislation to follow this Bill; it will be very much in line with this Bill.

The principal of the local school, who is an active member of the Labor Party and obviously attached to the socialist left of the party, has been flying the Aboriginal land rights flag on the flagpole above the Victorian flag. That demonstrates the willingness of some people to try to divide the community. It is an absolute disgrace when one considers the local population in Purnim and their working relationship with the Aboriginal people at Framlingham.

The Government ought to be developing the relationships between those people so that they can work side by side in society, instead of dividing people. The outright antagonism of that person in flying the Aboriginal land rights flag above the Victorian flag is a disgrace. Is it any wonder that with that sort of philosophy the proposed legislation will be doomed to failure when it is introduced?

The SPEAKER—Order! I call on the honourable member for Forest Hill.

Mr Cathie—The Opposition said that was the last speaker.

Mr RICHARDSON (Forest Hill)—I point out to the Minister for Education that I am a member of this Parliament, and if I choose to speak I will do so. He should not try to come the bounce with me.

The SPEAKER—Order! The honourable member is exercising his right to speak on the Bill.

Mr RICHARDSON—I am reminding the Minister for Education that it is the right of every member of this Parliament to speak on any Bill if he so chooses.

The SPEAKER—Order! I suggest that the honourable member speaks to the Bill and advises the Minister in some other private forum.

Mr RICHARDSON—I shall speak on the Bill with considerable pleasure and note the contrast between members of the Opposition who are prepared to comment on the Bill and the silence from the cowards on the other side. It is a disgrace.

The Government seems to be intent upon setting off on a course of division within the community. It is so racked by division within its own ranks that it wants to transfer some of the left to the right—middle left and middle right stupidity; it wants to impose that factionalism upon the entire community.

A succession of Bills of this kind have been introduced into Parliament by the Government. It is intent in this Bill and in the Bill dealt with earlier today to institutionalise apartheid in this State. I am concerned with what seems to lie behind the Bill and the motivation that seems to drive the Labor Party. It seems to be an overwhelming sense of guilt. The Labor Party has a sense of guilt in relation to the Aboriginal population.
I have no sense of guilt in my relationships with the Aboriginal community in this State. I do not believe the Labor Party ought to be imposing its personal sense of guilt upon the rest of the community. I do not have a sense of guilt about the occupation of this country which occurred nearly 200 years ago, but presumably the Minister for Education who is responsible for the carriage of the proposed legislation feels guilty.

Mr Cathie—I do not feel guilty.

Mr Richardson—If the Minister does not feel guilty why is he putting forward the proposed legislation? Why is he the one who is carrying the measure through Parliament? There is an interjection from the honourable member for Dandenong.

The Speaker—Order! It is disorderly. I ask the honourable member to ignore it.

Mr Richardson—He should correctly be rebuked by you, Sir.

The Speaker—Order! Thank you for the advice.

Mr Richardson—It was a disorderly interjection, and presumably the honourable member for Dandenong, who is a descendant from Irish immigrants, somehow feels guilty about the way in which his Irish ancestors treated the Aborigines. If he feels guilty about it, let him stand up and make a speech in Parliament to explain what he means.

The honourable member for Werribee must be overwhelmed by guilt because he is the fellow who is leading the charge on all of this. He is the one who went down to Lake Condah and browbeat and bullied the landowners there. He took the land away from them. He should feel doubly guilty, and he is already overwhelmed by guilt about what his ancestors did to the Aborigines. He has a double issue of guilt for what he did to the Muldoons and the Fields. If anybody should be consumed by guilt, it is the honourable member for Werribee.

Mr Cathie—You are pathetic.

Mr Richardson—The Minister says I am pathetic, but he is heartless because he has already said he does not feel a bit guilty about it. The Labor Party feels guilty otherwise it would not have introduced the Bill, but the Minister for Education does not feel guilty at all. Why is he occupying the place at the table? Why is he responsible for the Bill?

I have noticed that the honourable member for Richmond has just walked into the Chamber. Should the honourable member for Richmond feel guilty about the way in which the Aborigines were treated by settlers almost 200 years ago? This is a very good example, and it was a most opportune entry to the Chamber by the honourable member. I put it to the House that the honourable member for Richmond must be extremely puzzled by the Bill because it implies that he should feel guilty about something which was done by predominantly English, Irish and Scottish settlers almost 200 years ago, but the honourable member for Richmond was born in Greece and came here as an immigrant.

The honourable member for Preston was born in Scotland and came here as an immigrant.

The Speaker—Order! The honourable member for Forest Hill has set himself upon a course on which he could go up and down the benches in the Chamber, and he is yet to mention the Welsh. I ask the honourable member to come back to the Bill. The honourable member leading for the Opposition dealt strictly with the Bill, and I am not intending to allow the honourable member for Forest Hill to continue along the course that he is unless he addresses himself to the Bill.
Mr RICHARDSON—Thank you, Mr Speaker. I shall not only refer precisely to the Bill but I shall also refer to the Welsh.

The SPEAKER—Order! The honourable member will be out of order.

Mr RICHARDSON—I direct the attention of honourable members to the fourth paragraph of the preamble to the Bill, which states:

And whereas that part of Condah land has been taken by force from the Kerrup-Jmara Clan without consideration as to compensation under Common Law or without regard to Kerrup-Jmara Law.

I am talking about the implied sense of guilt that rests within that paragraph. That is a crucial paragraph.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr FORDHAM, (Minister for Industry, Technology and Resources), the sitting was continued.

Mr RICHARDSON (Forest Hill)—The passage from the preamble which I just read out is crucial to the Government's justification for the proposed legislation. What it is saying is that the community is guilty of taking land by force from the Kerrup-Jmara clan without consideration as to compensation under common law or without regard to Kerrup-Jmara law, and for that reason the proposed legislation has been brought in to assuage the sense of communal guilt, which, we are told, should overwhelm us all.

The point I made earlier was that I have no sense of guilt in relation to the land which was occupied, presumably for some thousands of years by the Kerrup-Jmara people. I was not involved, and the point I was making with reference to the honourable member for Richmond was that he was not involved, he was born in Greece. Why should he feel guilty? The honourable member for Bendigo East is Welsh; he was born in Wales and he came here as a migrant. Why should he feel guilty? It is nonsensical to suggest that there should be some sense of guilt associated with that. However, if the Government wants to acquire land compulsorily from a farmer and give it to a section of the community, that is its decision. It made that decision and it must live with it, but it should not present us all with this nonsensical claptrap that implies monumental all-consuming overwhelming guilt on the part of the entire community.

What the Government is on about is a series of historical events which occurred almost 200 years ago. If there were atrocities—and there is no doubt there were atrocities in certain areas in Victoria—they were not committed by Australians, because Australia did not exist. They were not committed by Victorians, because Victoria did not exist. If there were atrocities at Lake Condah and in other places—I know in my own town of Kerang a disgraceful atrocity was committed, but it was committed by an Englishman—then let the English feel guilty, not me; I did not do it!

The honourable member for Richmond did not do it, either; the honourable member for Dandenong North, who was born in Scotland, did not do it; and the honourable member for Preston, who was born in Scotland, did not do it. Why should they feel guilty? It is nonsense!

To turn again to the paragraph in the preamble which refers to the Condah land being taken by force from the Kerrup-Jmara clan, let us remember that that clan took the land by force from its previous occupants, because there have been waves of Aboriginal migration throughout the many thousands of years of Aboriginal occupation in this country.

The land of Lake Condah which is now being given back to the Kerrup-Jmara people was in fact taken by them by force thousands of years ago from another group of earlier occupiers, and those earlier migrants were steadily driven south and the remnants of them remained in Tasmania. It is not the time nor the place to be involving oneself in a discussion of the fate of the Tasmanian Aborigines, but it is important to remember that
the Tasmanian Aborigines were originally mainland Aborigines and they had been overwhelmed by an even earlier group of Aboriginal inhabitants.

There is nothing unique about conquest occurring in this country. There is nothing unique about the conquest of the land surrounding Lake Condah. It has been going on for 40,000 or 50,000 years. It simply happens that historically the last group of Aboriginal occupants of that land were the Kerrup-Jmara people.

Let us not get carried away by all this emotional nonsense about how terrible it was when the Europeans came in and did the same sort of thing. They took the land, which had been taken thousands of years earlier by the Kerrup-Jmara people, in what was indeed a much less bloody conquest than most conquests in most other parts of the world.

We talk about the atrocities that occurred in the early days of settlement of Victoria, and certainly they were disgraceful, but they are nothing like the annihilations of complete populations that have occurred historically in other parts of the world. I refer again to the honourable member for Richmond, in whose homeland of Greece the atrocities that have been committed over thousands of years of settlement are far in excess of anything that occurred in Australia.

If one considers the history of Europe and Asia, one sees that what has happened in Australia is minuscule in comparison. The conflicts were much less bloody; the atrocities were far less atrocious than they have been in other parts of the world.

So far as the Bill is concerned, the Government ought to make its decision on what it wants to do; it is responsible for spending the taxpayers' money. It has made a decision and it will have to live with it.

The Opposition has made its decision about where it stands on this matter. I appeal again to members of the Government. Where are the Government speakers who are prepared to defend the Government's action in this matter? Where are the voices from all those people on the Government side who are so consumed with guilt that they have got to push the proposed legislation through Parliament? Where are all the humanitarians on the other side? There is not one word from any of them.

There is the occasional silly interjection from different people. We wait in vain to hear from the honourable member for Werribee on almost anything, but particularly on this matter. He has uttered not a word, and he was the prime hit man in the whole show. When are we going to hear from the honourable member for Werribee?

He should not just be defending the Bill; he ought to be defending himself, and if he feels so guilty about it all—and the Minister should feel guilty; he does not feel guilty, but he is still prepared to carry a Bill that says he and everybody else should all feel guilty—why do we not hear some outpouring of guilt from the honourable member for Werribee? Why do we not hear something constructive from the Deputy Premier? He is No. 2 hotshot in the whole show.

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Forest Hill will address the Chair. I remind him of a good rule about tedious repetition.

Mr RICHARDSON—Thank you, Mr Speaker. I shall not tire you further by referring to the absence of Government speakers; suffice to say that if members of the Government do not wish to speak, they will not be on the record and, therefore, it will be recorded that they were not prepared to defend their Government on this matter. The Government has made itself look silly in this whole exercise.

Mr CATHIE (Minister for Education)—This has been an extremely disappointing debate. Honourable members have listened to members of the Liberal Party filibuster. In the debate tonight the Liberal Party appears to have deserted all its principles in its rapid rush to join the National Party, which is running to tradition, in opposing any legislation.
The Bill is simple; it gives 53 hectares of land at Lake Condah to the Kerrup-Jmara Aboriginal community. The proposition is simple, yet the Opposition remains true to its tradition and habit of opposing progressive legislation.

Honourable members have listened to the sterile debate of the 1960s that this community has long since left behind—as all members of the Liberal Party did when any progressive proposal was put forward—of smearing people and calling them commies, fellow travellers, red ties and lefties. "Lefties" was the expression that was used more than any other tonight.

Members of the Opposition can condemn progressive legislation with that sort of mentality and attitude but that is why the Labor Government has been able to hold the middle ground of politics and retain the support of the Victorian people. The Liberal Party will remain in opposition for a long time to come.

Members of the Liberal Party have foreshadowed massive amendments to the Bill. They have said they will move against the preamble to the Bill, will move to delete the mining provisions and presumably will move amendments to the schedule.

I shall deal with the concrete reasons given for opposition to the measure. Firstly, the Opposition asked why the Government does not treat members of the Aboriginal community in the same way as any white community and give them an understanding of what our laws mean. It asked why the Government did not provide a freehold title to this land.

It asked the Government did not do this was that the Aboriginal community expressed the wish that the land should be held in perpetuity. If the land were given a freehold title, anyone could sell it somewhere down the track. This land is to be held in perpetuity and that is why it is tied up with conditions.

The Aboriginal community and the community as a whole want the history of the land and its heritage, as an Aboriginal settlement and then as a mission, retained. It should be kept not only for the Aborigines but also for Australians. That is the reason for the special provisions; it has nothing to do with the private property arguments, which seem to be the only arguments the Opposition can understand.

The second reason for opposing the proposed legislation was the definition of the roads in Part A of the schedule. I admit I have not had the opportunity of visiting the area but after having read the map contained in Part A of the schedule, it would appear that the land on the northern boundary, which seems to be fenced only along the northern side, is scarcely a road; it is simply an old track. If members of the Opposition prefer, it is an old mission.
road that ran down to Darlot Creek. I agree with the Opposition that the Shire of Portland suggested that that track be left open for use by the general public, for example, fishermen who need access to the creek. I shall refer that matter to the Minister for Conservation, Forests and Lands in another place, who can reconsider that matter.

The Opposition mentioned the intention of the Government to assist the Kerrup-Jmara community to develop the tourist potential of the area and to rebuild some of its Aboriginal heritage, such as the fish-traps and the stone houses. Reasonable access should be provided to the public to view them at Lake Condah. A satisfactory arrangement will have to be made with the landowners, but I am sure that will be achieved.

The fourth area to which the Opposition directed attention was the mining provisions, which it said were convoluted. I understand that word to mean twisted. The provisions are not complex but they are different. That is the only point on which I agree with the Opposition.

I remind the once great Liberal Party that the mining provisions in the Bill are derived from the South Australian Pitjantjatjara Land Rights Act of 1981. That legislation was passed by a Liberal Government, yet this Government is being accused of being left wing and extremist by writing into the Bill provisions that are on the statute-book in South Australia!

The principle behind the mining provisions is to lend recognition to the indigenous rights of the Aboriginal community without detracting from equity principles. The proposed legislation sets out clear principles. For example, time limits have been set for both the Aboriginal owners and the mining applicants. The provision emphasises the need for parties to negotiate directly and to reach agreement.

In the event that no agreement is reached, the provision allows the mining applicant to seek conciliation. If there is still no agreement, the measure provides for the Administrative Appeals Tribunal to make a decision independent of the political process. That decision will be based on the evidence provided by all relevant interests.

The provisions are necessary for the protection of sacred and significant sites. They provide for royalty payments to be made to the Aboriginal owners—50 per cent to the Aboriginal owners and 50 per cent towards Aboriginal advancement. This money will provide for future development. The mining provisions are designed to protect both Aboriginal and miners’ interests.

An enormous amount of time was spent tonight debating the preamble to the Bill. I do not understand the objection to it. It sets out a number of historical facts.

I did not believe they were in dispute, but I am now told by the honourable member for Syndal that that is not historical fact.

The plain facts are that the colonisation of Australia was based on a certain legal assumption and that it allowed for simply an extension of the laws of England; that it did not take into account the communal rights and obligations that Aboriginal communities possessed. The laws were made on that basis, so we went through a history of dispossession throughout Australia as part of white settlement of this continent.

Indeed, the honourable member for Ballarat North told the House that it was not dispossession because there had not been black/white conflict; yet if one examines the history of the area one finds that Thomas Browne, who was the manager of Sattleseamere station at the time, referred to a conflict in the Portland area as the Eumeralla war in the 1840s. I shall quote from his book:

The Aborigines could watch our movements and from time to time make sorties from the rocks and attack our homesteads or cut us off in detail.

So the historical evidence is clear in the Portland area, and suggests that battles were often fierce and protracted, forcing the invading pastoralists to back off and send for reinforcements from police and soldiers.
It is not a question of guilt but of historical fact, and those facts are written into the preamble of the Bill, but that is too much for the Liberal Party that once professed great Liberal principles. The Opposition will not support the Bill that is currently before the House.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes 43
Noes 38

Majority for the motion 5

AYES
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mrs Setches
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
MrSpyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Wilkes
Mrs Wilson

Tellers:
Mr Andrianopoulos
Mr Seitz

NOES
Mr Austin
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
Mr Evans
Mr Evans
Mr Evans
Mr Hann
Mr Heffernan
Mr Jasper
Mr Kennett
Mr Lea
Mr Leigh
Mr Lieberman
Mr McGrath
Mr McGrath
Mr McAlister
Mr McNamara
Mr Maclellan
Mr Ferrin
Mr Pescott
Mr Plowman
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Ms Sibree
Mr Smith
Mr Smith
Mr Stirling

Tellers:
Mr John
Mr Steggall

PAIRS
Miss Callister
Mr Crabb
Mr Sheehan

Mr Hayward
Dr Wells
Mr Wallace

The Bill was read a second time and committed.
Aboriginal Land (Lake Condah) Bill

Clauses 1 and 2 were agreed to.

Clause 3

Mr PLOWMAN (Evelyn)—I move:
1. Clause 3, lines 37 and 38, omit all words and expressions on these lines.

The amendment follows the principle enunciated in the second-reading debate by the Opposition to eliminate the mining provisions contained in the Bill and for the Mines Act, the Extractive Industries Act and the Petroleum Act to apply to the Bill. This is the first amendment to allow that to occur.

Mr CATHIE (Minister for Education)—For reasons that were canvassed in the second-reading debate, the Government does not accept the amendment.

The amendment was negatived.

Mr PLOWMAN (Evelyn)—I move:
2. Clause 3, page 3, lines 3 to 12, omit all words and expressions on these lines.

The rationale for the amendment is the same as for the first amendment.

Mr CATHIE (Minister for Education)—The Government does not accept the whole basis of the claim of the Opposition and, therefore, does not accept the amendment.

The amendment was negatived, and the clause was agreed to.

Clause 4

Mr PLOWMAN (Evelyn)—I move:
3. Clause 4, line 14, after “land” insert “in fee simple”.

The Opposition placed considerable emphasis on this clause in the second-reading debate. If land is to be passed on to the Aboriginal community, it should not have what the honourable member for Warrnambool referred to as a Clayton’s title; it should have a title “in fee simple” and all rights that that implies.

In the Minister’s summing up of his response to this principle, he stated that the Clayton’s title that has been proposed in the Bill was what the Kerrup-Jmara people wanted. However, during the visit of opposition members to the Lake Condah settlement last Friday, the Kerrup-Jmara people made it abundantly clear that it wanted a free title “in fee simple”. In support of their request and wishes and in support of the principle enunciated during the second-reading debate, the Opposition has moved the amendment.

Mr CATHIE (Minister for Education)—The Opposition wishes to add the words “in fee simple” in making the grant of Lake Condah land to the Aboriginal community. However, clause 5 sets out the conditions of use and the land cannot be traded or sold. In other words, the land will be kept in perpetuity not only for the elders and the community of the Kerrup-Jmara but also for all Aboriginal people and the Victorian community.

Clause 5 links in with clauses 10 and 11 of the measure which deal with the winding up of the corporation. Therefore, if the land is not transferred to an Aboriginal group, it will be transferred back to the Crown to be held in trust until another Aboriginal group claims it. For those reasons, the Government does not accept the amendment.

Mr PLOWMAN (Evelyn)—The Opposition is not concerned about the transfer of land to another Aboriginal group if the Kerrup-Jmara Elders Corporation wishes to do so. The Opposition has no desire to frustrate that request but it believes if the Kerrup-Jmara people are given the title to the land, it should be a free title.

If honourable members really want the Kerrup-Jmara people to stand on their own feet and to do with their own lives and land what they wish, they should be given an absolute
free title that is uninhibited by the provisions contained in the Bill. Therefore, the Opposition wishes to pursue the clause.

The Committee divided on Mr Plowman’s amendment (Mr Fogarty in the chair).

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Tellers: Mrs Hill Mr Kennedy

PAIRS

| Mr Hayward | Miss Callister |
| Mr Wallace | Mr Sheehan |
| Dr Wells | Mr Crabb |

The clause was agreed to.
Clause 5

Mr PLOWMAN (Evelyn)—I move:

4. Clause 5, page 4, line 7, omit “roads” and insert “road”.

The clause deals with the matters discussed in the second-reading speech relating to roads in Part A of the schedule. The request of the Portland Shire Council is that the northern boundary road—the east-west access road—should remain open to allow public access to Darlot Creek.

In his summing up, the Minister acknowledged that the Portland Shire Council had made a request that the road remain open, but that the shire was not so concerned about the north-south road which bisects the land. The honourable gentleman indicated that he was prepared to discuss the matter with the Minister in another place while the Bill was between Houses.

Therefore, the Opposition will simply propose the amendment but will not call a division as the Minister has given that undertaking.

I hope the Minister does examine the clause with the view of accommodating the Shire of Portland in this instance. I also request that the Minister in another place give consideration to the remarks made during the second-reading debate in this context regarding the Crown frontage that formerly ran along the boundary of Darlot Creek on the northern boundary—that this has been resumed and included in the area concerned without any mention in the Bill or the second-reading speech.

I dare say that the Minister for Conservation, Forests and Lands in the other place can explain the background and why that was done.

The amendment was negatived.

Mr PLOWMAN (Evelyn)—I move:

5. Clause 5, page 4, omit sub-clause (3).

As I stated previously, sub-clause (3) restricts the activities of the Kerrup-Jmara Elders Corporation in the transfer of its title and its freedom to use, transfer, sell or do what it wishes with its land.

In line with the Opposition’s proposition that the corporation should have a completely free title and the freedom to exercise its rights and privileges under that title in the same way as any other corporation or individual owning a freehold title, the subclause should be omitted.

The amendment was negatived, and the clause was agreed to.

Clause 6

Mr PLOWMAN (Evelyn)—I move:

6. Clause 6, line 21, after “Australia” insert “and to the approval of the Governor in Council”.

The rationale behind this proposition is that the Opposition completely agrees that by-laws should be made subject to the laws of Victoria and the Commonwealth of Australia but that there should be further opportunity of approving those by-laws by the Governor in Council. Such oversight will give more confidence to the community that the by-laws are not being used unreasonably.

The amendment will empower the Minister and the Governor in Council to reject a by-law that the Governor in Council believes is unreasonable. It is a means of protecting the interests of all Victorians, Aboriginal and otherwise, and therefore I seek approval from the Government for the amendment. If that cannot be done, I ask the Minister for Education to request the Minister for Conservation, Forests and Lands in the other place to consider supporting the amendment in that place.

Mr CATHIE (Minister for Education)—The amendment to insert the approval of the Governor in Council for by-laws and for publishing them in the Government Gazette
should be referred to the Minister for Conservation, Forests and Lands to be considered while the Bill is between here and another place.

The amendment was negatived.

Mr PLOWMAN (Evelyn)—I thank the Minister for Education for his acceptance of the proposal that he will request the Minister in the other place to consider the two prongs of the amendments dealing with clause 6.

Amendment No. 7 deals with regulations being published in the *Government Gazette*. If by-laws are made, they should be made known to the public who may well wish to visit this tourist development. In the interests of the Kerrup-Jmara people who are operating the tourist facility and the people of Victoria, publication of by-laws should occur. Therefore, I move:

7. Clause 6, after line 43 insert—

“(2) The Kerrup-Jmara Elders Corporation must ensure that every by-law under sub-section (1) is published in the *Government Gazette* within 90 days after its approval by the Governor in Council.”.

The amendment was negatived, and the clause was agreed to, as were clauses 7 to 9.

Clause 10

Mr PLOWMAN (Evelyn)—If the Kerrup-Jmara Elders Corporation is to be wound up, it should be treated within the principles enunciated by the Opposition during the second-reading debate. The clause as it stands treats the corporation differently from other corporations in Victoria and it should be treated in the same manner as other corporations. Therefore, I move:

8. Clause 10, lines 10 to 20, omit all words and expressions on these lines and insert—

“the *Companies (Victoria) Code* applies to that winding-up.”

The amendment was negatived, and the clause was agreed to.

Clause 11

Mr PLOWMAN (Evelyn)—The clause does not follow the principles enunciated by the Opposition in its submission on the Bill. Therefore, I invite honourable members to vote against this clause.

The clause was agreed to, as was clause 12.

Clause 13

Mr PLOWMAN (Evelyn)—I invite honourable members to vote against this clause. The principle at stake is that of mining operations on the land covered by the Bill.

The omission of the clause and the later insertion of a new clause proposed by the Opposition would mean that mining operations at Lake Condah would be subject to the same procedures under which mining is conducted on any freehold title land to which the Mines Act, the Extractive Industries Act and the Petroleum Act apply.

The Government claimed that the Bill is based on the South Australian Pitjantjatjara Land Rights Act 1981 introduced by a former Liberal Government in that State. That was one of the mistakes that that Government made and, if it had not made that sort of mistake, the Liberal Party might still be in government in that State. This model has proved to be a failure in South Australia because it has not worked in the interests of the groups concerned. The location of the site, its isolation and the individuals concerned in South Australia are completely different from the situation at Lake Condah and, therefore, the South Australian model is inappropriate as a base for the provisions concerning mining operations at Lake Condah.
The provisions in the Bill governing mining operations are complex and convoluted. It would be infinitely more simple for the Aboriginal community, the Minister for Industry, Technology and Resources and the community if the Mines Act, the Extractive Industries Act and the Petroleum Act applied to the land at Lake Condah in the same way that they apply to any freehold land in Victoria. Therefore, I invite honourable members to vote against this clause.

Mr CATHIE (Minister for Education)—Amendments Nos 10 to 21 in the name of the honourable member for Evelyn are all designed to impose the provisions of the Mines Act upon the land covered by the Bill.

The land has a special relationship to the history and the heritage of the State. There are a number of safeguards in the Bill designed to achieve equity between the Aboriginal community on the one hand and the miners on the other hand.

Once the miner has applied for a mining tenement and the Minister for Industry, Technology and Resources has granted approval for the miner to request the Kerrup-Jmara Elders Corporation to conduct mining operations, the miner is then entitled to renegotiate directly with the corporation.

If the corporation refuses permission or imposes conditions that are unacceptable to the miner, the miner is then entitled to initiate a conciliation process which involves not only the miner and the corporation but also the Ministers for industry, technology and resources, Aboriginal affairs and conservation, forests and lands.

If that conciliation is unsuccessful, the miner can then request the Minister for Industry, Technology and Resources to forward an application to the Administrative Appeals Tribunal for a review of the matter. Indeed, the Minister is obliged to do so.

Besides matters which relate to the Aboriginal interest, the Administrative Appeals Tribunal is specifically directed to consider the economic aspects or any other significant factors of the proposed mining operations that affect the State and the Commonwealth. That is an important qualification.

Further, any renewal or extension of a mining tenement after the day of the granting of the land must first seek the permission of the community and the corporation. That provides sufficient safeguards for both sides in what appears to be the unlikely event that, on what is a relatively small piece of farmland, some precious mineral should be discovered in the future.

Mr CROZIER (Portland)—As the Minister has reminded the Committee, the area of land in question is a relatively small area of 53 hectares. Most of the archaeological significance of the general area is in land outside the land in question.

Although the mining procedures outlined in the Bill may be reasonable, the simple course would be to amend the Mines Act. But regardless of whether this is an equitable and reasonable procedure, the procedure that now applies to freehold title land should apply to this land. If the procedures outlined in the Bill are superior to the procedures currently defined and delineated in the Mines Act, the initiative is clearly in the Government's court to amend the Mines Act accordingly.

Mr A. T. EVANS (Ballarat North)—The Minister claimed that the Bill covers only a comparatively small area of 53 hectares and is of no great importance. In July last year the previous Minister responsible for Aboriginal Affairs—the present Minister for Agriculture and Rural Affairs in another place, Mr Walker—claimed in Ballarat that he expected the Aboriginal Land (Framlingham Forest) Bill would be the model for all other legislation covering Aboriginal land.

The decision covering these 53 hectares made by the Committee will set a precedent for reserves of land of any size in the future.

The Bill, if passed, will represent a dangerous departure from the existing mining rules. Parliament in no way should tolerate giving exceptional powers to only one group of our community.
Mr RAMSAY (Balwyn)—I too urge the Committee to vote against the clause. An important issue is at stake not because of the size of land covered by the Bill but because of the principle it seeks to establish in mining rights. Having listened to the explanation by the Minister covering the complicated and intricate procedures proposed in the Bill, I can only believe the Aboriginal community would wish to be spared the problems of having to sort through that type of bureaucratic detail in sorting out the rights of miners in potential mining on this land.

It would be a far better procedure for the Committee to proceed along the lines suggested by the honourable member for Evelyn so that the Aboriginal community holding the land in fee simple, as the Opposition suggested, should have the same rights over its land as any other private individual in the community would have.

The Committee divided on the clause (Mr Fogarty in the chair).

Ayes .......................... 42
Noes ............................ 38

Majority for the clause .................. 4

AYES
Mr Andrianopoulos
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Wilkes
Mrs Wilson

NOES
Mr Austin
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
(Ballarat North)
Mr Evans
(Gippsland East)
Mr Gude
Mr Hann
Mr Heffernan
Mr Jasper
Mr Kennett
Mr Lea
Mr Leigh
Mr Lieberman
Mr McGrath
(Lowan)
Mr McGrath
(Warrnambool)
Mr McNamara
Mr Maclellan
Mr Pescott
Mr Plowman
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Ms Sibree
Mr Smith
(Glen Waverley)
Mr Smith
(Polwarth)
Mr Steggall
Mr Stockdale
Mr Tanner
Mr Weideman
Mr Whiting
Mr Williams
Clauses 14 to 24 were agreed to.

Schedule

Mr PLOWMAN (Evelyn)—I move:

23. Schedule, omit Part A and insert—

The amendment delineates the road that the Opposition feels should remain open. The Minister has undertaken to speak to the Minister for Conservation, Forests and Lands and seek her concurrence with this amendment in another place. I thank the Minister for Education for that undertaking.

The amendment was negatived.
The offending clauses in the preamble have been well canvassed by Opposition members. I simply reiterate that if the House accepts the paragraphs that the Opposition seeks to strike out, it follows a left wing inspired philosophy of the land rights movement in Victoria. The Opposition totally rejects the land rights movement.

The Opposition believes the preamble sets apart the Aboriginal community in Lake Condah. This Bill is a forerunner to other Bills concerning Aboriginal land in Victoria and will eventually set Aboriginal groups apart from the rest of the community in both Victoria and Australia.

The setting apart of Aborigines as different from other Australian citizens will ultimately be counterproductive to the Aborigines. The Opposition wants all groups in Australia to have equal rights and equal responsibilities. The setting apart of Aborigines as different citizens will bring about a white backlash that will not be in the interests of Aborigines.

I give notice that I shall not pursue my final amendment.

Mr J. F. McGRATH (Warrnambool)—In line with the comments of the honourable members for Gippsland East and Evelyn, I add the support of the National Party to the amendment. The preamble in the Bill is strongly opposed because of its precedent-setting composition.

I hope that between here and another place commonsense will prevail. The National Party supports the amendment.

Mr CATHIE (Minister for Education)—The view of the Opposition seems to be that these events did not occur and it does not wish to recognise the history of white settlement in Australia and the effect that that settlement had on Aboriginal communities. The only laws allowed for in the history of that settlement were the extensions of the laws of England. They included property rights that were totally alien to the Aboriginal concept of their relationships to the land. They were given no rights as indigenous people. That view has been confirmed in law time and again and the Privy Council took the view in 1889 that no land law or tenure existed in the colony at the time of its annexation to the Crown. That simply was not true.

The Aboriginal communities have a complex relationship with the land and it has taken us a long time to recognise the special nature of that relationship. That is all that the preamble in the Bill does; it recognises that relationship. That is what the Opposition wants to delete from the Bill.

Honourable members interjecting.

Mr CATHIE—Honourable members opposite are interjecting that the words in the preamble are garbage. Some of those words are:

And whereas that part of Condah land was traditionally owned, occupied, used and enjoyed by Aborigines in accordance with Aboriginal laws, customs, traditions and practices.

That is a matter of fact but that is what the Opposition wants deleted.

And whereas that part of Condah land has been taken by force from the Kerrup-Jmara Clan...

That was certainly without any consideration or compensation. The Aborigines are saying that history needs to be recognised. They believe it should be written into the Bill. The preamble achieves that and, for that reason, the Government does not support the amendment moved by the Opposition.
Mr B. J. EVANS (Gippsland East)—If ever there were any evidence needed about the fixation of the Government on this aspect of the Bill, it has come from the Minister in the last few minutes.

The Bill deals with a minute area of land. When considered against the whole gamut of legislation that passes through this House, it does not make sense to spend so much time with such a minor proposal.

I do not accept what the Minister has claimed is true. However, whether it is true or not, it does not apply to the preamble in the Bill. Surely the Bill is designed to set up a project at Lake Condah. Is the Government attempting to rectify the sins of the past 200 years by this preamble? The Government has a fixation about this issue. It wants to have this trifling measure passed so that at some future date it can say that a principle has been established, that the House has already agreed to such a measure. I speak for everyone of my colleagues in the National Party when I say that we will not be a party to that sort of proposition.

The Committee divided on the question that the words and expressions proposed by Mr Plowman to be omitted stand part of the preamble (Mr Fogarty in the chair).

Ayes 42
Noes 38

Majority against the amendment 4

AYES
Mr Andrianopoulos
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fordham
Mr Gavin
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mrs Sfetches
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trett
Dr Vaughan
Mr Walsh
Mr Wilkes

NOES
Mr Austin
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
(Ballarat North)
Mr Evans
(Gippsland East)
Mr Gude
Mr Hann
Mr Heffernan
Mr Jasper
Mr John
Mr Kennett
Mr Lea
Mr Leigh
Mr Lieberman
Mr McGrath
(Lowan)
Mr McGrath
(Warraimbool)
Mr McNamara
Mr Macellan
Mr Perrin
Mr Pescott
Mr Plowman
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Ms Sibree
Mr Smith
(Polwarth)
Mr Steggall
Mr Stockdale
Mr Weideman
The preamble was agreed to.

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

SHOP TRADING (TEMPORARY PROVISIONS) BILL

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

That this Bill be now read a second time.

This is a short and simple Bill which provides for additional shopping hours before Christmas this year. The Bill provides for trading until 5 p.m. on Saturday, 13 December, and Saturday, 20 December 1986.

The Government has received approaches from major Victorian retailers and from the Shop, Distributive and Allied Employees Association representing shop workers, proposing special arrangements in relation to shop trading hours during the Christmas period, arrangements which in part are dependent on the legislative changes proposed in this Bill.

As a further part of these arrangements, but not covered by this Bill, major retailers have also advised the Government that they will not be opening their shops on Saturday morning, 27 December, thereby giving their employees a four-day break over the immediate post-Christmas period.

It should be emphasised that this special purpose measure does not oblige any retailer, large or small, to open any additional hours on the two Saturdays before Christmas and nor does the proposed legislation require retailers to close on Saturday morning, 27 December.

The general provisions of the Labour and Industry Act require most Victorian shops to close at 1 p.m. on Saturdays. This Bill will override that requirement on the two days concerned.

The special provisions will also extend to retail bottled liquor licences under the Liquor Control Act, allowing bottleshops and supermarket liquor sections to close at 5 p.m. on these two days.

The only area not embraced by the proposed extension of hours is the case of butchers' shops. Honourable members will be aware of the special circumstances of the meat retailing industry. Its hours are regulated differently from those of other shops, the industry has different work practices and it is covered mainly by Federal rather than State awards.

In addressing this issue of additional pre-Christmas shopping hours the prime concern of the Government has been to provide further convenience to the Victorian public during what is traditionally the year's busiest shopping period as well as providing a further stimulus to the State's economy. I commend the Bill to the House.

On the motion of Mr KENNETT (Leader of the Opposition), the debate was adjourned.
HOSPITALS (POWERS) BILL

The debate (adjourned from October 8) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—The Hospitals (Powers) Bill is a small Bill that is important to hospitals, particularly the Fairfield Hospital. It is a machinery measure and a somewhat retrospective measure. Hospitals such as the Fairfield Hospital have been involved in research and the provision of advice and expertise in many areas of medicine for some years.

The hospital wishes to become involved with the Australian Medical Research and Development Consortium on new research, particularly biotechnology and the discovery of vaccines and other critical aids that will be effective in the treatment of AIDS—acquired immune deficiency syndrome. In order to give it the power to sell that technology the Health Act has to be amended.

It is interesting to note in the Minister's second-reading speech that the Fairfield Hospital has been in operation for more than 80 years. It was originally known as the Queen's Memorial Infectious Diseases Hospital at Fairfield. It has been a major hospital in the control of infectious diseases and has held worldwide recognition over that 80-year period. People in my age group may reflect on the polio epidemic in the 1940s and 1950s when that hospital carried out significant work on that disease. The hospital was required under the Health Act to be "a hospital for the care and treatment of persons suffering from infectious disease".

Clause 3 of the Bill provides a broad definition of the powers of the hospital. It will give the hospital the capacity to extend into the area I have mentioned. The two areas that are basically involved concern the laboratory and clinical pathology departments. The virology laboratory has a staff of 80 people, and Professor Ian Gust is in charge of that area. The laboratory carries out wide-ranging research on AIDS. Honourable members will recall the debate on that disease in this House.

I should like to highlight the Australian statistics available at this time on AIDS. The total number of AIDS cases is 337, of which 302 or 88 per cent are homosexuals; 24 or 7 per cent are blood transfusion cases; the misuse of hypodermics by drug users accounts for nine cases, which is 2 per cent, and heterosexual transmission accounts for two cases, or 1 per cent. The figures have increased dramatically since honourable members debated the matter some months ago. It is anticipated that the numbers will double in the next six months.

It is also acknowledged that approximately 50,000 Australians have come into contact with the virus. When one considers that the 337 people so affected will succumb to the disease, one realises how tragic the situation is. I welcome the work done at Fairfield Hospital and wish it well in the treatment of AIDS and other infectious diseases that pursue the community.

In passing, I mention hepatitis "B" for which a serum has now been developed which has worldwide recognition. The World Health Organisation recognises the Fairfield Hospital as the centre for the Western Pacific region, which includes China, Japan, New Zealand and the Association of South-East Asian nations.

It is expected that the Austin Medical Research and Development Consortium, which highlighted the need for the proposed legislation, will provide the support for the commercialism of research and the professionals to draw up the patents and the technical and marketing expertise with the hospital providing the research and the scientific build-up needed to produce the products for sale to the Pacific area, on which they will be concentrating.
The Bill is in three main parts. Those examining the Bill will find that clause 3 relates to the powers given to the Fairfield Hospital Board; clause 4 relates to the powers given to the Cancer Institute Board and clause 5 deals with the powers given to other hospitals to give them the same capacity to be involved in research and other matters.

The Government should take care in extending the capacities of hospitals to ensure that they do not become involved in other areas. One would consider that a hospital research group would be the most appropriate group to develop the sort of high technology in biotechnology that is required, and one would expect a world renowned authority such as Fairfield Hospital to have that capacity.

One would also expect that the specialists within the group would work closely with other known bodies in Victoria, such as the Walter and Eliza Hall Institute of Medical Research and the Howard Florey Institute of Experimental Physiology and Medicine and one hopes there will be close liaison between the groups developing biotechnology.

In a lesser vein, one would also not expect that hospitals would suddenly branch out into providing catering services outside the normal needs within the hospital structure or that they would start to provide commercial laundry services.

What is referred to here is the need and desirability for them to develop and patent medical products and pharmaceuticals that will aid this nation and other nations to overcome some of the virulent diseases that have surfaced during the 1980s and will possibly surface during the 1990s.

I refer to the contribution of the honourable member representing Higinbotham Province in another place, the Honourable Geoff Connard, who has declared his interest as he is the Deputy Chairman of the Fairfield Hospital Board and I would refer any honourable member who is interested to his contribution to the debate on the Bill in the Legislative Council, which is reported in *Hansard* at page 376. Honourable members who read that report will get the full story of the interest he has taken in the subject and of the development that has taken place in that hospital. Honourable members will see there has been a dedication by the hospital over a number of years to this area. I wish it well in its future development.

This, as I said, is a small Bill. It must be passed this week so that suitable documents can be signed to allow the research to be carried out and the patents obtained so that discoveries and inventions can be covered under the Bill for the benefit of these hospitals and Victorians. Therefore, the Opposition supports the Bill. It does not wish to hold it up in any way. We wish it a speedy passage in the interests of Victoria and particularly, in view of the gloom and doom about AIDS that is now hanging over our heads. We wish the Fairfield Hospital well in its research and hope the proposed legislation in support of the Austin Medical Research and Development Consortium assists it to make discoveries that lead in particular to the control of AIDS. The Opposition wishes the Bill a speedy passage and asks all honourable members to support it.

Mr WHITING (Mildura)—The Bill will insert two new provisions in the Health Act to allow the Fairfield Hospital to market and promote research that has been carried out at the hospital over a number of years. It is on the verge, I believe, of being a successful function of the hospital, in addition to its treating those people who are unfortunate enough to contract infectious diseases.

Of course, the situation is in line with the Bill that was before Parliament some time back when Monash University sought to have similar provisions passed with regard to the in vitro fertilisation program that is being carried out at that university.

The other provisions concern similar proposed sections to be inserted in the Cancer Act to allow the Cancer Institute Board to undertake the same sort of program. Likewise, it amends the Hospitals and Charities Act with similar provisions to allow the hospitals in its schedules to undertake the same sorts of programs provided they are sufficiently advanced in research areas to be able to promote, sell or otherwise dispose of the new technology that they have developed.
It certainly is an evolutionary process and one would believe there is no reason why this type of activity should not have developed and should not continue.

The only concern I have is that when considering the amendment to the Hospitals and Charities Act it must be remembered that Schedule 2 lists approximately 160 hospitals around the State and Schedule 5 also covers a large number of hospitals.

Although this may be looking a long way into the future, I hope the Minister for Health is aware of the fact that the proposed legislation will allow any of those hospitals to carry out research into various aspects of medicine and eventually, perhaps, join in with the Austin Medical Research and Development Consortium and market the results of the research that has been undertaken in those institutions.

Although the National Party does not have any objection to that proposal, I believe it may well lead some hospital bodies to try to move into that field when they do not have adequate facilities or sufficiently qualified staff to be able to cope with the requirements that are necessary for world standard developments in the field of medical science.

With those reservations, I indicate that the National Party does not oppose the Bill. It believes it will help, particularly in the case of the Fairfield Hospital, to provide for a great reward for the research that has been carried on at that institution for many years.

Mr ROPER (Minister for Transport)—I thank the honourable members for Frankston South and Mildura for their contributions to the debate. It is certainly not the Government's intention to have the sorts of problems that were mentioned by the honourable member for Mildura and I am sure the boards of hospitals and their senior managers will ensure that the Bill works effectively.

The motion was agreed to.

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

**ADJOURNMENT**

Motor Accidents Board—Disposal of refuse in Diamond Valley—Integration aides—Funding assistance for wine industry promotion—Drug problems in Bendigo—Fitzroy Football Club—Increase in MCG parking fees—Schizophrenia

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

That the House do now adjourn.

Mr STOCKDALE (Brighton)—I raise a matter with the Treasurer concerning his responsibilities regarding the Motor Accidents Board. It concerns a case of a young girl, Naomi Foy, who was injured in a motor car accident. Approximately two and a half years ago the young lady was very seriously injured while riding a bicycle when a schoolgirl. I understand a claim has been made to the Motor Accidents Board, as a result of which various offers have been made to her mother, Mrs Foy, on her behalf.

Naomi Foy is, indeed, seriously injured and requires constant medical attention. Her condition is of such a nature that her mother believes that each time she is confined to an institution, the fact of being separated from her family and the absence of the sort of care that flows from a family causes her condition to deteriorate. The burden, both financial and in terms of the manpower of her family maintaining the constant medical care that she requires, is extremely hard on her mother and family.

I ask the Treasurer to investigate the case and ascertain whether the Motor Accidents Board is being entirely reasonable in the attitude it is taking towards the benefits provided to Mrs Foy on behalf of her daughter.

Mrs Foy has indicated to me that her daughter requires constant medical supervision. As a matter of practicality, the attendance of two caregivers or nurses involves an approximate cost of $128,000 a year. Various other costs are incurred if that care is to be
provided in the Foy’s home. For example, workers compensation insurance will cost as much as $12 000 a year. Other costs and insurances associated with the home and various other provisions are approximately $500.

Refreshments and other amenities associated with the employment provided to staff is just under $2000 a year. Various other charges and expenses total approximately $128 000 each year. That is for the first year and inflation, of course, will cause that cost to rise.

There is a continuing dispute about a van that Mrs Foy considers to be necessary to meet the basic requirements of maintaining the stability of her daughter’s condition. The Motor Accidents Board has apparently departed from its traditional practice of providing such vans to cases of this kind. The board is refusing to provide a van suitable for Naomi Foy to be conveyed by her mother, which has the effect that her mother is unable to transport her out of the family home.

It is a desperate situation which this unfortunate accident has imposed, not only on the victim herself but also on her family, and particularly on her mother. It is an enormous physical and financial drain on the family and is naturally creating immense emotional trauma. The Government should expect that the Motor Accidents Board would treat the case with the compassion that it reasonably attracts.

I ask the Treasurer to examine the case and take whatever action is necessary to ensure that the board provides reasonable benefits to this lady.

Mrs TONER (Greensborough)—I raise with the Minister who is the representative in this place of the Minister for Planning and Environment the necessity for the State Government to take more interest in refuse disposal. Many municipalities do not have a suitable site for a tip and therefore are faced with the ever-increasing problem of disposing of refuse.

Recently the Diamond Valley City Council approached the Minister about locating a tip on a 69-hectare site in Diamond Valley. The residents of the North Riding of Diamond Valley shire strongly objected to the proposal and they were supported by local members in their concerns about the effect a tip would have on the environment.

We were pleased when the Minister listened to 126 objections from various residents on the grounds that the tip would detract from the attractive nature of the land, which was close to a residential area, and that access to it would be through this area. The Minister said that the Environment Protection Authority legislation would have precluded the tip from being located on that site.

The council has the right to go before the Planning Appeals Board, but it is hoped that the council will reach a decision to consider the provision of a transfer station and to take up the option of tipping refuse at a site in the Shire of Whittlesea, which has a number of suitable quarry sites. The tip at Eltham is also overutilised and that municipality is looking for another appropriate site.

The Government should concentrate more on providing advice to municipalities on regional tipping and should address the problem of refuse disposal. No doubt, the amount of refuse from the average family is far in excess of that produced a decade ago by the average family.

The Phipps Crescent site at Diamond Creek has been determined to be inappropriate, so the council has the option of looking at another preferred site in Kendall’s Lane, which is in a beautiful area and has many wild flowers and rare flora. Little of the rare flora remains today. That area would also be inappropriate.

Nevertheless, the Diamond Valley Shire Council is faced with the problem of a tip that has outlived its usefulness. The Government should urge greater cooperation between municipalities. It should assist Diamond Valley in its endeavours to locate an appropriate site for a transfer station and facilitate the use of the sites in the Shire of Whittlesea. The Government should consider regional tipping in general.
Mr WEIDEMAN (Frankston South)—I direct to the attention of the Minister for Education the need for integration aides in the Western Port area. The Minister would be aware that in this area, particularly in Frankston and the Mornington Peninsula, over the years a number of highly skilled and prestigious schools have been established. I refer to such schools as the Nepean Special School, the Naranga Special School and the Frankston Special Developmental School. Many Victorians live in the region because of the expertise provided by these schools.

Parents have approached me recently about their difficulties in attempting to obtain the services of integration aides for their children who have been assessed by other schools as being intellectually or physically handicapped. I understand an integration aide devotes 0-3 or one and a half days a week to teaching such children. Some of the parents are being informed that even though their children are handicapped, integration aides will not be available.

Because of the special needs in the area it should be considered a high priority in the coming year because more than 100 new children will be seeking to enter the schools. The children involved have been assessed and require the assistance of integration aides for the 1986–87 school year.

I am sure the Minister is aware of the Victorian Parent Advocacy Collective, which on 13 October sent a letter to the Minister requesting integration aides for the 1987 school year. The Budget did not provide for an increase in line with the integration aide policy.

I am sure the Minister is also aware that at the end of this year, 89 youth guarantee program trainees will complete their training as integration aides. At present there is no guarantee that these people will have positions next year.

Mr Cathie interjected.

Mr WEIDEMAN—I am glad the Minister for Education has given the undertaking that there will be 89 new integration aides.

The SPEAKER—Order! The Minister is out of order in interjecting. There is no undertaking.

Mr WEIDEMAN—I am pleased that the Western Port region will receive the 89 extra integration aides. That is delightful news and I shall have pleasure in publishing a press release about that next week.

I ask the Minister to consider the special needs in Western Port. This is not a frivolous demand. I fully support the integration aides policy and I should like to see it brought to fruition because of the special needs schools that have developed in the Mornington Peninsula. I know the Minister has been concerned about the matter over a number of years and he is aware of the development of the Nepean Special School.

I am sure the Minister will direct the regional office to accept the 89 integration aides he has just offered and the 100 children will be able to be accepted at the schools next year and will enjoy the services of integration aides for 0-3 or one and a half days a week.

Mr JASPER (Murray Valley)—I direct a matter to the attention of the Premier. I note with interest that he will be visiting the electorate of Murray Valley on Wednesday, 26 November. I certainly appreciate the fact that the Premier will be visiting the premier part of the State as other Ministers have in the past. I am sure it will be instructive for the Premier to see what is going on in this expanding north-eastern part of Victoria.

In the program provided to me I note that on that day the Premier will visit a farming production area in the western part of the electorate and a sunflower and soya bean farm in the area. According to the program, the Premier will then visit Yarrawonga housing industries. I mention that particularly because it is a great success story.

The SPEAKER—Order! The honourable member for Murray Valley is outlining the Premier's itinerary. Matters raised on the motion for the adjournment of the sitting must
revolve around a Minister's responsibility and require immediate action. I ask the honourable member to come to the point.

Mr JASPER—I am raising a major point, but I need to indicate that the Premier is covering areas of real significance to people in the Murray Valley electorate, and I mentioned that decentralised industry because it is important. One major undertaking in the Premier's visit will be to visit Rutherglen and meet with the vigneron in that area. Part of his itinerary is to launch “Vintage Victoria”, which is a cooperative guide by the vigneron in the area to promote the sale of wine—in particular, the special wines that are produced at Rutherglen.

I ask the Premier to consider providing funding assistance in the promotion and development of this booklet, which is a major wine and food guide, recognising that the wine producing area in north-eastern Victoria is important to the Government because it can boost the Victorian economy, not only by local consumption of wines produced in the area but also as an export industry.

Mr KENNEDY (Bendigo West)—I direct my comments to the Minister for Police and Emergency Services and refer to the Government's commitment to deal with the problem of drugs and drug-related crime. In particular, I ask him to spell out the Government's commitment in this direction.

It is important that the public see that there is and ought to be strong support across all party lines for the important campaign being mounted by the Victorian Government in cooperation with all other Governments of all levels and of all political persuasions to combat the drug problem.

I raise the matter because a significant development occurred recently with a large-scale operation by the police to deal with drug-related crime in central Victoria. On an occasion like this, the community needs to be sure that there is the full support of Parliament and the community for efforts that are directed towards dealing with the very serious drug problem and drug-related crime.

I add my own commendation of the police and all of those who work in this important area. It is important to recognise that drug and alcohol abuse are community problems and need to be tackled on a community level in cooperation, unity and harmony.

I say this because of the regrettable remark made by a National Party member in the other place, the Honourable Ken Wright, who has unfortunately chosen to create an unfavourable image of Bendigo by labelling it the heroin capital of Australia.

That is unfortunate. It is significant that yesterday the people who attempted to attack the Government backed down on this subject and refused to reiterate in any way the regrettable and unfortunate expression used by the honourable member for North Eastern Province in the other place, the Honourable K. I. M. Wright.

The whole status of the situation was significantly altered by opposition members from the expression used earlier by the Honourable Ken Wright.

When one considers the press comments today of the drug situation in Bendigo, one notes that the expressions changed dramatically from Bendigo being the heroin capital to it being the town with a drug problem.

It is also notable that little has been said in this House, where the Minister for Police and Emergency Services is located, by the honourable member for Bendigo East. All attacks against the Government have been launched in the other place.

The Government is involved in a complicated and significant program in tackling this complex drug issue on a wide variety of fronts. The Government has made good progress in establishing a three-person team to work with local communities in the Loddon/Campaspe/Mallee area on drug and alcohol issues. The third person, Jenny Maloney, has been added to the community resource workers team of Colin Jack and John Aitken.
Progress has also been made on the development of a pilot court advisory and assessment service which has been trialled in Bendigo and Prahran. An important prisons program that will benefit prisoners at Castlemaine and Bendigo has been established to rehabilitate people with drug problems.

The SPEAKER—Order! So far as I can ascertain, due to audible conversation, the honourable member has not asked the Minister to take some action on this matter. In the time that the honourable member has remaining, I ask him to get to the point.

Mr KENNEDY—Mr Speaker, I am asking the Minister to reiterate the Government’s commitment in tackling the drug problem in Victoria. I conclude by stating that the Government has commenced many programs in an attempt to overcome the Victorian drug problem.

Mr REYNOLDS (Gisborne)—I raise a matter for the attention of the Minister for Sport and Recreation concerning a pamphlet that has been distributed in the Carlton area today. The pamphlet refers to a secret meeting held at Parliament House recently. To find out what happened at that meeting the residents of Carlton have been invited to attend a public meeting at the Princes Hill High School on Thursday night.

I want the Minister to explain what is this secret meeting. Some very emotive and colourful language has been used in this pamphlet. Has a secret meeting been held?

It appears from the detail in the pamphlet that people are concerned that the Fitzroy Football Club might be playing its home matches at the Princes Park ground.

If there are to be clandestine and furtive meetings held behind closed doors at Parliament House, honourable members should know about them. All football followers will be interested in this meeting, but particularly the loyal supporters of the Fitzroy Football Club will want to know what part the Government will play and how it will assist in resolving this problem. It appears to me that the Government has a strategy to have as many clubs as possible play matches at the one ground, and I support that ground rationalisation policy.

Mr W. D. McGRATH (Lowan)—I also raise a matter for the attention of the Minister for Sport and Recreation. Recent suggestions have been made that there will be an increase in parking fees in the area surrounding the Melbourne Cricket Ground and that there is a strong likelihood that the number of car parking spaces will be reduced.

The Minister knows the importance of the Melbourne Cricket Ground to the sporting groups of Melbourne. In many ways sport carries Melbourne, with the Melbourne spring racing carnival, international and State cricket and Australian rules football.

Soon, the Ashes series against the touring English cricket team and the one-day cricket fixtures will begin and the forthcoming papal visit. These events will occur at the Melbourne Cricket Ground towards the end of November.

The Melbourne City Council has decided to increase the fees for parking cars in the parking area. I ask the Minister for Sport and Recreation what action he will take or what consultation he is prepared to have with the council or the Melbourne Cricket Club to ensure that the parking fees do not rise to the significant amount of $4 and that the full allocation of parklands for parking facilities is made available so that people have reasonable access to the Melbourne Cricket Ground to attend important events, such as the cricket and football fixtures, and the papal visit at the end of November.

Mr NORRIS (Dandenong)—I raise a matter for the attention of the Minister representing the Minister for Health relating to a national organisation that has recently been formed called Schizophrenia Australia. It is bringing together the respective State schizophrenias fellowships. The organisation has a specific aim, and I request the Minister to throw his weight behind that aim, which is to wage a national education program to focus attention on this extremely debilitating mental illness.
The illness normally strikes people in their adolescence or younger years and it may surprise the House to learn that 150,000 Australians—a significant figure—suffer from schizophrenia and, as a direct result, that affects some half a million Australians and members of their families.

Schizophrenia attacks people in their adolescence but it does not reduce life expectancy, which means that sufferers suffer over an extremely long period.

As a consequence of the length of time over which a person is affected, the cost to the community is massive. For example, the cost of schizophrenia to every single Victorian is approximately $30 a year. This is surprising when one considers that heart attacks are twelve times more common than schizophrenia afflictions but they cost the community only twice as much as schizophrenia sufferers cost the community. In 1982, $4.3 million was spent on heart disease research but only $60,000 was spent on research into this debilitating mental illness.

One in every 100 members of the population of this country will fall victim to schizophrenia. Fortunately, it can be treated but, unfortunately, it cannot be cured. It is rather like diabetes.

The discovery of antipsychotic drugs in the mid-1950s means that many schizophrenia sufferers can leave hospital and return to the community. My plea to the Minister is for the community to get behind Schizophrenia Australia, to assist in its plea to the Federal Government to ensure that an educational officer is appointed to undertake an educational program to enlighten the public of Australia about the severe effects the disease has on so many of our number and its massive cost to the community.

In other words, the association is attempting to bring the disease out of the closet, as it were, and into the focus of all Australians to ensure that sufferers of the disease are properly treated by the community and receive the proper attention for this extremely distressing and debilitating disease.

Mr CAIN (Premier)—The honourable member for Murray Valley raised the important issue of my trip next week to the north-east region of Victoria. I share with him the sense of importance and pride in the trip and all the achievements that will be noted by it. I welcome the opportunity of visiting that important part of the State.

That area is enjoying, as are all parts of the State, the significant economic growth that is occurring because of the policies of the Government. The economic strategy of the Government has increased business investment and ensured economic growth across the State. That fact is recognised by the honourable member for Murray Valley.

I am also gratified that I am visiting a part of the State where the local member recognises the importance of the Government’s policy on the textile, clothing and footwear industries. The Government wants to do all it can to protect those industries because of the jobs they provide Victorians.

I welcome the support of the honourable member for Murray Valley. I will do my best to see that he gets in at least one photograph. If he stands as close as some of his other colleagues from the National Party, he will be good for two photographs; he may even make the television if he does it well.

Mr Jasper—I can make it without you!

Mr CAIN—The honourable member for Murray Valley may be able to make it without me being there, but I am going and I am looking forward to it. As I indicated previously, I am pleased to acknowledge the response from all parts of the State to these trips. They have proved to be important both from the point of view of the Government and of the people in the areas that are visited.

There is a growing recognition of the steps that have been taken by the Government and the achievements it has made over the past four years to get the State moving. There
is genuine acknowledgment and gratitude across the State for what the Government has done. I welcome the opportunity of receiving the tangible acknowledgment for that gratitude across the State.

Mr McCUTCHEON (Minister for Water Resources)—The honourable member for Brighton raised a matter for the attention of the Treasurer about the Motor Accidents Board and a claim of Miss Naomi Foy, who had an unfortunate accident a couple of years ago while riding a bicycle. Her mother is apparently having difficulty in getting compensation. The matter will be taken up by the Treasurer and, in due course, he will provide an answer to the honourable member for Brighton.

The honourable member for Greensborough raised a matter for the attention of the Minister for Planning and Environment in another place about the difficulty that local government is having in obtaining suitable sites for garbage disposal. She outlined some matters in the Diamond Valley and Eltham municipalities. I shall ensure that the matter is referred to the Minister in the other place.

Mr CATHIE (Minister for Education)—The honourable member for Frankston South raised the issue of the provision of integration aides in the Western Port Region. I assure the honourable member and the parents concerned that children will be offered a good education. That may be provided in either a special development school—and Victoria's special development schools are among the best resourced anywhere—or it may be a normal school through an integration program. That decision will be based on the level of integration resources that are available.

When one considers that the integration program is an initiative of the Government, one realises that, in a couple of years, the Government has made remarkable progress in providing essential resources for that program.

Prior to the Budget there were 156 integration teachers; 340 integration aides and 186 visiting teachers assisting 2460 disabled students.

In terms of other support, the Government has provided $300 000 for equipment; $320 000 for the provision of paramedical services and used $360 000 from the Schools Commission funds.

Once again the Opposition was in error when it claimed that the Ministry of Education had reduced resources for the integration of disabled students. That is untrue. The Ministry inherited a base position of 340 integration aides. There are 89 youth guarantee positions at 0·6 but 0·4 of that time involves training under the technical and further education program; therefore, those positions translate into 54 equivalent full-time positions. They will also be placed in the schools.

In addition, the Budget allows for the employment of an additional 40 aides, 32 of whom will be integration aides and a further eight ethnic aides will be made available in this area.

Each year the Ministry is adding to the resources available to the community and increasing the range of choice for those parents who wish their children to be placed in a normal school.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for Bendigo West gave another example of effective advocacy which he offers on behalf of law enforcement and anti-drug action, especially in the Bendigo area.

It is appropriate that Bendigo has benefited more in the field of law enforcement since the Labor Party came to office than possibly any other community in regional or country Victoria.

Not only has Bendigo had a major new police complex constructed at a cost of millions of dollars but also a new police station has been provided in the adjacent community at Eaglehawk; and at Kangaroo Flat, the Government will be trialling the first of the new
shopfront police facilities. At the same time, an additional fourteen police have been assigned to Bendigo and an additional public servant has been appointed.

The fact that the police in the Bendigo area are in good shape was demonstrated very effectively by the successful raids that were conducted this week and which resulted in the mainly drug-related charges being levelled against nine people. That refutes clearly the allegations that the police in Bendigo are under-resourced or that they experience difficulties arising from any absence of powers.

The performance by the local police in conjunction with the force of 40 people from the Drug Squad was an impressive performance this week.

The honourable member had something to say tonight about the associated efforts that are being undertaken under the auspices of the Government to lower the rate of drug-related crime and drug dependence in the Bendigo area.

The whole situation refutes effectively the allegation that the National Party member for North Western Province in another place made when he referred quite absurdly to Bendigo as the “heroin capital of Australia”. One could not have a better example of wanton damage being inflicted upon the reputation of a community, a community which is completely undeserving of that sort of slur.

Mr Jasper (Murray Valley)—On a point of order, the Minister is taking out of context what the honourable member in the other place said; he was quoting what had been said in the media. In no way was he making the assertion that the Minister has suggested.

The Speaker—Order! The honourable member, on raising a point of order, is debating it. He is out of order, and there is no point of order. I request the Minister to conclude his remarks.

Mr Mathews (Minister for Police and Emergency Services)—I am happy to reaffirm to the honourable member for Bendigo West that the Government is committed to taking every action within its power against people who are engaged in drug-related crime and for relief of the victims of drug-related crime. I acknowledge the fine effort that police in the Bendigo area are making in that respect.

Mr Trezise (Minister for Sport and Recreation)—The honourable member for Gisborne raised the matter of a pamphlet that he had and a so-called secret meeting of football clubs. I assure him that a meeting was held last night and that it was not a secret meeting. The councillors mentioned on the pamphlet to which the honourable member referred knew a week before that the meeting was being held. It is an exaggeration to say that the meeting was a secret meeting. It resulted from a previous meeting held last week when I was asked by the Fitzroy Football Club and by the Carlton/Hawthorn football clubs to sit down with them and talk with representatives of the Corporation of the City of Melbourne about the present application by the Fitzroy Football Club this year.

I do not know whether the honourable member for Gisborne is an enthusiastic supporter of the Fitzroy Football Club, as is the Minister for Housing; however, the Fitzroy Football Club, as the honourable member will be aware, is seeking a new home this year. The club wanted to share the facilities of the Carlton/Hawthorn football clubs, but the Corporation of the City of Melbourne frowned on this notion.

On an examination of the facts I question why the corporation would frown on that request because under the present lease the Carlton Football Club for six months of the year can play as many times as it likes at Princes Park, 35 or 40 games on either Saturdays or Sundays, and the corporation has no say in it, but in recent arrangements with Carlton/Hawthorn, 22 games have been played, eleven by Carlton and eleven by Hawthorn. That practice has been accepted by the Corporation of the City of Melbourne and, I presume, by the council of the local suburb.

However, in the course of the year, because the big games go to the Melbourne Cricket Ground, the 22 games that those clubs have played at the Carlton/Hawthorn facility have
been reduced to seventeen or eighteen. With the Fitzroy club wanting to go there, the Carlton and Hawthorn clubs are saying that if they normally can expect to play 22 games at that facility, and as long as Carlton and Hawthorn are able to play their games there, what is the difference between Hawthorn, Carlton and Fitzroy playing there as long as they are playing no more than 22 games between them?

That is a fair situation, particularly when considering matters of traffic and car parking. In all fairness, the Fitzroy club would draw a lesser crowd than the other two clubs, so with Fitzroy sharing the grounds for 22 games along with Carlton and Hawthorn, fewer traffic problems will be incurred at the Fitzroy games than at the Hawthorn and Carlton games.

At the meeting held last night, the Victorian Football League was represented by Alan Schwabb, the Carlton Football Club was represented by Ian Collins and the Fitzroy Football Club was represented by Leon Wiegard. The Corporation of the City of Melbourne was represented by eight councillors. The meeting was a lead-up to the final decision next Monday when the corporation will decide whether Fitzroy can play its games under the arrangement of the 22 games played at the Carlton/Hawthorn football club. I hope commonsense prevails to ensure that the Fitzroy club has a home ground and that the ground itself is not overexposed by the usage that may be required.

The honourable member for Lowan raised the matter of the reports circulating in the last couple of days about car parking fees at the Melbourne Cricket Ground car park being doubled and a reduction in car park capacity. That report was compiled by Loden and Bayly, consultants. It was sought conjointly by the Melbourne City Council and the Department of Planning and Environment. Consideration of the recommendations adopted by the council has not yet been finalised by the Government.

I assure the honourable member that the request made by the council for the doubling of car parking fees from $2 to $4 has been made to the Minister for Planning and Environment. I am not the Minister for Planning and Environment but I can assure the honourable member that that increase is not on.

The other request by the council was that the car park would eventually not be available as a car park. It is ridiculous to consider turning the whole car park into a barbecue area, presumably for the advantage of a few privileged people who live in the Jolimont Park area.

A museum at the Melbourne Cricket Ground is being opened this week. However, it seems that the Melbourne City Council is hell-bent on turning the whole of the cricket ground into a museum. I am sure all members of Parliament and the vast majority of Victorians would want to retain a proper car parking facility at the Melbourne Cricket Ground. The present car park has space for 6000 cars. That is on a short-term basis and I presume it would be to cater for the forthcoming Pope's visit and perhaps for the Victorian Football League football season and the cricket test series. The aim of the council is to reduce car parking spaces from 6000 to 4500.

With the increased use of the Melbourne Cricket Ground in recent years—and no doubt that increased use will continue into the future—the demand is there for the car park capacity to be retained at its present level. That matter will be considered. Of course, the Government has no power over the actual situation except that it can reject the request for the increase in fees from $2 to $4.

The Melbourne City Council should use commonsense. The people of Victoria want to park at the Melbourne Cricket Ground in the same way that they have parked in years gone by. I am sure commonsense will eventually prevail.

Mr ROPER (Minister for Transport)—The honourable member for Dandenong raised the subject of schizophrenia and its significant effect on many Australians. Community-based services for both schizophrenics and their families have been significantly developed
in the past few years in Victoria. However, an attack on this illness on a national level is needed, as the honourable member suggests.

Significantly less funds have been spent on research into mental illness than into other areas of illness and disease. On a number of occasions, the Government has suggested to the Commonwealth Government that it should reconsider its priorities in this area.

I shall refer that matter to the attention of my colleague in another place who will provide a detailed response.

The motion was agreed to.

The House adjourned at 1.18 a.m. (Thursday).
Thursday, 20 November 1986

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

POLICE INVESTIGATIONS IN PUBLIC SECTOR

Mr CROZIER (Portland)—I refer the Minister for Police and Emergency Services to my question yesterday, and I broaden it by asking: will the Minister confirm that police from the Fraud Squad and from other units are currently involved in investigating matters which involve the Attorney-General’s department, the office of the Director of Public Prosecutions, the State Insurance Office, the State Bank, the Public Works Department, the Titles Office, the Department of Labour, the Metropolitan Transit Authority, the Ministry of Housing and the Keilor council?

Will the Minister make a Ministerial statement explaining the reasons for and scope of these investigations and, in particular, how many allegations concern persons paid for by the public purse?

Mr MATHEWS (Minister for Police and Emergency Services)—I am able to confirm that officers of the Fraud Squad are, in fact, investigating a number of departments and instrumentalities that have been mentioned by the honourable member for Portland. Likewise, I am able to confirm that, in the case of at least one of the authorities that he has mentioned, no such investigation is being carried out.

The honourable member asked me yesterday whether more than half of the resources of the Fraud Squad were being devoted to these inquiries. My advice this morning is that about seven members of the Fraud Squad are engaged in the investigations in question.

WAITING LISTS FOR ELECTIVE SURGERY

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Premier to the Government’s statement prior to the last election that it was the Government’s intention to halve the waiting lists for elective surgery within twelve months. The number of persons on waiting lists had grown prior to the nurses’ dispute. Of course, the dispute has made the position very much worse.

Could the Premier inform the House what plans the Government has to tackle this very serious problem when the nurses’ strike is over?

Mr CAIN (Premier)—Prior to the dispute with the nurses occurring, I believe the problem to which the Leader of the National Party refers was well in hand. It had been substantially a problem dealing with nursing numbers and the duties performed by nurses and other hospital or non-nursing staff.

As the Leader of the National Party will be aware, we have arranged for some 500, or thereabouts, additional nurses to come into the service in this State from the United Kingdom, so the overall numbers will be increased.

We were confident that we were heading in the right direction to overcome the long waiting lists that had historically been part of the health service in this State. I remain confident that, when this matter is resolved, the capacity that the Minister for Health has and the expertise that the department has available to it will ensure that maximum results are obtained from the resources that will be available.
As I said before, the resources will be increased. In addressing the longstanding concerns expressed by nurses about their career structure, the Government took the initiative of ensuring that a large number of other persons, who were regarded as competent to perform what we euphemistically refer to as non-nursing duties, were made available at considerable cost to the health sector and the Budget in general.

Loose comments are being made about the Government's commitment to health finances. I point out that there has been a substantial increase to the health sector in real terms over the past four years. I recognise the expectations that people have and that the capacity for many new, exotic and exciting procedures to be performed has increased that expectation. What is expected of hospitals in terms of operative procedures and treatment has grown astronomically in the past 5, 6 or 7 years, right across the health spectrum in all parts of the world and as much as this State as anywhere.

**MELBOURNE CRICKET GROUND**

Mr STIRLING (Williamstown)—Will the Minister for Sport and Recreation inform the House of the steps he has taken to ensure that the Melbourne Cricket Ground remains the premier sporting venue in Melbourne?

Mr TREZISE (Minister for Sport and Recreation)—There is no doubt that the Melbourne Cricket Ground is the major sporting venue of not only this State but the whole of Australia. It is the intention of the Government and, I presume, of all parties and the public of Victoria, to keep it that way because it belongs to the people of Victoria. It was most disappointing to learn this week that the Melbourne City Council applied to the Minister for Conservation, Forests and Lands to increase the parking fees for members of the public who attend test matches, football matches or other events, from $2 last year to $4 this year, which is an increase of 100 per cent.

It is unanimously agreed from this House's reaction that it is an outlandish claim by the Melbourne City Council. It seems to me that the council is hell-bent on forcing the public of Victoria away from parking at the MCG. The long-term aim of the council is to remove all parking from Yarra Park. I presume that the aim in the short term, with the forthcoming test matches and the football season next year, is to reduce the car parking capacity from 6000 to approximately 4000 cars on most occasions; that is not acceptable to me.

The ultimate aim of the council is to turn Yarra Park into a giant barbecue and picnic area, although I presume that councillors of the Melbourne City Council will be there next Saturday when the Prime Minister opens the Gallery of Sport, which is a museum for Australian sport. Their ultimate aim, it appears, is to turn the Melbourne Cricket Ground into a giant museum, which is not what the public want. There is no doubt that the MCG has been and will be in the future the most popular ground in Victoria, and the public of Victoria should be entitled to park in the most appropriate fashion.

In recent years the MCG has been updated with lights, increased facilities and accommodation, and that is the way it will continue so far as the Government is concerned. As adviser to the Government on sport in this State, I am seriously considering putting to the Government a recommendation that the Melbourne City Council is perhaps not the most appropriate body to run Yarra Park. Already, various authorities such as the football authorities are up in arms about the proposal to increase the fees, and if the council continues to act in this way, every member of the public will support those authorities.

**POLICE INVESTIGATIONS IN PUBLIC SECTOR**

Mr GUDE (Hawthorn)—I refer the Minister for Police and Emergency Services to the question asked yesterday by the honourable member for Portland, and I ask him whether it is a fact that the Fraud Squad has now charged four persons as a result of investigations at the Public Works Department which followed matters being raised by the Opposition. Is it also a fact that more people are to be charged?
Mr MATHEWS (Minister for Police and Emergency Services)—I am not aware of charges of the nature described by the honourable member for Hawthorn having been laid by the Fraud Squad, nor would I have expected that the Fraud Squad would have directed my attention to the laying of such charges. Overwhelmingly the investigations being carried out by the Fraud Squad in respect of Government departments or instrumentalities are directed at people outside the public sector who have been involved in frauds against those Ministries or instrumentalities.

Of course, that is best exemplified by the investigations that the Fraud Squad is carrying out currently into offences committed against the State Insurance Office and the Motor Accidents Board. That would account overwhelmingly for the majority of Fraud Squad time currently being deployed in the public sector.

QUALIFICATIONS OF POLICE RECRUITS

Mr W. D. McGrath (Lowan)—I ask whether the Minister for Police and Emergency Services can give an assurance that he will not change the qualification for enlistment in the Victoria Police Force to include those who are eligible for permanent residency, as was outlined in the Neesham report, and that will maintain the status quo for police recruits—namely, that they must be Australian citizens.

Mr MATHEWS (Minister for Police and Emergency Services)—The qualifications for entry to the Police Force are the prerogative of the Chief Commissioner of Police; I shall refer the remarks of the honourable member for Lowan to him.

BICYCLE SAFETY

Mr Ernst (Bellarine)—Will the Minister for Transport give details of the measures adopted by the Government to improve bicycle safety with particular reference to the increased usage of helmets?

Mr Williams—It is already in the paper!

Mr Roper (Minister for Transport)—Not all that the Government is doing in this area is well enough known to members of Parliament, particularly the honourable member for Doncaster. I thank the honourable member for Bellarine for his question. The Government and, I believe, the Victorian community, have a strong commitment to improving bicycle safety and, as a result of efforts that have been taken over the past couple of years, we have been able to halve the death toll of cyclists. However, with fifteen deaths so far this year I believe all honourable members will agree that that is too many and a number of activities have to be carried out if we are to reduce those numbers further.

Firstly, the Government has committed itself to carrying out the Melbourne Bike Plan in cooperation with municipal councils throughout the metropolitan area at a cost of at least $1.6 million a year. This will make significant improvements along roadways and in protected environments for commuters, children and recreational cyclists.

Secondly, there is a continued development of improved bike paths and services in country Victoria as well. In addition we are continuing the Bike-Ed program in conjunction with primary and secondary schools. I certainly wish to see that continue to train young people especially in the way in which bikes should be ridden.

Thirdly, the Government has been advocating a significant increase in the use of safety helmets. As honourable members would be aware, the whole question of safety helmets and whether they should be made compulsory is currently being considered by the Social Development Committee of Parliament and we await its report with a great deal of interest.

In the meantime, the Government wants to encourage more people, particularly teenagers, to wear safety helmets. Eighty per cent of cyclist fatalities result from head
injuries and the Government wants to do something again this year to reduce that percentage of accidents.

I ask all honourable members to promote the bike helmet rebate scheme which has had significant success. The Leader of the Opposition asks if he can demonstrate its use. I would be delighted to see the Leader of the Opposition in a bike helmet, as it would protect him from all kinds of things.

The Government will distribute details of the scheme to the offices of honourable members and some 40,000 kits will be available this year. The Government has decided to bring forward the scheme to November this year so that those young people taking part in the Caltex Great Bike Ride from Bairnsdale to Melbourne can have the assistance of the rebate for the purchase of a helmet if they do not already have one.

Approximately 2,500 people are taking part in that bike ride and anyone driving on the South Gippsland Highway in late November or early December will see the interesting sight of people struggling through honourable members' electorates.

The Government thanks Australian manufacturers who have responded to the availability of the rebate and other Government support. Two years ago there were only two manufacturers in Victoria and effectively in Australia. There are now six Australian helmets being manufactured as part of the scheme and the Government has included a helmet from New Zealand.

I ask all honourable members, in fact the whole community, to ensure that young people receive helmets for Christmas if they do not already have them.

VICTORIA PROJECT

Mr HEFFERNAN (Ivanhoe)—I refer the Minister for Transport to the question that I asked him last Tuesday and I ask the Minister: is he now prepared to admit to the House that the Government has paid $1.97 million to the real estate company, Richard Ellis Pty Ltd, for work on the Victoria project which should have attracted a payment of less than $500,000? What explanation can the Minister give for this outrageous overpayment, particularly as the company had received, prior to this payment, approximately $200,000 for carrying out such work?

Mr ROPER (Minister for Transport)—As I pointed out to the House last Tuesday, a commercial arrangement was entered into between Richard Ellis Pty Ltd and the Metropolitan Transit Authority. The arrangement was originally entered into under the auspices of the Melbourne Underground Rail Loop Authority in 1983 with the Museum station site.

The arrangement entered into had, as I pointed out, a minimum payment of $500,000, which was but a proportion of the cost of the project that finally occurred on that site. Estimates were made that indicated payments of between $1.5 million and $3 million in 1984. Earlier this year negotiations about what the final payment would be resulted in the seeking of legal advice by both sides and, in fact, the matter could have gone to the Supreme Court.

Negotiations occurred between the principals of both the Metropolitan Transit Authority and Richard Ellis Pty Ltd with the result that the payment that was made, that the honourable member correctly said was $1.97 million, was significantly less than the claim sought by Richard Ellis Pty Ltd and significantly less than the upper expectation that it was suggested it could be in 1986.

“BUY AUSTRALIAN” PROGRAM

Mr CUNNINGHAM (Derrimut)—Can the Minister for Water Resources inform the House what he is doing to ensure that departments and authorities under his control buy Australian manufactured goods wherever possible?
Mr McCUTCHEON (Minister for Water Resources)—This is an important issue facing the Australian community because we must increase the Australian content of both new products and replacement parts that are being used, particularly in the Victorian public and private sectors.

The Board of Works recently formed a Buy Australian Committee which includes both management, staff and union representatives.

The committee, which operates at all levels of the board’s organisation, has been encouraging staff to locate items purchased by the board to ensure they achieve the maximum possible Australian content.

Currently purchases by the board run at 80 per cent Australian content. The objective is to reduce the number of imported goods bought by the board and to develop the local manufacturing industry. This also provides an opportunity of developing new technology.

I shall give an example of what the board has achieved. All honourable members use the small sticky pads that are imported from the United States of America. Only recently a Melbourne firm developed the technology to make the sticky glue that does not remove the typeface from the paper. Soon that article will be available in Victoria. The new product will save the Board of Works thousands of dollars each year.

There are further examples of how Australian manufacturers have been encouraged. Some honourable members would be aware of big end bolts that are used by the board for Allan Diesel engines. Until recently this item was imported at a unit price of $515 but now it is being locally manufactured at a price of $110. Not only is that an import reduction but also Australians achieve significant cost savings.

The board is also having valve rotator assemblies locally manufactured. The price of the imported article is $296 and the local price is $65.

Members of the National and Liberal parties may not be interested in the effects of the “Buy Australian” policy but it is significant to employment in this country and to the country’s balance of payments.

Another item that is now being produced locally is a blower drive coupling which was imported for $11,963 but is now available locally for $1690.

I wish to encourage the private sector to treat the “Buy Australian” campaign seriously and also to ensure that the public sector departments do the same.

NUCLEAR SHIPMENTS

Mr WEIDEMAN (Frankston South)—I ask the Minister for Industry, Technology and Resources whether it is a fact that several transshipments of nuclear-related material have been made in Victoria in contravention of the nuclear-free status of Victoria, in contravention of Australian Labor Party policy and to the consternation of prominent Labor Party members of both the Victorian and Federal Parliaments.

Did the Government know of these transshipments of nuclear-related material; and, if so, what did it do about them? If the Government did not know about them, what does it intend to do?

The SPEAKER—Order! The Minister for Industry, Technology and Resources will cast aside the two references to policy.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I am not aware of transshipments in excess of the levels mentioned in the Nuclear Prohibitions Act. If the honourable member for Frankston South has details of further information that is not available to me, I would welcome his making it available to me.
PREMIER'S VISIT TO GIPPSLAND

Mr B. J. EVANS (Gippsland East)—I ask the Premier whether his visit to Bairnsdale on 11 and 12 December is for the purpose of acquainting the people of east Gippsland with the policies of the Government. If so, is the Premier prepared to debate subjects before people who know the facts about issues such as woodchipping in east Gippsland; the opening of the marble quarry at Benambra; the effect of the diversion of the Thomson River waters to the metropolitan area on the Gippsland Lakes system; and other issues of importance to the people of east Gippsland?

Mr CAIN (Premier)—The colleague of the honourable member for Gippsland East, the honourable member for Murray Valley, last night in the debate on the motion for the adjournment of the sitting raised the issue of my trip to his area. I made it clear then that these trips are to ensure that people are aware of the Government's policies and to see at first hand the issues that are of concern to country people. My trip next week will be my seventh country trip in five months, and I am overwhelmed by the level of support throughout country Victoria for what the Government is doing.

I have a fairly thick skin but I become embarrassed at times by the unstinting praise that is heaped upon this Government from all sections of country Victoria. They are totally satisfied with this Government. They constantly draw attention to the contrast between what this Government has delivered and the rhetoric and failure of our predecessors to deliver. I could quote chapter and verse, if I were allowed to do so in question time. Countless people from all political parties say to me how well this Government is doing. They are delighted with what is being done in country centres to provide jobs and economic development because so many country centres were left for dead by the previous Government. Praise is heaped upon us not only by the ordinary citizen but also by the business and farming communities and by all of those sections that I always believed were the traditional supporters of the opposition parties. Those people have now left the opposition parties for dead; they do not want a bar of them. In some cases they are embarrassed by the lack of performance of their local members.

One reason why I am undertaking these country trips is to see at first hand all of the things that the Government is doing in country areas, and I am delighted with the response.

The matters referred to by the honourable member for Gippsland East are all matters upon which the Government has been prepared to take action, a position that is in sharp contrast to the inaction of our predecessors. They are all matters that relate to the economic development of this State.

Another thing that people keep saying to me in the country is: “This Government makes decisions and does things, whereas we could not get decisions made by the last lot.”

As I said yesterday, for the Liberal Party to talk last Saturday about rescuing this State was just a joke. Nobody wants a bar of the Liberal Party. Until it resolves its leadership problems both here and in Canberra, nobody will listen to the Liberal Party. Honourable members all know that the leadership problems are related to a lack of policies. When a party does not stand for anything, of course it has rows about leadership. Such a party means nothing and will mean nothing until it develops some policies and is seen to stand for something.

Mr Kennett—he isn’t well.

The SPEAKER—Order! I ask the Premier to cease debating the question and to round off his response.

Mr CAIN—I shall round off by saying that on my east Gippsland tour I shall follow the same process as before; that is, meeting the people and listening to the matters about which they are concerned and, of course, I shall be taking considerable pride in the
achievements of this Government in their country centres, as do the people in those centres—enormous pride in what the Government has done.

ARTS PROMOTION

Mr NORRIS (Dandenong)—Can the Minister for the Arts advise the House of the success of actions taken to develop the half-price theatre ticket scheme, to enable the arts to be presented to a wider section of the Victorian community?

Mr MATHEWS (Minister for the Arts)—The interest taken by the honourable member for Dandenong in the performing arts in all their forms is well known. He has been a successful advocate as well as a successful practitioner for the arts.

It is natural, therefore, that he should be aware of the contribution that the Half Tix booth has made to the well-being of the performing arts in Melbourne and to the access to the performing arts not only for the people of Melbourne but also for people from all over Victoria and for visitors from interstate and overseas.

The basis of the Half Tix booth is, of course, that on the day of the performance, people can go to the booth and obtain tickets for any of a number of listed shows around town for half the normal price of a ticket. Over the past two years advantage has been taken of that arrangement to the point where more than 100,000 tickets have been sold through the Half Tix booth and more than $1 million has flowed into the coffers of the performing arts companies that are participants in the scheme in circumstances where previously that cash simply would not have been available to them.

There have been advantages over and above the cash benefit to the performing companies and, for that matter, the cash benefit to the customers. The effect of having the Half Tix booth in the Bourke Street Mall is to highlight the great richness and diversity of the performing arts in Melbourne and the immense range of performances to which the people of the city potentially have access on any night of the week for a wide range of venues.

In addition, having tickets for the performing arts available at the very low prices offered by the Half Tix booth means that access to live theatre has been opened up for the first time to people who never previously would have been found among live theatre audiences.

It is notable that once people have tried live theatre for the first time, they go back again and again. It becomes a part of their pattern of life and recreation. They benefit and so do the performers and the companies.

It has been a source of some satisfaction to me to see that Sydney has now borrowed this idea from us and there is a Sydney Half Tix booth as well.

PETITIONS

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

Duck shooting

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

The humble petition of the undersigned citizens of Victoria respectfully show their opposition to the cruel and unnecessary slaughter of wildlife during duck shooting. Hunters themselves claim that up to 30% of animals they shoot escape wounded. These animals are left to suffer and die alone.

Your petitioners therefore pray that duck season and the hunting and shooting of ducks in the State of Victoria be made illegal immediately.

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

By Mrs Ray (29 signatures)
Human Rights Bill

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

Australia and the State of Victoria do not have a Bill of Human Rights.

We the undersigned as citizens of the State of Victoria demand a Human Rights Bill which includes all principles and articles as contained in the United Nations Declaration of Human Rights and subsequent covenants—with particular regard to the rights of those placed in institutions.

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

By Mr Hill (11 signatures)

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

METROPOLITAN TRANSIT AUTHORITY SUPERANNUATION FUND

Mr ROPER (Minister for Transport)—By leave, I move:

That there be presented to this House a copy of the report of the Metropolitan Transit Authority Superannuation Fund for the year 1985–86.

The motion was agreed to.

Mr ROPER (Minister for Transport) presented the report in compliance with the foregoing order.

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

PAPERS

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

Accident Compensation Tribunal—Report for the year 1985–86.


Ombudsman Act 1973—

Report pursuant to section 23 of the Act relating to complaints of unreasonable termination of services with Victoria’s 150th Anniversary Celebrations Secretariat and inadequate compensation following such dismissal—Ordered to be printed.

Report pursuant to section 25 of the Act relating to alleged inadequate compensation following compulsory acquisition of land for the Blue Rock dam—Ordered to be printed.

Statutory Rules under the following Acts:


Public Service Act 1974—PSD No. 39.

ABORIGINAL LAND (FRAMLINGHAM FOREST) BILL (No. 2)

Mr CATHIE (Minister for Education) moved for leave to bring in a Bill to provide for a grant of lands being the Framlingham Forest to Aborigines and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PRACTICE OF THE HOUSE—READING OF SPEECHES

Mr MACLELLAN (Berwick)—I move:

That, as an affirmation of Affirmative Action, so much of the practices of the House be suspended so as to allow the members of a sorority of Members of the House—(a) to read their speeches in the House; or (b) to incorporate their speeches in Hansard as a favoured alternative to delivering such speech in the House.
It is, of course, desirable in trying to direct attention to the practices and the reform of practices of the House to draft a motion that grabs attention first. I drafted the motion in a way which I thought would challenge honourable members to, firstly, run to their dictionaries if they were not familiar fully with the terms used, and, secondly, having been titillated or amused, to then give thoughtful consideration to what the motion proposed.

I believe from the reaction that I have had in the corridors of Parliament from honourable members that I have achieved that result. I have been a member of Parliament, Mr Speaker, as you have, although longer than I, for many years, but nevertheless you and I and other honourable members who have been here for years have seen the evolution of various parts of the Parliamentary process in ways which have not always been thoughtful or always intended.

We have seen, and I use this as a passing reference, question time introduced, that is, questions without notice. We have seen it degraded to the point where it is no longer questions without notice but a handout of questions from a committee of members from either side of the House. Members are presented with a question to ask. The honourable member for Springvale, who is interjecting, would be well aware of the difficulties of being presented with a question at short notice and having to splutter and trying to read it in the House.

The Minister then replies from some notes which happen to be with the Minister on the occasion. A disgraceful situation exists where answers are sometimes given to questions that have not been asked and questions are sometimes asked in a way that leaves the Minister unprepared and embarrassed.

Questions without notice have, over the past few years, become degraded to the point where they are an art form rather than questions without notice. In regard to debates in the House, a similar course has developed. Earlier this session I directed attention to the fact that some honourable members were reading speeches. That practice of directing attention to the matter was, firstly, embarrassing to those honourable members and, secondly, considered by some honourable members to be pedantic because debates have evolved in such a way that, increasingly, honourable members rise and read from prepared speeches.

I hold the strong opinion that honourable members speak much better when they speak what they feel, as well-informed members, rather than reading out something which has been prepared by themselves or by somebody else.

We must analyse the motion and ask the question: why affirmative action? Not only is affirmative action of recent voguish interest, but it is also national and State Government policy that there should be affirmative action to produce a better balance within the community. Therefore, the motion states, “that, as an affirmation of affirmative action . . . ”. A group of honourable members who might wish to form such a group should be given a special privilege.

Moving on from that, one asks: why a sorority? Why in following that affirmative action line does the motion talk about a sorority of members of the House? It is because if a group of lady members were to form a sorority, whether it were of the social sisters, whether it included the honourable member for Kew or whether it admitted male members as honorary members—I would not argue—that would be for the group to decide. The reason for a sorority is that it would be one group of members in this House that could be identified and trusted to run an experiment in reading speeches without abusing it and without taking it to silly extremes.

If there is one group in this House that could be trusted to take on an experiment in reading speeches rather than delivering speeches, it is the lady members of this House because many of them have read speeches in the past and are perfectly capable of preparing their speeches thoughtfully and well and perhaps still capturing our attention while reading,
whereas most of the male members of the House would be totally incompetent in that task.

Why does the motion say “allow”? It is not my intention to force any honourable member or any member of the sorority to read his or her speech. As the honourable member for Kew has made it perfectly clear to me—abundantly clear, even stridently clear—she does not wish to read her speeches and she does not believe she should or needs to.

Although on occasions the honourable member for Kew may be a member of a sorority, I believe that should members of the sorority decide they ought to read their speeches, she would not be one of them. That explains why I have included the word “allow” in the motion. I believe all members, lady members in particular, perform much better when they do not read their speeches because, sincerity, above all else, captures the hearts and minds of other members during debate.

We all have Parliamentary moments when we are caught by the remarks of another member, perhaps from the other side of the House, which have caused us to continue to argue something on which we have already reached conclusions; on which conclusions ought to have been reviewed. There are those moments when a member who says little in the House stands and raises a matter which is a show stopper, if I may adopt the terminology that is commonly used in the artistic community.

One may ask why honourable members should read their speeches. The motion uses the word “read” because it is done. Honourable members know it is done; we see it being done, and it is being done in a way which brings no credit to Parliament. Having reached this stage with the motion, so far as I am concerned the moratorium on reading speeches is off. If Parliament is not prepared to decide whether honourable members can read their speeches, honourable members will have to adopt the obligation to raise points of order with the Chair about those people who have their speeches in front of them, and their glasses on the end of their nose, or better still, their speeches lying on the seat so that they can read them and turn the pages one after another in an attempt to address the House.

Honourable members have all seen it happen. In critical terms, one is most aware of it on the other side of the House because one can see it more easily. From where I sit, I do not get the opportunity to look down and see whether somebody on the Opposition benches is doing this.

Mr Norris interjected.

Mr MACLELLAN—I invite the honourable member for Dandenong to join me in a new campaign, if the House is not willing to allow people to read speeches, to stop the reading of speeches, to ask honourable members to be well informed when they enter the debate and, having been well informed, to say it with a bit of heart and soul, rather than simply to parade the electric merits of the anthologies that pass for speeches in this place. If someone is disturbed by that, there is an opportunity for them to go.

Why should the Hansard reporters go through the farce of having to try to take down in shorthand something that is being read, no matter how articulate the circumstances, of a member who is reading a fully prepared text? The Hansard reporters have the job of writing down what is said so that the honourable member can obtain the “greens” of Hansard copy to correct. If that is what honourable members are asking the Hansard staff to do, we had better stop and decide that either there should be no reading of speeches, or, if there is any reading of speeches, let the speech be handed to the Hansard reporters, so that at least they can have the convenience of being able to have a break while simply making a few corrections that may be necessary in the speech.

I do not believe honourable members should be placed in the embarrassing position of having to become Carmelites, following the old rules whereby an honourable member undertakes a vow of silence because of possible embarrassment that somebody might take a point of order and the Chair rule that the honourable member is not to read a speech. It
is not my job or anybody else's to embarrass honourable members to make clear what are
the rules and practices of this place. If Parliament and its debates evolve in the wrong way,
least honourable members should front up to the situation and make a decision instead
of running away from the issue and saying, "Why doesn't he go to the Standing Orders
Committee?"

I am a member of the Standing Orders Committee, and I do not intend to enlighten the
House, nor you, Mr Speaker, because you are the chairman of that committee, as to what
happens in the Standing Orders Committee. It would not be improper to say that the
Standing Orders Committee has not produced a report on the subject of reading speeches
to the House.

I do not invite honourable members to assume from that, that the matter has not been
discussed, but there is nothing to show, so far as the House is concerned, in Standing
Orders, that the speech should be incorporated in Hansard. Please do not suggest, Mr
Speaker, that the matter can be shovelled off to the Standing Orders Committee.

Mr Micallef interjected.

Mr MAC LE L L A N—The honourable member for Springvale is much better at
interjecting than at reading his questions. I do not know if he does read his questions, but
I suspect that he does not. Why the remaining part of the motion about incorporating in
Hansard what has not been delivered in the House?

Mr Micallef interjected.

Mr MAC LE L L A N—The honourable member for Springvale again seems to be suffering
from dyslexia this morning, but perhaps he has a problem.

The SPEAKER—Order! I ask the honourable member for Springvale to cease
interjecting.

Mr MAC LE L L A N—If honourable members, as I say, are to have the researcher-
versus-researcher approach by which prepared speeches are brought in and prepared
speeches are read, frankly, there is a better alternative. Rather than have the speech read
in the House, recorded by Hansard and then corrected by the member, it would be much
better if it were correctly prepared by the member without ever being delivered in the
House and simply printed in Hansard so that the House would be able to get back to the
original idea of having debates.

A box could be placed on the desk of Hansard where all written speeches could be
placed so that they pile up one on top of the other and are printed by Hansard. Honourable
members would not then need to listen to those speeches or read them in the House. They
would be printed in Hansard and members would receive the score, merit or points,
whatever it may be, for having produced such well-researched and well-documented
written speeches. Hansard could note that the following written speeches were submitted
and were then recorded. The actual debate could take place in the Chamber with people
not reading their speeches and not attempting to hide written notes under the desk and go
through all that embarrassment.

If honourable members want to experiment with reading speeches in the Chamber then
let the House ask those members, particularly those members who may be members of a
sorority, to undertake the experiment. I believe honourable members could trust them to
do it well, discreetly and without offending the purpose of the debate. If honourable
members decide that they do not want any speeches read at all, let us get on with the point
of order when members are found to be reading speeches. Indeed, it might be efficacious
if you, Mr Speaker, were to stop members from reading questions without notice and
Ministers from reading answers to questions without notice so that the Chamber could get
back to the real point of Parliamentary debate and Parliamentary accountability to the
public, which is why we are elected as members, with all our inadequacies.

Mr Norris interjected.
Mr MACLELLAN—As the honourable member for Dandenong says by interjection, "What has that got to do with reading speeches?" The honourable member for Dandenong was elected to Parliament by the people of Dandenong not to read his speeches.

Mr Norris—Rubbish!

Mr MACLELLAN—If the honourable member believes he was elected to read, then I recommend Hansard to him. I am sure the honourable member for Dandenong will speak after the honourable member for Springvale, because I do not intend to go much longer. If the House wants anthologies of the energetic and enthusiastic work of researchers incorporated as part of the work of Parliament, let them hand that work to Hansard and excuse honourable members from having to listen to those speeches being badly read in the House. Let the House and the work of the House be for the purpose of questions without notice, which are genuinely questions without notice, and for genuine answers from Ministers who are accountable to the people's Parliament. Honourable members, for all their talents or lack of talent—and I grant that the honourable member for Dandenong is one of the superbly talented people who probably does not want this stricture made about him—should debate these matters and not rely on notes.

I have my faults; my syntax is not good, my delivery off the cuff is not good and Hansard sometimes struggles bravely to make out what I have said. Where I am saying it—let it be what I am saying and not what a researcher has said to me, not what I have been given the day before to say, not what I have been handed by somebody else, not the work of some unnamed author and not the plagiarism that occurs in debates which are basically founded upon written speeches being read by members in circumstances which are both embarrassing to us as members and inexplicable to visitors in the gallery. They cannot understand why members have half-bent knees and are turning pages under, near or about their desks, and pretending to speak to the House with an earnestness and sincerity that is totally lacking in the words they are using because the words are not theirs, but the words of others.

I direct the attention of the House to the incidents and the obvious difficulties that arise from the broadcasting of Parliamentary proceedings. The incidents happen in relation to a Parliament north of the River Murray where the proceedings are made public by way of broadcast for all Australia to hear. One hears members of Parliament bravely struggling through researchers' speeches, pronouncing the same word differently on three different occasions in the one speech. One can sense when the members are getting to the bottom of the page; the sentences are long and Canberra-type sentences with no active verb and no active meaning! The honourable members struggle to reach the bottom of the page, not knowing what word they will discover at the top of the next page.

I moved the motion; it is titillating; it is amusing; and it has its attention-grabbing features. However, there is a far more serious purpose for the motion: can Parliament decide whether members will read their speeches, whether some members will be allowed to read their speeches while other members will not, whether Parliament will go back to a system of debates and whether Parliament will have a proper procedure to allow a member who is not perhaps eloquent on his or her feet to hand in a speech? If that is the case, and it is a handed-in speech, and Hansard reports it as a handed-in speech, it does not worry me.

However, what does worry me is that I, like other honourable members, have to know the rules. I sometimes raise points of order when honourable members are too blatant and silly and then embarrass other members and am accused of being partial because I do not do the same when members from this side of the House are speaking.

In future the moratorium is off; I shall be raising points of order. I hope I shall be able to get members from all political parties to be even-handed about the matter, if Parliament decides that the reading of speeches is not to be allowed.

If the reading of speeches is to be allowed, let it have its structure, its form and its rules, but let us not have any more of the incredible and, I think, unseemly situations where...
members attempt to read from printed speeches placed on their seats or on the desks of neighbouring members, or seek to turn pages while pretending to be speaking to the House. That is not really debate; it is the clash of researchers. If, on the one hand, one wants to substitute the clash of researchers for members of Parliament addressing the House from their own hearts, convincing others and having their impact on other members, we had better make sure the debate system is retained.

If, on the other hand, we want to go in a different direction to a Parliament of handed-in speeches and no debates, frankly, why should any member be expected to sit in this Chamber and listen to someone reading badly what the listening member can read far more quickly from an edition of Hansard that may be home delivered on another occasion?

Mrs TONER (Greensborough)—I move:

That all the words after “That” be omitted with a view to inserting in place thereof the following words “this House, being aware that the Standing Orders Committee is currently considering the question of reading of speeches, rejects and regrets the supercilious and patronising attitude of the honourable member for Berwick towards members of the House as evidenced in the manner in which he has framed his motion relating to the reading of speeches in the House”.

The SPEAKER—Order! Is the honourable member's amendment seconded?

Mr MACLELLAN (Berwick)—I am delighted to second the amendment.

The SPEAKER—Order! The honourable member for Ringwood signified that she would second the motion before the honourable member for Berwick.

Honourable members interjecting.

Mrs TONER (Greensborough)—I am glad to have the assent of the honourable member for Berwick to my amendment and I am certain that it will be carried unanimously.

It is a matter of deep regret that when many important issues of the day should be discussed, honourable members are forced to consider such a trivial motion. The honourable member for Berwick admitted that his object in bringing forward this motion was to titillate the House. That is not the reason why honourable members are elected to Parliament. Honourable members should be considering the important issues of the day and not wasting their time with a trivial motion of this nature.

It is to be regretted that the honourable member for Berwick has proposed this motion. It is sad that a person of his great talents and capacity—I concede that he is one of the most talented members of Parliament—has been allowed to languish on the backbench. It is disappointing that his creative capacity has been so diminished that he has brought forward this malicious mischief to titillate the House. If that is the best the honourable member can do—

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, I direct your attention to the Standing Order which states that honourable members must not make imputations about other honourable members. I suggest that in describing me as having brought forward this motion for malicious reasons, the honourable member for Greensborough has made an imputation about me which I find to be offensive and which I ask her to withdraw.

The SPEAKER—Order! I should advise the House and the honourable member for Greensborough that if honourable members make imputations about other honourable members during this debate, they are out of order. Imputations can be made only in a substantive motion against an honourable member.

As the honourable member for Berwick has found the word used to be offensive, I ask the honourable member for Greensborough to withdraw.

Mrs TONER (Greensborough)—I am happy to withdraw “malicious”. Earlier this year the honourable member for Berwick was engaged in a consistent attack in this House on the honourable member for Box Hill during an important debate on mental retardation.
The honourable member for Box Hill had been a significant contributor to the framing of the proposed legislation that was then before the House. The honourable member knows more about that issue than any other member of this House and she was instrumental in the development of that Bill.

She also makes a great contribution to the Social Development Committee. However, the honourable member for Box Hill came into this Chamber with a speech that she had prepared herself on a subject about which she has much knowledge and she was then subjected to intimidatory tactics by the honourable member for Berwick.

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, I again object to the imputation flowing from the words, "intimidatory tactics". I did not use intimidatory tactics and it is not proper for you, Sir, to allow the honourable member for Greensborough to say that I did.

The SPEAKER—Order! I have listened to the advice of the Clerk. The reasoned amendment before the House contains the words "supercilious and patronising attitude". That is about the extent to which the honourable member for Greensborough can go. To suggest that the honourable member for Berwick was intimidating the honourable member for Box Hill earlier this year is a fraction too strong. I shall not ask the honourable member to withdraw, but I ask her to be aware of that point.

Mrs TONER (Greensborough)—I am happy to proceed and indicate that the tactics the honourable member for Berwick used were supercilious and patronising. The honourable member for Box Hill has informed me that she felt intimidated by the actions of the honourable member for Berwick.

From that experience and the difficulty that my colleague had in getting her message across, a discussion took place about the forms of the House. It is right that honourable members should constantly consider the forms of the House and whether they facilitate debate and help to develop a democratic approach to speech making in this place.

The honourable member for Box Hill was concerned about this issue and the question of reading speeches was addressed. I agree with some of the comments made by my colleague, the honourable member for Berwick. This issue must be pursued with care and endeavour. It is an important matter and one that should be considered in all earnestness and seriousness. It is contrary to what this House and Parliament is about if honourable members use the forms of the House to prevent and stifle debate.

Honourable members interjecting.

The SPEAKER—Order! I ask the honourable member for Geelong to restrain himself. He is out of order and I ask him to take his own advice and "belt up"!

Mrs TONER—It is unfortunate that Parliamentarians frequently present a poor image to the public and the press. As a consequence, we are presented as one of the lowest status professions. That is understandable if one considers the way that we treat each other in this place. Members of the Government party are not entirely pure in this matter. I believe honourable members should not be humiliated because of their ideology or their physical characteristics.

It is outrageous that this should occur to members of either the Government party or the opposition parties. Whether people stutter, speak with a lisp, in a soprano or a baritone voice, or with an accent, as the honourable member for Kew interjects, is not relevant. I am pleased and proud of the number of people of ethnic origin who have become members of Parliament and grace Parliament with their ideas and their own cultural notions because they have made an enormous contribution.

To pick on individual characteristics is highly improper and the Standing Orders of this place should not be used to prevent people who have been elected by their constituents to represent them from speaking on their behalf. Those honourable members deserve respect
for the very reason, amongst others, that they have been elected by their constituents. Their constituents have chosen them to put their views in Parliament.

I hope the election of more women members to this House over the years will change this forum. In my experience, periodically, it has been a mud-wrestling exercise to debate in this House. The honourable member for Brighton made an interjection about superior men. I believe a superior contribution needs to be made. The honourable member for Brighton for 3 hours and 10 minutes on one occasion bored the House by delivering one of the worst lectures anyone has ever heard in this place.

The institution of Parliament has changed. This may get up the nose of the honourable member for Berwick but there are people who come to this Parliament straight from the factory floor, from a shop or from the kitchen sink but I believe, and obviously their constituents believe, they have a contribution to make. Not all members of Parliament have been educated at Melbourne Grammar or Scotch College. Members of Parliament of various backgrounds come to this place with a variety of skills. It is appropriate that they should have the opportunity of contributing their skills to this place. It is all very well for lawyers such as the honourable member for Berwick to deliver in this House erudite and witty speeches—I acknowledge that—on matters of absolutely no consequence.

Mr Maclelaf—What about his pompous arrogance?

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, I have to raise with you the remarks of the honourable member for Springvale who by interjection said, “What about his pompous arrogance”. I ask that that be withdrawn.

The SPEAKER—Order! It is difficult for an honourable member to request an interjection to be withdrawn and the honourable member for Berwick is well aware of that particular dilemma that I face. I suggest to the honourable member for Springvale, as I have previously to the honourable members for Melbourne and Geelong, that he cease interjecting. Interjections add nothing to the debate. The honourable member for Greensborough is developing her debate and the interjections are disorderly and throw the tenor of the debate aside.

Mrs TONER (Greensborough)—I remind the House of the amendment that I have moved to the motion. The House should reject the motion and the attitude of the honourable member for Berwick and it should be extremely concerned that the Opposition is not using the forms of this House to raise matters of significance and importance to the community as a whole.

When one considers the democratic process, which we are very fortunate to have, it is imperative that Victoria has an able Opposition making a contribution on the issues of the day so that together we can solve the problems that face the community.

It is important, bearing in mind the economic and other realities that we face as a State in a country that is struggling to make an economy work—and it is making a fair fist of it—that a contribution is made by the Opposition about those issues.

I should have thought that a senior member of the Liberal Party like the honourable member for Berwick, whose talents we have recognised, would have made such a contribution. If he chooses to come before Parliament raising trivia, he is not making such a contribution.

I should have thought that the Opposition would have had something more significant to raise in the House as a matter of urgency on this day. Is the Opposition so bereft of ideas that there is nothing that consumes it other than this motion that relates to whether honourable members read their speeches or whether they speak from the heart—as did my colleague, the honourable member for Box Hill, in the debate on mental retardation, which gave rise to this motion?

When considering affirmative action, this Government has a record that cannot be surpassed. It has made a very real contribution in ensuring that more women can come to
this place and take their opportunity of developing themes relating to the important social issues of the day.

Some of my other colleagues would like to make a contribution in this regard, because we have a record of which we can be extremely proud, and I should like them to have the opportunity of elaborating on the contribution that the Government has made to the lot of women in Victoria and, by example, to the lot of women in Australia.

Women in the workplace, in the home and in this House are better off than they were when I first came to this place, when there was only one other woman here, the honourable member for Brighton, Mrs Jeanette Patrick—a person very much superior to the current honourable member for Brighton. The former honourable member for Brighton was never chosen to be in the Ministry, despite the fact that she was one of the most talented members in this House.

Therefore, it is a matter of pride that the Labor Party has positively selected women. Although the Liberal Party has as one of its members the honourable member for Kew, who makes a far more significant contribution than any other member on the Opposition benches, she is not even on the front bench. I should think that that is the sort of issue about which the honourable member for Berwick should be concerned.

I conclude my remarks on that note, in the knowledge that the honourable member for Berwick has indicated his agreement that he was supercilious and patronising in moving the motion now before the House, and desiring, as he did, to second my amendment—although the honourable member for Ringwood was too quick for him.

Although I would have wished that more significant issues would be discussed today, this motion has provided an opportunity of clearing the air on this issue. I therefore commend to the House my amendment to the motion, and I hope it will be agreed to unanimously.

Mrs SETCHES (Ringwood)—I oppose the motion and support the amendment moved by the honourable member for Greensborough. The motion that was prepared by the honourable member for Berwick, which has been on the Notice Paper since April of this year, represents incipient sexism masquerading as fraternal concern. It is patronising paternalism.

The honourable member for Berwick seems to have a need to attract some sort of attention to himself. It does not matter what type of attention that is, so long as it is centring somewhere on the Opposition backbench in his direction.

I believe the motion is flippant and trivial and is covertly suggestive of sexism. The honourable member for Berwick, who has moved the motion, has had a great deal of talent in the past and has demonstrated much of it in this House, but he has been denuded by his party to have to bring before this House this type of motion.

The honourable member for Greensborough was so interested in the matter of honourable members reading their speeches that he was not even present when that agenda item was discussed!

When I was discussing this motion with a psychiatrist and a psychologist recently, in passing, they expressed the interesting view that this motion had aspects of being anal retentive. They were fairly interested in coming to the public gallery of this House and listening to the debate. However, as they are not present today, I hope I shall be able to send them the Hansard report of the debate so that they can form their views or judgments on the matter.
When one considers the situation to which the honourable member for Berwick has been introduced, one can apply an analogy: in fact, the honourable member for Berwick was a rooster, who has now become a capon without a feather to fly with.

I believe the motion is provocative and titillating. It is very interesting that the honourable member for Berwick should raise in this House concerns that he might have about question time when, in fact, his party does not even trust him to ask questions during question time.

Honourable members interjecting.

Mrs SETCHES—The evidence exists. If honourable members examine the Hansard reports, they will note that questions from the honourable member for Berwick are certainly few and far between compared with those of other Opposition members.

In regard to the issue of reading speeches in this House, I pick up the point made by the honourable member for Greensborough: there has not been a more tedious, boring, repetitious and dull speech than has been made in this House by the honourable member for Brighton, who cannot do anything at the table of this House without reading from notes.

The other night, the Speaker had to interrupt the contribution of the honourable member for Forest Hill on the basis of boring, tedious repetition. That honourable member made a speech that he was not reading from notes; all honourable members know that the honourable member for Forest Hill has only one speech, which he drags out time and time again, year after year, which relates to the socialist left, the Ministry and the shocking Government, of which he changes a word here and there so as to tie it in with whatever subject might be before the House at the time.

I also direct to the attention of the House the dreadful time that the Hansard reporters and editors must have when sorting out the speeches made in this place. That is because honourable members make their speeches without having the benefit of reading them. As a result, we have the most tortuous type of repetition.

It is just amazing to note, when one examines the Hansard report, that all the speeches are about the same length on the Hansard pages, and they all seem to be cleaned up incredibly well compared with the way in which they were made in the House.

The speeches are made in that way in the House because honourable members come into the Chamber without preparation and without having given any thought to what they want to say; they just rattle off for their allotted time of 20 or 30 minutes, without giving any thought to the content or relevancy of the speech. It is all right, so long as they take up their allocated time—and they take it up with ridiculous repetition.

The honourable member for Berwick should know—or he will know when he receives the minutes—that the Standing Orders Committee has requested a large variety of information from Parliaments in Australia and also the Westminster Parliament to determine what is the practice about reading speeches.

I remind the honourable member for Berwick at present, the House of Representatives—the major Parliament in this land—has stated:

Until 1965 the standing orders of the House provided that "A member shall not read his speech". This prohibition was removed from the Standing Orders following a 1964 recommendation of the Standing Orders Committee. That committee proposed the omission of the Standing Order as there were occasions where it was reasonable to allow the reading of speeches and there were obvious difficulties in applying the rule.

That is the practice in the House of Representatives today.

Let us pick up the point made by the honourable member for Berwick in relation to his support of a sorority of members, his support for women attempting to undertake any activity and this matter of speaking and reading speeches in the House. I wonder whether
the honourable member for Berwick supported the sorority of women in his own party to obtain preselection and in the decision-making areas.

Prior to the demise of the Liberal Government, what was his record in placing women in decision-making areas in the portfolio he held? We may need to look at that—we do not know what went on as there is not a lot on record about what the former Liberal Government did about placing women in decision-making areas.

I shall refer to the figures in a table which was prepared by the Parliamentary Library on women in Australian Parliaments. In the House of Representatives, there are seven Australian women out of 82 ALP members, which is 8.5 per cent. When one considers those in the Liberal Party, 2.2 per cent of the party members are women. In the New South Wales Legislative Council, 28 per cent of ALP members are women. In the Liberal Party, only 20 per cent of its members are women. In the Victorian Legislative Assembly 17 per cent of ALP members are women.

Mrs Toner—What about the National Party?

Mrs SETCIES—In the National Party there is a 0.0; you cannot get much lower than that. The Liberal Party has 3.2 per cent, being the honourable member for Kew alone. In the Victorian Legislative Council, women members represent 27.3 per cent of all ALP members.

To consider the overall figure rather than going through them one by one, ALP women members across the country in all Parliaments number 52. Liberal Party women members of Parliament across the country number 14. Across Australia, 12.9 per cent of all Australian Labor Party Parliamentarians are women, whereas for the Liberal Party the percentage is 5.5 per cent.

So far as the National Party is concerned, I have a surprise for honourable members. There are seven National Party women members across the country. Queensland has four of those seven members and this is the surprise! Across the country, the National Party women members of Parliament make up more in percentage terms than do Liberal Party women; they represent 5.7 per cent while Liberal Party women Parliamentarians represent 5.5 per cent.

Honourable members interjecting.

Mrs SETCIES—In the decision-making area the Liberal Party and the National Party are both fond of saying, “We don’t preselect women; they do not want to be preselected; they do not come forward,” or “They are not appropriate,” or “They wish to stay at home,” or whatever the current reason is for their not being preselected, but the Liberal and National parties say, “What they want to do is be in the decision-making areas in running the parties”.

Let us consider women party officials and my source is APOL database of 18 November 1986, so this information is only two days old, and we must also look at the number of women making up the membership of the political party to make it all the more interesting and cogent.

For instance, across Australia the ALP had 42 women party officials in a party that professes to have 55 000 members. The Liberal Party with a party membership, it says, of 100 000, has 37 women party officials. The National Party—which is the party that says that its women want to run the party; they do not want to be preselected as members of Parliament—numbers 130 000 members, it says, although there could not be so many people who are so silly! The National Party says it has approximately 130 000 members, and the magnificent number of women party officials is 23. The more members there are in a party the less chance there is for women to be decision-making officials.

Mr Hann—What are you talking about? You don’t know what you are talking about!
Mrs SETCHES—I am talking about the support for women members, or the sorority of members, as put by the honourable member for Berwick, and his views about the women in his party, and what practices and affirmative action programs he is going to take on behalf of the women in his party to enable them to carry through the decision-making process so that more women are preselected and can stand as party officials.

What do the women in the Liberal Party say about the Liberal Party? The Honourable Gracia Baylor, a former member of the Legislative Council—everyone will remember her—

Mr Hill—Very well!

Mrs SETCHES—The honourable member for Warrandyte says that he remembers her very well. The Honourable Gracia Baylor led the debate at the table in the Legislative Council against the amendments to the Equal Opportunity Act. Let us consider what she said about the Liberal Party, which was reported in the Herald on October 1985:

Mrs Gracia Baylor, a senior Liberal Party official and former MLC, wants her male colleagues to "lift their game" when it comes to promoting women.

"I would agree wholeheartedly that the Liberal Party's record is appalling, absolutely abysmal" . . .

Mrs Baylor, Victorian "chairman" of the revamped women's section of the party, praised the ALP for an enlightened attitude.

"I think the Labor Party has been much more positive in promoting women. Their thinking has been a lot more positive than ours in that regard".

The Honourable Gracia Baylor then stated:

I think we have to lift our game. The women in our party have been very involved in things like staffing committee rooms, manning telephones, generally servicing areas—the good old handmaiden roles, . . .

There are not enough women involved at the policy level.

The article reported that the Honourable Gracia Baylor then singled out the then Minister for Community Welfare Services in another place as a particularly creditable Labor Party performer. She was reported as having said:

I was in the Parliament with her for three years and whenever she made a speech you knew it was worth listening to.

Honourable members should congratulate the two lone women members of the Liberal Party. They both fought a battle.

When on the shadow front bench the honourable member for Kew had to fight a three-month personal attack from her party to gain preselection for that electorate. Obviously she worked well for her party. That made no difference because she was still singled out and was made to prove to the backward elements in the Liberal Party that she was a suitable person to gain preselection for the electorate of Kew.

The Honourable Rosemary Varty in another place also had to take on the Liberal Party during preselection for the Nunawading Province. She had to prove herself worthy to prevent having the position snaffled out from under her by a smart male who though it would be a good opportunity for him.

One only needs to look at the evidence of the Labor Party to see that it has a sorority in its group in society. The Labor Party has fourteen female members of whom two are Cabinet Ministers. There is no woman on the shadow front bench of the Liberal Party, which has been shown up in the community as male-dominated and not concerned about women. Its policies reflect that attitude.

The Government has a creditable record of raising the status of women, especially their job opportunities, and it has provided equal employment opportunities in the Public Service.
In 1981, under the former Liberal Government, only 5 per cent of women held senior positions in the Public Service. In 1986, under the Labor Government, the number of women was increased to 11 per cent, and 13 per cent of those women hold senior executive positions. The Government has made a difference in providing employment opportunities for women.

There are affirmative action groups in the State Electricity Commission and the Melbourne and Metropolitan Board of Works. The Equal Opportunity Act has been marvellous in providing structural assistance to women. I was pleased to second the amendment to the motion before the House.

I shall be pleased also to work with other members on the Standing Orders Committee when it considers the question of reading speeches in the House and of working on ways to enable honourable members to properly represent the constituents who elected them to enable them to make detailed speeches on policy development and legislation.

Honourable members should be allowed to express their sentiments or make comments in the House in whatever way seems appropriate. I shall certainly work towards ensuring that those structural barriers are removed.

Mr HANN (Rodney)—At the outset, I point out that probably it would have been preferable if neither the motion nor the amendment had been brought before the House. I do not wish to be unfair to the honourable member for Berwick but the manner in which he framed his motion was divisive. I do not believe there is a division between male and female members of Parliament.

As the honourable member for Greensborough stated, when I came to Parliament there was only one female member. In those days that was unique. Times have changed significantly. Women are now accepted but in the early days it was difficult for some honourable members to accept that they had an equal role in Parliament.

The motion moved by the honourable member for Berwick was, I believe, born of a sense of frustration at what has been happening in Parliament for a number of years. The trend has been for honourable members on all sides to read their speeches. When I entered Parliament fourteen years ago, it was taboo for honourable members to read their speeches. The purpose of the Standing Order regarding speeches was to improve the cut and thrust of debate in Parliament. That rule has enhanced debate over the years. If any honourable member wishes to argue the points made by another honourable member, the speech is better if it is not prepared. I do not know how many honourable members get other people to prepare their speeches but a prepared speech eliminates the force of the debate. Parliament has been tolerant of new honourable members, particularly those responding for the first time to debate on legislation. In those cases the House has granted some concessions.

Gradually the trend has changed and more and more honourable members are reading speeches that have been prepared by themselves and others. Those speeches detract from the general debate.

The honourable member for Greensborough referred to changes that were made in the 1960s to Federal Parliament Standing Orders. Since that time Federal members have been allowed to read prepared speeches. The majority of speeches read in Federal Parliament have been prepared by research or support staff. In many cases the speeches are not even individually written.

About two years ago an American Congressman visited Victoria. On occasions I was able to share a platform with him. He told me that he was surprised that State members of Parliament appeared to have a better ability to respond to debate by reading their own speeches. He pointed out that American Congressmen read speeches that have been prepared by support staff. Research into speeches is extensive. He was surprised equally
by the fact that members of Parliament could make a speech from the heart. This encouraged him. We should hold on to that in Parliament.

Honourable members should still be allowed to use extensive notes if necessary because some pieces of legislation require this. An example of that probably prompted the motion moved by the honourable member for Berwick. An honourable member wanted to speak about a Bill dealing with mental retardation and she wished to read her speech. It is still possible for that person to use extensive notes when making a speech on detailed measures, but a personal response should also be given. The honourable member for Box Hill has the capability of doing so.

It is not necessary for honourable members to read their speeches. All honourable members have the ability, in my opinion, to respond to debates on Bills and motions.

Mr B. J. Evans—That is how they get here in the first place!

Mr Hann—One cannot continually read speeches at public meetings. It is impossible to influence people in that manner. The same applies to responding to requests by people; one cannot write a speech. If speeches are read all the time, one loses the confidence of the people who are listening.

If State Parliament moved towards the Federal model, it would be a sad day for democracy and for the tradition of debate in this House. It would take away the cut and thrust of debate and, more importantly, would remove the opportunity provided to honourable members of developing their own styles.

One is encouraged by the development of the styles of new honourable members. Very few enter Parliament with absolute confidence to speak on proposed legislation. This ability is acquired and it is exciting to watch those skills develop. Some present members of Parliament were nervous and lacked confidence when they entered Parliament. They had difficulty delivering a speech to the House.

Mr Kennett—Name them!

Mr Hann—No, I will not. I have been impressed by their development. It is essential to research one's speech. I was unimpressed by the argument put forward by the honourable member for Ringwood when she suggested some honourable members wish only to fill in the time allowed to make a speech, say, 20 minutes, and constantly repeat themselves. That is not my impression.

Over a period all honourable members tend to repeat some of their speeches. One could compare two or three of my speeches and probably find that one speech could have been incorporated in place of another. That does happen, particularly when one is in Parliament for a long time. However, one can always find something new.

The honourable member for Greensborough moved an amendment to the motion moved by the honourable member for Berwick. The amendment was extremely critical of the honourable member for Berwick. As I said earlier, his motion was probably based on anger and frustration because of the way Parliament is heading. Honourable members have been constantly ignoring Standing Orders and they have been allowed to read their speeches. That practice prompts other honourable members to fall into line. If we continue along that track, Parliament will lose proper and effective debate.

The Parliamentary system is about the Government versus the Opposition, with members from each side debating the day-to-day issues, motions and Bills that come before the House. Each tries to influence the other about what the final decision should be. To do so it is important to keep the system alive.

The honourable member for Berwick suggested in his motion that, if written speeches are to be allowed, they should be incorporated in Hansard without wasting the time of the House in listening to them being read. Even members of the Opposition are tempted to
have long second-reading speeches made by Ministers, especially those made by one Minister, incorporated in *Hansard*, but the House has consistently rejected that suggestion.

It is a good principle, as the Leader of the Opposition says, although we in the National Party discourage our lead speakers from reading their speeches. We are happy that they use extensive notes, but, apart from when contributing to Budget debates and debates involving corporate issues, we do not believe that even lead speakers should be encouraged to read prepared speeches. However, the National Party supports that as a general principle.

As an amendment to the amendment moved by the honourable member for Greensborough, I move:

That all the words after “speeches,” be omitted with the view of inserting in place thereof the words “and recommends that the current practice of restricting the reading of speeches to the second reading speeches on Bills and lead speakers on Bills and motions be retained”.

The SPEAKER—Order! For clarification, I advise the House that where a motion and an amendment are moved and a further amendment is then moved, the procedures of the House require that the last amendment is dealt with before the motion and the first amendment. I refer honourable members to page 399 of *May’s Parliamentary Practice*, under the heading “Amendments to Proposed Amendments”.

Mr HANN—My reason for moving this amendment is my concern that the motion moved by the honourable member for Berwick and the amendment moved by the honourable member for Greensborough were divisive, in that they were critical of individuals within this House, and I believe that is undesirable. I do not believe Parliament ought to pass motions that are critical of individual members.

I believe strongly in the current practice of restricting the reading of speeches, in the terms of my amendment. Consequently, I strongly recommend to the Standing Orders Committee that it maintain the current restrictions on the reading of speeches, with the normal tolerance in respect of new members. However, even that tolerance needs to be exercised with care because a member who is allowed to continue to read speeches from time to time gets into that habit and does not develop the skill of debating off the cuff. From my experience, every honourable member in this House has that skill, which is useful and important in the community. It is why members are elected to Parliament in the first instance.

I again express concern that the practice followed in Federal Parliament of allowing all speeches to be read makes a farce of the Parliamentary process; it takes away completely from the cut and thrust of debate and introduces speeches that are not necessarily the views of the member concerned but the views of his research or support staff, and I believe that is unsatisfactory.

I hope the House might ultimately unanimously support my amendment to supersede the original motion and the amendment moved by the honourable member for Greensborough and refer the matter to the Standing Orders Committee, with a view to it making a recommendation to Parliament on this issue.

Ms SIBREE (Kew)—I am pleased to hear the remarks of the Deputy Leader of the National Party who has injected some sanity into the debate. When the debate commenced it seemed to me that for once there would be a debate in Parliament on the role of women in this Parliament. It is a shame that the whole thing was turned into something of a circus, and a rather bitchy one at that, so I am pleased that the Deputy Leader of the National Party has suggested some reasonable solutions to the dilemma.

I was somewhat saddened that the honourable member for Berwick moved the motion, although he no doubt had good intentions. I do not think he is as black as he has been painted by members on the Government side. For the record, I believe the honourable member has a genuine interest in the development of women’s roles. I recall him in the past, as a Minister, seeking out women to be appointed to committees and councils over which he had Ministerial control.
I can recall being asked by him to serve on the then Consumer Affairs Council and, later, to serve on the Metropolitan Transit Authority not only because of my interests and training but also because he was quite deliberate in ensuring that women were represented on certain committees or councils involved with transport. Therefore, comments made about the disinterest of the honourable member for Berwick in developing the talents of women are not grounded on good examples.

The honourable member for Berwick has a good track record in this area. That record was possibly not clearly spelt out in the way I would have liked to see it spelt out and I suspect it was unfortunate that it was put in the way it was put.

I vividly recall the incident, which came to the mind of the honourable member for Berwick when he moved the motion, and I recall the honourable member for Box Hill reading from notes during a complicated speech on the Intellectually Disabled Persons' Services Bill (No. 2).

What one must remember as we gather into Parliament more and more people from various interest groups in life—many of whom hold closely-held beliefs and concerns about issues—is that sometimes people can become very emotional about those issues that they bring into Parliament and for which they fight tooth and nail. Others come because they have a political interest in controlling the affairs of State, not from the narrow perspective of the special interests they have—and I know that the honourable member for Box Hill has those special interests—but they have a perspective of continuing in the political power movement of their parties and taking on a difficult role in Parliament.

Others are quite aware of that; others come to Parliament with a different experience, perhaps from business, which is dealt with in a different way in a debate in the Chamber.

I am aware of the special interest and hard work of the honourable member for Box Hill in this area although I do not share her political beliefs, but I respect her interest and her pursuit of them.

What one has to accommodate is the fact that as Parliament accumulates not just more women but also members from many different perspectives, there will be people who wish to make their opinions known in ways that allow perhaps a more emotional involvement in what they are saying than hitherto has been expressed in the Parliamentary debates.

Although the rules and forms of Parliament have been developed over time to ensure that emotional arguments and sometimes very emotional moments between honourable members who feel differently and strongly about issues are controlled within a set of rules understandable to all, I suspect that the reading of speeches does not go to that sort of control. That is perhaps a rule.

As indicated by the Deputy Leader of the National Party, that rule is perhaps there to keep and develop the cut and thrust of debate in Parliament but, quite frankly, if one listens to the type of debate ensuing in Parliament, that cut and thrust is not always clear.

Most of the debating is done outside, behind the Chamber, with men and women of good intent, trying to, in many instances, come to some accommodation between the parties in respect of Bills, many of which are complicated and often in the best interests of the community. Those persons often play a political game which, all honourable members know, we do play.

Sometimes adjustment to playing that game is not easy for some people who have not really been involved at that level in many areas. Therefore, although I recognise the past history of the honourable member for Berwick in areas where he has proposed women for certain work—and properly so, as a Minister—the motion was cast in an unfortunate way that reflected on women members of Parliament, again in an unfortunate way.

I do not know of women who read speeches. I am aware of persons referring to copious notes and that is difficult not only for honourable members, but also, indeed, for Ministers when they are answering during question time; all honourable members have noted that.
The sorts of suggestions that the Deputy Leader of the National Party is making—that the debate be taken out of an area of men versus women and who is and who is not competent and who has more or less equality—is a sensible suggestion. The debate seems to be a stupid one. It should be taken into the area of the forms of Parliament and possibly developing forms that will accommodate more women coming into this place.

The hours of sitting of Parliament, in many instances, are absolutely stupid, in terms of people with family responsibilities; and that includes not just women; it includes our male colleagues, who, equally, have young children they rarely see, except when the children are asleep. If honourable members are to live in that sort of environment where it is sometimes difficult to keep our family and emotional lives in tune with our working lives, we must take a careful look at ourselves with the possibility of changing the forms of Parliament.

The particular instance to which the honourable member for Berwick referred took place towards the end of the last sessional period. All honourable members had been working hard; it was a difficult debate; probably many of us were tired and a bit grumpy, but we continued to push ourselves through the grind of getting the Parliamentary work done.

The Parliaments in Australia and its States keep indicating that we must look at our procedures in an attempt to accommodate some of these matters but we rarely do anything about it. I know it is difficult because we are playing political games and vying with each other in that area but I do not see why we cannot also look at areas where we limit times for debate so that, for instance, when dealing with the Appropriation Bill in the Committee stage, all departmental allocations could be considered rather than getting only halfway through them; that is not good enough.

We should be allocating our time as professionals to ensure that things that need to be looked at carefully and addressed properly are addressed; and strict time allocations is one way of achieving this.

Instead of staying here until 3 a.m. or 4 a.m. at the end of the session allowing repetitious debate on the same Bills, we could be examining the important areas more closely.

Another improvement to procedures would be incorporating the second-reading speeches of Ministers into Hansard and not merely allowing them to be read out. I find that to be the greatest waste of time of all time, especially if the second-reading speech has come across from the other place.

Unless there is some variation in the speech from its reading in the other place, and unless the Minister wishes to make a comment at the end of it, I see no reason why it cannot be incorporated into Hansard instead of honourable members sitting here at 2 a.m. listening to someone reading a speech at an incredibly unintelligible speed. I am not blaming the Minister for reading at such a rate that it sounds like a record put on the wrong speed—he would also probably prefer not to be reading it; but the practice certainly should be altered.

Some things in this place are testing on us all, whether we are men or women, and hopefully the motion will alert honourable members to the fact that we all have to work together occasionally, in the best interests of all Victorians, not necessarily in the perceived best interests of our own party, which can sometimes backfire on all sides.

If the motion can highlight some of these areas, the efforts of the honourable member for Berwick will be appreciated; but I do not know whether it will necessarily be helpful singling out women when there are just as many men who could be criticised for lack of performance in the House, sleeping in the House or not being around at the time of a division.

All honourable members have made mistakes at one time or another so let he who is perfect cast the first stone; but I will not start casting stones; I will try to do my job here to
the best of my ability—not because I am a woman but because of what I believe and I
intend to pursue what I believe in because it is important.

The whole debate is rather unfortunate. We should start looking at more positive
measures to improve the operations of Parliament. The present operations of the House
are an important part of how Parliament works but one of the other most important areas
is the work of committees. That work does not come to the attention of the public very
often. Written speeches are not needed on committees; we use our brains.

Committee work provides honourable members with good experience because of the
exciting, creative and constructive work performed across party lines. Unfortunately, the
public is not provided with enough information on the work of Parliamentary committees.

A few weeks ago I attended a Rotary Club meeting, to speak on the constructive
measures that are taken by members of Parliament across party lines. The people who
attended that meeting were astonished that a Parliamentary mechanism exists which
allows constructive work by members of Parliament across party lines on examining issues
and developing solutions.

The motion should highlight issues such as this. I commend the Deputy Leader of the
National Party on his amendment, which seeks to introduce some sense into the debate,
but I find difficulty in supporting the motion moved by the honourable member for
Berwick.

Mrs HIRSH (Wantirna)—I support the amendment moved by the honourable member
for Greensborough and reject firmly both the motion moved by the honourable member
for Berwick and the amendment moved by the Deputy Leader of the National Party.

The amendment moved by the Deputy Leader of the National Party is aimed at
maintaining the status quo of the current practices of the House. These matters are under
consideration by the Standing Orders Committee. If the House agreed to the amendment
moved by the Deputy Leader of the National Party, it would pre-empt any decision
subsequently taken by the Standing Orders Committee.

It is sad that in this day and age it is necessary to speak about discrimination against
women generally and, in particular discrimination against female members of Parliament.
Unfortunately, that is what the motion moved by the honourable member for Berwick
forces one to do. I felt sorry for the honourable member for Kew, who was obliged to
defend the actions of the honourable member for Berwick because he is member of her
party. It was a pity the honourable member for Kew had to defend something that I know
she would not approve of and would not appreciate.

The honourable member for Berwick gave an enlightening speech in which he used
words such as “desirable” and “expressions of feelings”. The honourable member spoke
of the need for honourable members to express a feeling of sincerity by putting their heart
and soul into speeches in the House.

Members of Parliament have not been elected to give displays of emotion. The
community wants its elected representatives to work hard on policy development in the
interests of the community. It does not want those members simply giving displays of
emotion, which trivialise the performances of honourable members.

The assumption made by the honourable member for Berwick left logic behind. The
honourable member assumed that, if an honourable member reads a written speech, that
speech is written by someone else. Perhaps that is the way the honourable member for
Berwick functions—by reading a speech somebody else has written! Perhaps it is an
assumption generally about the Liberal Party. However, if Government members read a
speech, it is one they have written themselves.

Members bring to the House a variety of interests and expertise and demonstrate
sincerity and dedication in developing policies which represent their constituents.
For example, when the honourable member for Box Hill spoke on the Bills dealing with mental health, she wrote her own speeches. Each word of the speeches made by the honourable member on this extremely important and progressive issue was prepared by herself. She also taught me a great deal about those issues after I was first elected to Parliament in 1985.

Indeed, other Government members have displayed similar expertise and interests in other areas. They work hard and relentlessly pursue research in their areas of interest and expertise.

It is totally irrelevant whether an honourable member either reads a speech or speaks off the cuff. The content of the speech is the important factor.

The honourable member for Berwick spoke about giving credence to the eclectic merit of an anthology. The merit of any anthology or any other piece of material, be it written or spoken, rests upon its content. It does not matter how the person saying it feels; it does not matter whether they are unhappy, angry or miserable. The community wants to hear what the honourable member is saying and to discover how much the member knows about the subject on which he or she is speaking.

Government members put their heart and soul into their areas of expertise and interest. The constituents I represent are more concerned with what I have to say about their well-being, their interests and difficulties. They are not interested in how I feel when I speak on those issues; my feelings are irrelevant.

Prior to the honourable member for Berwick speaking on his motion, I could not make any real sense of it. However, the assumption by the honourable member that, if an honourable member reads a speech, someone else must have written it, clarified the motion, and I found the assumption astonishing.

The honourable member for Malvern, who is interjecting, may be interested in a suggestion I have, which, if adopted, would take even further the motion moved by the honourable member for Berwick. In addition to incorporating speeches in *Hansard*, perhaps members of the Opposition could place photographs of themselves in their seats in the Chamber so that they would not even have to attend the House. Indeed, if the honourable member for Malvern replaced himself with his photograph in the Chamber, it would be a distinct advantage to all other honourable members.

The Deputy Leader of the National Party spoke about the cut and thrust of debate. Cuts and thrusts do not matter as much as what the debate is about.

There are areas of Parliamentary work outside this House that are of enormous relevance and importance to the people of Victoria. These are the Parliamentary committees where speeches are not written and the cut and thrust to which the Deputy Leader of the National Party referred is not the prime focus of debate.

The prime focus of debate in Parliamentary committees is connected with the process of reaching decisions which are in the best interests of Victorians. The committee with which I am involved, the Social Development Committee, is concerned with the social development of the people of this State. There is no need in that committee for cuts and thrusts, point scoring or winning and losing; it is about people from across the parties, men and women, working together with one purpose: to attempt to improve the social conditions of Victorians.

All honourable members who serve on Parliamentary committees find that an important and satisfying part of their work. It is far more important than the cut and thrust of debate and far more important than the expression of emotions. The place for the expression of emotions is not in the Houses of Parliament or in the Parliamentary committee system. I guess that if the honourable member for Berwick were attending group therapy sessions, he could give there expression to those emotions that he may be feeling or that may be troubling him.
The honourable member for Ringwood gave a clear and interesting statement on the relative importance of women in the Victorian Parliament and this she compared with other Parliaments. When honourable member attended the 75th anniversary celebrations of the Commonwealth Parliamentary Association, I found that ties commemorating this occasion are available for purchase by honourable members. I have no interest in buying a Commonwealth Parliamentary Association tie. It would appear the direction for the provision of these ties came from London. I made a request that other objects that may be of general interest to all honourable members might be made available. In making that request, I discovered in general discussion that only 3 per cent of the members of the House of Commons are women. Perhaps it is because of the Conservative Government that no affirmative action programs have been undertaken in Britain and, as a result, the representation of women in Parliament is sadly lacking.

As the honourable member for Ringwood said, 10 per cent of the members of the Legislative Assembly are women and just over 15 per cent of members of the Legislative Council. This compares favourably with the rest of Australia. It is interesting that fourteen out of sixteen of these women are members of the Australian Labor Party. That fact speaks for itself about attitudes towards women across the parties.

It is sad that the honourable member for Kew found it necessary to defend the honourable member for Berwick. She is in a lonely spot on her side of the House and it is a pity that the Opposition does not consider some form of proper affirmative action program; rather than the supercilious and patronising motion moved by the honourable member for Berwick that did nothing more than denigrate the concept of affirmative action.

It is a pity that the honourable member for Berwick needed to leave the House on at least one occasion during the debate. It may have something to do with his addiction to tobacco. Perhaps some form of discriminatory practice needs to be taken up which would oblige members who have moved motions to remain in the House for the course of the debate and not to go outside to satisfy an addiction. That is something the House could consider in the future. Alternatively, something could be piped through the House so that movers of motions could suck on a smoke while listening to the debate. As I said, it is a pity that the honourable member needed to leave the House during the debate on the motion, albeit so facetiously moved.

I conclude with another example of the attitudes that members of the Opposition have over the years shown towards women generally. I believe these attitudes help explain why two members from the Opposition benches and none from the National Party are women, whereas fourteen women occupy Australian Labor Party Government benches.

I shall quote some comments made by the honourable member for Doncaster as reported in Hansard on 14 September 1983. I shall have to read this because I have not learnt by heart any of the speeches made by the honourable member for Doncaster:

As a male, I always consider that the female is superior in the family home and copes well with many of the problems the family faces.

That is perfectly correct but it does not go far enough. If the test were to finally come, the female could well be superior in the majority of endeavours that she undertakes and this may be one of the reasons why the honourable member for Berwick felt so threatened and so obliged to have a go at women in his patronising motion on the Notice Paper.

The honourable member for Caulfield, who unfortunately is not in the House at the moment, is reported in Hansard on 24 September as stating that the high proportion of youth unemployment in Victoria could be attributed in part to the number of females now in the work force. I conclude with that remark; it speaks for itself.

Mr B. J. EVANS (Gippsland East)—I have a lot of sympathy with the point of view expressed by the honourable member for Wantirna. I agree that we should consider the attitude of honourable member much more seriously than we do to ensure that those of use who are a little more timid in our approach with people are not intimidated by the
actions of groups of honourable member whenever a particular member rises to his or her feet.

I have always been conscious of the fact that in the sixteen years of my working life prior to entering Parliament, I had little contact with people in the normal course of my day. I could work for weeks on end seeing few people outside the immediate members of my family. Like anything else, the ability to communicate and deal with people is a matter of practice. Some may be born with special capabilities in this regard but others must acquire them.

I am sure that many new members in this place, and even some who have been here for many years, are daunted by a barrage of jeering and catcalling and intervention that can come from other members when they are speaking.

I suggest that the honourable member for Wantirna considers how her colleagues react on many occasions when honourable members on the Opposition or corner benches express their opinions.

In accordance with Sessional Orders, the debate was interrupted.

The SPEAKER—Order! I advise the honourable member for Gippsland East that when the motion is before the House again, he will receive the call to continue his speech. For the clarification of the printing of the Notice Paper in future, I will take the amendment proposed by the honourable member for Rodney as a foreshadowed amendment. When I resume the chair at 2 p.m. Government business will take precedence.

The sitting was suspended at 1.1 p.m. until 2.6 p.m.

ADJOURNMENT

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That the House, at its rising, adjourn until tomorrow, at ten o’clock.

This is merely formalising the agreed sitting time for tomorrow.

The motion was agreed to.

JOINT SITTING OF PARLIAMENT
La Trobe University

A message was received from the Council acquainting the Assembly that they have agreed to meet with the Assembly for the purpose of sitting and voting together to recommend members of the Parliament of Victoria for appointment to the Council of the La Trobe University, as proposed by the Assembly.

APPROPRIATION MESSAGE

The SPEAKER announced the presentation of a message from His Excellency the Governor recommending that a further appropriation be made from the Consolidated Fund for the purposes of the Transport Accident Bill (No. 2).

FRIENDLY SOCIETIES BILL

The debate (adjourned from October 23) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

Mr RAMSAY (Balwyn)—The Friendly Societies Bill, which was introduced to the House last month, seeks to provide an update and relevant framework for the operation of friendly societies in our modern community. At the same time it seeks to maintain flexibility to enable the friendly society movement to cope with change and to continue to
provide the types of services they have traditionally provided their members for years, and to enable the community to have confidence that friendly societies are protected from invasion by commercial interests that may use them for their own commercial purposes rather than in the interests of the members.

This is extremely important proposed legislation that will affect the lives of many Victorians in years to come. The friendly society movement has a long and fascinating history, both in Australia and in England where the movement originated. I understand that 113 societies are now operating in Victoria. Some of them are public in the sense that they draw membership from any member of the public. Others are associated with particular employment groups where membership is restricted.

Friendly societies have had the primary objective of providing members with services and assistance, particularly in the case of special needs in times of sickness. Hospital benefits, ancillary health benefits, dental benefits and, indeed, a funeral benefit are among the traditional benefits for which friendly societies have adopted responsibility. From this, they have extended their activities into the operation and conduct of dispensaries, running pharmacies, first for their members and then moving out into the general community.

Later on, of course, the issue arose—and it is in this area that there has been some uncertainty over the years—to what extent friendly societies could operate as insurance offices. It is interesting to read something of this role in a publication entitled, “The Legal Nature and Taxation Implications of Friendly Society Savings and Investment Assurances”, produced only this year by Mr Ross Higgins, a well-known Melbourne solicitor. In summary, Mr Higgins states:

Under Victoria’s consolidating friendly society legislation of 1877, upon which our present Act is based, it was never intended that friendly societies be able to contract with members for the provision of life assurance benefits. Amendments since 1923, while providing the legislative foundation for societies to effect such assurances, do not within the framework of nineteenth century English friendly society legislation, amount to a statute capable of adequately regulating today’s significant friendly society life assurance business.

Mr Higgins went on to say:

Comprehensive new legislation is required which identifies the friendly society as both the underwriter and seller of life assurance. Such legislation should remove unwarranted restrictions on friendly society, and flexible assurance fund management. In this regard, the investment powers of the flexible fund should be extended to a degree comparable to that of life offices in respect of similar funds, a broadening in the range of purposes for which societies can be registered is required, and abolition of the statutory limit of assurance, would allow effective competition with other institutions and maximization of returns. Redefinition of the object for which a society can be registered is required, so as to clearly identify the power to effect life and endowment assurances. Matters left to implication, such as, who can be a member, who can contract with the society, and the exact nature of the requisite insurable interest, need clarification. Many matters which are presently left to societies rules, and the influence which the Statist or Registrar might have over societies, are properly matters for legislation. In particular, provisions relating to forfeiture, surrender, and lapse of policies should be introduced. Control over management fees and commission charges are other areas befitting of legislative attention. Furthermore, if the Statist and Registrar are to have powers to intervene in the financial, marketing and solvency affairs of societies, and exercise discretionary regulatory functions, these should be properly vested by legislation.

The passage from that excellent treatise summaries the situation Victoria faces, which the proposed legislation is designed to address. It highlights the need for new legislation, because friendly societies, like Topsy, have grown from their earlier days and are now financial institutions of increasing significance and, in many ways, the legislative framework for their growing operation is not there.

New legislation can ensure that the opportunity will be given to members to benefit and protect their interests against improper commercial invasion of their activities. It is important that new legislation should be on the statute book.

Turning to the Bill itself, perhaps the key features of the Bill are contained in the objects clause, clause 4, where the earlier objects of friendly societies are clearly spelt out, namely, the provision of health and welfare facilities and services for members or their dependants, including but not limited to, hospital, medical, dental, pharmaceutical, optical and
physiotherapy benefits; the provision of facilities and benefits for the relief and maintenance of members or their dependants in the case of death, sickness, disability, accident and so on, but specifically, that friendly societies have as their object the provision of annuities, life insurance and superannuation benefits for members or their dependants, along with the provisions of services and benefits for the education of members or their dependants. This is the new area into which friendly societies are emerging.

The proposed legislation contains a number of extremely good points. It is a comprehensive statement of a structure for friendly societies under which societies should be able to operate extremely well. In the 142 clauses provision is made for the incorporation of societies, which will be something new and more satisfactory and suitable to the modern business climate than the old arrangement under which societies operated with directors under the control of trustees. The proposed legislation provides control over the use of names of friendly societies, the definition of membership and the provision of voting rights.

It provides a framework for management, structure of appointments of directors, the role of the registrar, necessary accounting procedures, actuarial valuations, the provision for fiscal powers and obligations of societies, a framework for the overall administration and all its associated requirements.

I understand the Bill has been drawn up with the help of the Friendly Societies Association and that there is a wide degree of support in that industry or fraternity for these proposals. Having said that, the Opposition does have concerns about the way the Bill is proceeding because, over the past few weeks several things have become clear; many people who have contacted me have expressed concern about the detail of the proposed legislation. Some were aware that the proposed legislation was being introduced into Parliament, but others were surprised to find it was before the House. And they found themselves with relatively little time to familiarise themselves with the provisions of the Bill.

In an effort to help educate those people, the Opposition made contact with the registrar, only to find that he was absent from Victoria from the day the Bill was introduced into the House until earlier this week. The Opposition’s efforts to contact the Government Statist were thwarted because there is no Government Statist in Victoria at present. The chance to discuss the matter with the Deputy Government Statist was equally frustrated. He has recently resigned and has taken up an appointment in Queensland. The Opposition’s ability to consult on the Bill, in spite of the help of some of the officers of the Department of Management and Budget and the assistant registrar, to whom I give every commendation for his assistance, has been frustrated. Senior people have not been available either to the Opposition or to the many people in the community who are only just coming to know of the existence of the proposed legislation.

At the same time there has been a growing flood of correspondence and expressions of concern about different aspects of the proposed legislation. This has led me to the conclusion that we should be less than confident that the smaller friendly societies and their members have full knowledge and understanding of the impact the proposed legislation will have on them and their activities.

In any group of organisations, it is usually the larger ones that are the most active and influential in terms of approaching the Government and seeking to have legislative changes made in their particular areas of concern. The fact that smaller societies consider that the proposed legislation has been drawn up in consultation with larger friendly societies through the Friendly Societies Association leaves them feeling somewhat vulnerable and leaves a number of their members feeling less than certain about the impact the proposed legislation will have.

Therefore, two factors are involved; the growing feeling that there is less then complete knowledge about the proposed legislation out there amongst the people most directly concerned; and growing expressions of concern about various aspects of the Bill. I shall
deal with some of those concerns and, undoubtedly, they will be discussed more fully during the Committee stage.

Concern has been expressed to me about some 23 different clauses in the Bill. I shall not attempt to cover them all, but to illustrate the flavour of the problem, I point out that the new requirement for a minimum membership of 100 people is a requirement that some societies are concerned about. They have not been given the chance of presenting these concerns to the Minister.

Considerable concern has been expressed about the age limits imposed by clause 24 dealing with the retirement of directors. When a director reaches 72 years of age, the office of director becomes vacant at the next annual general meeting. As the proposed legislation now stands there is no provision for an older person to continue as a director once he or she reaches the age of 72 years.

Clauses 27 and 28 set out matters relating to management contracts and service contracts. A problem the Bill is attempting to address, as I understand it, is to ensure that no society will find itself caught up in a management contract that removes the control of the society from the directors and gives it to the appointed manager, which is one of the risks that societies face under the current legislation.

At the same time there is concern amongst societies now that clauses 27 and 28 will prevent societies entering into management contracts whereby they can delegate to an appointed manager any of their functions which, from the societies' point of view, is extremely beneficial.

Clause 28, about which concern has been expressed, requires that a service contract must expire after three years unless it is renewed. A service contract will automatically be terminated every three years. This clause is causing major concern amongst societies in that some of the service contracts relate to single premium insurance policies and the issue of bonds.

This field has become part of the area of operation of the friendly societies at present. Most of the bonds are issued for periods of more than ten years. To take advantage of the single premium life insurance policies—which is what they amount to—they must run for a period of ten years.

If the bonds are issued in conjunction with a management contract, say, with a merchant bank, the merchant bank has an ongoing interest in the affairs of the society—a very legitimate and correct interest—for a period of ten years. Some policies run for up to 40 years.

If there is to be an automatic expiry of those service contracts every three years, one can see the uncertainty and insecurity that this requirement will generate. It may well be necessary for some changes to be made in that area.

Other concerns have been expressed about the availability of the register of members to any member of a society. Clause 34 provides that any member has the ability to obtain a copy of the register of members. Concerns amongst smaller societies are beginning to be expressed that this may lead to the loss of confidentiality so far as their membership is concerned. It may lead to poaching from other groups which, of course, is not in the interests of the particular society.

Clause 100 establishes the Victorian Friendly Societies Advisory Committee. The way the committee is structured at present makes it purely a creature of the Government of the day. The requirement is that four of the members shall be representative of the friendly society movement. However, there is no provision for the movement to nominate members to the advisory committee unless the Minister requests them to do so. That is an administrative point that surely should be set out more clearly in the Bill than it is at present.
One extremely alarming shortcoming in the Bill, which has been pointed out in the past few days, concerns clause 126 where it is made an offence for any organisation that is not an incorporated or registered friendly society to use the name or title "friendly society". However, we have the curious situation where the offence carries no penalty whatsoever.

I have illustrated the flavour of the concerns that have been expressed; some of them are more important than others that have come to light in the past few weeks. I have also pointed out the concern expressed by friendly societies and interested persons who consider that they have not had a chance of fully examining the implications of the proposed legislation. These two factors lead me, on behalf of the Opposition, to move the following reasoned amendment. I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "the consideration of the second reading of this Bill be deferred in order to give the Ministry time to receive and consider representations from all friendly societies affected by the legislation."

The purpose of the amendment is not to unreasonably defer the enactment of the Bill. The Opposition wants the Bill to proceed at the earliest possible time, but it is important that when it proceeds it should be right, be understood and be widely accepted by the friendly society movement.

I do not ask for a long deferment but friendly societies should have the opportunity of being able to inform the Minister of various problems that have been identified through their study of the proposed legislation. There has not been a proper opportunity for that to occur, particularly in the absence of the registrar.

I point out to the House that the registrar, under the provisions of this Bill, will be an extraordinarily powerful and important figure. He will be able to control the destiny of friendly societies in a very intrusive and complete manner. At the same time he will be able to delegate powers to other officers under his administration. Friendly societies will be heavily dependent on the integrity, skill and ability of the officer holding the position of registrar. It is only proper that that be so, but it makes it more important that all friendly societies should have the full and complete opportunity—I refer particularly to smaller societies—of making representations to the responsible Minister before the Bill is enacted into law.

Having said that and having moved my reasoned amendment, I reiterate that the Opposition supports the concept of the Friendly Societies Bill in updating legislation and making proper provision for this important financial sector of the community. Friendly societies have an important and special part in the lives of thousands of Victorians who through their own interests or, in many cases, through the interests of their families, in friendly societies over the years, view friendly societies as the financial institutions in which they wish to invest and to play a part in the financial future of Victoria.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party in principle supports the Friendly Societies Bill, and to say it is overdue would be an understatement. The Bill is a rewrite of the 1875 Act. Representatives of friendly societies who have spoken to me welcome the Bill and hope that it is passed by Parliament. However, they have also suggested some amendments.

Friendly societies have changed in character in recent years. One friendly society has 280 000 members and another one has 87 members, so their needs, objectives and administration may be different. The emphasis of the work in which they are involved has also altered. The big societies are significantly involved in the financial world today and are borrowing moneys in large amounts. Those societies have complicated and sophisticated dealings which are far removed from when they first originated.

The honourable member for Balwyn has criticised some provisions of the Bill and I support him in principle. On behalf of the National Party I will introduce some proposed amendments in the Committee stage. I have discussed those amendments with the Treasurer and we are in agreement with the changes.
When the proposed amendments are moved there will not be a significant disagreement between the Government and the National Party. I trust the Liberal Party will support the Bill in the long term. If it were rejected so that it could be redrafted, Parliament would be using its influence on an area that does not require that influence. From time to time proposed legislation is rejected and sent back to the drawing board.

I understand that the honourable member for Balwyn has been frustrated and a little annoyed in recent days because he has had insufficient time to discuss the Bill with persons affected by its provisions. I suggest to the Treasurer that measures of this kind should be introduced in the autumn sessional period and debated in the spring sessional period. That would provide sufficient time for the opposition parties to examine the Bill and to contact as many people as possible.

I cite amendments made to the Local Government Act when the Liberal Party was in office. Proposed legislation was introduced in November and was deferred until the following March to give local government the opportunity of carefully examining the measure over a reasonable period. That approach gave the two opposition parties the opportunity of undertaking sufficient investigation.

Although an adjournment of three weeks sounds reasonable, at this time of the year the opposition parties are restricted because of problems caused by many other Bills that have been introduced. I do not believe the problems associated with the Bill are sufficient to delay its progress, particularly as many people affected by the Bill wish to have it passed.

I appreciate the cooperation of the Treasurer in agreeing to certain proposed amendments to be moved in the Committee stage. A few matters associated with the borrowing powers of friendly societies have caused concern because societies want to have some independence in that sphere. Some friendly societies are large organisations and they should have more independence. If they cannot have that independence, they must have the close cooperation of the Treasurer in what action they wish to take.

Friendly societies perform a useful role today. They are an important part of community life and have a proud record in what they have done for the Victorian community over the past 120 years.

The National Party supports the proposed legislation. This is a Committee Bill and I shall move proposed amendments, which I have supplied to the Treasurer and the honourable member for Balwyn, at that time.

Mr WILLIAMS (Doncaster)—I speak with a sense of sorrow rather than anger on the Bill. The whole tradition of my family and me, going back to my great-grandfather who was a founding member of one of the great temperance lodges in Victoria, makes it difficult for me to become excited about revising the Friendly Societies Act, even though it was passed in 1875.

I regard laws against friendly societies in a similar manner as laws against churches. Honourable members cannot legislate morality if people do not engage in the virtues of brotherly love, as demonstrated by the basic tenets of a friendly society which are to show compassion towards one's fellow man.

There is no doubt in my mind that since the foundation of friendly societies until the 1950s, they were the one place distressed Victorians could turn to in times of trouble. They were responsible for assisting people with sick pay, death benefits and advising the unemployed. If a person were down on his luck, he could go to a friendly society—in my case as an impecunious young student it was on a Thursday—to play cards or lawn bowls. If it were a temperance lodge, a person could have a lemonade or, if it were not, a stronger drink—but at least one's fellow man looked after one. Unfortunately, friendly societies these days have become megabucks financial institutions.

They are no longer brothers to the little guy; they are brothers to the big merchant banks and other high-flyers in the money markets of this State. I shall give one example. The
Independent Order of Oddfellows, which is the oldest friendly society in the State, began in Sydney in 1836 before Victoria had even gained its independence. According to a recent press statement, the Chairman of the Independent Order of Oddfellows stated that the society is now on track to reach targeted assets of $1000 million by June next year. That is how big that society has become.

According to the chairman, $6 million a week flows into the coffers of the society under its super saver investment plan, super growth approved deposit fund, and savings and deposits through its building society and savings and loan cooperative subsidiaries. The society has now become a big business. I am not picking only on that society as there are a number of others.

Three years ago the Registrar of Friendly Societies complained about the sale of flexible insurance policies disguised as tax-free saving schemes. Over the past three or four years, the society about which I have spoken has sold flexible insurance policies to the value of more than $400 million. The Order of the Sons of Temperance has sold policies worth $144 million; Manchester Unity has sold $122 million worth of policies; the Protestant Alliance Friendly Society has sold policies to the value of $82 million; and the Over Fifties Friendly Society has sold policies worth $55 million.

Those societies are no longer the little, friendly societies that most of us used to go to on Thursday or other nights and to which we paid small fees. Largely due to the sale of policies, the assets of Victorian friendly societies have increased more than tenfold since June 1980. At that time, the assets of friendly societies were worth $139 million, and they are now in sight of $2000 million. It is no wonder that the Treasurer and his advisers want further controls placed on friendly societies.

One cannot have rogue elephants in the money markets of this State. Friendly societies must be under the same controls that companies are under through the National Companies and Securities Commission. No longer are friendly societies what their name claims—fraternal, social and benevolent institutions—they are just big brothers to the money market.

In 1980 the bulk of friendly society assets were in run-down halls, fixed deposits, low interest Government bonds, and housing mortgages on favourable terms to members. What are they now—huge depositories of money linked with big money market operators investing in fast moving, albeit approved, trustee securities.

Friendly societies are uninhibited by the restraints imposed by the Insurance Commission and the National Companies and Securities Commission. They are now huge operators in the short-term money market, dealers in bank bills and so on.

In the interests of orderly financial markets, friendly societies, unfortunately, must now be held responsible for actions way beyond the ken of their founding fathers or the bounds of the legislation that has hardly been changed since 1875.

The funds for the massive activities of friendly societies have been generated by persuasive promotion of a wide variety of insurance policies marketed under such high sounding names as, "blue chip protection bonds", "capital guaranteed accumulation plans", "super saver investment bonds" and the like.

People believe they are putting their money into building societies or banks. They do not realise that they are tying up their money for 10, 15 or 20 years. If a person wants to cash the bonds at any time, because of the heavy management expense loadings in the early years of sales, he could lose up to half the value of his investment.

In his 1984 annual report, the Registrar of Friendly Societies warned the Government about the factors behind the tremendous growth in flexible insurance funds. It is to be regretted that action is only now being taken as a result of that warning.

In the 1984 report, the registrar recounted how the promoters of these policies jumped on the social security benefits and tax savings band wagon, which is of great appeal to
those on the verge of retirement. I suppose I would also be persuaded by the advertisements
that I see time after time that offer excellent rates of interest because of the lower tax rates
imposed on friendly societies and the fact that bonuses are not taxable.

It is regrettable that the Registrar of Friendly Societies should have to state that some
societies have misused their traditional death cover policies and sold them as savings
units or names of a similar nature. I shall quote his exact words:

Prospective members have been led to believe the "savings units" were an investment medium no different to
that offered by savings banks and permanent building societies.

They would then expect to get their contributions in full, with interest on withdrawal, perhaps after a minimum
period of one or two years.

They have been staggered by the "loss" of half of their money when application for withdrawal was made.

I understand that there is usually no indication on the application form for these policies
that they are insurance policies. Some people believe they are applying for savings units
that are the same as fixed deposits in a bank. That situation cannot go on any longer.

There is no doubt that the 1875 Friendly Societies Act must be redrafted to cope with
the fast moving managers and salesmen who now operate the fundraising activities of
friendly societies. No longer do societies have the ill-paid secretaries and honorary office
bearers of yesteryear who relied on local bank managers to give them advice on what to
do with their meagre funds.

Today, hundreds of millions of dollars are at the disposal of big-time money market
operators. There is no doubt that many merchant banks are associated with friendly
societies. Sophisticated controls are needed, particularly in the quality of information
given to members in reports and advertising brochures, which leave a lot to be desired.

I regret that the Bill does not provide for the control of advertising. However, I understand
from an officer of the Registry of Friendly Societies that the Bill empowers the registrar to
ensure that the advertising of which I am critical conforms with the ethical requirements
that I know most friendly societies would want. We certainly do not want to induce people
to invest money in savings bonds under false pretences.

I applaud the Bill's restriction on new registrations to bona fide friendly societies
conducted on a mutual basis and with equality of voting rights to members.

We do not want the untenable situation to arise of one or two individuals in cahoots
with a merchant bank or some other investment organisation forming their own friendly
society where they get all the benefits in management fees and the inside running on
commissions, loans and so on. That is not what the friendly society movement stands for.
If a person wants to make a fast buck, he ought to incorporate a company under the
Companies Act and not try to get around his responsibilities by operating under the
Friendly Societies Act.

It is intolerable that what is in reality a commercial organisation should be able to
control a friendly society through a management agreement. Such agreements have nothing
to do with fraternal and social benefits. They even bypass democratically elected
management structures.

From information that has been given to me, it is obvious that too often these people extract far too high management fees from their members. I applaud the granting of increased powers to the Registrar of Friendly Societies. It is long overdue. The greatly overworked officers in the registry know of the matters to which I have referred but they have been restricted by an inadequacy of staff resources and an inadequacy of the law to sheet home to people that they are not obeying the spirit and the letter of the law in their dealings, both in the way their moneys are obtained and in the way they are invested.

New powers will enable friendly societies to invest in income-producing properties and
shares. That is commendable. Why should the little man have to have all his savings
invested in the short-term money market where someone else cream off most of the
benefit? Friendly societies ought to be the very organisations operating on the share market in property development and in other appreciating ventures for the ordinary rank and file to benefit from the capital gain, and not the people managing the funds.

I applaud any legislative measure that ensures that investment controls, particularly for investments on the stock exchange, are exactly the same as those that apply to normal corporate activities of commerce.

Clause 5 provides special powers to a friendly society. The first allows a society to employ a pharmacist. That facility had existed since 1875. It was a valuable facility in the area where I boarded, in the electorate of the honourable member for Preston, who, no doubt, will remember the old United Friendly Dispensary in High Street, Preston.

I applaud also the provision of financial or advisory services for the relief and support of members or their dependants, including insurance and building society operations. Again, that is an old provision.

The third service reminds me of my younger student days when I was impoverished. It relates to the provision of social facilities and functions and leisure services. In the past, I received great benefit from the facilities that were offered, which included carpet bowls, Sunday picnics, cards, and so on. In my day, they were wonderful leisure activities.

The next provision staggers me; because of the huge rise of this business in the past year or so, societies will be given the right to operate an approved deposit fund. This will benefit people when they change jobs or retire. They will be able to put their money into the friendly society to which they belong. Also, they will be able to insure with their friendly society. The provision of insurance services is yet another old facility.

The clause has a drag-all provision which allows a friendly society to exercise any other power the Minister approves. Friendly societies should not be hamstrung. They need that power. I have great faith in the Treasurer and in the sophisticated officers of the Department of Management and Budget. They should be able to deter any of those fast-lane operators or sharpies from getting round that provision.

I support friendly societies taking away business from megabuck unit trusts and other characters who advertise their get-rich-quick schemes in daily newspapers. There is no better example of the free enterprise economic system I believe in than the little guy pooling his savings with a friendly society from which he is able to gain expert advice and where his interests are placed under the eagle eyes of both the Registrar of Friendly Societies and officers of the Department of Management and Budget. That is where the future lies for Victorian society. It will provide stability and strength. Every little guy and his family will be able to have some investment in the private enterprise system through the mutual benefit friendly society movement.

It is tragic that under the existing Act societies are restricted in their investments. They may invest only in authorised trustee securities—not blue chip markets and all the rest. In these days of inflation and the necessity to have wide sharing in the profits of industry, it is important for mutual benefit societies to have their horizons lifted far beyond their old levels of management of sickness funds, funeral funds, paramedical funds, and so on.

I eagerly expect a rejuvenation of the friendly society movement as a result of this measure. I hope the Registrar of Friendly Societies takes to task the people who misuse the friendly society movement. Like people in the trade union movement and everybody else, I want the little guy to be given a go; I want the little guy to get back into the friendly society movement. Once upon a time in this State, one in three Victorian families received some sort of benefit from the movement, and I should like that situation to occur again.

I want working-class and middle-class families to be able to turn to the friendly society movement at times when they are in trouble and need help and to have the protection provided by these societies for retirement and other benefits. I do not believe in State ownership or socialism; nor do I believe in the fortunes of the little man being at the mercy
of a handful of operators, whether they are boards of directors of listed companies on the stock exchange or whether they are operators of the management contracts which are only too prevalent in the friendly society field.

Friendly societies should not only be a savings pool to ensure the growth and development of the economy through the private enterprise system but also they should be a real alternative to the welfare State. I applaud the measures that Labor Governments have taken in recent years to encourage people to save for their retirement so that they are not completely dependent on Government handouts. Everything in the Bill which sets the stage for aggressive competition between friendly societies and against other avenues of investment, whether unit trusts or whatever, is desirable.

I agree with the honourable member for Balwyn. Although the Liberal Party sincerely desires the passage of the Bill, more time is needed to listen to some of the representations that have been made about the fear of some society members that they might be denied rights, for example, of proxy voting. This will be a hardship on people in country areas and on the elderly who cannot attend meetings. If proxies are good enough for the ordinary public company, there is no reason not to have proxies for friendly societies.

In future years, this movement should be the avenue of the little man’s capitalism and, if capitalism is to persist, it is no good letting that system get into the hands of a smart self-perpetuating clique. That is not the system in which I believe.

I believe this measure goes a long way towards retrieving all that has happened almost overnight with the advent of smart operators gaining control of friendly societies and, as I suspect, more often to benefit their own pockets than the society members that they are supposed to represent.

Mr JOLLY (Treasurer)—I thank honourable members for their participation in the debate. All who have spoken have strongly supported the need to completely overhaul the existing Friendly Societies Act and to ensure that a legislative framework operates in this State that recognises the new competitive circumstances prevailing in financial markets in which friendly societies operate. The proposed legislation is a complete rewrite of the Friendly Societies Act.

I indicate to honourable members that a considerable amount of consultation took place before this Bill was finalised. In fact, there was detailed consultation with the friendly societies’ association.

I have also had discussions with both the honourable member for Balwyn and the Leader of the National Party in respect of a number of issues of concern, which have been, in the main, identified by smaller friendly societies in this State.

As a consequence of those discussions and a willingness to consider representations from organisations within the friendly society movement, I shall certainly propose amendments during the Committee stage and I am willing to consider on their merits amendments proposed by other parties.

I also indicate to the honourable member for Balwyn, in particular—he has moved a reasoned amendment to the second-reading motion—that I am sure he will be satisfied with the amendments that will be accepted in Committee. I also give an undertaking that the Government will monitor closely the impact of the new measure on friendly societies and will keep an open mind in respect of what will be the new Act. This will enable societies to consider the impact of the new legislation. If there is a need to amend the measure at some future time, I shall certainly bring it back to the House for that purpose.

Although it has taken more than 100 years completely to change the framework within which friendly societies operate, it is my intention to ensure that the new Act is closely monitored and, if there is a need to change it in the future, that process will certainly be expedited.
I thank honourable members for their support of the basic principles in the Bill, and I look forward to moving amendments to it in the Committee stage.

The amendment was negatived, and the motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5

Mr RAMSAY (Balwyn)—As I indicated during the second-reading debate, over the past few days there has been much discussion with different persons involved with friendly societies about detailed aspects of the Bill.

One of the issues that I direct to the Treasurer’s attention relates to clause 5 (b), which states that, in addition to any other powers, a friendly society may, if it is authorised by its rules to do so:

- provide financial or advisory services for the relief and support of members or their dependants, including insurance and building society operations;

The concern was whether this power of providing financial or advisory services extended to the power to, for example, conduct a unit trust. There are cases, as honourable members now know, where friendly societies are involved in unit trust activities. Is it the intention of the Government that that involvement should be a permitted function of friendly societies?

There is some doubt about whether the conduct of a unit trust could be described as the provision of financial or advisory services. It may be that that subclause could well be amended by the addition of, perhaps, the words, “and benefits”, in which case the provision would read “... provide financial or advisory services and benefits for the relief and support of members...”

I bring the matter to the attention of the Treasurer as one of the concerns that has been expressed to the Opposition. The honourable gentleman may care to consider it while the Bill is between here and another place.

Mr JOLLY (Treasurer)—It is certainly a matter that I intend to examine while the Bill is between here and another place, and I shall analyse the definition included in clause 5 (b) to ascertain whether, in fact, unit trusts would be picked up.

The clause was agreed to.

Clause 6

Mr RAMSAY (Balwyn)—Clause 6 is concerned with the incorporation of new friendly societies, and it introduces the restriction that a friendly society cannot be incorporated unless the application lodged with the registrar is signed by at least 100 people.

I have been asked what is so magic about the figure of 100. Why is the figure not 200 or 50? I do not know where the Government got that figure, but why is a smaller society to be denied incorporation simply because it does not have 100 proponents?

I suggest to the Treasurer that there may be circumstances where a smaller society could reasonably be incorporated. Perhaps providing discretion to the registrar would be appropriate. I commend the suggestion to the Treasurer for his consideration while the Bill is between here and another place.

Mr JOLLY (Treasurer)—I am certainly willing to consider the matter, but I emphasise in this case that, obviously, the matter was accepted by the friendly societies’ association. It is correct to say that there is nothing magic in any chosen number but, in all the circumstances, the figure of 100 was considered to be reasonable. I shall certainly examine the position while the Bill is between here and another place.
The clause was agreed to, as were clauses 7 to 11.

Clause 12

Mr RAMSAY (Balwyn)—The clause deals with the registered office of a friendly society. It is also only a small point, but one of the society members who approached me was concerned that the registered office of that person’s society could be relocated without the members actually being informed.

The clause contains a requirement to inform the registrar, but there is no requirement for the directors, if they intend to relocate the registered office, to advise the members.

It may be appropriate for such an amendment to be incorporated in the clause. Perhaps that, also, can be considered while the Bill is between here and another place.

Mr JOLLY (Treasurer)—As the honourable member for Balwyn has made clear, it is a relatively minor matter, but it is certainly one that can be considered. Whether legislation is needed to that effect or whether it can be taken care of in another way, is a matter that I shall examine.

The clause was agreed to.

Clause 13

Mr RAMSAY (Balwyn)—Clause 13 relates to membership; subclause (3) states;

(3) Members of a friendly society are entitled to exercise the rights that are provided for in the rules of the society but, in the case of a minor, only if any consent that is required under section 14 is obtained.

Clause 14 sets out certain areas where a minor has to obtain the consent in writing of a parent or guardian. That relates to a minor aged under 16 years. There are some provisions relating to minors between the ages of 16 years and 18 years.

Concern has been expressed that the combination of clauses 13, 14 and 15 relating to the rights of members would enable minors under the age of sixteen years to have a vote in the matters of the society. It would seem to be inappropriate that infants would be given voting powers within the particular society concerned. I believe this is a matter that should be examined.

If this interpretation is correct, it is something that would need to be adjusted. I bring that matter to the attention of the Minister.

Mr JOLLY (Treasurer)—My advice on the matter is that the minor concerned would not be able to exercise a vote but certainly, in view of the concern expressed by the honourable member for Balwyn, I will have the matter examined so that the position can be clarified when the Bill is before the other place.

The clause was agreed to, as was clause 14.

Clause 15

Mr JOLLY (Treasurer)—I move:

1. Clause 15, line 33, omit “is not entitled to” and insert “may, in accordance with the rules of the society,”.

The amendment is identical to that foreshadowed by the Leader of the National Party. It will allow members of a society, particularly those in country areas or who are aged or infirm, to vote by proxy. This is a matter that was drawn to my attention by the Leader of the National Party and the honourable member for Balwyn. It is appropriate that the Bill be amended accordingly.

The amendment was agreed to.

Mr RAMSAY (Balwyn)—To make clear the concern I raised in relation to clause 13, I shall use this opportunity to follow through the logic of the problem to which I was adverting.
Under clause 15, the members of a friendly society are each entitled to one equal vote. Clause 13 provides that members of a friendly society are entitled to exercise the rights that are provided for in the rules of the society. Members of the society are entitled to one equal vote. Clause 14 places constraints on minors, but the constraints have nothing to do with voting. I urge the Minister to look closely at this issue.

The clause, as amended, was agreed to.

Clause 16

Mr ROSS-EDWARDS (Leader of the National Party)—A matter has been brought to my attention concerning the number of directors. Clause 16 (3) states that a friendly society must have at least five directors. It does not say anything about the maximum number. I have not been especially disturbed about this, but it has been brought to my attention that perhaps a maximum number should be stated. I shall be interested to hear the comments of the Treasurer.

Mr JOLLY (Treasurer)—The minimum number of directors provided for in the Bill is five, as noted by the Leader of the National Party, which is to ensure that there is not a situation where one person could completely dominate an organisation.

The implication of clause 16 (3) is that the society would determine how many directors could be in place in a particular society. If in practice there is any difficulty with that, if it becomes a ludicrous situation, certainly it will be a matter that we will look at in the future.

I do not expect there will be any problem with the operation of that subclause, but certainly it is something that I shall keep an eye on.

The clause was agreed to, as were clauses 17 to 23.

Clause 24

Mr JOLLY (Treasurer)—I move:

2. Clause 24, line 27, after "(I)" insert "Except as provided in sub-section (3),".

3. Clause 24, after line 30 insert—

"(3) A person of or over the age of 72 may, by a special resolution, be appointed or re-appointed as a director to hold office until the conclusion of the next annual general meeting."

These amendments are also identical to amendments Nos 2 and 3 proposed by the Leader of the National Party.

The amendments relate to the age of persons holding office in a friendly society. The amendments before the Committee are the same provisions as those that apply in the case of the Building Societies Act. They have the same intent as the Companies Act.

These provisions were brought to my attention by both the honourable member for Balwyn and the Leader of the National Party, and concern has been expressed by a number of building societies. The amendments overcome some of the concerns about this clause.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 25 and 26.

Clause 27

Mr JOLLY (Treasurer)—I move:

4. Clause 27, lines 21 to 29, omit paragraph (a).

5. Clause 27, line 30, omit "(b)".

6. Clause 27, line 30, omit "or conduct".
The Bill prohibits friendly societies from entering into management contracts. It contains a wide definition of “management contracts”, which includes any contract which involves a substantial part of the operations of the society.

The amendments to clause 27 will confine a management contract to one which only involves the control of the society by persons outside the society. In other words, the services can be provided under the society, which was recommended by a number of organisations, however, although the amendments enable additional services to be provided it still protects the major position, and that will confine a management contract to one which only involves the control of a society by persons outside the society.

In summary, the amendments are designed to expand the range of services that can be provided to a friendly society but still ensure that the control of the society cannot occur by persons outside that society. That is why the amendments are proposed to clause 27.

Mr RAMSAY (Balwyn)—I support the intent of the amendments, the results of which will be that the definition of a management contract will now be a contract or arrangement where the control of the affairs of a friendly society is vested in any person who is not a director or an employee of the friendly society, who is appointed by, or under the authority of the board of directors.

Whether this will achieve what the Minister wants to achieve will depend very much on the interpretation of the phrase, “the control of the affairs of a friendly society”.

It should be made clear that, if friendly societies are to be permitted to draw up service contracts, according to the provisions of clause 28, a certain amount of delegation by the friendly societies to the recipients or participants in the service contracts will be involved. Those provisions could be interpreted to mean that the affairs or part of the activities of the friendly societies come under the control of the participants.

Those involved may find that they have infringed the provisions of clause 27. I am concerned that the simplicity of the amendment may create a serious doubt in the minds of the directors of the friendly societies about whether the service contracts, into which they have entered, are inadvertently interpreted as management contracts.

If that were so, the directors could find that each is guilty of an offence and liable to a penalty of $10,000. The Minister should clearly state the intention of the amendment. I am not confident that clause 27, as amended, does that.

Mr JOLLY (Treasurer)—The clause, as amended, refers only to the control of the affairs of a friendly society. That is the major issue of concern to the Government and the friendly societies association. The amended clause meets the intention of the various organisations that have directed the matter to my attention and ensures that persons outside the societies cannot control the affairs of the friendly societies.

If during the operation of the clause there is any difficulty, I am prepared to reconsider the provision at another time.

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

Clause 28

Mr RAMSAY (Balwyn)—During the second-reading debate I adverted to clause 28 and the laudable concept of service contracts expiring every three years. If the friendly society wishes and the parties agree, the contracts can be renewed and, in effect, be made ongoing service contracts.

Concern has been expressed to me that clause 28 poses some difficulties with service contracts entered into, say, between a merchant bank and a friendly society. The merchant bank may have lent its name to an investment bond that is being promoted in the interests of the bank and of the friendly society.
The terms of such bonds are often more than ten years—frequently they are issued for 40 years. The bonds are offered to clients of the bank and to the public in general under a name that is supported by the bank. The acceptance of the bonds is often on the clear understanding that the financial institution concerned backs the bonds.

According to the provisions contained in clause 28, that backing cannot be guaranteed beyond three years and this makes such arrangements difficult. Perhaps the Government intends that this should happen and that friendly societies should be discouraged from entering into service contracts with banks. Often this is done for the purpose of promoting investment bonds.

If that is the intention of the Government, it should state that it wants that type of service contract discouraged. If that is not the case, the problem should be resolved and the provision reconsidered.

How can service contracts be secured in the long term without jeopardising the autonomy of the friendly society concerned? From a practical point of view, a preferred clause would be along the lines of the standard long-term clause that is commonly used in trust deeds. If that sort of practice is to continue, it will provide for service contracts entered into for longer than the three years envisaged in the clause. I ask the Minister to consider this matter carefully. If there is a problem inherent in the clause, as I have outlined, perhaps it could be amended while the Bill is between here and another place.

Mr JOLLY (Treasurer)—Subclause (2) of clause 28 states:

A service contract expires 3 years after it is made, unless it is renewed before then.

The terms of the review are in the hands of the friendly societies concerned. They can stipulate the conditions that would have to be met to renew the contract.

It is important to ensure that contracts can be reviewed and to ensure that organisations are not locked into contracts without review. I would not anticipate that organisations in the marketplace would not be able to enter into long-term arrangements, but any such arrangements should be reviewed every three years. That is a manageable arrangement.

I shall take on board the concerns expressed by the honourable member for Balwyn and will further reflect on his comments during the Committee stage.

Mr RAMSAY (Balwyn)—I thank the Treasurer for his comments but direct his attention to subclause (3), which is even more important and which refers to service contracts becoming void three years after the provisions become law. Once the contracts become void, new contracts can be entered into in their place.

The Treasurer should carefully consider this subclause and also that at present contracts have been entered into for 10, 20, 30 or 40 years. According to the provisions of subclause (3), these bonds will summarily conclude three years from the day on which the Bill takes effect, unless they are renewed.

In effect, this subclause is a sunset provision on existing service contracts and this may create an undesirable commercial situation for the friendly societies concerned.

Mr JOLLY (Treasurer)—I do not anticipate problems with subclause (3). I again emphasise the fact that the friendly societies association fully supported this provision. I shall certainly examine the comments of the honourable member for Balwyn. Friendly societies have their destiny in their hands and they can determine whether the service contracts should be renewed.

The clause was agreed to, as were clauses 29 to 33.

Clause 34

Mr ROSS-EDWARDS (Leader of the National Party)—I move:

4. Clause 34, lines 12 and 13, omit “, and copies may be obtained by them,”.
This amendment is simple but necessary. It is moved for two reasons: one is that some friendly societies are very large organisations—I came upon one with 280,000 members—and the cost of providing copies of the names and addresses would be substantial. The second and perhaps more important reason is that the amendment would provide a very simple way of obtaining those names and addresses for commercial purposes.

I understand that the Treasurer will accept the amendment, and I thank him for his cooperation.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 35 to 52.

Clause 53

Mr ROSS-EDWARDS (Leader of the National Party)—I move:

5. Clause 53, after line 14, insert—

"or

(d) a special resolution which removes the person from office is passed at a meeting of the friendly society at which the person has been given an opportunity to be heard."

This amendment gives to a member the same right to dismiss an actuary as he has to dismiss an auditor. It has been brought to my attention by a group of friendly societies that it would seem right and proper that a member should have the right of saying who should be an actuary of the society in the same way as he should have the right to say who should be the auditor of the society.

Mr JOLLY (Treasurer)—The Government is prepared to accept the amendment. I understand that it is not likely to cause conflict with the statutory obligations; the registrar will still have authority to ensure that the actuary adheres to his or her statutory obligations and that any motion of the friendly society cannot override that obligation.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 54 to 63.

Clause 64

Mr JOLLY (Treasurer)—I move:

7. Clause 64, lines 12 and 13, omit sub-clause (2) and insert—

"(2) A friendly society—

(a) may obtain financial accommodation by way of overdraft of account at any bank or other financial institution in Australia; and

(b) with the approval of the Treasurer may obtain financial accommodation of any other kind approved by the Treasurer."

The prime intention of the amendment is to enable friendly societies to obtain financial accommodation by way of overdraft with any bank or other financial institution in Australia.

The matter was drawn to my attention by honourable members opposite as well as by some friendly societies. It is appropriate that friendly societies should have the opportunity of using overdraft accounts and, in addition, subject to the approval of the Treasurer, should be able to obtain financial accommodation of any other kind. The amendment strengthens the Bill, and I recommend it to the Committee.

Mr RAMSAY (Balwyn)—I support the amendment. This adjustment needed to be made if friendly societies were to have a reasonable degree of autonomy in the day-to-day financing of their operations.

The Treasurer may care to investigate another small problem. Clause 64 (1), as drafted, provides:
A friendly society may only raise its funds in any manner that is permitted by its rules, and may in doing so give security over only those assets that the Minister approves.

In his amendment, the Treasurer has introduced the term "the Treasurer" rather than "the Minister". I know it is a reference to the same person, but it may be appropriate to use the word "Minister" to keep the terminology consistent throughout the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the amendment moved by the Treasurer. The only question is as to whether a maximum amount should be inserted as the amount that a society is able to borrow without the consent of the Treasurer. I agree that there may be some difficulties in framing an amendment.

Mr JOLLY (Treasurer)—In respect of overdraft accommodation, I do not see any particular problem being presented, because stringent conditions are applied by the institutions that provide overdraft facilities.

In respect of the control mechanism over other borrowings, the guideline suggested by the Leader of the Opposition would be one of those taken into account. It may be necessary to have other criteria as well to ensure financial prudence. I take note of the spirit of what the Leader of the National Party has to say on the issue.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 65.

Clause 66

Mr RAMSAY (Balwyn)—It has been pointed out to me that clause 66 provides a very wide power for friendly societies to invest funds, but it is not clear whether the societies will be able to invest in equity participation—that is, in shares—other than as provided by paragraph (f), which makes provision for subscribing for shares or purchasing shares in a corporation of which the memorandum and articles of association have been approved by the Minister on the advice of the registrar, if that approval has been notified in writing to the friendly society by the registrar.

I should be interested to hear from the Treasurer what is intended by that paragraph. On the one hand, it sounds as if it is intended to enable a friendly society to set up a trading company of some sort and become the principal shareholder in that company, provided that the memorandum and articles of association have been approved by the Minister and the registrar. On the other hand, is it the intention of the Government that this clause should be used to promulgate a list of blue chip stocks on the stock exchange and make them authorised investments for friendly societies?

Paragraph (f) is something of an omnibus provision. I suggest that the Treasurer ought to make the matter clear one way or another: if opportunities are to be provided for equity investment on the share market, that should be spelt out; if not, a specific prohibition should be included in the clause rather than creating the rather mysterious position that is generated by paragraph (f).

Mr JOLLY (Treasurer)—During the time when the Bill passes from this House to the other place, I will examine the comments made by the honourable member for Balwyn but it is appropriate for the Friendly Societies Association of Victoria to subscribe for shares and to have the subscription approved by the registrar; but I will take on board the comments made by the honourable member for Balwyn.

The clause was agreed to, as were clauses 67 to 83.

Clause 84

Mr ROSS-EDWARDS (Leader of the National Party)—I move:

6. Clause 84, line 18, after "surrender" insert "the whole or any part of".

7. Clause 84, line 20, after "benefit" insert "or part".
These may be unnecessary amendments but they certainly clarify the position because, for instance, on line 18, the words "surrender the benefit" could well infer that that was in order anyway, but it does provide clarification.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 85 to 89.

Clause 90

**Mr ROSS-EDWARDS** (Leader of the National Party)—I move:  
Clause 90, lines 15 and 16, omit paragraph (e).  

This clause provides that if the total number of members of the directed friendly society is less than 100, it virtually ceases to exist. However, the amendment will enable a friendly society to remain in business irrespective of the number of members. I understand that there is one friendly society which has a membership of 87 members at present, and I ask the Treasurer to accept the amendment.

**Mr JOLLY** (Treasurer)—I am certainly prepared to accept the amendment proposed by the Leader of the National Party to clause 90.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 91 to 99.

Clause 100

**Mr ROSS-EDWARDS** (Leader of the National Party)—I move:  
9. Clause 100, line 27, after “societies” insert “selected from a panel of six names submitted to the Minister by the Friendly Societies Association of Victoria”.

As the measure now stands, the Minister is given the opportunity of nominating four members and, of course, the Opposition has no objection to that, but it feels that a panel of six names should be nominated by the Friendly Societies Association of Victoria, which would give it an input into who those people should be, but with the Minister having the final choice.

I know that the Minister has some reservations about some small friendly societies that are not members of the association and I shall be interested to hear the comments of the Treasurer on that aspect.

**Mr JOLLY** (Treasurer)—I shall examine this matter during the time that the Bill moves from this House to the other place, the reason being that there has been concern expressed that if the names were submitted entirely by the Friendly Societies Association of Victoria, there is a risk that some of those smaller societies will miss out. There is no doubt that the association should be substantially represented on that committee and that is why I should like the opportunity of considering the proposal while the Bill is between here and another place.

**Mr RAMSAY** (Balwyn)—A formula should be incorporated in the Bill to overcome the problem referred to by the Leader of the National Party. The Minister rightly points out that to give the association the total say on that matter may well exclude the smaller friendly societies. At the same time, it is equally bad for the Minister to have sole control over who will be representatives on the committee. It may well be that an amendment to involve the consultation of all friendly societies is the appropriate way to deal with the proposition. The Liberal Party certainly supports the matter being examined.

The amendment was negatived, and the clause was agreed to, as were clauses 101 to 125.

Clause 126

**Mr JOLLY** (Treasurer)—I move:  
8. Clause 126, after line 30, insert—“Penalty: 100 penalty units.”.
This was an oversight in the drafting of the Bill. The penalty should be 100 penalty units and that is the effect of the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 127 to 137.

Clause 138

Mr RAMSAY (Balwyn)—I point out to the Committee that this reporting requirement by the registrar requires the registrar to report on matters relating to the societies as soon as practicable after the end of each financial year.

I find it unsatisfactory that the requirement is "as soon as practicable". There should be a firm requirement that the report be lodged with the Minister along the normal lines of the Annual Reporting Act, which gives a specific date, which, I think, is 31 October.

Mr JOLLY (Treasurer)—The honourable member makes a reasonable point. It has been noted that the size of societies varies from 87 to 280 000 in membership; but it is an area that I will examine because it is important that organisations report soon after the completion of the financial year.

The clause was agreed to.

Clause 139

Mr RAMSAY (Balwyn)—Clause 139 concerns the power of delegation enabling the Minister to delegate to any person any of his functions. I am more concerned about the ability of the registrar to delegate any of these functions other than the power of delegation.

When one examines the measure one sees the extraordinary powers given to the registrar. These enable him to delegate all his powers; from sitting as chairman of the consultative committee; the power to disallow rules; the power to dismiss directors and all the rest of it. The registrar holds an extremely important position in the area of friendly society operations and it concerns me that these wide powers can be delegated so freely.

I ask the Treasurer to examine the issue of delegation and to determine whether the power of delegation should not be restricted to the administrative powers that the registrar would want to delegate rather than those powers which could have profound importance to the various friendly societies for which the registrar is responsible. The Opposition is concerned that such wide powers of delegation should be provided in the clause.

Mr JOLLY (Treasurer)—It is appropriate that the registrar should have powers of delegation. Obviously such powers would have to be exercised with a great deal of responsibility, which is one aspect of the responsibilities of the office of registrar. It is a matter I am willing to examine so that the honourable member for Balwyn can rest assured that the power of delegation will not, in any way, be misused.

The clause was agreed to, as was clause 140.

Clause 141

Mr RAMSAY (Balwyn)—Concern has been expressed by some friendly societies that currently have branch structures which are operating virtually independently of the friendly society. It does not appear that the transitional provisions cover this particular situation. I ask the Treasurer to determine whether subclause (2) should also provide for a branch of a friendly society where that branch has funds under the control of trustees and directors elected by its own members—in effect, a friendly society within a friendly society. I ask the Treasurer to determine whether there should be an automatic incorporation of such a society under the transitional provisions. It may well be an important matter in a limited number of cases. I would not want the Treasurer left in a difficult situation through an oversight in this clause.
Mr JOLLY (Treasurer)—I thank the honourable member for Balwyn for bringing this matter to my attention. So far as individual branches are concerned, they are branches of a particular friendly society but if they want to form their own friendly societies, they are free to do so. I am not supportive of the proposition put forward by the honourable member for Balwyn, but I am willing to examine the matter while the Bill is between here and another place.

The clause was agreed to, as was the remaining clause and the schedules.

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

PORT AUTHORITIES (AMENDMENT) BILL

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

Mr BROWN (Gippsland West)—In the second-reading speech, the Minister for Transport stated:

The main purpose of the Bill is to make a number of amendments to the individual Acts relating to the Port of Melbourne Authority, the Port of Geelong Authority and the Port of Portland Authority, to enable these three authorities to run on more modern corporate lines and to facilitate the development of the ports.

The Opposition has no argument with that aim. The Minister went on to state:

The amendments proposed incorporate changes requested by each port authority to its Act and have been agreed with by the authorities.

The amendments incorporate a number of changes that have been requested by the three authorities, but not all the proposals incorporated in the Bill have been requested by the authorities. While many of the amendments requested have been incorporated, many of the proposals have been initiated by the Government. That needs to be clearly understood relative to some of the more complex changes that involve matters such as the disposal of land.

I shall put a number of questions to the Minister on the proposals for future major developments of the ports and the future disposal of land.

A number of the amendments proposed are common to the Port of Melbourne Authority, the Port of Geelong Authority and the Port of Portland Authority. They are generally of a commercial nature to provide the three ports with powers similar to those which are utilised by the authorities constituted under the Transport Act, namely, the Road Transport Authority, State Transport Authority, the Metropolitan Transit Authority and the Road Construction Authority.

Currently the chairman of each authority is precluded from being an employee of that authority. There is no provision for anyone other than a member of the authority to be its chairman. One of the amendments, if agreed to, will enable the Governor in Council to appoint any person as chairman whether or not that person is employed by the authority. For example, it would allow for the employment of a part-time chairman.

On face value, that is not unreasonable. Any autonomous body, especially one that is so important to the future development of the State, as is each of the three port authorities, should be able to appoint a chairman as it sees fit. If an authority believes a part-time chairman is appropriate or the person it chooses can only devote part of his time to the role, that is a fair and reasonable proposition.

The best example in Victoria would be Mr Neil Smith who, for many years, has held various part-time capacities and appointments. He is respected by all sides of the House and all sections of the community for his capacity to adequately represent the interests for which he is employed.
As the three ports are presently structured, it would not be possible to have Mr Neil Smith as chairman, if it were so desired, because he would not be able to devote his full time to that activity. However, he would be able to do so if these amendments are carried.

I am not foreshadowing that Victoria will see Mr Neil Smith in the capacity of chairman of any of these authorities. For one thing, as the Minister wisely points out, he is too busy at the moment. I would assume that he would be wanting to wind down his activities rather than keep up the frenetic pace at which he works.

I note that the Minister said that he was pleased to have the opportunity of expressing his appreciation for the work of the current chairmen. I am pleased about that. It is a definitive statement that he has no qualms about the capacities of the chairmen and, I assume, their ongoing role. I ask the Minister to give an undertaking relative to the current chairmen because the Government has seen change come about at Portland and the chairman there was not reappointed.

Mr Roper—He was not the chairman; he was a board member.

Mr W. D. McGrath—He was also deputy chairman of the board.

Mr Brown—I am sorry; he was a board member and deputy chairman of the board at Portland. He wished to be reappointed but was not reappointed and, of course, the Government had its way.

The Minister's only comment has been to express his appreciation of the work of the current chairmen and stated he will give an assurance that the three respective chairmen will continue in their roles, not just to the expiration of present contracts but also in the renewal of those contracts. The Opposition believes the chairmen in their respective roles are doing a good job on behalf of the Victorian community and especially on behalf of their own authorities.

I should like the Minister to indicate definitely that, although it is proposed here—and some could interpret it that way—if a procedure is being established to allow part-time chairmen to be employed, the Government has someone in mind for the present chairman. I would like to establish that beyond doubt.

The Bill also proposes to repeal a number of outmoded provisions dealing with the need for each authority to provide fit and convenient public office and the need for daily attendance at such office. The Opposition would share the view that that is an outmoded provision and should be changed.

The Transport Authorities Act contains extensive references to officers of authority by title. The Act contains a wide range of titles by which people must be referred to. One that has been brought to my attention has been the term "harbour master". Many people in Victoria are now known as harbour masters and, for traditional reasons, they believe that title should be retained. It apparently has worldwide usage and I am told that if one puts into port anywhere in the world, it is the harbour master who has effective control of that port.

I am advised that under this proposed change, if an authority wished to continue using the term "harbour master" or any other title as that authority deemed fit, it could so continue to do. Accordingly, the Opposition does not oppose that measure.

One item of contention is the statement made by the Minister in his second-reading speech relative to tolls, rates and charges:

The amendments provide for the authorities to fix fees themselves with the approval of the Minister after consultation with the Treasurer.

I have placed on record my displeasure with one aspect of what has transpired relative to the Bill being placed before the House in the intervening period up until today's debate.
I did as I have always done when representing the Opposition as spokesman for a number of portfolios; I immediately forwarded to the three authorities a Bill and a copy of the second-reading speech. I naturally expected that those authorities would respond because that is what has happened with every other entity in Victoria to which I have forwarded this material.

Mr Roper interjected.

Mr W. D. McGrath—He is worried about it.

Mr BROWN—I would call it paranoia rather than worry.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Lowan should not carry on a conversation with the honourable member who has the floor.

Mr BROWN—Especially when I am talking about the paranoia of the Minister. The situation is that in the past, no matter what Bill I have been handling, whether it be transport, housing or whatever, I have sent the relevant material to the respective entities directly affected by the measure. Those entities would in turn respond. That enables the Opposition to be correctly informed. The recent major Bill before the House, the Road Safety Bill, was sent by me to the Royal Automobile Club of Victoria which organisation wrote back with its concerns or support, as the case may be. I do the same for any other interested organisation that in turn responds and makes clear its position.

To my amazement, I received no response from the Port of Geelong Authority, the Port of Portland Authority or the Port of Melbourne Authority.

Mr Delzoppo—They were muzzled.

Mr BROWN—“Muzzled” is the right word because when the debate was due to come on, I became concerned that I had not received a response from the authorities and that the Opposition would not be able to make a value judgment about their concerns. I telephoned the authorities and I was told, “We are sorry; we cannot talk to you because the Minister will not allow us to converse directly with the Opposition”. That statement was made by junior members of staff because the people higher up were not allowed to speak to me. That is an outrage and is totally unacceptable to honourable members on this side of the House. We in fact considered whether we would simply reject the Bill because we had been unable to have consultation with parties directly affected.

It is an outrage that the Opposition is blocked from obtaining a direct response from the entities involved. The information given to me was that the Minister would respond on behalf of the authorities. The Minister will tell me what the authorities think! That too is an outrage and is unacceptable.

Never was the present Minister for Transport subjected to such constraints when he was a shadow Minister.

Mr Roper interjected.

Mrs Toner—There was no freedom of information then.

Mr BROWN—The honourable member for Greensborough means freedom from information. I would like her to try to get something under the Freedom of Information Act that the Government wants to hide. The fact is that one just cannot get the information. Bad luck!

The Minister responded on behalf of the authorities:

The chairmen of the three port authorities have asked me to inform you of their views concerning the Port Authorities (Amendment) Bill which is currently before the Parliament.

The ports of Geelong and Portland authorities have informed me that they support the amendments and have expressed the wish that the new provisions be introduced as soon as possible.
I have no reason to say that the Minister is misleading me because I think better of him than that. I therefore assume that that is the view of those authorities.

It is only the Minister's say-so because they are not allowed to tell him. He also states:

The Port of Melbourne Authority has raised two issues with me, namely the Government guarantee of the PMA superannuation scheme and secondly the method of setting charges. In all other aspects the PMA supports the legislation and has asked for a speedy implementation of its provisions.

I assume that to be true. I should like it to have been told to me by the entity involved, namely, the Port of Melbourne Authority, and to have discussed it with the authority to determine why it was concerned about those two provisions.

It appears that it comes down to the Minister's second-reading speech where he stated:

The amendments provide for the authorities to fix fees themselves with the approval of the Minister after consultation with the Treasurer.

However, in the last paragraph of the letter to me he stated:

In relation to the question of charges the port wishes to be able to set its own charges subject to any direction of the Minister after consultation with the Treasurer. The Government's view is that this could lead to the setting of charges above those determined in relation to overall Government charges.

The Opposition considered that proposition in depth. I cannot understand the Minister's quandary about it. After consultation with the Treasurer and being subject to any direction the Minister gives, how could the authorities set something different from what the Minister wishes? It would be obvious they would not be allowed anything that was plainly against the wishes of the Minister.

Another area of concern about the Port of Melbourne Authority Act is the amendments, including the amendment to enable the chairman to be allowed to hold other offices. The Act expressly precludes the chairman from engaging in employment other than in connection with his office. The Minister said that this is not consistent with the desire to make provision for the future appointment of part-time chairmen.

It seems it is in the Minister's mind to replace the present chairman of the Port of Melbourne Authority. I could be wrong, but I ask the Minister to indicate in this debate what the future is for the present chairman, Mr Tony Vella. The Minister also said—and the Bill quite clearly enunciated it—that it is proposed to increase the membership of the Port of Melbourne Authority by one to enable a member to be appointed to represent the interests of Western Port. I query why that is necessary. The Opposition has had representations from a number of individuals and organisations relevant to this issue.

The Melbourne Chamber of Commerce sums up the position in a letter to the Minister dated 10 November 1986. The chamber is not an entity that is under the direct edict of the Minister; it is allowed to converse and correspond with the Opposition, and therefore sent a copy of the letter to me. The letter stated:

It is our belief that the administration of the ports should be amended to facilitate the adoption of commercial principles and to further provide for ongoing port development. Certainly we are supportive of the adoption of procedures which will enable commercial attitudes and styles to be implemented.

The Melbourne Chamber of Commerce and most individuals with whom I have discussed the Bill support it in a general sense and support the principles of giving ports more autonomy and allowing them to trade in a more beneficial manner for the overall development not only of the ports but also Victoria. The chamber also states:

It is with concern, however, that we note that it is proposed to increase the membership of the Port of Melbourne Authority by one, to enable a member to be appointed to represent the interests of Westernport. The proposed new section 7A will introduce regional interests to the authority and is not consistent with the "user" principle of port administration, accordingly will please note our formal opposition to this proposal.

It concludes by stating:
We believe you have effectively accounted for the regional interests in the expanded role of the Port of Melbourne Authority through the newly established advisory committees in the Westernport area and East Gippsland.

That is true. An effective mechanism has been put in place which accounts for the regional interests in those areas. If one is to be consistent, one would expect the board of the Melbourne Port Authority to be increased by two, not one, to allow representation from Western Port as well as from facilities further down in Gippsland. The letter finally states:

It is our hope that the operations of the port of Melbourne will continue to be determined by reference to port users, and not be clouded by regional or other interests.

The Opposition shares the view of the Melbourne Chamber of Commerce and the views of other representations that have been made to it—it would certainly cloud the issues. There is no reasonable rationale behind appointing an additional member to the Port of Melbourne Authority for interests based at Western Port or interests in east Gippsland. Accordingly, the Opposition will move an amendment relative to that provision.

Another proposal in the Bill is to amend the Port of Geelong Authority Act to provide for the reporting date of the authority to be 30 June; this will bring about uniformity amongst the three port authorities. That is an equitable proposal that the Opposition will support. The Minister also stated in his second-reading speech:

Alone amongst the three port authorities, the Port of Portland Authority is required under its Act to obtain approval each year from the Governor in Council to its proposed works and the level of expenditure on these works. This requirement will be removed so that the requirements in the case of Port of Portland Authority with regard to works expenditure will be no different from those which apply to the Port of Melbourne Authority and the Port of Geelong Authority.

That is a commendable objective which the Opposition supports. Generally, the Opposition is supportive of the Bill. In the main, it proposes to achieve admirable objectives, with the one qualification that there is no sensible or practical rationale behind the provision that expands the membership of the Port of Melbourne Authority by one. The Opposition will oppose that provision.

Many people were concerned about the rejection of the previous Bill in this House earlier this year. As a result of the rejection of that Bill, the Minister went on record as saying:

Although the Bill was rejected I intend to achieve its objectives by administrative means through the Ministry of Transport. As the first step I issued a directive on May 13 that Ports and Harbors should integrate with the commercial ports and that the target date is July 30.

Many people were dismayed about that. Although the determination may not have been to the liking of a Minister or the Government, it was determined by Parliament. The Minister said he intended to achieve the objectives by administrative means, which effectively means "to hell with the decision of Parliament; what I want will prevail". That action is typical of the paranoia that I mentioned earlier. It is indicative of a person who will bluster on and do whatever is necessary to achieve something in whatever manner if he cannot get his own way.

I hope the Minister has the capacity to understand that that sort of behaviour in a democracy by a Minister of the Crown is unacceptable. It is probably not to his liking, but I can speak with authority on matters in this place that are not to my liking on occasions. The fact is that honourable members should abide by the processes of Parliament. If Parliament makes a decision, that is the bottom line and people should stick with that decision; it is not a matter of whether an individual believes Parliament made the wrong decision.

I place on record my consternation at the decision taken by Parliament to make purposeful moves to override those decisions. When I visited the Port of Geelong Authority, having received an invitation, the Minister for Transport issued a public statement which said:
For reasons best known to himself Mr Brown approached the Port of Geelong Authority for an invitation to tour the port.

That is a blatant untruth. I did not approach the authority. The statement continued:

In response to that approach the PGA on April 7 wrote to Mr Brown giving him an open dated invitation. On April 16 Mr Brown accepted the invitation but left the date to be settled at a future time.

That was true. The statement continues:

The Port of Geelong Authority expected that before finalisation of a mutually accepted date Mr Brown would have approached me in my position of Minister for Transport—this he failed to do.

I wrote to the Minister approximately two weeks prior to him sending the telex. The Minister knows the issue. The Opposition, quite correctly, desires to inspect facilities. Not only was that inspection obstructed, but also members of the Opposition were told that they could not go because they did not approach the matter in the way the Minister required. The inspection was relevant to the debate on the Port Authorities (Amendment) Bill, because the Port of Geelong Authority is one of the three authorities concerned. Members of the Opposition were purposefully precluded by the Minister from carrying out their rightful role in inspecting the authority's facilities and receiving briefings, something which is only fair and reasonable in any real democracy.

I am prepared to rise above such activity, and I assure the House that in two years' time, when I am the Minister for Transport, the Opposition will have some rights and I will assist those honourable members carrying out their role under the Westminster system. When Opposition members require briefings by different entities I see it as a right not a privilege. If Governments stoop to that level, it will be similar to the period around the 1940s with dictators in power and active members of Parliament disappearing during the night. I am not prepared to tolerate that situation. However, while the Government carries on in that way, the Opposition will be extremely vocal against such action.

As a result of my visit to the Port of Geelong Authority, an article appeared in the Geelong Advertiser of 24 September titled, "Port will pay for victory—Government claim". The article states:

Geelong might pay dearly for its victory over the State Government's plans for a centralised port authority, a Government spokesman warned yesterday.

A spokesman for the Transport Minister, Mr Roper, said the defeat of the Victorian Ports Authority legislation earlier this year had undermined the future of the port.

He said he could understand fears that Geelong's position as a major grain port could be threatened by Portland's deep-water harbour.

He expected Portland would use this advantage when competing with Geelong.

The spokesman goes on to say that Geelong had also lost the opportunity to have channels dredged to depths similar to those of the Portland harbour.

The article indicates that the Government proposed setting up a dredging unit as part of the authority, and the unit would have considered a major dredging project for Geelong, but this had been "put on the back burner" after the defeat of the Victorian Ports Authority Bill. That is a direct retaliatory move. If that spokesman were working for me, he would have been sacked on the spot. The spokesman is still the Minister's right-hand man in the ports area. No rebuke of the spokesman has occurred. He still carries out his role and the Port of Geelong Authority has effectively been threatened that, "We will fix you for having dared to stand up for your interests".

The Bill claims to be about autonomy for the authority and the Minister says that it will give the port of Geelong, the port of Portland and the port of Melbourne more control over their own destinies. However, they will not set rates, tolls or charges without the Minister first telling them what they can do. One wonders how the autonomy of those ports will be affected after the Bill is passed.
The questions I put to the Minister relate not only to the future of the chairman of the authority but also to the implementation of major Government projects associated with ports. The Opposition wants to know: what are the major projects that are proposed? The last major project of the Port of Melbourne Authority was the World Trade Centre. If the Government has a similar venture in mind, Parliament and the community, which foots the bill, should have some insight on it.

The Opposition wants to know what proposals are in hand for future purchases of land. If an Act of Parliament enables acquisition of land, the Government must have something in mind; and the Opposition wants to know what it is. Conjoint with that is the sale of land. The Bill contains direct provisions to enable land to be “flogged off” more easily. The Government has sold off the farm, but the Crown still owns some land, especially in the port of Melbourne area. Is any of that land to be sold; if so, how much? The Opposition wants to know whether land is to be sold; to whom it is to be sold; and exactly what assets are to be “flogged off”.

Clause 19 contains a proposal to promote a property trust. The Government has had its fingers burnt in the formation of a property trust for the Portland smelter project, which has not proved a good investment for those involved. However, the Bill proposes the promotion of a property trust, and I ask the Minister to indicate, preferably at this stage of the debate, what the Government has in mind regarding that promotion.

The honourable member for Bulleen will pursue further matters directly relating to financial aspects of the Port of Melbourne Authority, in particular.

I asked the Minister a question on notice, question No. 834, which was:

The actual amount of money lost on foreign exchange transactions regarding moneys borrowed overseas in respect of each year between 1981-82 and 1984-85.

The Minister replied some weeks ago and indicated losses sustained by the Port of Melbourne Authority. The Minister said:

1981-82 nil;
1982-83 nil;
1983-84 nil.

Mr Perrin—That is wrong.

Mr BROWN—That is impossible. The Minister would be misleading the House, and that is a serious matter. The answer could not possibly be wrong. The Minister’s answer continued:

1984-85 nil.

According to the Minister’s answer to my question on notice, no foreign exchange losses have been incurred by the Port of Melbourne Authority.

That makes the Auditor-General look like a foolish man because he speaks about tens of millions of dollars incurred in foreign exchange losses. How about $58 million? It is like Russian roulette with the Minister; but apparently it is roulette with the figures pushed around this House relative to answering questions.

Unlike the Minister I do not know everything. I do not claim to know everything, as the Minister does. Therefore, the Minister can explain to the House in this debate how he can claim—as he did, and it is recorded in Hansard at page 421 of 11 September 1986—that there were no foreign exchange losses incurred by the Port of Melbourne Authority over a four-year period. Yet, the evidence would appear to be irrefutably otherwise. I cannot claim to be the font of all knowledge relative to these issues and I ask the Minister to explain for the benefit of the House exactly what is the situation.

I pointed out that the Opposition would be moving an amendment which provides that the board not be expanded. The present composition of the board is that it has six
members, including a full-time chairman. The other five members serve in a part-time capacity and are appointed by the Governor in Council. They have knowledge and experience—and it is required under the Act—in their specialist spheres, encompassing exporting, importing, primary production, shipping and labour. In addition, there are six non-voting advisers appointed to the board. However, effectively the board comprises six members who have a vast knowledge and background relative to the areas about which I spoke.

There is no supportable rationale for the board to be expanded by one member to bring in the interests of the port of Western Port. I should add that the port of Western Port is a very important and integral part of Victoria's development. Not only has that been the case for the past two decades, but also it will be very much the case in the future.

I know this Government has been lax in its endeavours to obtain for Victoria the submarine construction contract; work that would give thousands of Victorians employment. However, if the Government decides to do something constructive about it and the contract comes to Victoria, there is no doubt that Western Port is one of probably two ideal locations. Western Port has a great role in the future of the State.

If the Government is sincere about the port, it should examine the possibility of a port authority for Western Port. There are three other ports of major importance in this State and each has its own authority. However, Western Port is without such an authority.

The Opposition will move an amendment to the Bill which will reject outright the proposal to expand the membership of the board by one. Other than that, the Opposition is supporting all the proposals incorporated in the Bill.

Mr W. D. McGrath (Lowan)—Once again the House is dealing with proposed legislation relating to Victorian ports. Since assuming office the Labor Government has tried to have a great deal of input and interference in the running of Victoria's ports. Over a long period the ports have provided very well for Victoria's imports and exports. In the main the statutory authorities have abided by the laws established by Parliament.

In recent times honourable members have seen Ministers—and the current Minister for Transport in particular—having obsessions or ideals about the establishment of a single port authority. That measure was defeated in Parliament by the Liberal and National parties combining to oppose the proposed legislation.

Now, once again, proposed legislation has been introduced concerning ports. The Bill is divided into three basic components and each of them makes similar legislative amendments to the Acts governing each of the authorities.

In the main the National Party does not oppose at least 90 per cent of the proposed legislation. However, the National Party is concerned about the insertion of proposed new sections 49 and 50, which are dealt with in clause 19, and provide that the authorities must have Ministerial approval for any leasing or selling of land.

Although the National Party does not totally object to that proposal, it understands that the ports have always conducted their operations very efficiently. Once again one sees Ministerial interference through proposed legislation. Perhaps it may be necessary; only time will tell.

Many aspects of the proposed legislation cause concern. Whenever members of the opposition parties receive second-reading notes and Bills, they circulate copies of them to interested parties for comment. If a Bill is introduced dealing with local government, I forward a copy of the Bill and the second-reading notes to interested local government organisations and ask for their comments. If proposed legislation dealing with housing is introduced I do the same. In this way those organisations that have a direct interest in proposed legislation can provide some guidance and input into the relevant measures.

When the Port Authorities (Amendment) Bill was introduced, I forwarded copies to the chairman of the Port of Portland Authority, the Port of Melbourne Authority and the Port
of Geelong Authority hoping that before the second-reading debate on the Bill was resumed I would have received comments on the proposed legislation from the organisations concerned.

However, that was not to be. Instead of receiving a response from the individual chairmen of the respective authorities I received a letter from the Minister for Transport dated 17 November, which stated:

Dear Mr McGrath

The Chairmen of the three port authorities have asked me to inform you of their views concerning the Port Authorities (Amendment) Bill which is currently before the Parliament.

The Ports of Geelong and Portland Authorities have informed me that they support the amendments and have expressed the wish that the new provisions be introduced as soon as possible.

The letter went on to mention a few matters that had been identified by the Port of Melbourne Authority. Surely in this day and age it would have been a normal courtesy for the Minister to allow the chairmen of those authorities to respond directly to me. Surely the chairmen do not need a Godfather to preside over them. The fact that I received a reply from the Minister demonstrates that the Minister does not have confidence in the chairmen of the authorities.

Does the Minister believe the chairmen will stab him in the back at every opportunity? He must believe that. If the Minister continues to act in this way that is what he will get. The chairmen of the authorities will become offside with the Minister and it will be easier for them to destroy him than it will be for him to destroy them.

The Minister should allow the chairmen of the authorities some degree of initiative in responding to requests by the opposition parties for information relating to proposed legislation.

Each of the authorities publishes an excellent annual report. The honourable member for Gippsland West referred to a question he asked of the Minister concerning foreign exchange losses.

The Minister suggested that there have not been any. However, the Port of Melbourne Authority’s annual report for the year ended 1986 states that in 1986 there was a foreign exchange loss of $6.28 million and in 1985 a loss of $3.977 million. The Minister has told the honourable member for Gippsland West that there has not been a loss on foreign exchange for loans arranged by the Port of Melbourne Authority, yet I have mentioned the figures for only two years.

The Government should be honest about the authority losing money on foreign exchange. The National Party does not blame the Government for that loss, but the Minister for Transport should provide more accurate information than he has in the past when asked questions by members of the opposition parties.

I wish to question the Minister on changes to the role of Chairman of the Port of Melbourne Authority. Section 15 of the Port of Melbourne Authority Act states:

(1) The chairman shall not during his continuance in such office engage in any employment other than in connexion with the duties of such office.

(2) If immediately prior to the appointment of any person to the office of chairman such person—

(a) is an officer of the public service . . .

Paragraph (b) refers to the role of chairman. That provision will be altered by the Bill and the former full-time position of chairman will become a part-time position. Will that change mean it will no longer be necessary for the Government to bring before both Houses of Parliament the intended dismissal of the Chairman of the Port of Melbourne Authority? At present, before the chairman is dismissed or his services are suspended, the matter must be brought before both Houses of Parliament.
If the provision will preclude the need to bring that matter before Parliament, I will strongly oppose it. The positions of chairmen of the three port authorities are important. Mr Harrison at Portland, Mr Samuels at Geelong and Mr Tony Vella in Melbourne have undertaken their responsibilities with distinction. It would be a pity if the amending Bill provided the facility for the Minister to dispense with the services of the chairmen rather than continue with the section in the Act that requires the dismissal or suspension of the services of the chairmen, to be brought before Parliament for consideration.

Honourable members should examine the biased appointments that have been made to the Port of Melbourne Authority. On 28 April, Mr S. P. Gibbs of the Trades Hall Council was reappointed to the board for a further three months. Mr Gibbs did not seek reappointment when his term ended on 30 June and Mr M. T. Doleman was appointed.

I understand that Mr Doleman was appointed for a three-year term. However, Mr Colandra, the importers' representative, was appointed for only one year. Why is there a difference in the duration of appointments between representatives of the Trades Hall Council and importers? I ask the Minister to address that matter when closing the debate.

Another biased political board appointment to the Port of Portland Authority involves the replacement of Mr Clayton, the deputy chairman, who has given great service to that port. The former Minister of Transport, Mr Steve Crabb, now the Minister for Labour, nominated Mr Clayton to be the representative of the then Victorian Farmers and Graziers Association. Although the legislation does not state that the representative of primary producers has to be a member of the now Victorian Farmers Federation, one would have thought that the present Minister for Transport would have had the decency to consult with the federation before Mr Crooks took up the position. Mr Clayton was an outstanding representative of primary industry groups on the Portland authority and it appears he was not given consideration for a further term. Perhaps his age was against him, but I shall not enter into that argument.

Mr Roper—That was the only factor.

Mr W. D. McGrath—If that were the only factor, the Minister should have indicated why the name of a person basically representing primary industry groups in this State was not put forward to the Victorian Farmers Federation so that the federation could have had some input into the appointment. Why did the Minister appoint a Labor Party hack, which is the information coming from Portland? It does the Minister no credit to pursue that type of appointment on various boards around the State.

Mr B. J. Evans interjected.

Mr W. D. McGrath—The honourable member for Gippsland East is correct. The Government highlights cronyism in Queensland, but it has sneakily and quietly attempted to make political appointments in Victoria whenever it can.

Mr Gavin—He is young and energetic.

Mr W. D. McGrath—I do not doubt that Mr Crooks is young and energetic, but the Minister should identify his background, his knowledge and the groups he will be representing on the board. Does the appointment of Mr Crooks mean that the primary industry groups formerly represented by Mr Clayton will not have representation on the board? The annual report of the Port of Portland Authority states that primary industry exports are the major shipments from the port.

I am concerned to some extent about the losses experienced by the Port of Melbourne Authority from foreign loans and interest payments. In 1984, net expenses were approximately $24.428 million, but in 1985 they were $21.584 million. These costs to the port of Melbourne must be causing it some concern. I do not know whether the Government can assist the port with its financial borrowings. The port has a degree of autonomy which it should retain.
The Treasurer refers often to VICFIN and has informed honourable members how wonderful that organisation is in achieving overseas borrowing at favourable rates. I ask the Minister for Transport to inform the House whether the Port of Melbourne Authority can borrow through VICFIN or whether it must borrow through normal commercial channels. I am aware that its interest rate is quite high, which is of concern.

I shall refer to the work being done by port authorities. I am glad that I opposed the measure to establish a proposed Victorian ports authority when that Bill was debated in Parliament approximately twelve months ago. In his second-reading speech, the Minister for Transport stated:

The competitive environment in which they operate requires prompt decision making and direct lines of communication.

The proposed Victorian ports authority would have restricted that ability to be competitive, make prompt decisions and have direct lines of communication.

Mr Gavin—Why?

Mr W. D. McGrath—Simply because the port authorities would have to refer to a central point. Telephone messages would be going backwards and forwards all the time and the authorities would have trouble in communicating on a regular basis. In retaining their autonomy, the authorities can be competitive, make prompt decisions and have direct communication. The decision by the Liberal and National parties to oppose that centralisation was correct. Some of the comments made by the Minister in his second-reading speech indicate that the authorities are better off through retaining their autonomy.

I shall now refer to the annual report of the Port of Portland Authority. The annual trade through that port has exceeded 2 million tonnes for the first time since the port was established. In the 1984-85 financial year, 2,010,878 tonnes of cargo were handled, surpassing the previous year's trade by 40 per cent. That is great stuff, and I am glad that members of the Government agree with it. However, the proposed Victorian ports authority would have interfered with that trading operation.

The annual report indicates that the only hiccup the port suffered was that, over the year, it suffered a small trading loss. The port has an outstanding liability of interest on loans of $2,767 for the 1984-85 financial year. Much of that interest loss was incurred because the authority was instructed to build an additional pier to accommodate the Portland smelter facility. I appreciate that the authority was instructed to do that by the previous Government. However, the Labor Government has let down the authority by not providing the go-ahead to the smelter project. No income has been forthcoming to the authority because the smelter development has been stifled in its operations; it has been held back by continual interference and neglect. The Government must take responsibility for that.

I shall now refer to the Port of Geelong Authority. One of the highlights of the year for the authority was the fact that it continued to operate profitably. One cannot expect a Government authority to do any more than operate at a profit. If the proposed Victorian ports authority had been established, the port of Geelong may not have been in its current position of trading profitably.

I ask the Minister for Transport whether, if a change in the part-time Chairman of the Port of Melbourne Authority occurs, it will be necessary for that change to be brought before Parliament or whether the Bill deals with that. If it does, I will oppose the measure.

Another matter that needs clarification is the representative from the port of Western Port. Proposed section 7A states:

One other of the members other than the chairman must be a person who is associated with the development of the Port of Westernport or is identified with activity related to that port.”.

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That is a broad provision. Surely the Minister must have some idea of the qualifications necessary for the position. The Minister should inform the House whether the person will be a representative of a union, private enterprise or commerce. The Minister should outline the role of the person appointed as a representative of the port of Western Port.

I ask the Minister for Transport what role the advisory board is now playing and what is the cost of that board, which I believe is unnecessary. I should think if the Port of Melbourne Authority needs consultants or advisers it will engage them as it requires. There is no necessity for a permanent advisory board to the Port of Melbourne Authority. I ask the Minister for Transport whether he will retain that advisory board. I should like to know how it sees its role. I express concern on that point.

I shall welcome the Minister's comments on clause 4. As yet, the National Party has not decided whether to support this provision. That will depend on the Minister's explanation of the clause. The National Party supports the other amendments to the Acts governing the various authorities that control the ports of Victoria.

Mr CROZIER (Portland)—I return to one of the points that the honourable member for Lowan raised in his speech—one that I also have raised in Parliament on an occasion when the Minister for Transport was not present. It concerns what I regard as the extraordinary and reprehensible episode of the non-reappointment of Mr Jack Clayton as a commissioner of the Port of Portland Authority. Early this month, seemingly out of the blue, it was announced by the Minister that Mr Clayton would not be reappointed.

As the honourable member for Lowan pointed out, Mr Clayton has served the authority for eight years in a most commendable fashion. He brought to that task enormous experience in administration, in the workings of primary industry generally and, indeed, in the workings of the port. I have known him for many years. I respect him enormously as a person, and I respect his judgment. That is obviously the opinion of his peers on the Port of Portland Authority and of the wider circle of people with whom he has dealings in his many-faceted activities.

It is true that Mr Clayton is 68 years of age and that the mandatory retiring age for commissioners is 70 years of age. The extraordinary part of the episode is that his successor, Mr Crooks, has been appointed only until 30 September 1987, so why was not Mr Clayton, who, I know, was prepared to carry on serving in this capacity, reappointed? He is dedicated in his task of serving the Port of Portland Authority; he is in very good health; and in every way he is eminently qualified and suitable. Why was he not reappointed? What criteria did the Minister for Transport use in this seemingly perfunctory and abrupt decision to replace him?

The background to this situation was reported in the Portland Observer of 12 November. The article referred to Councillor Murray Box, who is the local government Minister's representative on the board and who is also an active and respected member of the board. The article stated:

Mr Box said at the last meeting of the board last month that ministerial adviser to the board Mr Craig Cook had told both the board and Mr Clayton that Mr Clayton would be reappointed.

I have no doubt that that is correct. Clearly, it was not just Mr Cook's idea. He would have been acting on instructions from his Minister. This would surely suggest that there has been a sudden and inexplicable or unexplained change of mind.

The inference is quite plain, given this Government's propensity for political appointments, for appointing its friends and deliberately setting out to politicise the entire apparatus of government. In that endeavour, the Government is well down the track. I do not know how much further the Government proposes to go, but I can only assume that this process will gather momentum.

Returning to Mr Clayton's non-reappointment, the whole episode was made far worse by the perfunctory and totally discourteous fashion in which Mr Clayton was informed of this decision. No satisfactory explanation has been given for that, either. I again inform
the Minister that the whole affair has engendered a great deal of speculation and resentment in the wider Portland community among the many people who have personal knowledge of Mr Clayton, who have dealings with him and who respect him, as I and many other people do. So far as we can tell, there was no consultation with the groups that normally would have expected the Minister to consult with them and, as the honourable member for Lowan pointed out, an assurance was given, I understand, to the former Victorian Farmers and Graziers Association, now the Victorian Farmers Federation, that before an appointment to the position was made that organisation would be consulted.

I should have thought as a matter of common prudence and courtesy that the Green Triangle Council would have been consulted, along with the City of Portland, the Shire of Portland, the Portland Chamber of Commerce, and other local groups and port users, but this was not the case, so the episode remains not only unexplained but also one can draw one’s own conclusions concerning the Government’s real motivation concerning this shoddy affair.

Also in this context, I ask the Minister why, having decided for whatever reason that, despite the fact that Mr Clayton was prepared to serve at least until he reached the mandatory retiring age, that he would be replaced, he did not appoint Mr Keith McDonald, who is known to some honourable members. He is a prominent businessman and is currently head manager of Thomas Borthwick and Sons (Pacific) Ltd at Portland, a position he has held before. He is well known to the honourable member for Niddrie, as the honourable member had the pleasure of playing football with him in his earlier days. He could vouch for the fact that, apart from being a good footballer, Mr McDonald has admirable qualities and capacities and has had considerable senior executive experience.

When this position became vacant, I should have thought that at least Mr McDonald would have been on the short list. I should like a response from the Minister as to why he was not. I want to know what consultation took place after the decision was made abruptly and without explanation to replace Mr Clayton, and whether Mr McDonald was considered.

I refer to other unrelated aspects of the Bill. I note in clause 69 the grounds for acquisition of property. I do not have a particular quarrel with this provision except that it will amend section 18 of the Act and further expand the broad powers contained therein. The clause proposes to substitute for the words:

for the purpose of enabling or facilitating the establishment of any trade or industry in the vicinity of the port—

the words:

with the approval of the Minister, for any other purpose.

I do not doubt that the Minister has an explanation for this. I am curious to know what it is.

Similarly, in clause 72, proposed section 21A expands the powers of the authority to act as an agent. Similar clauses relate to other authorities, and I agree that it is desirable to have consistency of powers and functions between the authorities; nevertheless, it concerns me somewhat that any explanation of the power of any of the authorities to act as an agent suggests, again given the alacrity with which this Government will interfere with and seek to subvert legitimate private enterprise activities, that this is a forerunner to an active encouragement for the port authorities to take on board and to perform functions such as stevedoring, which are now undertaken, certainly in the port of Portland, by private enterprise.

I realise that under the existing section 21 of the Act, a wide range of powers is provided to the commissioners, and that includes the power to license persons to perform functions, such as stevedoring and being carters and carriers, and to act in those capacities.

I seek from the Minister for Transport, if he is prepared to give it, an assurance that it is not his or the Government’s intention actively to encourage the port authorities to enter,
or enter further, into the arena of allied port services, such as stevedoring, which are now performed by private enterprise operators—and certainly satisfactorily—and that any such competition is not the intention of the amendments to those provisions.

Mr PERRIN (Bulleen)—The Bill deals with three major ports in Victoria: the port of Melbourne, the port of Portland and the port of Geelong. I congratulate the honourable member for Gippsland West, who has given a particularly good speech on this Bill and its implications. As usual, the honourable member has done his homework and is particularly conscious of the effects of the Bill.

My comments will particularly relate to Part 2 of the Bill, which deals with the Port of Melbourne Authority. For some time I have had an interest in the Port of Melbourne Authority, after having examined one of its earlier annual reports and discovering that it was not in very good financial condition.

The honourable member for Gippsland West has made it clear that I shall raise various matters relating to the financial impact of the Bill on the Port of Melbourne Authority. The first aspect of the Bill to which I refer relates to land. In the second-reading speech, the Minister for Transport said:

The existing provisions of the three port authority Acts in relation to land matters are very inflexible and do not allow for efficient use of land resources, having regard to current needs. For example, the Port of Melbourne Authority lacks power in its Act for the Crown to grant freehold land or lesser estates to the Port of Melbourne Authority and there is no procedure to convert vested land into freehold title. This unduly restricts the use to which Crown land can be put.

At present, there is also a prohibition in the Port of Melbourne Authority Act which prevents the Port of Melbourne Authority from selling land within 125 metres of a defined waterfront. Once again, unless the Act is amended appropriately, this absolute prohibition hampers the most effective use of land resources. The provisions relating to leases of land are also inflexible and require updating. The Port of Melbourne Authority, for example, is unable to lease land for a longer term than 56 years which is inappropriate having regard to modern commercial requirements.

The words "modern commercial requirements" are interesting.

The major parcel of land owned by the Port of Melbourne Authority is the land on which the World Trade Centre is situated. Since it has been completed, the World Trade Centre has been transferred into the assets of the Port of Melbourne Authority.

Clause 19 of the Bill relates to developing land. The word "develop" appears in the clause in bold print. I should have thought one should ask whether the Port of Melbourne Authority would want to become involved in land or commercial developments and so on.

If one carefully reads the Minister's second-reading speech, one begins to wonder exactly what the Minister and the Government have in mind for the Port of Melbourne Authority, and perhaps also for the World Trade Centre. Are they planning to sell off the World Trade Centre? Is that the purpose of this Bill? Is its purpose to enable the selling off of the World Trade Centre so that the money can be used for some other purpose?

Honourable members know that, in the transport sector, the Government has sold off every tram, train and bus in this State, and it must now lease them back over a considerable period at enormous cost. The debts incurred when the former Liberal Government originally purchased them still exist.

Therefore, there is already an example of where this Minister's predecessor, for short-term political and financial considerations, was prepared to sell off assets of the State. The loans still exist. The Government has sold off the assets and used the money, and it must now make leasing payments. A payout figure, of which we are not quite sure, will also be involved at the end of the leasing period. That is a way to financial disaster, and I shall elaborate on that point later.

One should ask exactly why the Government wishes to provide the additional powers set out in clause 19 for selling off or developing land, because, in its present parlous
financial situation, there is no possible way in which the Port of Melbourne Authority could develop anything.

I have raised in this House from time to time the profitability of the authority. It is of some concern that there has been a significant rundown in the accumulated profits of the Port of Melbourne Authority.

When the Liberal Government left power in 1982, the accumulated profits of the authority totalled $64.9 million. Since that time the authority has made losses each year, including the year ended 30 June 1986. I shall explain that in a moment, because the financial statements relating to the losses are not particularly accurate.

The losses in 1982-83, 1983-84 and 1984-85 totalled a staggering $58.4 million. That is the extent of the losses over the three financial years before 1985-86. As if that were not enough, the dividend payments in those three years to 30 June 1985 amounted to $12 million—and that was after the authority had made losses!

Have honourable members heard of any commercial company paying out dividends when it was making commercial losses? The Port of Melbourne Authority has been required to pay out dividends while making losses. The accumulated losses and dividend payments of the authority for the three years to 30 June 1985 totalled $70.4 million.

When the Liberal Government left office, the accumulated profits of the authority amounted to $64.9 million, as I said. If one subtracts from that amount the figure relating to the running down of the reserves of $70.4 million, one arrives at a figure of minus $5.5 million as representing the accumulated losses of the Port of Melbourne Authority as at 30 June 1985. It is technically broke.

Those losses have occurred during the term of office of the present Government, which has a clear policy of taking dividends where no profit has been made.

The annual report of the Port of Melbourne Authority for 30 June 1986 has shown that the position has become worse. According to the annual report, the net profit of the authority for the year is supposedly $1.7 million. However, again, there has been some fiddling of the books and, if one examines the figures carefully, one notes the true position.

Under note 4 of its annual report, the authority has included in its income an abnormal item in the form of a provision for insurance amounting to $11.096 million.

The Port of Melbourne Authority has not made a profit of $1.7 million. It would have made a loss of $9.3 million had it not written back that insurance provision. That is a one-off change in accounting policy; it will not happen again; the Port of Melbourne Authority will not receive that income in any future year.

In 1986, after making an allowance for that write off, the loss in $9.3 million, and when one compares that with the loss in the year to 30 June 1985 of $5.8 million before divided, one sees that the losses have almost doubled between 1985 and 1986.

Notwithstanding that for the first three years the authority has been making losses and in the last financial year had a loss of $9.3 million, the Government persisted in taking a dividend of $5 million. Again the profits of the Port of Melbourne Authority have been plundered by the Government, and the total of dividends paid to consolidated revenue since the Cain Government was elected is $17 million, and in none of those years in which the Government took dividends were there any profits. If that was done in private enterprise people would go broke. It is of tremendous concern to me that this financial imposition has been placed on the authority. It has partly to do with Government policy with regard to dividends, but it also has to do with the accounting changes and the way in which the Port of Melbourne Authority is being run at present.

Another point I wish to make with regard to writing back that $11 million insurance provision is that at this time the Port of Melbourne Authority does not have any insurance coverage. Instead of being self-insured, as it was, it is now totally uninsured. There is no
commercial insurance, nor is there a provision for insurance. Under the heading “Insurance”, paragraph 1.3.7 of the authority’s annual report for 30 June 1986 states:

The authority has previously provided for losses in respect to self-insured risks by way of an annual charge against revenue with actual losses being charged against the accumulated provision.

This policy was discontinued in 1986 with the provision being written back to revenue and any actual losses being reported as operating expenses.

From now on, if there is a catastrophe involving any of the Port of Melbourne Authority’s undertakings, insurance funds will be taken from operating expenses. I hope there will not be a disaster in which the authority is involved because that will put the authority, which is already in a parlous state, in further jeopardy. I strongly question the accounting and dividend policies of the Government with regard to the Port of Melbourne Authority.

Moving away from the historic profitability and cost accounting, one of the new concepts that the Treasurer has introduced is called rate of return accounting. What has been attempted is to get a real rate of return on equity.

I do not wish to go into the methods that are used to calculate the current cost of the various assets and liabilities of the authority; suffice to say that without questioning at all any of the assumptions made on the rate of return reporting, if one looks at the 1986 annual report of the authority, one sees that it has calculated the rate of return reporting profit, and even using its method without questioning it, the authority comes up with a rate of return on equity of $4.955 million. That is the authority’s figure; it is not mine!

Yet we find a situation—even using the rate of return reporting—in which the Government took a dividend of $5 million, which means that it took not only all of the return on equity but also some of the equity as well. That is the way to bankruptcy! If one did that in private enterprise one would have the Fraud Squad in or alternatively the Corporate Affairs Office in to look at the books to see what the hell was happening. Yet the Government is prepared to asset-strip the Port of Melbourne Authority for its own consolidated revenue purposes.

It is worse than that! The honourable member for Gippsland West and the honourable member for Lowan have clearly indicated the incompetence in borrowing by the authority must be seen to be believed. In the first report of the Auditor-General for 1985–86 on page 49, he points out that the Port of Melbourne Authority has been borrowing overseas and has unamortised foreign exchange losses of $47 million.

But that is not the end of the story! If one looks at the actual foreign exchange losses which were incurred during the years, in 1983–84 there was a $9 million foreign exchange loss; in 1984–85, there was a $24 million foreign exchange loss; and in 1985–86 there was a $25 million foreign exchange loss. That makes a total of $58 million worth of foreign exchange losses on overseas borrowings of the Port of Melbourne Authority.

In the current report of the Auditor-General, he indicates that the total borrowings of the authority overseas were $136 million, and on that it has made a foreign exchange loss of $58 million.

Mr Brown—Unbelievable!

Mr PERRIN—That shows incompetence of the highest order; $58 million losses on a borrowing of $136 million. Is it any wonder that the authority is getting into financial difficulties?

In the first report of the Auditor-General for 1985–86 and again in the first report for 1984–85 he pointed out to Parliament the parlous state of the authority’s borrowings. The authority made no attempt whatsoever to hedge its foreign exchange borrowings, and subsequently it has had huge losses. The people of Victoria and the carriers in and out of the port of Melbourne will be the ones who pick up the debt of the authority.
It is actually worse than that, because there have been other financial transactions at the Port of Melbourne Authority which have been questioned by the Auditor-General. In his second report for 1984–85 he pointed out——

**An Honourable Member**—He has questioned the Government a lot lately!

**Mr PERRIN**—The Auditor-General has been busy with the Port of Melbourne Authority; I can assure honourable members of that. In the second report of the Auditor-General for 1984–85 on page 115 he had the duty to report to Parliament that there is a shortfall in the superannuation fund of the Port of Melbourne Authority.

He referred to a shortfall of $2·2 million in the superannuation fund and makes another interesting point which must be put on record because it is part of the general financial operations of the authority. Under paragraph 3.20.27 he states:

The fund is invested in the authority's operations.

That is, the superannuation fund of the employees of the Port of Melbourne Authority is invested in the Port of Melbourne Authority. That is a recipe for disaster because it puts at risk the life savings of those employees who may at some stage suffer a loss. Should the authority be unable to pay some or all of these liabilities, the employees will have put their personal superannuation funds at risk.

That questionable practice was highlighted by the Auditor-General in his annual report. The Auditor-General should be congratulated.

If one considered the matters that I have raised: profitability; running at a loss; the eating up of reserves; the paying out of dividends while losses have been incurred; the fiddling of figures; the lack of insurance; foreign exchange losses that represent a massive proportion of borrowing; the deficits in the authority's superannuation fund; and the investment of the authority's superannuation fund in the Port of Melbourne Authority, one would be extremely concerned. The people of Victoria would like to know exactly what is happening in the authority.

The situation is disastrous. The Port of Melbourne Authority cannot continue in this way. Parliament should note what the Auditor-General has said and it must examine the figures. Honourable members should ensure the Bill will not be used as a short-term political sell-off to enable the liabilities to be paid.

Under the heading, “Tolls, Rates and Charges”, in the second-reading speech the Minister for Transport was reported as having said:

The proposed amendments will streamline the procedures involved in setting tolls, rates and charges. Currently, the procedure for setting these is unduly complex for a commercial port environment and requires regulations to be made whenever tolls, rates and charges are set or altered. The amendments provide for the authorities to fix fees themselves with the approval of the Minister after consultation with the Treasurer.

The fees set by the Port of Melbourne Authority will not be covered by regulation. Members of Parliament will have to find another method of determining any increases in the authority's charges.

Through its Taxwatch Committee, of which I am a member, the Liberal Party has been scrutinising the Port of Melbourne Authority tolls, rates and charges. It has identified a number that have increased well in excess of the rate of inflation. This will impact on the importers and exporters in the City of Melbourne.

The Liberal Party's Taxwatch document was released a few months ago and it lists a number of the increased charges. I shall point out a few that show how the Government is trying to obtain as much money as it can in the Port of Melbourne Authority to enable it to pay its dividend to consolidated revenue.

The first are the charges for Berth 16. Since April 1982, when the Labor Party was elected to government, the berthing charges have increased 78·79 per cent. The second are the bulk outward wharfage charges for the Commonwealth, which have increased by 41·16...
per cent; and the third, the dandy of them all, are the storage charges after five days per
tonne or cubic metre per day, which have increased by a massive 566 per cent.

The storage charges for the first five days per tonne or per cubic metre per day have
increased by 400 per cent since the Cain Government came to office. Is it any wonder the
Government has not provided for regulations covering reporting or allowed for Parliament
to scrutinise increases in charges levied by the Port of Melbourne Authority? The Liberal
Party should be congratulated for the enormous amount of work it has done to direct
attention to the outrageous increases in tolls and charges.

The honourable member for Greensborough may laugh, but the issues are serious. I
suggest she read the Auditor-General's report. These are not my figures; they are printed
in the annual report for the public to examine. On many occasions the Auditor-General
has had to report to Parliament about the financial implications of the operations of the
Port of Melbourne Authority.

The Bill may allow the Government to continue on its merry way of selling off State
assets and using the profits from those sales to overcome its deficiencies but the consolidated
revenue should not be receiving any money in the form of dividends from the Port of
Melbourne Authority.

The authority has never made a profit since the Cain Labor Government came to power,
yet the Government persists in taking its dividends. No-one is able to work out the
newfangled system of reporting. If one does, one realises that the total return on equity is
asset stripped! The Government is prepared to do that.

I have reservations about the Bill. The Opposition will accept it but only with a number
of amendments. The financial position of the Port of Melbourne Authority is not sound
in any way, shape or form. If any honourable member is concerned about the authority,
he or she should read the reports of the Auditor-General and the annual report of the
authority.

The honourable member for Gippsland West made an excellent speech on the proposed
legislation. He also shares my concern about the financial viability of the Port of Melbourne
Authority. I shall read every report of the Auditor-General and every annual report of the
Port of Melbourne Authority to ensure the fiddles are reported to Parliament. The Liberal
Party will ensure the people of Victoria understand what the Government is doing.

Mr SIMPSON (Niddrie)—I welcome the opportunity of placing on the record what
has occurred with the restructure of Victoria's ports since the Government took over the
reins of office in 1982. At that time I was privileged to be the Minister responsible for
ports.

Those who have been here since 1982 or before will recall that the sixteen ports were
the responsibility of the then Minister for Public Works. The policy of the Australian
Labor Party has always been that that was not the best way to administer the ports and
that they should come under the responsibility of the Minister for Transport.

Within eighteen months of coming into office, that transfer was made and, sensibly, the
ports are now properly classified under the Ministry of Transport. In the eighteen months
during which I was privileged to be the Minister for Public Works I was able to witness
some of the changes made and was able to meet with a variety of personnel involved in
the existing port authorities—the main ones were the Port of Melbourne Authority, the
Port of Geelong Authority, the Ports and Harbors Division, the Port of Portland and the
activities of Western Port.

The specialties of the four major ports were obvious to anyone who was interested in
them; the specialty of Melbourne, Geelong, Portland and Western Port. It is not necessary
for me to enunciate the particular specialties of those ports because they will be well
known to all honourable members.
All honourable members supported the restructuring of the ports that occurred in September 1983 by the then Minister of Transport. At the time the desire of the Government and the overwhelming majority of those associated with the ports of Victoria was that the restructure take place and that a Victorian ports authority be established.

There has been no interference with those ports; the policy has been to their advantage and to the advantage of all Victorians. Honourable members must realise that the Victorian ports compete not only within the State but also with other States and with other countries.

It was necessary that Victoria be able to offer the best possible services to the enormous shipping trade that can be available to this country. We did not want shipping to go to New South Wales, Western Australia or South Australia when we had the facilities, with a proper structure and policy through the Victorian ports authorities, to make it a very efficient and modern financial management arrangement.

It is now history that the opposition parties opposed the establishment of the Victorian ports authority in both this place and in the other place and, because of their superior numbers to the Government in another place were able to reject the Bill.

I am enough of a politician to understand the politics involved, and I believe the motive of the opposition parties was that there could be some political mileage in relation to the Port of Geelong. They obviously thought that this would be seen as Big Brother, with the Port of Melbourne trying to take over the Port of Geelong; but that was not reflected in the votes recorded at that election. Having tested the water at the 1985 election, the opposition parties could have been expected, when the Bill was reintroduced following the re-election of the Cain Government in April 1985, to acquiesce to the wishes of the multitude of organisations associated with the shipping and port industries and to allow the measure to proceed, but again it was rejected.

I can see the advantages of the various amendments that the Minister is presenting. Those within the industry support and will continue to support the development of the proper structure and the proper policy that will be enunciated by the Minister.

The honourable member for Lowan and the honourable member for Portland mentioned a matter relating to a commissioner at Portland. I refer to Jack Clayton. I was privileged to be the responsible Minister at some very difficult times when, as a result of drought, this State suffered disastrous effects to its wheat harvest so that little or no wheat was going through the Port of Portland in 1982 and 1983. I recall that Jack Clayton as one commissioner, together with two other commissioners, was faced with a very difficult situation at a time of financial constraints on the whole of the Government when certain restrictions and requirements were imposed on all Ministers to ensure that cuts were implemented to meet the budgetary requirements.

I place on the record my appreciation of the work, the loyalty and the support that I, as the Minister of the day, received from Jack Clayton; and I wish his replacement, Mr Crooks, every success. I hope the same loyalty, application and dedication will be applied by Mr Crooks as was applied by those other commissioners; I am sure it will be.

Mr ROPER (Minister for Transport)—The first matter raised during the second-reading debate to which I respond related to the future of the various boards. Honourable members will recall the new structure that was developed following the passage of the Transport (Victorian Ports Authority) Bill. As a temporary measure, with the agreement of the whole of the board concerned, advisers were appointed to the various boards as a preliminary step.

Following discussions that I have had with the three port authorities, it has been agreed that the Government should examine the existing structure of all of the boards with a view to some amalgamation—particularly in the case of Portland and Geelong, which have only three-person boards—on a number of the aspects of the advisers that are currently on those boards.
For instance, apart from the appointment that has been the subject of debate tonight, I recently appointed a senior person from Mount Gambier to the board of the Port of Portland Authority because of the close links that the Government is trying to foster between that part of South Australia and Portland. That person has been appointed as an adviser rather than as a member. Each of the boards has now written to the Government suggesting a proposed structure for its new board.

The Government at one stage hoped to deal with this matter during the current sessional period as part of the Bill now before the House; but all of the boards agreed that much work and consultation was required before that could be finalised. The Government will need to have extensive consultation with the various interests—employers, employees and users—if it is to obtain the right balance on those boards. For instance, the Portland board has, in its initial suggestion, proposed the enlargement of that board from three to seven members. That will need careful consideration but the matter is under review and it is expected that discussions with the various interest groups will be commenced in the New Year, once the positions of the various ports have been considered.

Concerning the proposed position of a part-time chairperson, no suggestion is made that there automatically be a part-time chairperson. Honourable members may recall that the Transport Act provided that option for the various authorities. It would be possible to have a managing director who is responsible to the board, which could be chaired by a person other than the general manager, who could be a businessman, a prominent local person or whatever. The Government made a short-term appointment in relation to the State Transport Authority and the Metropolitan Transit Authority, where the director-general has been appointed as the part-time chairperson of both of those boards; that was done for specific purposes.

In the long term, it may well be that it is necessary to bring in a person with outside expertise as a part-time chairperson. Much the same could occur in any or all of the three ports, but no decision has been taken in relation to that. Indeed, the various chairpersons have considerable periods of their terms still to serve. I believe one term does not end until 1989.

On the question of tolls, rates and charges raised by a number of honourable members, we again hope that the boards have been considering a way in which they can be more flexible and able to respond more readily to the commercial arrangements that honourable members have said those boards should follow. However, it was necessary to make it clear to them that they would have to comply with the Government’s policy in relation to charges, and that can be extremely difficult.

As some honourable members would be aware, the Government has just dealt with such a matter in respect of the Port Phillip Sea Pilots Association where, in the traditional way, the association’s fees could have risen significantly but the Government wished to put a cap on that expense. It is my intention to have the ports make decisions on a commercial basis but to provide a capacity for the Government to intervene if necessary. Generally speaking, I suspect that will be to limit rates of increase, rather than the reverse.

Indeed, one port has, in recent months, made a number of requests for increases in charges that have been rejected because they were well above the movements in the consumer price index.

I believe, as do the various boards, that the provision contained in the Bill will be of assistance. The Port of Melbourne Authority wanted an even freer arrangement than is proposed by the Bill, but two other ports were not concerned in that regard.

A deal of discussion has occurred concerning the port of Western Port. I do not know whether all honourable members are aware that Western Port is this State’s second major port. In the past financial year it handled some 13·6 million tonnes of crude oil exports; some 100 000 tonnes of steel exports; and some 700 000 tonnes of steel imports; so that port deals very much with a couple of trades—oil and steel—as well as with a few fishing
boats. It does not have the complexity of the other three ports, but it is still a major port for Victoria.

Honourable members will recall that the decision to integrate ports and harbours into the various port authorities was agreed to in the 1985 Transport (Amendment) Bill enabling that integration; it was not the Transport (Victorian Ports Authority) Bill, as suggested by the honourable member for Gippsland West. Parliament unanimously passed the provision under which I then acted, which was finalised in October. As a result of that decision the port of Western Port came into the port of Melbourne area. The port of Western Port will account for a substantial part of both the tonnage and revenue and the activities of the Port of Melbourne Authority.

There is a misunderstanding in the suggestion that we are somehow trying to introduce a regional group into the Port of Melbourne Authority. That authority, as it is currently constituted, is a regional group for the port of Melbourne, but that regional group now has to cover responsibilities in a very big port—the port of Western Port—and in a lot of smaller ports in Gippsland.

It is not suggested in any way that Gippsland requires representation on the board of the Port of Melbourne Authority; these ports are more than happy with the board chaired by Mr Tony Vella that is working most effectively, but the port of Western Port is different from the port of Lakes Entrance or Port Welshpool.

It is a significant port and there are business and employer interests there of grave significance to the future of the Port of Melbourne Authority, which is responsible not only for the Port of Melbourne Authority, but also for the port of Melbourne, the Western Port Authority and other authorities, in terms of its income and activities.

I should like to see an additional member on that board who would not simply represent Western Port. “Represent” is probably the wrong word and, if I use it, I do so in error. I should say to bring the interests, skills and responsibilities of Western Port directly to the Port of Melbourne Authority board. After all, Western Port handled more than 14 million tonnes of cargo last financial year which is well over half the cargo that flows through the port of Melbourne.

Again, it is a more limited cargo but, nonetheless, it is significant. The membership of the board has been appointed and publicly applauded in the Western Port area. The people in the area have been advising me as to the appropriate persons to represent their views and the views of the Port of Melbourne Authority, and Tony Vella made that point quite strongly at the first meeting held at Hastings; so there can be a more effective link between the two.

As I have suggested, this is likely to be only an interim measure. It is the Government’s intention, in cooperation with the ports and the industry, to consider the way in which boards will be constituted in the future, and it will probably be the case that when a new Port of Melbourne Authority board structure is brought before Parliament, a particular relationship will be continued with Western Port; and that is highly desirable. It is really a matter of seeing how it works and whether it improves the relationship. I believe it will.

When one thinks of the people who have been appointed to the committee in Western Port, the membership is quite impressive. It includes Cr Renouf from Hastings; Peter Chaffey, the Executive Director of the Western Port Development Council; Mr Paul Lombard, an executive with BHP, Mr Alan Nash, a tug engineer; and Mr Bill Andrews, an able seaman. They bring to the Port of Melbourne Authority a lot of experience of the way in which Western Port operates, and the Government hopes that the Port of Melbourne Authority will be able to assist them by bringing expertise and experience back to the port of Western Port.

Therefore, I hope honourable members will treat the proposal in the spirit in which it was intended; that is, to improve the linking between these two major ports that are now part of the Port of Melbourne Authority.
Matters were raised concerning clause 69 of the Bill by the honourable member for Portland. This clause suggests substituting "for the purpose of enabling or facilitating the establishment of any trade or industry in the vicinity of the port" for the words "with the approval of the Minister, for any other purpose".

One of the matters drawn to the attention of the Government was whether, for instance, a marina or a joint venture with a yachting club or similar organisation is really a trade or industry. That question was raised especially by the Port of Geelong, which currently has an effective development going with the Royal Geelong Yacht Club, but there is the possibility of developments in Portland or related to ports which the Government hopes the ports will be able to follow up.

The honourable member for Gippsland West raised the question of major Government projects and the acquisition of property. By and large, the ports have adequate amounts of property for their activities but, for instance, the Port of Geelong has entered into discussions with the Commonwealth in relation to the land at Point Wilson and the jetty, in a significant exercise to expanding the area of the Port of Geelong, to look after its long-term future and possibly to enter into another trade.

In a similar fashion, the Port of Melbourne Authority is partly acting as the organiser of the land arrangements for the bayside project. Ports wish to become involved in other projects, with which the Government would like them to cooperate.

The last matter that the honourable member for Gippsland West raised with me—and it is an important one—is the question of the sale of land.

The ports authorities inform me that there are significant restrictions on their capacity to use their land properly. It was suggested that there was some proposal to sell the World Trade Centre. I make it clear that I am not aware of any suggestion by the Port of Melbourne Authority to dispose of the World Trade Centre and it is highly unlikely, if such a proposal came forward, that it would be agreed to by the Government.

The Bill has been developed in close consultation with the ports, which have been asking for amendments to the legislation for some time. The amendments were held up by the Transport (Victorian Ports Authority) Bill.

The Bill allows them to proceed, and the next stage will be in cooperation with the port authority boards and those interest groups that are closely connected with them, to introduce a measure which will restrict appointment arrangements for the various boards as a result of the changes that occur, but which was not put into legislative effect in 1984.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

Mr BROWN (Gippsland West)—I indicated in the second-reading debate that I would be moving an amendment which, effectively, is that this clause be deleted. That was on the basis that it was foreshadowed by the Minister—and the Bill proposes, via this clause—that an additional board member will be appointed to the Port of Melbourne Authority, and it is envisaged that that particular individual will be selected on the basis that:

One other of the members other than the chairman must be a person who is associated with the development of the Port of Westernport or is identified with activity related to that port.

Having heard the comments of the Minister for Transport, I have decided to consider this matter further. The Minister indicated that he may be prepared to accept the nominee of the recently appointed committee at the port of Western Port. That being the case, I suggest that the concerns that I expressed have been allayed to a large degree.
The Liberal Party is prepared to reconsider its stance on this matter if the Minister gives a categorical undertaking that the nominee of the committee established at Western Port will be the person appointed as the new board member of the Port of Melbourne Authority. If the Minister is prepared to give that undertaking, the Liberal Party will reconsider its position.

It is important that the port of Melbourne is managed in an inefficient manner at the board level by people who are knowledgeable in their respective areas. The Opposition acknowledges the importance of the port of Western Port as the second largest major port and through its proximity to the metropolitan area. There are many reasons why the port of Western Port must be fully and adequately represented.

As I stated previously, if the Minister is prepared to accept without reservation the nominee of the committee of the port of Western Port, the Liberal Party will reconsider its stance on this matter.

Mr ROPER (Minister for Transport)—As I indicated during the second-reading debate, and I am pleased that the honourable member for Gippsland West has understood, honourable members are dealing with two matters: firstly, we are now dealing with something bigger than the Port of Melbourne Authority because it includes other areas and, secondly, the Government will examine how the authority operates and talk to the port authorities and the users about the figure composition of their boards and how advisers fit in.

It was certainly my intention to obtain advice from the group that I established at Western Port about the person who should be the new member appointed to the Port of Melbourne Authority. I am happy to say that I will accept the suggestion of the committee.

When developing that group, I sought nominations from local government which sent in a panel of three nominees from the two main user groups and the Hastings area in general. Until I met those people at the first meeting, I did not know who they were. However, the calibre of the people was impressive, and I believe they will do a good job.

Mr W. D. McGrath (Lowan)—The National Party will reconsider proposed section 7A. During the second-reading debate, I asked the Minister to outline the type of person who would take up the appointment to the Port of Melbourne Authority. The Minister has now given an undertaking that he will take the advice of the committee of the port of Western Port on the appointee. Providing that the Minister is prepared to accept a nominee from that committee, the National Party will consider its position while the Bill is between this House and the other place.

When the Bill is between here and another place, the National Party will analyse the comments of the Minister. Although I do not have a thorough knowledge of the personnel of the committee, I shall make inquiries and discover its views about the Minister's undertaking. Hopefully, the committee will not be gagged, as some chairmen of authorities have been, and I will be able to obtain a positive and reasonable response.

The clause was agreed to, as were clauses 3 and 4.

Clause 5

Mr Cooper (Mornington)—I direct to the attention of the Minister for Transport the concern that has been expressed to me about the deletion of "Harbor-master" from the legislation. The term is international and is used in every country of the world. The matter has been raised with me by people either of that status or close to it, and they would like to know whether the title can be retained.

The title is a very old one, and the person holding that position would be asked for under that title in any type of negotiations between a captain of an incoming vessel and the person running the port. Clearly, this is a matter of importance to those who either hold the title or aspire to it.
Mr ROPER (Minister for Transport)—During the second-reading debate, I mentioned that certain names would be removed from the legislation and be replaced by a designated officer of an authority. That does not apply only to harbourmasters but also to other titles in the Act. So far as I am aware, people will still be known as harbourmasters but they will not be mentioned in the Act. That was my understanding of the change; if it is not the case I will advise the honourable member for Mornington.

The clause was agreed to, as was clause 6.

Clause 7

Mr COOPER (Mornington)—I was pleased to hear what the Minister for Transport said about the representative from the port of Western Port. I am sure that people in the area will also be pleased with the assurance that the Minister has given.

While the Minister will accept the person nominated by the committee of the port of Western Port, it has been put to me that the Western Port representative should be a representative in the area and should be a representative of port-related commercial interests. This is a matter of importance to the people of Western Port.

I am not asking the Minister to move an amendment in this regard, but I would like to know whether he is prepared to consider the suggestion that he give an instruction to the committee that will make the recommendation that the nominee should be a resident in the area and represent port-related commercial interests. That would be seen as supportive to local commercial interests who see themselves as being closely attached to the future development of the port.

I hope the Minister will make a similar suggestion to the committee that recommends the representative of the port of Western Port on the Port of Melbourne Authority.

Mr ROPER (Minister for Transport)—I shall take into account the views expressed by the honourable member for Mornington. I again stress that it was a misuse of words to describe the person as “simply a representative of the Western Port” region. The representative will be a member of a major statutory authority that has responsibilities covering the area from Western Port to Mallacoota. Whoever is elected as the Western Port representative on the Port of Melbourne Authority will be someone who has a vision broader than merely Western Port and who represents not only that area but also the area extending to Mallacoota. Whoever is elected to the Port of Melbourne Authority should have that broad interest as well as the specific background referred to by the honourable member for Mornington.

Mr COOPER (Mornington)—The port of Western Port is the second largest port in the State. I assume the Minister to be saying that the Western Port representative, whilst having a broad overview of the area referred to, would, in the main, represent the port of Western Port.

The clause was agreed to.

Clause 8

Mr W. D. McGrath (Lowan)—Can the Minister give an assurance that the provisions governing the appointment of a part-time chairman will be the same as those governing a full-time chairman with regard to disciplinary procedures? The principal Act refers to the chairman holding a full-time position. I want an assurance from the Minister that that provision also relates to a part-time chairman.

Mr ROPER (Minister for Transport)—That does not change the basic principle. The honourable member can rest assured that there is no intention to remove the Chairman of the Port of Melbourne Authority, with whom I have always got on well and in whom I have a great deal of confidence.

The clause was agreed to, as were clauses 9 to 18.
Clause 19

**Mr BROWN (Gippsland West)**—Proposed new section 50 (1) states:

In this section, "develop" means improve land for any commercial or civic or other public or private purpose, and includes the construction, demolition or substantial alteration of any structure in or on the land or the excavation of the land.

The proposed new section could be used to cover any work relative to planned development in the port of Melbourne. Can the Minister indicate whether the proposed new section is to be inserted to cover a major development that has not yet been announced? One wonders what the Government has in mind by inserting a new section permitting major developments of either a private or public nature. Is the Government proposing another World Trade Centre?

Proposed new section 50 (3) (f) states:

(i) with the consent of the Treasurer, subscribe for or otherwise acquire and dispose of any unit in the Trust;

A number of subsequent paragraphs in the proposed new section deal with the establishment of a property trust even to the extent of guaranteeing an agreed return to the unit holders of the trust. Something appears to be on foot concerning a major trust, or certainly the establishment of a property trust that could have major consequences. Indeed, one has only to think of the Alcoa development at Portland. Some investors may get their fingers burned or be proved to have invested wisely in the Portland aluminium smelter unit trust; only time will tell.

The community should be informed whether a trust is proposed for either the port of Melbourne or any other port. The Government should indicate whether any decisions regarding such a development are in the pipeline or have been made.

**Mr ROPER (Minister for Transport)**—There are no proposals that I am aware of for any of the three ports to promote property trusts. The clause provides various ways by which one of the ports may develop land as outlined in paragraphs (a) to (f) of proposed new section 50 (3), which covers property trusts for the development of land and projects. The clause preserves that capacity.

With regard to proposed new section 50, while the honourable member was discussing other matters I pointed out that currently a number of major projects are being considered by the various port authorities. The Port of Geelong Authority is considering and discussing with the Commonwealth Government the future of Point Wilson and the substantial wharfage capacity that exists there. If that project proceeds, it will be a major development in the port of Geelong area.

As honourable members know, there is a proposal to develop the Bayside project, which is a major development being organised by the Port of Melbourne Authority. This provision brings into modern terms what are basically 30 or 40 year-old provisions concerning the development of land which the ports believe to be too restrictive. The proposed new section does not stem from me, it stems from the wishes of the port authorities to have modern legislation.

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

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

*The sitting was suspended at 6:21 p.m. until 8:4 p.m.*

**TRANSFER OF LAND (CONVERSION) BILL**

The debate (adjourned from October 23) on the motion of Mr McCutcheon (Minister for Property and Services) for the second reading of this Bill was resumed.

**Mr DELZOPPO (Narracan)**—Before commencing my speech proper on the Transfer of Land (Conversion) Bill, I have to declare to the House that my wife and I jointly hold
some 9.5 acres under a general law title which was described in 1861 as being Crown allotment 1 in a parish unnamed, in a county unnamed, on the Tarwin River in Gippsland. Since that time the property has been renumbered as Crown allotment 11K in the Parish of Jindivick, in the Shire of Buln Buln, in the County of Buln Buln.


Prior to the advent of the Transfer of Land Act on 2 October 1862, all land alienated from the Crown was held under a general law title. Since that time the so-called Torrens system has come into being under the Transfer of Land Act. Many general law titles have been converted and the majority of freehold land in Victoria is held under the Transfer of Land Act.

Honourable members will be familiar with the single certificate of title that is used when property is sold, mortgaged or in other ways dealt with. It is a single sheet of paper which has registered on it all owners of the property and any mortgages that are attached to it. It is the general instrument of land transaction in Victoria.

Under the Torrens system, title of the land is guaranteed by the State of Victoria and any person who purchases land under that system should have every confidence in a good title. Before 2 October 1862 a prospective purchaser of land had to reassure himself or herself that the previous owners had good title to the land. Anyone who had to search a title had to assure himself or herself as to all the preceding documents from the present preferably back to the Crown grant and that all previous owners had good title to the land. That is referred to by lawyers as a chain of title.

Good title is said to have good roots, and the vendor must show a good root of title going back to the original Crown grant. If that is not possible, that person must at least go back over the past 30 years in an unbroken chain.

Any transaction dealing with land held under general law must be lodged with the registrar. This applies not only to the sale of land but also to any mortgage that is raised on the land. That is a complicated procedure. The whole of the land passes to the mortgagor and remains with that person or institution until the mortgage is discharged and the land is transferred back to the owner.

The system is cumbersome, and it is best described as a quaint or archaic system that goes back to time immemorial. Any change of ownership or mortgage has to be done by what is called a memorial that is recorded by the registrar. In searching a title a great number of books have to be examined as each transaction is recorded in a separate book. One can easily become exhausted when searching 30 or more books to establish whether previous owners had good title.

Mr Kirkwood—Why does one have to pay a lawyer to do it?

Mr DELZOPPO—That is a good point. The number of properties held under general law is declining each year and fewer lawyers have the particular skill needed to carry out a transfer of land under general law. I am pleased that my colleague, the honourable member for Bendigo East, practised law in an area where there were many general law titles. I am sure he will enlighten the House on the general law system when he joins the debate.

The Minister in his second-reading speech said:

Land disposed of by the Crown before the introduction of the Torrens system remained under the old system, known as general law land, unless converted to the Torrens system.

A general law title can be converted to a Torrens title but it is an expensive and cumbersome procedure and requires a survey of the property. The expense tends to dissuade people rather than to persuade them to have their general law titles changed to the Torrens system.
The Minister went on to say:

During the years that the Torrens system has been operating, owners of general law land have been able to apply to the Registrar of Titles to convert the title to the Torrens system, but today, 124 years later, . . .

That refers, of course, to the time since 2 October 1862 when the Transfer of Land Act came into being.

. . . there still remains 700 000 hectares, representing 3 per cent of the area of this State, which does not have the benefit of the simpler guaranteed Torrens system. This represents up to 50 000 properties—

That figure is an estimate because no-one knows exactly:

The purpose of the Bill is to provide the owners of those properties with a method which is more practical and economical than the conversion methods now available.

Because the system of land transfer under general law is cumbersome and expensive, land held under the Torrens system is easier to market, easier to subdivide and easier to consolidate.

As an example, I hold 9·5 acres of land with a general law title and 9 acres with a Torrens title. To consolidate that property to one title would represent a problem. The land would be difficult to subdivide, whereas if the land were held under the Torrens system, subject to approval by the local council it could readily be subdivided.

The number of general law titles is reducing, albeit slowly. Since 1862, 59 500 applications to change to the Torrens system have been granted but some 700 000 hectares of land are still held under general law titles.


It states that it is generally accepted that the expert knowledge in general law conveyancing in the community is waning. The number of experts in the legal profession continues to diminish as more senior solicitors retire from practice. This is presenting a problem. I understand from some of my colleagues in Parliament that a few firms of solicitors specialise in conveyancing in general law land and it is usual for a solicitor who has not had much experience with this sort of conveyancing to pass those transactions over to those more expert people.

The present scheme of conversion can be brought about under Division 1 of Part II of the Transfer of Land Act 1958 by a voluntary application. This is often referred to as the "traditional" method of changing a title. It requires an expensive survey and, at the present rate of conversion, it would take many years before all land in Victoria could be changed over. Such applications are based on deed title or adverse possession. The first 20 000 applications after 1862 were based on deed measurement and nearly all since have been based on survey.

I understand deed measurement to mean that the title is based on figures that have not been subjected to survey. In 1861 surveyors attempted to survey parts of Victoria and it is little wonder that we often run into minor trouble. However, I pay tribute to those early surveyors for the fact that our records are as accurate as they are.

The cost of survey is high, so some inducement is needed to persuade people with general law titles to change over to the Torrens system. Prior to 1982 the then Attorney-General, the Honourable Haddon Storey, QC, in another place, commenced investigations on the best way to change from a general law system to a Torrens system. Since that time, the Minister for Property and Services and the Attorney-General have called for a working party on this issue.

I understand other States in Australia and New Zealand had conversions done at a much earlier time. In contrast with some of the methods used interstate the method being
advocated by the Bill is purely voluntary. If people wish to retain their land under the
general law system, they are at liberty to do so. If they want to change to the Torrens
system the facility is there so that they can bring about that change.

The responsibility for the two Acts governing land transfers is divided between the
Attorney-General and the Minister for Property and Services. I understand that it was
previously the prerogative of the Attorney-General.

The working party that I mentioned was set up in July 1984 to investigate and report on
an accelerated conversion program for bringing general law land in Victoria under the
operation of the Transfer of Land Act 1958. I shall not bore the House with details of the
report but those compiling the report did state that this reform brought about some major
benefits.

The ACTING SPEAKER (Mr Kirkwood)—Order! Would the honourable member
inform the House when the report was tabled?

Mr Delzoppo—It is a report of the General Law Land Working Party to the Attorney-
General and the Minister for Property and Services dated June 1985. The report goes on
to state:

The major benefits of the plan are:

— that is, this conversion plan —

(a) it meets the criteria considered important for any conversion scheme;

(b) the conversion time span is of the same order of magnitude as the time spans for the project for Automation
of the Register under the Act and the Landata project;

I have some misgivings about the Landata project. It tends to smack of Big Brother looking
over the shoulder of all land-holders.

The ACTING SPEAKER (Mr Kirkwood)—Perhaps the honourable member could
advise the House of just what a Landata program is.

Mr Delzoppo—The Landata program, Mr Acting Speaker, is a system whereby all
land that is held in private ownership will be recorded on a computer; and Big Brother
will know exactly where you, Sir, have your beach house, where someone else has his
farm, or where the Minister for Property and Services has his hideaway. It will all be
recorded on a giant computer. It would be easy to calculate——

Mr B. J. Evans—With the press of one button!

Mr Delzoppo—Yes, with the press of one button, one could find all the property
owned by the Minister, and it would be possible to calculate his land tax much more
quickly than the eye could blink.

Mr Coleman—What about the Premier’s cubbyhouse?

Mr Delzoppo—I cannot talk about the cubbyhouse, so I shall return to the Bill. The
report of the working party also states:

(c) It offers an owner a quick conversion of a general law title at a cost substantially less than traditional
applications;

(d) It avoids the existing duplication of effort on the part of solicitors and the Registrar of Titles;

(e) the converted title will be superior to the general law title in all instances;

A Torrens title, as I have said, is guaranteed by the State; and with a Torrens title there is
not the agonising doubt that somewhere in the general law chain of titles, there might be a
flaw. Therefore, it ensures the titles held under the Torrens system.

The report continues:

(f) A person need not look behind a converted title and the stated qualifications;

(g) All dealings with converted title will be dealings under the Act at a lower overall cost to the community;
(h) It provides incentives for but does not compel conversion; and

(i) It will dramatically reduce the lead time for the development of general law land.

Mr B. J. Evans—What about riparian rights?

Mr DELZOPPO—I shall come to that in a moment.

The ACTING SPEAKER (Mr Kirkwood)—Order! I would rather that the honourable member for Gippsland East did not prompt the honourable member for Narracan.

Mr DELZOPPO—I appreciate his assistance all the same, Mr Acting Speaker. The working party brought down four recommendations, which are embodied in the Bill.

The working party's report states:

The Working Party recommends:

1. The adoption of a plan for the accelerated conversion of general law land with four main elements:

   (a) Conversion upon the registration of a deed or instrument pursuant to section 6 of the Property and Law Act 1958, except for assignments or conveyances of possessory interest supported by a solicitor's certificate as to title (Deed registration scheme).

   This scheme is embodied in proposed section 26c as contained in clause 5.

   The second method recommended by the working party is:

   (b) Conversion upon application supported by a solicitor's certificate as to title, without the need for a survey, by a person who would be entitled to make a traditional application, except in relation to a title claimed by possession (Certificate (non-survey) application scheme).

   This scheme is embodied in proposed section 26d as contained in clause 5.

   The third recommendation is:

   (c) Conversion on application, supported by a solicitor's certificate as to title and survey documentation as presently required for a traditional application, by a person who would be entitled to make a traditional application (Certificate (survey) application scheme).

   Of course, there is also the recommendation for conversion by traditional application under Division 1 of Part II of the Act, which I have already mentioned.

It is quite a technical Bill, but simple in essence. If I may distil it, it means that if a person were selling or buying a piece of general law land, his solicitor would prepare a certificate. The groundwork would be done as a natural course of the transaction, because the solicitor would be required to search the chain of title; at this very opportune time, an application can be made under the prescribed form, with a certificate from the solicitor saying that he had investigated the title and, to the best of his knowledge and belief, the title is secure. This can then be lodged with the Registrar of Titles and a Torrens title is issued.

The schemes that I have mentioned depend very much on the solicitor providing the information. If, for some reason, there is some doubt as to the legal rights of previous owners—if there is some break in the chain—the Registrar of Titles can issue what is called a qualified title; in other words, there is a note on the title to say that the registrar believes it to be a good title but that there is a doubt, and after a certain length of time that qualification can be removed, but for all intents and purposes it is a good Torrens title.

The solicitor's certificate, which is an integral part of the schemes, is set out in proposed section 26c as contained in clause 5. It states:

26c. (1) A solicitor's certificate must—

(a) be prepared and signed by a solicitor; and

(b) be in the appropriate form in Schedule 5a as amended and in force for the time being.

(2) A solicitor who is preparing a solicitor's certificate must have the necessary searches and enquiries made to enable the certificate to be completed.
The second method of change is for someone who holds a general law title who might think that it would be an advantage to change to a Torrens title without a transaction taking place; in these cases, a similar application can be made to change over to a Torrens title.

The Registrar of Titles has certain discretions. Under proposed section 26H, he can refuse to register a title to land under a conversion scheme for a number of reasons, which are set out in that provision.

The only minor criticism that I have of that proposed section is that, if the Registrar of Titles refuses to issue a Torrens title, although he certainly has to state his reasons under that provision, there is no appeal against that decision.

That is only a minor criticism on my part, but perhaps the Minister might consider that point while the Bill is between here and another place and consult with his legal advisers to determine whether it might seem more fair if some form of an appeal against a refusal were provided in the Bill.

However, people who have experience in these matters advise me that it is most unlikely that there will be a great number of refusals under that provision.

There were some other minor criticisms of the Bill from some surveyors and conveyancers. A seminar was held last year at Hamilton, at which the question was raised: if a person has a perfectly valid general law title, why should he change it? I think that is a reasonable question. In some cases, the Bill might induce people to change to Torrens titles.

At that seminar the following criticism was levelled at the Bill—and the expression "limited title" is used, whereas the Bill refers to it as a "qualified" title:

Under the Deed Registrations Scheme and the Conversion Procedure Scheme and apparently under the Certificate (non-survey) Application Scheme, the Registrar will decide whether the Certificate of Title to issue will or will not be limited as to survey and this decision will be made after reference to record plans and an assessment of the parcel boundaries, abutments, connections, etc. in comparison with registered information in the Office of Titles.

That is only a minor criticism. It was also stated:

The difficulty with such a provision is that in every case of an application not supported by a survey, the owners and his advisers will have no means of knowing until the issue of the certificate whether it will be limited or unlimited as to survey and there can be hardly anything more likely to discourage the holder of a good general law title from making application for conversion than the prospect being issued with a limited title.

I believe I have a good general law title, but if I had an inkling that I should scrap that title for a Torrens title, qualified in some way, which in my view would not be as good a title, there would be no use in not continuing with the conversion.

One of the major deterrents to the making of traditional applications has been the cost of survey, which is generally by far the biggest item of expense and, particularly so, of broad acres and even more in surveys of broad acres in difficult country.

Urban allotments often required the whole section to be surveyed. Since the introduction of the Torrens system of registration into Victoria in 1862, the certification of titles has been carried out by the Commissioner of Titles and the Registrar of Titles adopting high standards for certification and making use of records and facilities available in the Office of the Registrar-General and the Titles Office not necessarily available to the persons dealing with land outside those offices and, at all times, the Commissioner of Titles and the Registrar of Titles have been protected in the exercise of their powers from any error under the assurance contribution scheme.

It is now proposed under the three conversion schemes to shift the onus of certificates from the Registrar of Titles onto solicitors who would be required to certify each particular title the subject of an application without having the benefit of the facilities previously
available to the registrar in his own office or of that of the Registrar-General, and certainly without the protection of the assurance contribution scheme.

That report is saying that the application is more or less guaranteed by a certificate from a solicitor, and yet that solicitor, in preparing the certificate, does not have the facilities available that the Registrar-General and the Titles Office have in checking details. That is a minor flaw in the Bill, but I am honest enough to say that I do not believe there is any other course down which the Government can go. The Minister may have comments to make on those minor criticisms.

The reform of changing general law land to the Torrens system has been considered by Governments for some time. Victoria is a little late on the scene compared with the other States. The working party has had the benefits of the experience of other States. The scheme is attractive inasmuch as it is a voluntary scheme; there is no compulsion on any owner of land under general law to transfer. A practical approach has been taken. There may be some faults and risks, as I said earlier, but it is a voluntary scheme.

Advantages are to be gained by changes to the Torrens system, such as subdivision. Under general law title, only two-lot subdivisions are allowed. Notwithstanding the minor criticisms, the Bill brings about a welcome reform and I am pleased to say the Opposition supports it.

Mr STEGGALL (Swan Hill)—I support the proposed legislation. In my experience of local government there have been problems with general law titles. I am delighted that the three conversion methods are being introduced. One wonders why similar legislation was not introduced earlier because many people, including solicitors, have experienced problems in trying to convert general law titles. The problems relate mainly to missing documents going right back to the Crown grants.

The Minister will appreciate that in country Victoria many general law grants are still in existence. Interestingly, some of them are held by public authorities and old families and, when they decide to subdivide or transfer land, enormous problems are encountered.

I welcome the proposed legislation to overcome that problem. It is one of the first measures that will reduce the work of the legal profession, and it should make the transfer of land cheaper than it has been in the past. Everything that is done at the moment seems to create work for solicitors and the legal profession. It is delightful that this Bill does the reverse.

The three methods of conversion to the Torrens title system should cover the majority of difficult conversions. The first one is the deed registration conversion method, which can be through mortgage or sale and has to be accompanied by a solicitor's certificate. Such a transfer would be quick and easy.

The certificate (non-survey) conversion method involves making application for conversion by producing a solicitor's certificate without a plan of survey, but with the figures of the original deed noted on the title. The third method is the certificate (survey) conversion method where no transaction has taken place and there is nothing to trigger conversion. The application must be accompanied by a solicitor's certificate and a plan of survey by a licensed surveyor.

The proposed legislation also allows for a certificate of title to be issued endorsed with a warning that a transaction in the past has not been able to be identified or noted. That warning or qualified certificate of title will be issued under the Torrens title. The Bill indicates that the warning can be removed from the title if missing documentation is found in the future and presented or, at the end of fifteen years, purely by the effluxion of time.

The proposed legislation also allows for the removal of the warning on the certificate as to survey when the person who has converted the title to Torrens title wishes to obtain a survey plan to register the title.
The assurance levy has been abolished, and I have no doubt that will encourage people
to convert the old Crown titles and general law titles. The Bill will still allow a levy to
apply where there is special risk.

No doubt as titles are converted the Registrar of Titles will find transfers or conversions
in which there is a considerable amount of risk. The proposed legislation gives the registrar
the ability not only to refuse to transfer or convert the title until more documentation is
found but also to apply the assurance levy as it now exists for risky title changes.

The Registrar of Titles will have the discretionary power to do all those things he needs
to do, in my view, and, in particular, he will be able to refuse to transfer or convert a title
if he desires to do so for the reasons set out in the proposed legislation. Those reasons are
fairly well spelt out in proposed section 26H.

The registrar has wide discretionary powers and if that power is exercised to refuse to
register, transfer or convert a title the reasons must be given in a notification to the
applicant. I hope that will be purely a safeguard to allow the registrar room to manoeuvre
with someone who is trying to short circuit the system and to do it simply without due
guard for those documents.

As the honourable member for Narracan said, a title to land is an important document
and up to the present, basically, our system has worked well. Certainly, throughout our
towns and cities there are problems with titles measuring up to the respective properties
but by and large Australia, and particularly Victoria, can be happy with its early surveyors
and with the methods by which our society has handled these transactions.

The proposed legislation also provides for the registering and transfer of mortgages. It
allows any mortgage registered on a general law title to be transferred to the Torrens
system and we are told there will be a committee to monitor and review the scheme. As
was put to Parliament earlier tonight, the proposed legislation has come about as the result
of a working party report which appears to have had a good reception from the legal
fraternity.

I congratulate the Government on introducing the proposed legislation. It will expedite
the transfer of titles from general law to the Torrens system and it will clean up the area of
conveyancing. It will encourage people to bring general law titles up to the Torrens system
and when this operation is completed all titles to land will be guaranteed by the Government
of Victoria.

I have some fears about land titles and the databank operation which is now being put
in place. I believe the databank would be able to go ahead with general law titles, anyway,
but it will certainly be a lot neater if the Torrens title is universal, although it will take
some time before the 50 000 general law properties throughout the State are converted.

The National Party is concerned about the Landata bank being in the hands of a
socialist, metropolitan-based Government—I had to get that in. I cannot stand here all
night agreeing with the Government; it hurts!

When the databank comes into full operation it will put an enormous amount of power
into the hands of the central Government in relation to the setting of local government
rates, land tax and just about anything relating to land that a central Government would
wish to do. It will provide an opportunity for the State Government literally to be able to
levy the rate for local government.

It could conceivably be argued that it could collect the rate money for local government
and then pass the money back as the needs occur. They are the options, although I think
we would have to go some way down the track before a Government would be silly enough
to introduce that type of scheme. Nonetheless, with titles now being tied into the advanced
technology that is available today, these types of manoeuvres are possible and will be
available to Governments.
The proposed legislation is good in that it will deal with difficult general law title problems throughout Victoria. It would have been rather nice to have had the proposed legislation in place some years ago to deal with some of the problems that have been experienced in my electorate.

Dr Vaughan interjected.

Mr STEGGALL—The honourable member for Clayton likes to talk about the great things the Labor Party has done. I suggest to him that this is a commonsense Bill, which is in complete contrast to a lot of the Bills relating to rural Victoria that have been before Parliament in the past year or so. In fact, yesterday the Government was still trying to rip off a simple thing like country race meetings.

I am pleased to congratulate the Government and the Minister when they introduce a Bill that will be of benefit to all. I point out that this Bill will assist future Ministers who have a desire for central control over land operations but they are the political battles we will have in the future and probably there are not too many honourable members in Parliament today who even think along those lines but I know there are those outside Parliament, from the Labor Party side of life in this State, who have thought the whole operation through.

The Transfer of Land (Conversion) Bill is welcome and I am sure that, even though the solicitors may get a little less—which will be a change—remuneration for their efforts because of this—I suppose they will put their rates up—the proposed legislation will be given a speedy passage through Parliament and I am sure that it will be welcomed by all those people associated with the transfer of land.

Mr HILL (Warrandyte)—The Transfer of Land (Conversion) Bill is a great step forward in further developing a modern system of land law in Victoria.

Much has already been said by the Minister for Property and Services and other honourable members about the Victorian system. Honourable members will be aware of the Torrens system established in 1862 which simply consists of one piece of paper called a certificate of title instead of and replacing the old chain of title that was simply a series of documents from the Crown grant to the last conveyance, including mortgages, probates and other documents that linked the various ownerships of the land. Each link in that chain had to be proved to establish a proper title, and a proper survey had to to be done and had to comply with that title.

Honourable members are familiar with the modern Torrens system with one piece of paper so that one can look at the back and see what the various transactions have been.

I am particularly interested in this progressive proposed legislation because I worked in the Registrar-General’s Office in the 1960s when a law student, and I found this whole area of the law rather fascinating. It was my job, with others, to examine applications and to convert general law land to the Torrens system. It was a fascinating exercise in history to see a Crown grant to Batman, Henty and La Trobe right up to the present day. It was fascinating to look at those old documents and, in fact, learn history from them. It was extremely painstaking and slow work. On occasions, an application to convert land from the general law system to the Torrens system has taken up to two years, which, of course, is ridiculous and unacceptable. It took months for the Registrar-General’s Office to make the necessary searches and obtain the details to establish that there was a good title for which would be substituted a modern Torrens title.

I take the opportunity to put on the record that the staff at the Registrar-General’s Office have been extremely helpful to the public and the legal profession in this exercise. It is an extremely technical and difficult area. I pay tribute to the work done and the service performed by the late Harry Walker, deputy registrar for many years, and since then, Mr Peter Burns, who has always been extremely helpful to the public and the legal profession in assisting in this difficult area. Those officers always went out of their way to assist solicitors and the public. The conversion was a slow process and the result, as the Minister
has said, is that, after 124 years of the Torrens system, Victoria still has 700,000 hectares, representing 3 per cent of the State or 50,000 properties, that are still under the old system.

The Bill speeds up the system simply on the basis of a solicitor's certificate. It is so simple one wonders why we did not think of it before. I am pleased to be part of a Government that is now acting to put these simple reforms into place, and I am pleased that they are welcomed by all honourable members, because they provide a simple process which relies on the reality of conveyance. That is, if a solicitor is prepared to say it is a good title for his client to purchase, it must be a good title or a good enough title to warrant the issue of a Torrens certificate of title.

I want to address some matters raised by one or two of the previous speakers. One honourable member expressed some fear about the Landata base. At the moment and in the past, the system is and has been conducted by way of an old-fashioned card figure system. The proposal for the Landata base is simply that it be put on computer to make it more efficient. It is more efficient not only for the tax collector, but also for the clients of conveyance and the parties involved in conveyancing; because simply on an application, by going to a terminal, they will be able not only to obtain the details of land ownership and title, but eventually to obtain the rate certificates for local government and the Melbourne and Metropolitan Board of Works, together with planning certificates and other information that is relevant to the conveyance.

Mr Delzoppo interjected.

Mr HILL—I take up the interjection by the honourable member for Narracan, who says, "What about land tax?" Is it suggested by the Opposition that the commissioner should not collect land tax but should wait in his office and hope that people will rush in and pay their land tax without being assessed? Surely a taxation commissioner needs a data base.

I acknowledge a concern at the possible effects of modern technology. That, of course, is a much wider area and is a concern that honourable members need to be aware of, particularly with the rapidly developing, modern technology of databases. The community must monitor the effect of such databases, but let us not be silly enough to imply that the effect or the motivation is to collect the tax.

The honourable member for Narracan mentioned a qualified title. The honourable member said that if he had been aware that his old law title was a qualified title—that is, that it had some defect, and, therefore, a solicitor could certify that it had some minor defect—it would have discouraged him from going ahead because he had a qualified title. However, the honourable member would have a qualified title to start with; and the fact that it was converted to a Torrens title with some qualification would not impose further defects in the title that he already had. Furthermore, it must be acknowledged, as stated by the Minister in the second-reading speech, that the Registrar of Titles may issue a complete Torrens title without qualifications, if he considers the risk is not excessive.

Concern was expressed that solicitors who may certify are not covered by the insurance fund of the registrar. Solicitors are covered by professional indemnity insurance and, if there is some error whereby a party suffers and makes a claim on the insurance fund, the Registrar of Titles has a discretion to recover or to claim recovery from the solicitor if there was negligence.

I understand that such action will be taken only under extreme circumstances and it is expected that it will be most unlikely for that to occur. I am pleased to support the Bill with all other members of the House and welcome this move by the Government.

Mr JOHN (Bendigo East)—I am pleased to support the Bill. I congratulate the honourable member for Narracan for his most valuable contribution to the debate; it was detailed and knowledgeable, and, obviously, considerable research had been done to prepare for the debate tonight.
I should declare an interest in the debate in that I hold a current practising solicitor’s certificate, although since entering Parliament I am no longer a practising partner of my old law firm. I shall speak only briefly because most of the matters of a technical nature—this is a technical Bill—have been covered by the honourable members for Narracan and Warrandyte.

I should like to pay tribute to the staff and representatives of the Titles Office, to the Registrar of Titles and his staff, to the Register-General and his staff and to the Law Institute of Victoria, especially the property law section, because obviously they have all worked hard to put the proposed legislation together. The Bill is an indication of what fine people Victoria has in those three bodies.

In 1974 I had the privilege of being President of the Bendigo Law Association and for two years I was on the Law Institute Council. At that time I suggested to the then Law Institute Council and the Registrar of Titles a scheme for bringing land under the Transfer of Land Act in much the same form as the measure before the House today.

I note with some pleasure that something which I thought of and obviously the honourable member for Warrandyte thought of a long time ago in 1976 is becoming the law of the land. The measure is a credit to the Titles Office, the Register-General’s Office, the Law Institute of Victoria, the Ministers and the Government.

I shall mention only a couple of matters. Firstly, there are two minor problems concerning the solicitor’s certificate, which one must seek to use in one or two of the three methods to bring land under the Transfer of Land Act. As the honourable member for Narracan said, one can bring land under the Act by the deed registration method, by the application of non-survey method or the application of the full survey method.

I practised in Bendigo, which is an old part of Victoria, where there was a lot of old general law land. Other parts of Victoria, such as Beechworth and areas now represented by the honourable member for Benambra also have a lot of old law land. The metropolitan areas of Williamstown and Carlton also have a lot of land under general law. Few solicitors in the State have the experience or the expertise to properly attend to general law conveyancing. I refer honourable members to the definition of a solicitor in clause 5, which reads:

“Solicitor” means a person who is—

(a) the holder of a current practising certificate under Division 4 of Part V of the Legal Profession Practice Act 1958; or

(b) a prescribed solicitor or a member of a prescribed class of solicitors.

I note in passing that the Law Institute of Victoria has a list of solicitors who are experienced in general law conveyancing. Those people would hold solicitors’ certificates.

The second matter of concern in clause 5 deals with proposed section 26t, which deals with in whose name the title is to be issued. It states:

(1) A title registered under a conversion scheme is to be in the name of—

(a) the person who in accordance with the documents lodged is entitled to be registered as proprietor of the fee of the land; or

(b) if conversion is based on the delivery of a memorial of a document which is a conveyance of the land by way of mortgage, the person who in accordance with the documents lodged is entitled to be registered as proprietor of the equity of redemption; or

The following paragraph is the one to which I direct particular attention—

(c) if a person mentioned in paragraph (a) or (b) directs the title to be registered in the name of another person, that other person.

I am concerned about stamp duty implications of paragraph (c). If a person makes application to convert and, prior to the conversion, seeks to make a direction that the title
is entered under another person's name, one questions whether stamp duty should apply—it being in the form of a transfer to a third person. That is all I wish to say on the matter.

The final matter of concern is the costs. It was always a fairly costly matter to bring land under the Transfer of Land Act. I shall list a few figures under the new scale of 1 September 1986: where the value of land is under $1000, the fee is $52 plus the correspondence fee, if one is lodging by correspondence, and for every additional $1000 or part thereof the registration fee is $10.

If one translates this scale for a house of the value of, say, $70,000, the fee would be of the order of $760. That is a substantial fee for bringing land under the Transfer of Land Act and for what may be termed a standard price for a suburban home.

I urge the Ministers and the authorities concerned with the administration of the Bill—once it becomes law—to seriously consider lowering the cost and to encourage people to make such an application. If the fee that is payable to the Registrar of Titles is prohibitive, people may not make application. It is highly desirable that they do so.

I am pleased that the proposed legislation has been introduced to the House and I wish it a speedy passage.

Mr LIEBERMAN (Benambra)—I welcome the introduction of the Bill. As a former Minister for Local Government and for planning I did all I could to get a project of this type off the ground. I congratulate the Minister for Property and Services and his team.

The working party that was formed by the Law Institute of Victoria, the Titles Office and the Ministers' staff deserve to be commended for their work.

I hold a practising certificate as a barrister and solicitor in Victoria. Occasionally I act as a consultant in the field of law. Ironically, I also happen to own a small piece of land that is under old law title. Therefore, I wish to unburden myself and explain this interest to honourable members lest at a later date it be alleged that I did not do so and should have to face the Privileges Committee, of which I am also a member.

I have had some experience in this area in both New South Wales and Victoria. It rankled me no end that New South Wales produced a solution to this problem before Victoria. I do not like that State to beat Victoria, but for some years it has had a system for a qualified title that is made available in lieu of the old system title. In that State, the qualified title becomes a Torrens system title under the Real Property Act after six years.

Having had some experience with that system I believe, after examining the proposal, that this proposal is a better one. The Minister has taken Victoria back into the lead in terms of the proposed legislation, even though it has taken Victoria longer to do so.

I mention in a mild rebuke to my colleague, the honourable member for Swan Hill, who represents the place where I was born, that his comment about the lawyers losing income does not do him credit. I remind the honourable member that this whole project has, for many years, been supported, encouraged and urged by members of the Law Institute of Victoria and private practitioners on behalf of the people of Victoria and in the interests of achieving a far better and cheaper system of conveyancing.

I assure my colleague from Swan Hill that solicitors who receive instructions to work on a title that involves old law have to work much harder to achieve a result. More work is involved for the solicitors and the costs are higher for the clients. Solicitors have said that they want a simplified system and they welcome the move.

Many solicitors in Albury/Wodonga and north-eastern Victoria have been in touch with me in the past few weeks to ask whether I could prevail on the Minister to have the measure put into operation before Christmas. In that regard I ask that during the Committee stage, or at some time in his response at the end of the debate, the Minister advise what will happen in relation to the many applications that are presently in the Titles Office.
Will the Minister be able to advise that those applications—some have been there for many years—provided they conform, be deemed to be applications under this new Act so that the solicitors involved will not have to go through the humbug of filing another document?

Could it therefore be a policy—I assure the Minister that the Opposition will support him—that the old applications for the titles be deemed to be applications under the new Act when it becomes law so that they can go through speedily rather than solicitors having the humbug of having to make another application just because the title procedures have been changed?

The cost, as my colleague interjects, is also a factor. I hope there will be a policy that any fee filed on the present application be deemed to be adequate and that there be no further fee payable to take advantage of this law. That would be in the spirit of commonsense and people with matters in the pipeline might feel rankled—and they would be entitled to feel that way—at having to go through the process again after having had to wait many years. I am reminded by my colleague that the spirit of Christmas should not be forgotten!

The proposed legislation will do a lot for Victoria and enhance its reputation in the commercial world. It will enable people who buy and invest in land in our State to feel more confident about the procedures, which need to be speedy, efficient, accurate and guaranteed. The acquisition of property is often the biggest investment most people make in their lives.

Once again, I thank the Minister for introducing the proposed legislation. Although I wish a Liberal Minister had been able to introduce such a Bill, I commend the Minister for his efforts. There are no hard feelings. This is a good Bill and the Minister and his team deserve full praise for it.

Mr McCUTCHEON (Minister for Property and Services)—I thank those honourable members who have contributed to the debate. I am pleased that there is unanimity in the House on this matter and I believe those sentiments have been clearly expressed by the five speakers who contributed to the debate.

As Minister, I should like to acknowledge the work done by the working party and the support of the Registrar of Titles and the Registrar-General. That point has been mentioned by previous speakers, but the Government would want to place on record its thanks for the work that has been done in introducing the measure. Knowing that the results of the working party represented a consensus of views of all interested parties demonstrates the general and widespread support for the Bill.

The interesting thing about general law land is that it reflects that part of the State where the most early development took place, namely, the inner metropolitan areas and a variety of areas of the State that were developed early in our history.

If the proposed legislation is effective and general law land is converted over the next seven to ten years, that piece of history will, to a certain extent, disappear and those parts of the State that were first developed will not appear in a different form from the rest of the land system. Perhaps that is to be regretted, but times change and one cannot hang on to some of the old-fashioned ways of doing things because of the time and cost involved and the blanketing effect that they have on development. I believe that is one of the chief reasons why this is an important move.

I was surprised that the honourable member for Narracan and several other speakers from the Opposition side of the House raised queries about Landata being like Big Brother. I should have thought members of the Liberal and National parties might well have been the first to have wanted to implement Landata because of the benefits it will bring, rather than raising the spectre about centralised government and other rubbish, as the honourable member for Swan Hill suggested.
The honourable member for Benambra put his finger on the real benefits that will come from the use of modern technology in our land information system. The fact is that there will be a very marked speeding up of access to title information and thus in cost savings for investors and developers who will also be provided with accurate records on land information.

The whole community will benefit from the effects of the Landata project and the improvements the new technology will bring to bear on the processes of investment and transactions in land. As old general law land is converted to the Torrens system, a lot of sites will be unlocked for development as a result. I believe the community will benefit from the implementation of the Bill.

The honourable member for Narracan referred to the power of discretion of the Registrar of Titles and said there was no provision for appeal against the registrar exercising that discretion. The reason there is no appeal provision in the Bill is that it is providing a fast-track means of conversion. If the registrar has worries about title information or finds another reason why he might knock back the application and use his discretion, the measure still allows for the applicant to continue, under the existing provisions of section 9 of the Transfer of Land Act, to proceed with the conversion. The applicant is not being knocked back altogether, but perhaps directed back to a more laborious and careful process even it not availing himself of the fast-track system.

The honourable member for Narracan said he was not terribly keen on the idea of the issuing of qualified certificates of title. To set the record straight, if a solicitor qualifies the certificate and issues a warning with that certificate, the converted title is a qualified certificate of title. The Bill does make provision for those qualifications to be removed.

That really is giving time for the landowner, if he so desires, to correct any weaknesses in the documentation or have a survey undertaken so that the dimensions—if they are the point of the qualification—can be corrected. I believe any person who is concerned about a qualified title can set to work and remove that qualification and therefore not have any cloud hanging over the land he might later want to sell or dispose of.

The honourable member for Bendigo East raised questions concerning stamp duty under proposed section 26L which makes provision for transfer of land to a third party. That matter is covered in the Bill because the direction to transfer land to a third name would require written direction, which would be dutiable.

Stamp duty would be required to be paid by any third party introduced into that process. Therefore, I do not believe there is a loophole because the registrar would act in accordance with stamp duty provisions.

The honourable member for Benambra asked whether some action could be taken to speed up the introduction of the new system and whether people who have made applications for conversion under existing conditions will be covered by the proposed legislation.

I have taken note of the valid point and request he has made. There may well be a need for regulatory impact statements and other arrangements before the Act is proclaimed, so many months may pass before its implementation commences. I shall ask officers of my department to report to me on that matter and we will seek to accommodate as many people as possible.

I advise honourable members that I will move an amendment requested by the Law Institute of Victoria in the Committee stage to ensure that the mortgagee's rights are not infringed if a conversion does not proceed. I thank honourable members for their contributions and support of the Bill.

The motion was agreed to.

The Bill was read a second time and committed.
Clause 1 to 4 were agreed to.

Clause 5

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

Clause 5, page 8, line 40 after “law.” insert:

“(4) If—
(a) an instrument of mortgage or charge in an appropriate approved form is entered into in anticipation of the lodging under this Division of a solicitor’s certificate relating to the title to the land; and
(b) either—
(i) the solicitor’s certificate is not so lodged; or
(ii) the Registrar refuses to accept the solicitor’s certificate for lodgement under this Division—
the instrument may be registered under section 6 of the Properly Law Act 1958 and, upon being so registered, the instrument—
(c) is deemed to be a deed; and
(d) operates as a conveyance of the fee or equity of redemption (as the case requires); and
(e) in all other respects has effect as a mortgage or charge under the general law.

(5) It is not necessary for any person to enquire whether a mortgage or charge was entered into in an appropriate approved form in anticipation of the lodging of a solicitor’s certificate under this Division.”

The amendment inserts subclauses (4) and (5) which protect the interests of a mortgagee or lender who might take a mortgage in anticipation of land being converted to Torrens title and cover the possibility that that conversion is unsuccessful. The amendment will ensure that the rights of those persons revert to the old general law title.

The amendment was agreed to.

Mr DELZOPPO (Narracan)—I raise a matter at this stage concerning riparian rights. Honourable members have heard that certain disadvantages exist with general law titles but they have one distinct advantage to persons living adjacent to a stream. Those people have riparian rights to a particular stream for stock and domestic use and to irrigate 3 acres of land.

Before the Committee agrees to the clause, I ask the Minister to provide an undertaking that it is not his intention in this clause or anywhere else to upset that riparian right.

Mr McCUTCHEON (Minister for Property and Services)—I will take the Question on notice and will provide information on riparian rights when the Bill reaches the other place.

Mr DELZOPPO (Narracan)—Does the Minister agree that riparian rights are a valuable consideration and should be taken seriously? Riparian rights are a tremendous asset and offset some problems with general law in that they are attached to a general law title.

Mr McCUTCHEON (Minister for Property and Services)—It is my understanding that the Bill does not affect existing rights. The issue of riparian rights generally is under consideration by a water law review working party, but that will not affect this Bill.

The clause, as amended, was agreed to, as were clauses 6 to 11.

Clause 12

Mr DELZOPPO (Narracan)—In converting a property from a chain of general law titles to a Torrens title, honourable members should recognise that that chain of documents can relate back to the original Crown grants which would have to be surrendered. A person such as myself, who is interested in local history, believes those documents are valuable. Is there any way under the Bill that I could convert land to a Torrens title and have the chain of documents returned to me after being noted or cancelled?
In my case, those documents show that in 1861 Jackson Bros purchased 9 acres on which to build a hotel for miners going to the Walhalla diggings. The title is handwritten with beautiful calligraphy on parchment and it is an item of historical significance attached to my property.

Although I am tempted to change my title over to a Torrens title, before I do so I wish to know whether those documents can be returned to me.

Mr McCUTCHEON (Minister for Property and Services)—The Bill does not make provision for old law title documents to be made available at or after conversion. It is my view that those documents should eventually reside in the Public Record Office so that people can have access to them and obtain copies, but the originals should be retained for future Victorians.

Mr DELZOPPO (Narracan)—The Minister has just persuaded me not to convert my general law title to a Torrens title.

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

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

MOTOR CAR TRADERS BILL

The debate (adjourned from October 9) on the motion of Mr Spyker (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

Mr PESCOTT (Bennettswood)—The Bill is an outstanding example of incompetence on the part of the Minister for Consumer Affairs and also on the part of the Government of which he is a member. It represents weeks and weeks of work on the part of his Ministry and the end result would lead one to believe the Minister and his advisers from within the Labor Party were living in isolation. They have become so concerned with handcuffing the motor car traders of this world, even the good ones, that they have forgotten the title of the Ministry and of the Minister.

Consumer affairs means all matters relating to the world of the consumer: it means dealing with the buyer and the seller in a transaction. It means dealing with good buyers and bad sellers and the reverse.

The Bill assumes that all buyers are good and all traders are bad; that is just not the case. Some buyers in our community are absolutely terrible and spend time plotting how to get something for less than it is worth or, indeed, something for nothing.

Some traders are even worse and they construct their businesses so that they can do all to get the unsuspecting customer in the eye, but motor car traders who are bad are the scourge of the industry itself and no-one in the community except themselves believes they should be able to trade. The question is: does the Bill stamp them out, or does it merely make life unbearable for everyone else in a complicated and clumsy attempt to control that problem?

The 1973 Act, introduced by a Liberal Government, in the words of the Minister's second-reading speech, "successfully curbed the major abuses". Therefore, why do we need the new Bill at all? Why did not the Government amend the old Act and tighten up the areas it felt were deficient? The only answer I can think of is not very flattering to the Minister. I believe the Minister felt overcome by a sense of insignificance and must have decided that he needed his Bill, his very own monument to consumer protection in the motor car industry; and his advisers would have encouraged this approach because they, too, need monuments to their ideals of consumer protection.

I use the words "consumer protection" specifically because that is the Government's aim—the protection of the consumer. It does not deal with what are consumer affairs.
Consumer affairs are not the Government's interest because consumer affairs also encompass the protection of the fair trader against the unscrupulous consumer.

Let honourable members have no doubt about the Bill and the Government's broad policy on consumer affairs: it is a one-way street aimed at unbalancing the marketplace in the long run so that the traditional bargain behind commercial transactions is weighted against the business owner. That is not to say that the Government or its supporters have reached that stage yet; nor is it to say that the Opposition supports the old mores that applied before consumer affairs were even a point of discussion; because, in those days, the consumer was too much at the mercy of a trader over whom there were no sanctions or threats of disciplinary action. The threat of competition or the ability of a customer to withdraw his or her trade was not always sufficient to keep a bad trader in check.

The Government has the opportunity, through the introduction of the Bill, of withdrawing some of the restrictions on the motor car trader without detriment to the consumer. The essential objective of consumer protection is to maintain a system that allows a consumer to be compensated if he or she is taken down by a trader. Certainly, prevention is better than cure and, if a bad trader can be deterred or barred from his activities, it is better than dealing with a problem after it has occurred; but licensing and the administration of controls as proposed by the Bill give no guarantee that a bad trader will be restricted or "rubbed out" before he or she lets a consumer down.

Furthermore, a person in the industry who sets out with financial backing may make a mess of running his business because he has not been trained properly; and the consumer, who could be caught in that collapse—through a warranty provision, for example—needs to be protected by a fund and would not be protected merely by the fact that that trader was licensed.

Provided the fund existed, there would be a recompense for the consumer who is let down. Every consumer would check that he used a trader who was registered under the fund, and the industry itself should control who would be licensed. It knows better than the bureaucrats do, and it is in its own interests to ensure that that side of affairs is run properly.

Certain practices, such as odometer tampering, should continue to be prohibited, just as they were in the original Act in 1973; but they could be policed first by the industry's self-regulation, and enforced, if necessary, through the normal legal channels.

I shall deal with a few specific matters in the Bill. The first relates to the incredible increases in penalties, which, although they may be proposed with the right intention of intimidating those who would be involved in shonky practices, in some cases are so extreme that they are laughable.

I have already referred to odometer tampering in another context, but one should examine the new penalties proposed in that area. A maximum fine of $50 000 is provided for on each occasion. That is an increase of 50 times the penalty under the previous Act. How absurd!

I treat the provision of $10 000 as a maximum penalty for a sole trader as being virtually irrelevant because many of the smallest traders are husbands and wives who happen to have structured their affairs into a company even though they operate in the same small way as a sole trader. Whoever drafted those penalties has obviously never been in business and has never had advice from business. If they had, they would know that there is very little difference between a sole trader and a small company. This criticism has nothing to do with supporting odometer tampering because the Opposition does not support that, but it is an example of the lack of understanding of business by the people who have drafted the Bill.

A man who operates a small yard and who is assisted by his wife in the office is fined $10 000, but a man who operates with his wife in a company structure would be fined an additional $40 000 just for the privilege of having his business structured that way. I know
that those figures are the maximum and will not always be applied, but if they exist in the statute book, they should be there for a good reason and we should not allow the courts to decide exactly what should happen.

As I stated previously, no-one likes odometer tampering, but what a ridiculously steep penalty for an offence that could have been easily perpetrated by the previous owner and, if discovered, the blame could be put at the door of the trader. In most cases, a small trader, regardless of whether he is acting as a sole trader or in a company structure, could be trapped by an unscrupulous consumer and could be in the position of losing practically all he owns.

It is clear that some of the penalties in the Bill are designed as revenue raising measures; they are taxes and bear no relation to the nature of the crime they purport to control. Once again, the Government has broken its election promise not to increase taxes and charges above the rate of the consumer price index. It stands condemned for so doing.

I seek leave of the House to incorporate in Hansard a list that compares penalties of proposed and existing motor trader legislation.

Leave was granted, and the list was as follows:

The following summary compares penalties of proposed and existing motor car trader legislation.

Note: Not all comparisons relate exactly.

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<thead>
<tr>
<th>MOTOR CAR TRADERS BILL PROPOSED</th>
<th>MOTOR CAR TRADERS ACT CURRENT ACT</th>
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<tbody>
<tr>
<td>Section</td>
<td>Penalty</td>
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<tr>
<td>S. 7 Unlicensed Trading per vehicle and/or vehicle value</td>
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<td>S. 10 False and misleading statement</td>
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<td>S. 14 Conditions of Licence</td>
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<td>S. 15 Endorsement of licence</td>
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<td>S. 16 Authority to sell at auction</td>
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<td>S. 17 Operation under LMCT name</td>
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<td>S. 20 Notice of changes</td>
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<td>S. 25 Display of licence</td>
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<td>S. 31 Discipline</td>
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## PENALTIES

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Session 1986—81
Mr PESCOTT—The list is a summary of increases and has been prepared by the Victorian Automobile Chamber of Commerce. It should appear in Hansard because it is easy to use for comparisons. Most people reading Hansard do not have the opportunity of having the Bill and the Act next to them.

The next issue that I shall raise relates specifically to the proposal to apply the cooling-off period to the sale of motor cars. I congratulate the Government for resisting pressures from others involved in consumer affairs who wanted a longer period than the three days that have been proposed. As the Minister for Consumer Affairs indicated by interjection, some people wanted as many as ten days. However, the Opposition believes the current wording of clause 43, which deals with this provision, is badly drafted and would lead to a confusing situation if it were passed as it currently stands.

What an absurd proposal that a purchaser should take a car away and decide a day or so later that if he or she does not want it, he or she can bring it back. How would one assess the damage that might have been caused to the car? The clause refers to damage, but how is one able to determine the wear and tear on the car's engine if it had been driven to Mildura and back in the intervening period. The proposed cooling-off period would be difficult to administer and would be unfair. It represents an excessive desire to protect the consumer without weighing up the fact that a trader may need protection against the leeway given to a bad consumer.

The Opposition proposes to move an amendment to clause 43 with the proviso that a consumer cannot take delivery of a vehicle during the time that the vehicle is under the cooling-off period. The proposed amendment provides that a consumer has the right to waive the cooling-off period and take delivery of the car at any time from the date of signing an agreement. That would institute an element of fairness into the transaction which does not exist at present. Without that change, the Opposition will not accept the idea of a cooling-off provision.

The Opposition knows that the Government intends to introduce a proposed amendment to make it the responsibility of the buyer to return the car to the yard if he elects to exercise his rights under the Bill's current provision dealing with the cooling-off period. That is just tampering at the edges and it does not address the problem. In the view of the Opposition, the car must stay in the yard until the cooling-off period is over.

The Opposition's proposed amendment to clause 43 is the only amendment it intends to propose because the problem it will solve stands out head and shoulders above the others that appear in the Bill. Certainly, there is no question that the Opposition accepts all other parts of the Bill. Far from it! I have already mentioned several areas of concern, but I now indicate that there is so much wrong with this piece of proposed legislation that it should be redrawn and redrafted.

So many provisions in the Bill need to be corrected that the Opposition would be in the invidious position of rewriting whole sections of the Bill and doing the Government's work for it. That is not the role of the Opposition. It is the role of Government to come forward with good proposed legislation, and, when it does not, the Opposition can highlight areas of concern and urge the Government to throw out bad Bills and start again.

I have mentioned excessive penalties, odometers, the cooling-off proposal and the idea of continuing licensing. What of the vast number of unknowns in the Bill? What are the restrictions that might apply to the conditions of licences mentioned in clause 14? Of what
will the Motor Car Traders Licensing Authority, as designated in clause 91, consist? How many people from which sectional interest will be included on that authority? Those matters are not made clear in the Bill.

What exactly will be the prescribed form for the agreement of the sale of used and new motor cars referred to in clauses 41 and 42 of the Bill? All these unknowns mean that the Opposition is being asked to debate this Bill in the dark. The Opposition has no idea what will be contained in the prescribed agreements. They will be decided outside this Chamber and yet they may contain more contentious matters than the clauses currently in the Bill.

Proposed legislation of this nature makes a mockery of Parliament; it treats the community with contempt. In case the Government does not know, the community is represented by both sides of this House, or, more correctly, it is represented by this side of the House and one sectional interest is represented by the other side.

Although the committee will decide upon the form of the prescribed agreement, no-one yet knows who will be on the committee. The Bill assumes that Parliament can trust the good nature of those charged with performing this work. However, Parliament must not only rely upon people's good nature but also on sound proposals that will stand the test of time.

The Opposition is also concerned about clause 45, which empowers Magistrates Courts and, worse still, the Small Claims Tribunal, to interpret sale agreements. A motor car trader is most likely to be put at a disadvantage before the tribunal.

Mr Spyker—Why?

Mr PESCOTT—Why do consumers fare so well in hearings before the tribunal? The tribunal has a reputation for favouring the consumer in its decisions. However, I do not wish to comment further on that aspect.

Contract law covering the sale of a motor car is extremely complicated. The Bill proposes that sale contracts should be discussed by laymen before the Small Claims Tribunal. Members of that tribunal will be familiar with the law and will ensure that the consumer or complainant does not have his or her case prejudiced by a lack of knowledge of that law. The motor car trader will not be allowed legal representation and, more often than not, will be left to flounder in a complicated area of the law about which he or she is ignorant.

Clause 74 (3) defines who will be paid out of the Motor Car Traders Guarantee Fund. There is a loophole in the form of the words "(or who the claimant reasonably believed was)". If the Bill is passed, money from the fund will be used to pay for the activities of unlicensed motor car traders.

Clause 77 (1) allows the committee administering the guarantee fund to meet claims from financiers adversely affected by motor car traders. However, such applications have nothing to do with the consumer whom the fund is meant to protect.

Why has clause 5 been framed in the way it has? Either a person is a motor car trader or he or she is not.

The Opposition is opposed to the tone of the Bill and calls upon the Government to withdraw it and start again. I have foreshadowed an amendment during the Committee stage, which, if agreed to, will amend the provisions concerning the cooling-off period, which the Opposition cannot support in their present form.

The Bill contains offensive provisions, which in some instances do not provide enough details; in other instances apply ridiculous penalties; yet in other instances are unclear—for example, those concerning motor car auctioneers and unregistered motor vehicles. If the Government does not agree to the foreshadowed amendment, the Opposition will oppose the Bill in its entirety both here and in another place.
The Government should withdraw the Bill and start again by introducing a Bill that will impede normal business practices far less than this one. The Government should introduce a Bill that will protect the consumer without stifling the motor car trade.

Mr JASPER (Murray Valley)—At the outset I declare the interest of my family in a motor car dealership at Rutherglen. My family has had an interest in that dealership over a long period.

One cannot underestimate the importance of the motor vehicle industry to both the Victorian and the Australian economies. The motor vehicle industry is one of the major employers in the State. Indeed, on many occasions Victoria has been described as the home of the Australian motor vehicle industry.

Car sales are one of the best economic indicators. The motor vehicle industry is cyclical, but its importance to the economy cannot be underestimated. However, the industry is facing major difficulties not only in Victoria but also throughout Australia. To the end of October this year, car sales in Victoria were 26 per cent lower than for the corresponding period last year.

As in the private sector generally, those involved in the industry work hard to ensure that it operates effectively and profitably and contributes to the economy. It is no credit to the Premier when he tells the House how important the motor vehicle industry is to employment in the manufacturing sector but fails to recognise the difficulties faced by the industry through declining car sales, mainly due to the introduction of the fringe benefits tax, which has had a devastating effect on the industry.

The Motor Car Traders Act was introduced in 1973. I urge honourable members to read the past ten annual reports of the Motor Car Traders Committee, which was established under that Act. That committee has effectively controlled the industry, and the chairman of the committee for the past ten years, Mr H. G. Lander, has played an important role in beneficially enforcing the provisions of the Motor Car Traders Act.

Of course, Mr Lander has been balanced in his views and in the way in which he believes the industry should operate in Victoria. In the reports that he has prepared he has indicated very strongly ways in which he believes the industry should improve, where the industry needs to change direction and what controls the Government should adopt over the industry. He believes implicitly that the control of the industry should stay within the Motor Car Traders Committee under the Motor Car Traders Act. He perceives that as the most effective way of controlling the industry.

The Minister, in his second-reading speech, recognised the important part that the committee has played since its establishment under the Act in 1973. The committee has examined all areas of concern in the industry. It has investigated the traders who may not have been operating as they should where complaints have been made against them. The committee has been effective in bringing those traders to heel to ensure that they operate as they should.

I emphasise that the majority of motor car traders in Victoria are honest and reputable. They want to produce the best vehicles that they can at the most economic prices for their customers. They want their customers to be satisfied with the cars that they have purchased. They want their customers to return. They want the repeat business. I have spoken to people who have been involved in the industry for between 10 years and 50 years. They have developed their businesses with the aim of a continuing custom. That is the whole basis of a private enterprise system. Whether the business is a company or a partnership and whatever the industry, small businesses are offering their services to the community, and they want to ensure that their customers return to them for future business.

The Motor Car Traders Committee has been instrumental in enhancing the reputation of the honest and reputable dealers in this industry. The annual reports of the Motor Car Traders Committee demonstrate that the majority of dealers registered in Victoria are of good repute. In 1973 the committee sought to control the small number of dealers who
did not operate honestly and who did not maintain high ethical standards. The committee sought to provide consumer protection. That is part of the whole deal. The committee sought to establish a system whereby customers who were dissatisfied and who had complaints against any trader were able to obtain justice and a fair hearing. Customers are able to obtain effective warranty claims and correction of faults.

The record of the committee speaks for itself. I refer the House to the annual report of the Ministry of Consumer Affairs for 1986. Page 107 contains statistics relating to motor vehicles. As at 30 June 1986, 3224 licence holders operated in the State of Victoria from 2538 premises; in the past twelve months only four licences were revoked. That is an important point. The number of objections to applications for motor car trader licences totalled eleven. The report refers to other cases that have not yet been heard or where licence applications have been withdrawn.

I reiterate that the Motor Car Traders Committee has a proud record in its administration of the motor vehicle industry. This is not an industry that is corrupt or that is not providing the best product for consumers; it is an industry that is providing warranties and an effective service in the interests of its customers. Over the past ten years the Motor Car Traders Committee has ensured that the industry has been effective. Where there is a need for action to be taken, the committee acts promptly.

I refer the House to an analysis of consumer complaints in the product service classification in appendix 14 of the report dealing with the purchase of motor vehicles. In the twelve months to 30 June 1986, out of approximately 400 000 transactions only 315 complaints were recorded against the new vehicle business and only 922 complaints were made about used car sales. In percentages, that is a minute amount. I suggest to the House that this record is the result of the activities of the Motor Car Traders Committee.

I refer the House also to the complaints handled by the Small Claims Tribunal where determinations were made. In that twelve months, for new vehicle sales, only 41 complaints had been made which were subject to determination and resulted in payments being made. In the used vehicle market, 207 complaints were made to the tribunal which were subject to determination. Again that points to the excellent record of the Motor Car Traders Committee and its influence on the industry.

The motor vehicle industry is extremely important to the economy of Victoria. Since its inception under the Motor Car Traders Act, which was introduced by the Liberal Government, the Motor Car Traders Committee has operated efficiently and effectively. I commend the one chairman that the committee has had over the past ten years, Mr Lander. He has performed an excellent task. He has been tough in his dealings with motor car traders; he has been tough in caring for consumers; and he has been tough in his dealings with the Government.

He has made strong recommendations to the Government that the control of the motor vehicle industry should not be placed under the administration of the Department of Consumer Affairs but that it should reside within the industry, through the Motor Car Traders Committee, to regulate itself. The Motor Car Traders Committee has the runs on the board.

The annual report of the Ministry of Consumer Affairs shows how effective the Motor Car Traders Act has been in the past. The Minister for Consumer Affairs is attempting to introduce socialist legislation. Time and again this Government is carrying out investigations and obtaining reports. If the report the Government obtains does not contain what it wants, it calls for another report.

The liquor industry is a good example of what the Government did when the report was not what the Government wanted. Another report had to be produced. The Government went to Monash University and asked for another report. The same thing happened with the timber industry.
Now the Government has decided to investigate the used car industry. It has decided to straighten up an industry that has been operating effectively. While I have been mentioning these issues the Minister for Consumer Affairs, who is at the table, has been nodding his head. He agrees with what I say. The Motor Car Traders Act is one of the most effective Acts ever to pass through Parliament. The Minister agrees with that, yet he brings in a Bill to amend it. Why? I suggest that the Minister is being dictated to—I shall not call them the socialist left—by the extremists in the Labor Party.

The Government is protecting a small number of complainants. It is forgetting the 3224 effective licensed motor car traders and looking at the four traders who have lost their licences, the four traders whom the Motor Car Traders Committee believed were not effective and should have their licences revoked. The Government has said that it will knock out those four traders and ensure that all consumers are protected to the utmost.

The Motor Car Traders Act 1973 has been the most effective in producing a record of high standard motor car traders operating within Victoria and it has dealt effectively with those who have not toed the line.

I cannot understand why the Act needed to be completely rewritten. In fact, 75 per cent is a rewrite and draconian measures have been introduced. The National Party will not support this sort of measure.

I hope the Opposition has listened to what its spokesman said a few minutes ago and that it will vote with the National Party against this measure, not only in the Legislative Assembly but also in the other place. The measure should be removed and revised.

Mr Spyker—That has already been done.

Mr Jasper—It is all right for the Minister to say that. He has obtained the reports that suit him. He should go out into the marketplace and find out the true situation.

The Bill appears to be using a sledge-hammer to crack an illusory walnut. I hope the Liberal Party does not buckle at the knees, as it so often does, when it comes to a crucial vote in the Legislative Council. I am worried about what will happen in the Upper House because I want to see this Bill thrown out. The motor car traders are being served up to the bureaucracy.

In the past twelve months a major change occurred in the operation of the Motor Car Traders Committee when complaints were taken away from that committee and put into the hands of the Ministry of Consumer Affairs. Those complaints should be handled by the committee. The committee will now operate solely in the licensing area because the Bill further separates the licensing activities from the regulating activities. The regulatory process is being delivered into the hands of bureaucracy.

This establishes a new concept in the marketplace and it will place the industry in danger. It may get to the stage where, under this Bill, the Ministry of Consumer Affairs becomes the motor car traders basher. We do not want standover tactics, we want balance and we want effective people operating the industry.

In his second-reading speech the Minister said that although the Act had successfully curbed the major abuses, neither its licensing powers nor its specific consumer protection provisions were adequate.

That is what the Minister for Consumer Affairs says, but I suggest that it has been a most effective operation. Honourable members must be careful that they do not change something that has operated effectively and replace it with something that will break down.

Mr Spyker—We will do better.

Mr Jasper—I suggest that the Minister is wrong. I do not believe the Government will be able to produce a better or more effective operation. This change will introduce draconian and tough measures into an industry that is currently operating effectively.
The traders want to operate with the highest efficiency and ethical standards and a high
degree of honesty and integrity. However, by applying the provisions of this Bill to that
operation, the Government is really saying that motor car traders are crooks. I reject that
concept completely. The National Party will not accept it. It will vote against the Bill, and
I hope it will have the support of the Liberal Opposition in doing so.

It is worthwhile referring to the Minister’s second-reading speech, in which he said:

In meeting these objectives, the Government has been conscious of the need to avoid unnecessary or onerous
regulation.

The Bill is all about regulation! The Minister does not understand the proposed legislation.
The Bill will introduce regulation to the industry, which will be onerous; yet the Minister
now indicates that it will not be onerous to the industry. It certainly will be. The Minister
continued:

No longer will there be the potential for a conflict of interest between licensing responsibilities and complaint
handling.

He suggested that the Motor Car Traders Committee has not operated effectively in the past. It has done so, and I suggest the Minister should agree with that.

However, the honourable gentleman said in his second-reading speech that there will
no longer be a conflict of interest. There is no evidence to suggest a conflict of interest. If
the Minister can produce evidence that there has been a conflict of interest in the operation
of the Motor Car Traders Committee in providing a balance between the operation of the
motor car trader and the consumer, I invite him to make it available to the House.

I assumed, when the Minister was nodding his head earlier when I produced some
figures, that he agreed that the committee has operated in the most effective manner.

The National Party totally rejects the comments been made by the Minister to back up
the changes he wishes to make to the principal Act.

The Minister also said in his second-reading speech:

The Bill also introduces major advances in consumer protection through the introduction of a mandatory
standard form contract.

Nowhere in the Bill can any standard form be found and nowhere does the Bill suggest
what will be the standard form. What will the Government come up with? What will the
motor car traders get? What sorts of forms will they have to have when buying and selling
cars? The Bill does not indicate in any way what will be done.

When referring in the second-reading speech to tampering with odometers and the
difficulty in proving who had committed the offence, the Minister said:

For this reason clause 38 (2) provides for reverse onus of proof.

In other words, a motor car dealer will be considered guilty if there is a suggestion that an
odometer has been tampered with; then, in some way, he will have to prove that has not
been done. I suggest to the Minister that it will be very difficult for the motor car trader to
prove that he did not touch the odometer.

Clause 38 (2) deals with that matter. The important words contained in it are: “unless
the motor car trader proves the contrary”. Therefore, the motor car trader——

Mrs Toner interjected.

Mr JASPER—That has nothing to do with this speech. The honourable member for
Greensborough does not know what she is talking about.

The SPEAKER—Order! The honourable member for Greensborough should cease
interjecting, and the honourable member for Murray Valley should ignore interjections.

Mr JASPER—to talk like that is absolute rubbish. To make that sort of
statement——
Mrs TONER (Greensborough)—On a point of order, Mr Speaker, I object to the bad language used by the honourable member for Murray Valley.

Mr Jasper—What bad language?

Mrs TONER—The language is so foul that I would not repeat it.

The SPEAKER—Order! The Chair is in the difficulty of not having heard the expressions to which the honourable member for Greensborough takes objection and, unless the honourable member for Murray Valley is prepared to advise the Chair that he will withdraw words that the Chair did not hear, I cannot uphold the point of order.

Mr JASPER (Murray Valley)—Mr Speaker, I suggested to the House that the comments made by the honourable member for Greensborough were rubbish and I suggest to you, Sir, that her comments were totally inappropriate, and they were——

Mrs Toner interjected.

Mr JASPER—If the honourable member reads the Hansard report, she will find out.

This is an important measure, and I hope some members of the Government will be prepared, if they believe it is good, to tell the House how good it is.

Many areas of the Bill cause great concern. One needs only to examine it to understand that it must be rejected. The Bill cannot effectively be amended to what it should be because, throughout, it reeks of an attack on honest people in the motor car trading industry and on the people who have made this one of the great industries in Victoria. It is a good and profitable industry that has provided motor vehicles for the benefit of consumers in Victoria.

As an amendment to the second-reading motion, I move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this House refuses to read this Bill a second time until further consideration of the ramifications of the Bill is undertaken by all interested parties.”

I refer briefly to some of the many areas of concern relating to the Bill. One could go through the measure clause by clause and pick up many areas of major concern to the National Party. For a start, why has the Government introduced an enormous increase in fines? Does the Government believe that the industry——

Mr Gavin interjected.

Mr JASPER—That is right, and all the honourable member needs to do is to examine the figures. I have in my possession all the reports for the past ten years. I invite him to read them. If he does so, he will understand what the industry has done and how effective it has been.

I invite him to speak with the former Chairman of the Motor Car Traders Committee, Mr Chick Lander; he should speak with someone who has had practical experience. That gentleman is a lawyer who is not involved in the motor car trade, but who operated effectively, along with other people, as a member of that committee for ten years.

Why should this be changed? The honourable member for Coburg should examine the figures because, obviously, he does not know the situation.

Mr Fordham interjected.

Mr JASPER—It is important.

It is time the honourable member for Coburg considered the figures. I think the Deputy Premier understands, but his backbenchers do not understand.

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

Mr JASPER (Murray Valley)—For the benefit of the Deputy Premier, I shall indicate to him the importance of the motor industry. As the Minister for Industry, Technology and Resources, he will understand the importance of the motor industry to Victoria. For the benefit of some backbenchers, I reiterate that licence holders in the motor car industry numbered 3224 at 30 June, 1986 of which only four licences were revoked in the past twelve months. I suggest that the honourable member for Coburg, who is interjecting, should take notice of this point and talk to Mr Duggan. Those figures speak for themselves. Of the complaints against motor car traders, only four licences were revoked. Some of the other complaints are yet to be heard and others have been withdrawn.

There are huge increases in fines of up to 20-fold and 50-fold in the Bill. What justification does the Government have for introducing a draconian increase in fines when the record from the Minister of Consumer Affairs indicated that the industry has been operating effectively and when people who are operating as motor car traders want the industry to be more highly integrated? Honourable members who are interjecting do not want to understand. They do not want to recognise the importance of the industry.

The lead speaker for the Opposition incorporated in Hansard a copy of the comparison of the findings on the increases in fines, which I suggest the Government analyses. I consider it will become a fundraising measure rather than a measure to prevent any misdemeanour that may occur and, as I have indicated, those incidents are few in number.

The National Party will not accept the huge increases in fines. I trust that when Government members have analysed the matter they will realise that the proposed legislation will not be effective in Victoria. I shall highlight the use of terminology to show areas where the Bill is ineffective.

Clause 14 deals with the conditions of licence and imposes conditions and restrictions on the licence. Those restrictions and conditions will be brought about be regulation. I suggest that honourable members be given the opportunity of seeing the regulations. The clause also states that upon the granting of an application the authority may impose conditions or restrictions. Clause 16 deals with authority to sell motor cars at public auction.

Clause 30 deals with disciplinary action. It refers to a licensee who “does not have, or is not likely to have, sufficient financial resources”. How will that be determined? Clause 30 (1) (b) (iv) states:

The business to which the licence relates is being carried on in a dishonest, unfair or inefficient manner;

The National Party has no qualms with the reference to a dishonest dealer, as the Motor Car Traders Committee has dealt with these matters in the past. However, I query the use of the terminology of “unfair on inefficient manner”. Will a person face disciplinary action because he is unfair or inefficient? I suggest that further interpretation is necessary, because any person who operates a business inefficiently will not attract customers. People will not buy cars from those sorts of traders.

Mr Micallef interjected.

Mr JASPER—It is not worth listening to the stupid, inane comments of the honourable member.

Clause 38 deals with odometer tampering. There is a reverse onus of proof in that the trader has to prove that the odometer was not operated incorrectly. That is not the way the law should operate.

The National Party considers that the cooling-off period provision is totally ineffective. If the Government wants to provide a cooling-off period it should give people who purchase a car a minimal cooling-off period of at least 24 hours, otherwise it will have a
dramatic effect on the industry. Clause 43 (2) does not provide a 24-hour period. The National Party rejects the fact that there is no option for a person to purchase a car from a dealer, undertake the business, and for protection to operate on both sides. Many Government members are forgetting that protection is offered by the warranty on motor vehicles. This is evidenced by the many complaints that have been forwarded to the Motor Car Traders Committee. The rescission in clause 43 whereby a person may have a car for up to twelve months and then apply to the Magistrates Court to rescind the agreement on the sale is totally unacceptable to the National Party. The application maybe on the basis that the odometre was tampered with or that the prescribed forms had not been filled out. Honourable members have not seen the forms as the regulations are yet to be provided.

More explanation is needed on what “substantially” means in clause 45 (1) (c). Clause 45 (2) allows a purchaser of a car at a cash price not exceeding $20,000 up to twelve months to apply to the Small Claims Tribunal if that person believes the agreement has been broken and he or she has been misrepresented. That provision would be unacceptable to any reasonable thinking person and should provide no more than three months. I repeat that protection is already offered in the form of warranties on motor cars.

Other members of the National Party will deal with clauses of the Bill. I have mentioned the cooling-off period, fines, regulations and so forth. Honourable members have not seen the prescribed forms, such as the waiver form and need to see those forms before the Bill becomes law.

The committee system needs to be looked at. These committees have been set up by the Minister and have been totally controlled by him. They have been appointed by the Minister and they may have had little or on connection with the motor car industry whatsoever.

The Motor Car Traders Licensing Authority will replace the Motor Car Traders Committee and will deal only with licensing. All complaints will go to the Ministry of Consumer Affairs and will be dealt with by the Motor Car Traders Guarantee Fund and Claims Committee. That is totally unacceptable so far as the National Party is concerned.

The Bill provides for a chairman to be appointed to the authority by the Governor in Council and for a number of deputy chairpersons to be appointed by the Governor in Council. In other words, the Minister can appoint as many deputy chairpersons as he wishes one after the other so as to stack the committee if he sees fit. The National Party believes that is totally unacceptable to the industry.

The regulation-making power needs to be changed. The National Party will not accept the regulation-making powers as they are.

Another clause that needs comment is clause 75. I have spoken on many occasions about the problems with the motor car traders fund, provided by motor car traders at $250 a year for registration and no interest is received on that fund whatsoever. More than $1.2 million is currently held by the Government and no interest is being paid on that amount. When I have raised this matter with the Treasurer he says that that it is not to be provided for. The Minister for Consumer Affairs, who is at the table says that it will be provided for. I refer the Minister to clause 75 which says that the Treasurer may from time to time invest moneys standing to the credit of the fund in such a manner as the Treasurer thinks fit. I suggest that the Treasurer “must” from time to time invest moneys.

Mr B. J. Evans—Shall!

Mr JASPER—The honourable member for Gippsland East has indicated, “shall from time to time”, but right through the proposed legislation the wording is that the dealer, the trader or the Government “must” do this and must do that. If that term is to be used let it be carried right through the Bill. I could go on!
There are clauses throughout the proposed legislation which are totally unacceptable to the National Party. In nearly every clause one can find an area which needs to be changed. The proposed legislation should be rejected in its entirety.

I close by saying that so far as the National Party is concerned the Licensed Motor Car Traders Committee over ten years has produced an excellent record of service to the motor car industry, to motor car traders and to the consumers, the people of Victoria.

I suggest to the House that the Bill should be rejected. I suggest that it should support my amendment. Let the proposed legislation benefit all the people in Victoria but particularly the people operating in the motor car industry, those who are consumers and those who buy and sell new and used motor cars within Victoria.

Mr COOPER (Mornington)—I am delighted to make a short contribution to this important Bill, the Motor Car Traders Bill. I understand from the speech of the honourable member for Murray Valley that he is opposed to the proposed legislation and I believe I can appreciate why.

I shall make a couple of points which direct attention to some of the serious deficiencies in the Bill which I believe should be addressed by the Government prior to the Bill going to the other place.

The position of the Opposition has been clearly stated by my colleague, the honourable member for Bennettswood. I note in the Bill that its purpose is to ensure that licensing is carried out efficiently and equitably and that the rights of people to purchase motor cars are adequately protected. It is on this area I shall address my remarks, to the question of the adequate protection of the consumer.

I do not believe there would be an honourable members in this place who does not favour adequate protection for consumers. It does then come down, having regard to that as a statement of fact, to whether the Bill adequately protects the consumer or gives a biased protection to the consumer at a considerable disadvantage to the sellers of vehicles.

I shall address some statistics, and I am aware that the honourable member for Murray Valley has addressed some statistics, because I believe they are at the nub of the question. They show that the Bill is faulty.

The motor car industry and the building industry are the two greatest industries in this nation. They are the two key economic indicators and when there is a sickness in one or both there is certainly a sickness in the economy. Therefore, it is realistic to look at just what the motor car industry is doing in Victoria at this time and to consider the effects that the proposed legislation may have upon it, and to understand why legislation of this kind may or may not be required.

I obtained my statistics from the Victorian Automobile Chamber of Commerce. I notice with some interest when I was speaking to the VACC that there are no statistics available in regard to used car sales and that in fact the area of used car sales in this State and, I assume, elsewhere in the country, is estimated. I have therefore to rely on what I see as the expertise available from the VACC in the figures used in regard to vehicle sales.

Of course the figures that are available for new vehicle sales are actual statistics and therefore can be relied upon. The figures for 1984–85 for new vehicle sales in Victoria were 172 841. The VACC estimates that used car sales in that year were 345 682. It is easy to work that figure out because the VACC believe it is a conservative estimate that the proportion of used vehicle sales is twice that of new vehicle sales.

Taking the total estimate for 1984–85, the VACC says that approximately 518 523 vehicles, new and used were sold. In 1985–86, the figures show an interesting comparison. The new vehicle sales number 158 561 and the used vehicle sales are 317 122 making a total of 475 683. That is in comparison with the 1985–86 figures compared with the 1984–85 figure show a 5.26 per cent drop on the 1984–85 sales. I suggest that that should be an area of concern to any Government. It should be of concern to the whole Parliament.
and certainly makes one aware that, although one may withdraw from the word, "crisis", one could say that all is not well in the industry.

To get a general picture of the industry, if we compare new vehicle sales only for September 1984 with the figures for September 1985 we find that sales dropped by 15·19 per cent. If we compare September 1985 with September 1986 we see that new vehicle sales dropped by 15·96 per cent.

These statistics are available to everyone and they question whether the industry should be treated in such a draconian way.

I refer to the annual report of the Ministry of Consumer Affairs for 1986. On page 141 of that report consumer complaints concerning the purchase of new vehicles were recorded as 315 and consumer complaints concerning the purchase of used vehicles totalled 922. The total number of consumer complaints for new and used vehicles for that financial year was 1237. If that bald figure were presented without any supporting information, most people would have the response that it was a large number of complaints for the industry and that something should be done to lessen the number.

I have already indicated that the Victorian Automobile Chamber of Commerce figure for new and used vehicle sales for 1985-86 was 475 683. If that figure is compared with the total of 1237 consumer complaints concerning new and used vehicles, it represents 0·26 per cent.

The tone of the Bill is unacceptable and unnecessary, because the complaints are a small fraction of the total number of vehicle sales. The proposed legislation is a dramatic overkill on the industry.

In listing the number of consumer complaints reported to the Ministry, I have not taken into account—and there is no way one can because it is not recorded in the Ministry’s report—how many of those complaints were unjustified. I should be surprised if all the 1237 consumer complaints were justified. Therefore, the total number of consumer complaints is highly misleading.

I refer the House to the cooling-off provision. That provision is completely unacceptable to the Opposition. It would be unacceptable to any industry or employer group. The provision allows a consumer to purchase a vehicle from a car dealer, take it away for three days and then, if he wishes, return it to the dealer and recover his deposit, $100, and/or the trade-in, with no questions asked. No reasonable person would say that is acceptable in the motor industry. It is a draconian provision that would have a marked effect on the price of cars.

Through this provision, the Government is determined to push up the price of vehicles because of the effect that would have on motor dealers. I do not believe the Minister for Consumer Affairs believes that is desirable. I am sure, when the Minister reconsiders the matter, he will appreciate that it is not desirable for consumer legislation to have the ongoing effect of increasing prices. I am sure the Minister, in reconsidering that provision, will change it.

The honourable member for Bennettswood indicated the Opposition’s view on that clause. It is a view accepted by the motor trade, but, more particularly, by all consumers. They recognise that the provision would have a draconian effect on the motor car trade and that it would push up the cost of vehicles.

I recognise that the Minister is concerned for the welfare of consumers, but in expressing that concern—and I say this in all sincerity and I am not attacking the Minister in any way—he has adopted an overkill position. The Bill will reflect badly on the industry and, in turn, on the consumers themselves.

I urge the Minister, in the time available to him, to reconsider the matter before the Bill goes to another place. If the Government remains firm in its resolve to push the Bill through Parliament in the form in which it is presented, it will not receive the support of
Mr J. F. McGRATH (Warrnambool)—I support my colleague, the honourable member for Murray Valley, and commend him for his contribution. It is valuable to listen to someone who understands exactly what he is talking about. The honourable member for Murray Valley has an understanding of the industry and, consequently, put the views of the National Party succinctly.

I commend the honourable members for Bennettswood and Mornington for the position they adopted. The honourable member for Mornington indicated various statistics on consumer complaints in the industry as compared with the overall sales figures of new and used vehicles. If one compares 1237 consumer complaints with approximately 500,000 sales of new and used vehicles, as a percentage it is approximately 0.25 per cent. Why is it necessary to change an Act that is serving the community well by the introduction of such a draconian measure?

The Minister should reflect on the annual report of the Ministry of Consumer Affairs which clearly demonstrated that the current Act is working effectively and seeks to give all consumers and licensed motor car traders an equitable place in the market.

As a person who has experience in the motor industry, but not necessarily in car sales, my understanding is that the industry has aspired to a high level of professionalism. I would be the last person to deny that some people in the industry do not act properly and professionally, but they are few. That should be considered rather than going for the overkill, as the honourable member for Mornington put it, and trying to “knock off” all licensed motor car traders who have operated properly and professionally.

Consumers need to be protected but so do licensed motor car traders. The Bill does not go anywhere near protecting the rights of the traders. The honourable member for Murray Valley has already explained the vital role the motor car industry plays in the overall economies of Australia and Victoria.

One should reflect on the effect the motor car industry has on different areas. One should consider the enormous amount of employment generated from the original manufacturer to the area of just new car sales through to the larger area of: service stations; panel beaters; tyre services; the professions of mechanics and auto-electricians; the taxi and insurance industries; and so on.

Honourable members should remember that run-off from the motor industry when debating legislation aimed at protecting the rights of the consumer to the direct disadvantage of the licensed motor car traders, which in turn disadvantages the economic viability of the motor car industry. Honourable members should think long and hard about what the Bill proposes to do.

Constituents in the electorate I represent who are involved in motor car trading have raised many issues, one of which deals with the provision about trading in six motor cars or more. It is proposed that this be a qualification for a registered licensed motor car dealer. Why should it be necessary to allow a single person to deal with up to six motor cars?

Honourable members should bear in mind that an entrepreneur may want to buy two or three cars to do up in one year, with the intention of selling them the next. That is all right but why should we allow a person to sell six cars yet not bring that person under the provisions of the proposed legislation?

Why should this person be relieved of the responsibilities and commitments faced by someone who falls under the provisions of the Act? That person can work from the back of his home and can sell six cars without taking any responsibility for them. I direct that anomaly to the attention of the Minister.
Clause 35 provides for a dealings book. Concern was expressed to me about the prescribed forms. Because we have not seen the proposed form, we cannot judge whether it is simple or complicated, how dealers will be involved or how the dealings book will affect the clerical staff of a motor car trader. Obviously, this will be an imposition.

Because of a simple error made in the entries in the dealings book, the motor car trader might be directly responsible, as a result of these heavy-handed tactics. If members of the National Party had a copy of the prescribed form of the dealings book, they could make a calculated judgment on whether it is appropriate. But, no, as with other legislation introduced by this Government, we have not been given the details.

Mr Pescott—It is a disgrace!

Mr J. F. McGrath—It is a disgrace. Previous speakers dealt with odometer tampering, and I share their concerns, but more important than that is the proof of guilt.

A licensed motor car trader has difficulty establishing when or by whom an odometer was turned back. It is difficult proving whether the previous owner tampered with the odometer or whether it was tampered with before that but, even so, if it is detected that the odometer has been tampered with the responsibility rests with the licensed motor car trader.

The fines for tampering with an odometer are enormous. The honourable member for Murray Valley has already dealt with them. If a car dealer is unable to prove that he did not tamper with the odometer, he is faced with a fine of $50 000 for something he did not do. The provision amazes me. How can the Government thrust that responsibility on to the licensed motor car trader? The provision is unjust.

Clause 43 deals with the cooling-off period. Representations that I have received have expressed concern about this clause. Previous speakers have also dealt with the potential of a car being taken away for two or three days, say, for the weekend or a holiday period, and the licensed motor car trader being responsible for it.

It has been suggested to me that the motor car dealer may have to vet the people to whom he gives the car. That is fine, but if one is debating trust and compassion, one needs to take it to the ultimate end. The person who takes the car may use it to drive from Melbourne to Adelaide and back again; the car may then be left at the person’s home in Berwick, Thomastown or wherever. The person who has had the car may tell the motor car dealer that he or she is not happy with the car and that he has to pick it up.

No matter whether the car has travelled thousands of miles, has been thrashed, or the water has run low in the engine, the motor car dealer is still responsible for it. The clause has been badly drafted, as is the rest of the Bill.

Some parts of the measure are probably all right, but it would be easier if the Bill were withdrawn as was suggested by the honourable member for Murray Valley in his reasoned amendment. The honourable member suggested that further constructive consultation should take place to provide a piece of legislation that covers all the community, the licensed motor car traders and the consumers. Everyone should be adequately serviced.

Concern has also been expressed to me about the composition of the Guarantee Fund Claims Committee, which is dealt with in clause 57. It was suggested that appropriate people ought to be considered for appointment to the committee so that the Minister is advised by people who understand what is happening in the real world.

It is enlightening to listen to someone debating the proposed legislation when the person has a grassroots knowledge of the subject. Ministerial advisers should have a basic understanding and a good grasp of what is required when drafting legislation to control the motor car industry.
The statistics put forward by the honourable member for Mornington are further enhanced when one considers that, as I said, approximately half a million car sales take place and only 1237 complaints were made. That represents approximately 0.25 per cent.

More importantly, if one reflects on the fact that there are 3224 licensed motor car traders in the State and one compares the half a million sales they made with the number of complaints received, one realises that the proposed legislation is unnecessary.

Surely the Minister can see from those statistics that the existing Act is working well and if there is any need for change, it could be done by amendments to the existing Act and not by introducing this extreme piece of proposed legislation.

I have always found the Minister to be a reasonable man in the dealings I have had with him. To demonstrate the continuity of my belief that the Minister is a reasonable man he should agree to the amendment moved by the honourable member for Murray Valley to withdraw the Bill and come back with something that will provide a fair and equitable means of looking after the motor industry.

We cannot be overrun by the philosophy of people with extreme views who have had an input into the proposed legislation. They obviously do not understand the industry. The proposed legislation should have been drawn up by someone who understands the industry. I urge the Minister to examine closely the composition of the committee's advisory panels and experts so that appropriate legislation can be drafted.

The previous speaker mentioned the former chairman of the committee and the enormous contribution he made to the motor industry. The honourable member for Murray Valley often refers to Mr Chick Lander and the enormous understanding and grasp of the industry which he possesses. He expressed grave concern about the measure. We should be concerned that the people who prepare the proposed legislation understand what is required.

I direct the attention of the Minister to an interesting part of the proposed legislation that was directed to my attention. I refer to the "L" label—as it is known in the motor industry—which dealers are required to place on car windscreens. The labels describe the history of the vehicle. Why does the name and address of the previous owner of the vehicle need to be displayed on the vehicle?

Mr Spyker—Why not?

Mr J. F. McGrath—How would the Minister like it if he sold a car to a local car dealer and some idiot rang him up at 10.30 p.m. on a Saturday to find out why he had sold the car and whether there were any reasons why the intending purchaser should not buy it? That sort of information is available in the register of used cars. If the genuine buyer wants that information, he can go and get it.

The Minister has obviously not spoken to the dealers because they are concerned about that aspect. It further impresses on me the fact that the people who drafted the proposed legislation have not discussed the measure with anybody who understands the industry. The Minister does not understand the situation and those advising the Minister do not understand the industry. Is it any wonder that the National Party opposes such proposed legislation? I would not be a party to the imposition of such proposed legislation on the 3224 licensed motor car traders who have clearly demonstrated their ability to provide goods and services to the State with a minimum of problems.

I urge the Minister to consider the amendment moved by the honourable member for Murray Valley. The Opposition and the National Party will join forces on this extremely radical piece of proposed legislation and throw it out.

On the motion of Mr Fordham (Minister for Industry, Technology and Resources), the debate was adjourned.

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

Optional dress beaches—Delays in construction projects for Werribee—Teacher housing for country schools—Nurses' dispute—Discrimination in the work force—Road closure in Templestowe

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That the House do now adjourn.

Mr COOPER (Mornington)—I direct to the attention of the Minister for Local Government an announcement made by him about optional dress beaches for Victoria. A press release on the subject by the Minister for Local Government stated:

The Local Government Minister, Mr Jim Simmonds, said the Government will provide up to $50 000 to assist in the provision of signs, paths and other facilities for the new Beaches.

The beaches to be gazetted include Sunnyside North beach at Mornington and Campbells Cove at Werribee. The press release further stated:

Criteria in the Act for consideration of an optional dress beach includes seclusion and screening of the site, existing use, proximity to populated areas, accessibility and facilities.

I direct the attention of the Minister to the fact that the beach at Sunnyside North, which has been declared as an optional dress beach, is unique. The council of the Shire of Mornington wrote a letter to the Minister for Local Government on 11 November 1986 in which it stated its opposition to the declaration, which it said was not advanced on moral grounds, but based on a strong desire to protect the environment and amenity of the local area. The letter stated:

It appears to council, that the Government has been unwilling to address many of the real issues involved such as insufficient car parking, litter control, lack of sanitation facilities, access difficulties, congestion and general loss of amenity. It is also a matter of concern that there has not been publicly disclosed, any evidence of a proper environment effects statement having been undertaken by the Government.

The point I am making is that the Sunnyside North beach is unique, because below the high-water mark the beach is outside the municipality of Mornington and above the high-water mark it extends on to private properties. Basically we are looking at the sand being part of the beach declaration and behind the sand the area is private property.

The beach is a 4-minute walk from the nearest car park which will be jammed to overflowing, as it has been in the past. The beach has no toilet facilities, no rubbish collection facilities and it is the estimate of the council that for these facilities to be provided, including the necessary land acquisition, would cost in excess of $500 000.

I suggest that in making this declaration the Minister, or the committee that made the recommendation to the Minister, has not taken into any account reasonable provision of facilities for this area.

I am aware that the Minister intends to visit the Shire of Mornington in the near future to discuss the real concerns of the council about this matter. Those concerns are not held only by the council; they are shared by the entire community at Mornington, including those who use the beach as an optional dress beach. The president of the Mornington free beaches' association, Mr Eric Clayton, has supported the stance of the Shire of Mornington and he represents the views of the people who use the beach.

I suggest that the Minister and the Government have not taken into account the views of the community or the damage to the environment that will occur because of a lack of toilet, sewerage and recreational facilities in that area.

I ask the Minister to review this decision in the best interests of the amenity of the area and of people who wish to use optional dress beaches and who demand much better conditions from the Government.
Dr COGHILL (Werribee)—I raise a matter for the attention of the Minister for Transport concerning the construction schedule of the proposed Forsyth Road overpass in the Shire of Werribee. The matter I raise also involves constructions planned by Western Gardens Pty Ltd——

The SPEAKER—Order! There is too much audible conversation and I am having difficulty hearing the honourable member.

Dr COGHILL—Western Gardens Pty Ltd is constructing a major industrial subdivision on the southern side of the Princes Highway, Laverton, adjacent to the proposed overpass. The nearby site of the Wallace International pharmaceutical plant was recently the subject of a ceremony attended by the Prime Minister. That development is estimated to cost $65 million and will employ 250 people initially and ultimately 500 people. Part of the contract involves roadworks to provide access to the site, which works were to be completed by August or, at the latest, September of next year, following the completion of the first stage of the construction program.

On the other side of Skeleton Creek, which runs through the subdivision and approximately parallel to the highway, a major theme park is to be constructed. That development has been estimated to cost $50 million and on completion it plans to have one million visitors in its first full year of operation. The development is expected to employ 1200 full-time and part-time staff, so it is another major development. The theme park will have access ramps from the Forsyth Road overpass, which in turn will be linked with the bridge over Skeleton Creek.

Associated with both those developments will be an industrial estate of small-acre subdivisions. The last plans I viewed proposed 5-acre allotments. It is expected that Cordis Bio-Synthetics Inc. will purchase one of those sites as part of a concentration of focusing this subdivision on technological research and development in manufacturing. It is also proposed as part of the development that there will be an hotel and caravan site.

The concern of Western Gardens Pty Ltd with the scheduling of its own construction program for the theme park and that of Wallace International is related to completion of the Forsyth Road overpass.

The recommendation of the Ministry of Transport, with various financial and technical constraints imposed, is that construction of the overpass will be completed by 1989. The difficulty is that the theme park is expected to be constructed by late 1988, which creates a six-month drought.

I ask the Minister for Transport to carefully review, firstly, the technical aspects of the construction to ascertain whether it is feasible to accelerate the construction program. I understand that some difficulties are involved but there may be ways of overcoming those difficulties.

Secondly, I ask whether the cash shortfall that might normally occur with such projects can be overcome by some bridging finance arrangement which would enable contract payments to be made so that the Forsyth Road overpass construction can be completed by late 1988 to facilitate the Wallace International development and the Western Gardens Pty Ltd theme park development.

Mr W. D. McGrath (Lowan)—The matter I raise with the Minister for Education relates to the need for residences for teachers in country areas. The matter has been brought to the attention of the Minister by a number of honourable members representing Victorian country electorates. I mention specifically the needs of primary schools and high schools in the Wimmera area.

The Nhill High School is seeking a deputation to the Minister at the moment, and the Donald and Murtoa high schools have written to me seeking support for the retention of Government employee housing in those towns. It should be retained to encourage teachers to the areas and to provide accommodation for them at these schools.
It has also been suggested by a number of high schools that the residences should not only be retained but should also be tagged for special purposes, such as for a principal or a deputy principal, to ensure that encouragement and incentive is provided to the good teachers in the education system to take up an appointment or an offer of an appointment in country Victoria.

It is vital that high calibre teachers come to the country and participate in the education of young Victorians as they progress through the State's education system.

The primary school sector is also concerned about what might happen to residences at the small country primary schools around the Wimmera area. Among the schools that are concerned are the Apsley and Mitre primary schools, and the councils of those schools certainly wish to maintain those residences to provide accommodation for teachers.

One teacher who has been teaching at the Mitre Primary School for three or four years came from Melbourne to the country where a school residence was provided alongside the school. The school is out away from any township. Mitre consists solely of a school, a hall and not much else, but Mr McAdam tells me that that was his first country appointment since his days of teaching in the city area and he said that the support he receives from the school council and the community support for the school are fantastic. It is far different from the support provided at a city school.

He claimed that he would never go back to the city in pursuit of his teaching career. This is an example of the fact that the provision of a residence has encouraged a teacher from the city to take up that first country appointment. We will see that those teachers remain in the country, and become very good citizens and teachers in the education system.

Therefore, I implore the Minister for Education to ensure that he works strongly with the Minister for Property and Services to retain Government employee housing for the school teachers so that education can be adequately serviced in the interests of all Victorians and particularly of those in country areas.

Dr WELLS (Dromana)—I refer to the Minister Assisting the Minister for Labour a matter concerning the nurses' dispute and their outstanding claims, which can be broken down into two major areas. One is classifications in the career structure and the other is the applicable salary levels. It is more than fair to say that the fault basically rests with the Government and not with the Industrial Relations Commission, as has been consistently claimed by the Government.

I refer to three illustrations in particular: the first relates to designated areas, and I ask the Minister to explain the medical rationale behind the Government's classification—not the commission's classification—that in a hospital where 600 babies are delivered each year, the area may be designated as one requiring a grade 2 nurse or above. If there are fewer than 600 deliveries, that is not required. Any obstetrics ward with twelve births a week requires more than one nurse in any one session. That argument seems to be quite unsupported.

I shall now refer to the intensive care ward. The Government and not the Industrial Relations Commission has ruled that where there are six intensive care beds in a ward, that will be a designated area. However, if there are only four beds, as is the case at Frankston Hospital, which is a major hospital, that will not be a designated area.

The staffing ratio in an intensive care ward is one nurse to one patient or, at most, one nurse to 1·5 patients. Therefore, the Government's rationale is inexplicable.

The second subject to which I refer is the comments of the Minister Assisting the Minister for Labour at page 110 of daily Hansard of 13 November. The Minister stated:

Nearly all the nurses will get substantial wage increases . . .
On the Government's own classification, and not the classification of the Industrial Relations Commission, the Government has designated approximately 5750 nurses of a total of 14,000 as belonging to grade 1. Would the Minister not acknowledge that that is a significant number of nurses? If that is not so, will the Minister explain the assertion that the Government has classified the nurses in that way to get them into a bracket where they may receive a $7.50 a week increase. Does the Minister consider that that increase amounts to a substantial wage increase?

The third and final point I make relates to another statement made by the Minister Assisting the Minister for Labour on page 110 of daily *Hansard* of 13 November. The Minister stated:

There is not one nurse in the State who will get a wage cut through the decision of 20 June this year...

If that is so, and if the Government is made aware of cases where wage cuts have occurred, will the Minister confirm his statement by giving a clear undertaking that those nurses will be reinstated to the appropriate level? Some nurses have definitely suffered wage cuts.

The Minister has referred to a fixed sum of money to be made available to meet the nurses' claims. Will the Government honour its commitment that if nurses have suffered wage cuts, even if they cannot be accommodated by the money available, their salaries will be reinstated?

Mrs TONER (Greensborough)—I direct to the attention of the Minister for the Arts, who is the representative in this House of the Attorney-General, the difficulties that older people are experiencing in the work force through not being covered by the Equal Opportunity Act in Victoria and other States. That Act does not provide for discrimination on the grounds of age, nor am I suggesting that it should do so. Nevertheless, a problem exists for older people in the work force who may be retrenched or who are applying for positions.

All honourable members will have received complaints from people who believe they have been discriminated against on the basis of their age. Sometimes that relates to young people who have held a job in a service industry and who, when they reach twenty years of age, are told to step down because if they were kept on they would have to be given an increase in salary. However, more often, the discrimination applies to people of the age of 40 years when a company for which they have worked has been taken over and they have been retrenched. The unemployment figures reveal that those people have spent longer periods in unemployment than younger persons.

The issue does not necessarily have to be redressed by legislation. Maybe the Minister responsible for administering the Equal Opportunity Act could work in conjunction with the Minister for Labour to help to change the attitude of employers to employing middle-aged people.

Many people may be either prevented or discouraged from applying for positions because of the general or particular age specifications in job advertisements. A perusal of the job advertisements published in either the Wednesday or Saturday editions of the *Age* highlights the fact that many job advertisements seeking receptionists, for example, seek women aged between 25 and 35 years, of attractive appearance and with social skills.

Mr Jasper—Hear, hear!

Mrs TONER—I hope that if the honourable member for Murray Valley were an employer he would not discriminate against a middle-aged woman who has all the necessary skills to perform the task of a receptionist. The majority of private employment agencies use age specifications when seeking prospective employees.

That type of discrimination is easily recognised. However, another form of discrimination that is not so easily recognised is attitudinal. That form of discrimination is often shown at interviews when people are weeded out by selectors, either deliberately or unconsciously,
even though the prospective employees who are not engaged may have a great deal to contribute to the work force.

The work force is ageing. It may be necessary for the Government to educate employers on the talents and capacities of middle-aged people. It is unfortunate that people who possess the necessary job capacities are eliminated from the work force on the basis of age.

I ask the Minister representing the Attorney-General to confer with that honourable gentleman on the attitude of employers towards people who are not provided for by the Equal Opportunity Act but who are currently being discriminated against on the grounds of age. I ask the Minister to determine what can be done to accommodate the employment needs of these people so that the community benefits from the skills that they have to offer.

Mr J. F. McGrath (Warrnambool)—I raise a matter similar to that referred to by my colleague, the honourable member for Lowan, on the shortage of teacher housing. I am sure the Minister for Education will consult on this matter with his colleague, the Minister for Property and Services. I refer to the "not required to occupy" category of teacher housing.

I recall a discussion I had some time ago with the Minister for Education on the concern that has been expressed at the rationalisation of small schools in country districts. Since then the Minister has continued to encourage consultation to ensure that fairness is accorded to all those concerned.

I ask the Minister to examine the decision to mark all Government housing in the small township of Hawkesdale as "not required to occupy". I refer especially to the Hawkesdale High School.

Hawkesdale is a small town which has no significant services except an hotel, post office, small store and a shire office. The availability of other accommodation is nil. Hawkesdale is situated some 45 kilometres from Warrnambool on the Hamilton road, and it is some 60 kilometres from Hamilton. It is an isolated area and accommodation is a problem. Both school councils of the primary and high schools are concerned that another area in western Victoria, which has far greater facilities than Hawkesdale, has been able to apply to be placed in the category "required to occupy" relating to housing.

The people of Hawkesdale concede that some housing should be disposed of, but they say that to attract both teachers and principals a small country community needs to be able to provide some incentive. The honourable member for Lowan has spoken previously of the need to provide the incentive of housing for teachers who are making decisions to leave perhaps a larger provincial centre or a city and move to an isolated part of the country. There needs to be an incentive and some security for them.

This decision will disadvantage the Hawkesdale school communities because other housing is not available in the area. I request the Minister for Education to intercede in this matter because I consider that the people making these decisions are not in touch with the communities that their decisions will affect. I am sure that, if these people had visited Hawkesdale or had had some direct information about the town, they would never have made those decisions. It is obvious that their decisions were made in ignorance and that no consideration was given to availability of local accommodation.

I am sure the Minister will address these problems so that Hawkesdale is left with some but not all Government housing that it has had to accommodate the teachers and principals of the school communities. I am sure the Minister will be able to give an assurance that housing will be available to attract the appropriate staff to the area who will provide a satisfactory level of service for the Hawkesdale community.

Mr Perrin (Bulleen)—I refer to the Minister for Local Government the temporary closure of Verdi Court, Templestowe, which was closed by the City of Doncaster and Templestowe on 7 November. The closure of the court means that there is only one exit
from an estate that consists of approximately 95 houses. This exit is from Renoir Avenue to Blackburn Road, and does not allow a right-hand turn to be made into Blackburn Road, with the result that a left-hand turn must be made initially and, subsequently, a U-turn must be made on an unsafe stretch of Blackburn Road.

The council claimed that it was able to close the court under the provisions of section 541 (1) of the Local Government Act which relates to unsafe road conditions. The Ombudsman, in a letter dated 14 November, asked the council to explain its actions. I understand that Mr Corney of the Local Government Department advised the council that this section of the Act was inappropriate to the closure of the court and that, in fact, the closure was illegal.

The council then claimed to be using section 539AB (1) (c) which relates to prevention of injury provisions. Again, the Local Government Department rejected the council’s claim. I believe the council is misusing the Act to temporarily close the court. It has not allowed for objections to be heard as provided by section 193A of the Act. The residents are aggrieved.

I request the Minister for Local Government to investigate immediately whether the council has breached the provisions of the Act. Also, I request him to ensure that the court is reopened so that safe ingress and egress is provided to and from the estate. Further, the Minister should take steps to ensure that the council allows residents’ objections to be heard. This matter is urgent.

Mr SIMMONDS (Minister for Local Government)—The honourable member for Bulleen raised the matter of the road closure in Verdi Court, Templestowe, affecting a number of houses, and his problems with the local council over the matter. The relevant section of the Local Government Act, which has been the subject of consultation between the honourable member, the department and the City of Doncaster and Templestowe, will be taken on board and I shall advise the honourable member of the outcome.

The honourable member for Mornington raised the matter of optional dress beaches. The Government has announced additional optional dress beaches around Melbourne and the Sunnyside North beach, in the electorate the honourable member represents, is one of those beaches.

The Mornington council has asked him to discuss the issue of amenities. The Government has decided to make available up to $50 000 to improve facilities in those beaches that are designated as optional dress beaches.

The honourable member is concerned that Mornington may be better served with additional optional dress beaches around Port Phillip Bay. The difficulty is that not all members of this Chamber support that proposition. For instance, I have had requests from the honourable member for Sandringham to the effect that under no circumstances does he want an optional dress beach at Sandringham. Other honourable members and their constituents have made similar requests.

The Government has moved in a reasonable and balanced manner and the consideration of improved amenities at beaches will take place after a deputation on the issue has been heard.

The honourable member for Greensborough raised the matter of the Attorney-General’s investigation of discrimination against middle-aged persons in employment and pointed out that the provisions in the Equal Opportunity Act do not address that issue. I shall bring that matter to the attention of the Attorney-General.

Mr ROPER (Minister for Transport)—The honourable member for Werribee mentioned the Forsyth Road development in the electorate he represents, with which he is extremely involved. It involves major roadworks and he and I both know that a number of people who are developing industry and tourist-type activities in that area are anxious to see the development completed as early as possible. I shall pass on to the Road Construction
Mr CATHIE (Minister for Education)—The honourable members for Lowan and Warrnambool both raised the issue of teacher housing, one in the Wimmera area and the other in the small community of Hawkesdale. I can add little to what I have already said during question time and in previous debates on motions for the adjournment of the sitting. However, I point out that residences being tagged for a particular position, whether for a principal or deputy principal, are not always taken up. The Ministry is always prepared to review individual cases and the classification of “required to occupy” or “not required to occupy” should be presented to the Ministry in each case.

We are not convinced that this solves the issue of hard-to-staff schools. Indeed, it does not. In many cases where teacher housing is available, the schools are still hard to staff. In an endeavour to overcome those problems we have developed a strategy with a range of options.

In some cases the problem is overcome and that is why we have been prepared to classify houses as “prepared to occupy”. I am again prepared to take up with the Ministry the need to be flexible and to review each case on its merits.

Mr WALSH (Minister Assisting the Minister for Labour)—The honourable member for Dromana raised a matter concerning the Royal Australian Nursing Federation. Firstly, I indicate to him that the decision that “no nurse will suffer a wage cut” was a decision of the Full Bench of the State Industrial Relations Commission.

I suggest that the honourable member examines how much the nurses received as a result of that decision of 20 June this year, when substantial increases were granted for many nurses. If one examines the rates, scale and the increases that have occurred as a result of that decision, one will understand the true picture.

The nurses in grade 1 are the first-year graduates who never received a cent out of it, as well as the student nurses. At present, an anomalies case is before the commission and will be heard in February of next year, the parties being Health Department Victoria and the Royal Australian Nursing Federation. Either of those bodies can bring the hearing forward if they so wish.

The increase in wages of nurses in grade 1 ranges from nil to $22.40 a week; in grade 2, from $22.50 to $67.40; in grade 3, from $82.50 to $127.50; in grade 4, from $84.10 to $178; and in grade 4 again, for senior teaching positions, the increase ranges from $84.80 to $114.90 a week.

For the teacher positions allocated to grade 3B the increase ranges from $44.90 to $91.60. Those increases do not include the 2·3 per cent increase that resulted from the national wage case decision earlier this year.

If one examines the salaries and wages that those people receive and the number of registered nursing positions, one finds that: in grade 1, the new weekly salary ranges from $345 to $409 for 3498 nurses; grade 2, from $424 to $455 for 5779 nurses; grade 3, from $485 to $562 for 2104 nurses; grade 4, from $578 to $654 for 1401 nurses; grade 5, from $690 to $777 for 177 nurses; and, grade 6 from $838 to $987 for 28 nurses.

The honourable member for Malvern peers over the table to examine the paper to which I am referring. If the “little boy” wants a copy, he can obtain one from the Industrial Relations Commission—the information is freely available!

It is about time the Opposition learnt that an important dispute is taking place in this society. It is about time Opposition members woke up to the action that they have been taking in this place and in another place. The “Boy Wonder” in another place, Mr Birrell, made decisions yesterday and moved a motion while a nurses’ dispute of this nature was still taking place! It is a disgrace to the Parliaments of this country that that sort of action
should be taken by members of Parliament when people are attempting to resolve the problem.

If the Royal Australian Nursing Federation has any qualms or problems, it now has the opportunity of calling its troops back to work. When the nurses are back at work and the case is able to continue and perhaps be resolved, the federation will be able to put forward the problems that it believes it has in regard to the decision of 20 June this year, and have them ironed out at the commission.

Decisions can be made in the best interests of the nurses, when they return to work and get the hospitals running properly, because there are many sick people in society who wish to be admitted to hospital.

The only way possible to resolve this problem and to have the interpretations of those decisions examined is through the Full Bench of the Industrial Relations Commission.

The motion was agreed to.

*The House adjourned at 11.55 p.m.*
Friday, 21 November 1986

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

VICTORIA PROJECT

Mr HEFFERNAN (Ivanhoe)—I refer the Minister for Transport to the outrageous payment of $1.97 million to Richard Ellis Pty Ltd, and to the Minister's inability to negotiate as that work should have attracted a fee of far less—an amount of approximately $500 000. Will the Minister inform the House who recommended that a sum of such magnitude be paid? Did the Minister receive any recommendations that a substantially smaller sum be paid, and did the Minister approve the payment of $1.97 million?

Mr ROPER (Minister for Transport)—I shall again take the honourable member for Ivanhoe through the series of events because he seems to have a mental block about this matter. Richard Ellis Pty Ltd was determined as the selling agent by the Melbourne Underground Rail Loop Authority in arrangements in 1983. The specific agreement on the incentive fee was the result of decisions by the then General Manager and Chairman of the Metropolitan Transit Authority and the then Director-General of Transport.

As I said to the honourable member yesterday, the agreement provided for an incentive fee of 0.5 per cent with a minimum of $500 000. I presume that is where the honourable member found the amount of $500 000. The sale then went ahead. As honourable members are aware, the sale was for a much higher amount than had been expected, and much more than the amount at which the Valuer-General had assessed the property. Those matters are on the public record. What then occurred was a claim by Richard Ellis Pty Ltd for an amount in excess of $3 million, if I recall correctly, which would, in the normal course of events, have been settled by the Supreme Court.

It was decided, after the Metropolitan Transit Authority examined the legal issues involved, that the matter should be settled with Richard Ellis Pty Ltd. There were negotiations between the principals of both bodies. After significant negotiation it was agreed that $1.97 million would be paid. As a result, the appropriate deeds and legal agreements were exchanged between the Richard Ellis company and the authority, thereby ending the matter.

I emphasise that the State received significantly more for that piece of land than it otherwise would have expected to receive; that the agreement was originally developed with Richard Ellis Pty Ltd, employed by the Melbourne Underground Rail Loop Authority in 1983; and, finally, arrangements for the payment were set out at a figure of 0.5 per cent and $500 000 minimum in 1984.

STATEMENT BY LORD MAYOR OF MELBOURNE

Mr ROSS-EDWARDS (Leader of the National Party)—It has been brought to my attention that the Right Honourable Lord Mayor of Melbourne has accused the Minister for Housing and the Minister for Sport and Recreation of being thugs.

Honourable members interjecting.

Mr ROSS-EDWARDS—It is an extremely serious accusation. I call upon the Minister for Housing to explain to the House what sort of thuggery he and the Minister for Sport and Recreation have been up to.
The SPEAKER—Order! Before I call the Minister for Housing, I ask the honourable gentleman whether he has Ministerial responsibility for this accusation.

Mr WILKES (Minister for Housing)—I cannot account for the colourful language of the Lord Mayor of Melbourne, but I can account for a meeting that I attended last Tuesday as an observer that was chaired by the Minister for Sport and Recreation. The meeting attempted to overcome the impasse that has been created by the resistance of the Corporation of the City of Melbourne to allow a third team to play at Princes Park for the next football season.

The Lord Mayor and a number of councillors were in attendance, but no decision was reached. Other meetings are to be held between Carlton Football Club Ltd, the Fitzroy Football Club and appointees of the Melbourne City Council, in an attempt to resolve the matter.

The Lord Mayor is reported this morning as saying that the Government's intention is to hand over Princes Park to Carlton Football Club Ltd. That is a gross inaccuracy, and I challenge the Lord Mayor to state publicly that that was mentioned at the meeting I attended.

Neither this Government, nor any previous Government would hesitate to say that Princes Park belongs to the people; it does not belong to any person, club or organisation. The Government has followed that policy religiously and will continue to follow it. However, the Government has a responsibility also to ensure that the public obtains proper use of those facilities. I should have thought that the ground rationalisation proposal of the Victorian Football League for three teams to play at VFL Park, Waverley, three teams at the Melbourne Cricket Ground and three teams at Princes Park was logical.

The issue has been clouded by the Melbourne City Council's attempt to restrict patrons from the MCG and Princes Park, by its attitude to car parking.

I do not want to say any more about the Lord Mayor's outrageous accusation because that issue will be determined in another place.

YOUTH UNEMPLOYMENT

Mr MICALLEF (Springvale)—Will the Premier give details to the House of the current levels of youth unemployment in Victoria?

Mr CAIN (Premier)—There have been some misconceptions about the current unemployment of teenagers in Victoria. I was concerned to note an editorial feature in the Age that in my view was inaccurate in what it suggested about unemployment among teenagers.

There is no question that teenage unemployment in Australia has increased. Victoria's teenage unemployment rate has fallen: over the past four years teenage participation in education, training and full-time employment has increased. In October 1986 22.9 per cent of teenagers in Australia were looking for full-time work; in Victoria, 17.3 per cent of teenagers were looking for work, which is 5.6 per cent lower than the Australian rate.

Mr Perrin—Disgusting!

Mr CAIN—I take up the interjection of the honourable member for Bulleen. The Age figures are not accurate, because, taking into account the number of young Victorians who are actually in education, in training and in work, only one in twenty young Victorians are unemployed rather than one in five, as was suggested by the Age. I think the editorial stated that a few hundred thousand young people are unemployed. I reiterate that the figures quoted in the Age are inaccurate. I make it clear that the Government has given a high priority to youth unemployment. It has introduced numerous measures to overcome the problem. The Government's economic strategy has provided and will continue to provide growth in full-time employment for teenagers.
Earlier in the week I indicated to the House that Victoria had a record number of apprentices. The Government has brought 1500 young people out of unemployment and put them into work study programs and traineeships. Another 1500 places have been found in higher education and an even greater number in technical and further education. In 1987, 1800 places will be provided in higher education.

Along with these major reforms, there are under way the post compulsory schooling education, vocational guidance, and advice support services for young people. Enormous strides have been taken in this area.

In addition, my colleague, the Minister for Labour, will return next week, and shortly he will release a detailed progress report on the Youth Guarantee Scheme. This will again demonstrate the breadth of the approach taken by the Government and, most importantly, the notable success that approach has enjoyed in dealing with young unemployed in the State.

VICTORIA PROJECT

Mr HEFFERNAN (Ivanhoe)—I refer the Premier to the questions I have asked in recent days of the Minister for Transport about the overpayments made to Richard Ellis Pty Ltd. Is the Premier satisfied that the Minister has acted with complete propriety? If so, will the honourable gentleman instruct the Minister to make available in the Parliamentary Library all documents, memoranda and files relating to this matter?

The SPEAKER—Order! The first part of the question is out of order.

Mr CAIN (Premier)—I am not satisfied from what I have heard in this House that the honourable member for Ivanhoe has been accurately informed about the matter that he has raised. The Minister for Transport has indicated the process that has been followed and nothing that I have heard would suggest that anything other than what has already transpired in the House should transpire. During the past week or so the honourable member for Ivanhoe has asked three or four questions and he has received the answers.

CONSUMER PROTECTION

Mr J. F. McGRATH (Warrnambool)—Can the Minister for Consumer Affairs advise why farmers and small business operators are not protected in some purchases and services contracts under the current consumer protection legislation? If the Minister is aware of this discriminatory anomaly, what action has he taken to correct it?

Mr SPYKER (Minister for Consumer Affairs) —I think the honourable member for Warrnambool is referring to the Small Claims Tribunal legislation. When that measure was passed through Parliament, the tribunal was established to deal with complaints between traders and consumers.

The Ministry is geared to dealing with those particular issues. The legislation covering the Small Claims Tribunal does not allow it to deal with disputes between small and large traders. The particular case to which the honourable member for Warrnambool referred is about the construction of a dam on a property. The farmer was dissatisfied with the work and has sought to have the matter rectified by conciliation.

As I understand the situation, conciliation in this case was not able to achieve a satisfactory result, which the honourable member for Warrnambool desires. The next move was to go to the Small Claims Tribunal. Because of the restrictions placed on the tribunal by the current legislation, it is not able to deal with the matter.

The honourable member for Warrnambool would be aware that on previous occasions the legislation has been amended to increase the claims with which the tribunal can deal from $1500 to $3000. The credit legislation also enables the tribunal to deal with a number of credit disputes.
The matter that has been raised is legitimate. For some time I have been concerned about the restrictions on the tribunal in the present legislation that discriminate against rural Victoria, particularly farmers, because it should be able to deal with a small-time farmer.

In this case, because the person is a full-time farmer, the tribunal is not able to deal with the particular case.

Mr Whiting interjected.

Mr Spyker—If the honourable member for Mildura wants the House to sit over Christmas, I may be able to introduce proposed legislation to amend the Act. I am sure that after being in this place for a few weeks, honourable members would want to spend some time with their families over Christmas. I have asked the department to investigate the situation as a matter of urgency and to consider introducing some amendments to the Act during the autumn sessional period.

WHEAT HARVEST FORECAST

Mr Kennedy (Bendigo West)—Will the Minister for Transport advise the House of the latest estimates of the wheat harvest and the arrangements that are being planned to handle it?

Mr Roper (Minister for Transport)—As honourable members would be aware, the earlier estimate of the wheat and barley crop was 3.5 million tonnes. That has now been revised to 3.81 million tonnes which, if realised over the next few months, will be extremely desirable for the grain industry. Concern exists about the effects of rain on the position at present. However, I hope the estimates that are forecast by the Grain Elevators Board and the Australian Wheat Board are realised.

If a harvest of that size is realised, it will provide a significant challenge to the Grain Elevators Board, V/Line, the ports and the Australian Wheat Board. The Government believes those authorities will be able to cope more than adequately with a harvest of that size.

It has been arranged that some 67 bunkers will be available to take more than 750 000 tonnes, as well as the 3.1 million tonnes for which we have storage facilities.

As honourable members would be aware, the level of tonnage is important for the Grain Elevators Board and, if the receipts are in excess of 3.6 million tonnes, as opposed to 3.8 million tonnes, it is intended that part of that benefit will be shared with the grain growers in several ways: there will be a rebate to grain growers if there is a harvest of more than 3.6 million tonnes of 15 cents a tonne; a rebate of 25 cents a tonne for more than 3.8 million tonnes, and a rebate of 35 cents a tonne for amounts of more than 4 million tonnes. However, I think it would be optimistic to suggest that the harvest would reach 4 million tonnes.

In addition we have decided that there should be a further delivery discount of $1.10 for deliveries between 1 February and 15 March. Again, that will apply if the harvest is more than 3.6 million tonnes.

If the harvest reaches the estimated 3.8 million tonnes, the rebate to grain growers will be nearly $1 million. For the average grain grower, with a harvest of approximately 500 to 600 tonnes, a rebate of that order plus a deferred carriage of about 50 tonnes to the relevant Grain Elevators Board silo or facility will mean a benefit of an extra $200.

I am pleased that the Grain Elevators Board is to take these actions and I hope the harvest is successful to allow this return of money to grain growers.
Mr BROWN (Gippsland West)—I refer to the inability of the Minister for Transport to contain costs on the Flinders Street railway redevelopment site and in other matters. Is it a fact that yesterday cutbacks began to be enforced at the Broadmeadows railway station redevelopment because cost overruns already total several million dollars? Further, is it a fact that overruns at Broadmeadows are proportionately worse than those at Flinders Street?

Mr ROPER (Minister for Transport)—I thank the honourable member for his question; it is good to have him back. I have been waiting for an opportunity—

Honourable members interjecting.

The SPEAKER—Order! I ask members of the Opposition to cease barraging the Minister with interjections while he is responding to the question. So far as I am aware, the Minister has not offended or broken any rule of the House.

Mr ROPER—I had been hoping to have the opportunity of pointing out to members of the Opposition that when it comes to developing policies in the transport area, not only Labor people but also people of other political persuasions seek assistance from the Government.

I was delighted to arrange for a briefing by the Director-General of Transport some weeks ago to the Leader of the New South Wales Liberal Party, who wished to discuss the cost containment measures under way in this State. The Honourable Nick Greiner was able to obtain extremely useful advice from Mr Ingersoll.

Attention has been given to the cost overruns of the Flinders Street station redevelopment and appropriate action has been taken by the Chairman of the Metropolitan Transit Authority and the Director-General of Transport.

The Ministry is concerned about any suggestion of not attending to costs on any job within the Ministry. We are working to ensure that those overruns do not occur. If overruns are brought to the attention of the Metropolitan Transit Authority or the Ministry, appropriate action will be taken.

In general, the cost containment program in the railways system is operating extremely well. I am delighted to be able to report to honourable members that the transfer, resettlement and redundancy scheme as part of the cost containment arrangement has significantly reduced employment in V/Line and that will continue.

There has also been a substantial improvement in V/Line’s expected financial position and the level of revenue for the Metropolitan Transit Authority——

Mr BROWN (Gippsland West)—On a point of order, Mr Speaker, my question was directly related to the scandalous 100 per cent cost overrun at the Broadmeadows railway station redevelopment site. The Minister is not referring to that matter in any way and, as such, he is debating the question. I ask you, Mr Speaker, to bring the Minister back to the question.

The SPEAKER—Order! I do not uphold the point of order because I do not believe the Minister was debating the matter. As the House would be aware, the Minister can respond in any manner he sees fit to a question without debating the subject.

Mr ROPER (Minister for Transport)—I remind the honourable member that he commenced his question by referring to cost containment arrangements and I am delighted to respond to that matter.

The Metropolitan Transit Authority is arranging its affairs to ensure that the revenue targets it has set will be met and that close checks on expenditure levels will occur. Both capital and recurrent expenditure levels in the authority have been kept under review every month by the Ministry of Transport and the Metropolitan Transit Authority Board.
I expect that capital and recurrent expenditure will be met in both the Metropolitan Transit Authority and V/Line budgets.

AUSTRALIAN GALLERY OF SPORT

Mr ANDRIANOPOULOS (St Albans)—Can the Premier advise the House what arrangements have been made to assist the Australian Gallery of Sport that has been established at the Melbourne Cricket Ground?

Mr CAIN (Premier)—Tomorrow the Prime Minister will be opening the Australian Gallery of Sport at the Melbourne Cricket Ground. The gallery is a significant achievement for Victoria. It cost some $3.8 million which has been shared between the Commonwealth, the State Government and the Melbourne Cricket Club. The Commonwealth provided $1 million under its 150th anniversary contribution, the State Government contributed a similar amount and the Melbourne Cricket Club is contributing the balance.

It will be a major tourist attraction in the city and, in answer to the interjection by the Leader of the Opposition, I hope adequate parking will be available for the hundreds of tourists who will want to visit it during their stay. It is another addition to the fine stadium that Victoria has at the Melbourne Cricket Club.

Some of the highlights, which I am sure honourable members will find interesting, include, on the first floor, the Hall of Fame, which will feature temporary exhibitions. At present, the display on that floor, appropriately entitled "The Olympic Spirit", emphasises the period of the Melbourne Olympic Games and it coincides with the 30th anniversary of that event, which is being celebrated this week.

The second floor will hold more permanent displays. Some twenty designated sports will be the subject of displays in this area. The new complex has a professional staff of seven people, a shop and facilities for preserving and cataloguing sporting memorabilia.

There is also, interestingly, an Australian Sports Hall of Fame and, each year, prominent Australian sportsmen and women will be inducted into the Hall of Fame. All honourable members will be delighted with this facility, and I hope they will visit it soon. It is another example of what the Government and others have been prepared to do to ensure that the Melbourne Cricket Ground remains a leading world sporting venue.

Victoria is fortunate in what it has inherited at this venue from early generations. It is a great sporting complex and it is located in a superb position. A great deal has been achieved in the provision of additional resources for it, including lights, new seats, new toilets, superboxes, and the dining rooms. The whole range of improvements reflect nothing but credit both on the Melbourne Cricket Club and on the Victorian Government, which has been supportive of these changes. I welcome the opening of the gallery. It will become a major tourist attraction in the State.

GOVERNMENT ASSISTANCE TO COMPANIES AFFECTED BY THE BUILDERS LABOURERS FEDERATION

Mr GUDE (Hawthorn)—I refer to the Minister Assisting the Minister for Labour a statement by the Minister for Labour that the Government will progressively assist the companies that helped the Government in the action taken against the Builders Labourers Federation. I ask: is the Government's assistance to be in the form of cash, in preferred treatment for Government contracts or in permitted cost blow-outs or contract adjustments?

Specifically, I ask: what assistance has the Government granted to Costain Australia Ltd for work on the Flinders Street station redevelopment, the Jack Chia (Australia) Ltd group for the South Yarra project, and the contractor at the Broadmeadows station redevelopment?
Mr WALSH (Minister Assisting the Minister for Labour)—I thank the honourable member for the question.

Mr Richardson—“But I do not know the answer”!

Mr WALSH—I do not know whether the honourable member for Forest Hill is coming back, either. In answer to the question, many contractors within Victoria have supported the Government in its stand against the Builders Labourers Federation, which is more than I can say about the Opposition. It made no stand in support of the various building companies. I assure the House that those contractors that abided by the code of conduct will have all the support that the Government can give them. If it is financial assistance that has to be given, the Government will examine that area of assistance to ensure that these companies stay in business and do not suffer from the actions of the Builders Labourers Federation.

The Government will not be making decisions such as those made by the previous Liberal Government, which spent $6 million on the settlement of the Loy Yang dispute, and honourable members may recall that the Liberal Government contributed $100,000 to the Builders Labourers Federation’s strike fund, which was of some help to that union.

I assure all honourable members that the Government wants building contractors to survive in the State and throughout Australia and that it will do everything it can to ensure that the construction industry is viable.

SUBMARINE CONTRACTS

Mr JASPER (Murray Valley)—I refer to the Minister for Industry, Technology and Resources further reports that South Australia and not Victoria will win 60 per cent or more of the submarine contracts because of South Australia’s good industrial record.

Is the Minister still confident that Victoria can win a major share of these contracts or does he now agree that it was a blunder to send Mr Halfpenny to Europe to assist in winning the contracts?

Mr FORDHAM (Minister for Industry, Technology and Resources)—I am disappointed in the mentality of the honourable member for Murray Valley.

Honourable members interjecting.

Mr FORDHAM—The honourable member for Murray Valley is absolutely right, I do not worry about him. I am confident that—

Honourable members interjecting.

Mr FORDHAM—The honourable member for Murray Valley is very good at talking but is a poor listener!

I am confident that Victoria will receive a significant share of the overall submarine contracts. Over recent times, there have been references in the media to the competing claims of the various States. Some honourable members would have seen some recent nonsense that came out from New South Wales comparing the industrial relations records of that State with those of Victoria. It is incredible how some people twist recent statistics.

The reality is that, in recent years, an enormous improvement has occurred in industrial relations in Victoria. That fact is understood by the tenderers and the Federal authorities. I repeat that the Victorian Government is continuing to work extremely hard with the Commonwealth authorities now that the tenders have closed. As recently as this week, I have discussed the matter with the Federal Minister for Defence. I expect a decision to be made towards the middle of next year, and the Government will continue to press Victoria’s case.
The references to Mr Halfpenny are entirely out of place. They should be compared with the public comments made by representatives of employer organisations that have congratulated Mr Halfpenny for his initiatives and support for the project.

It is a pity that the honourable member for Murray Valley is not aware of the strong teamwork that has been displayed between such organisations as the Australian Chamber of Manufactures, the Metal Trades Industry Association, the Trades Hall Council and the Victorian Government, in endeavouring to bring to Victoria as many benefits from the submarine contracts as they possibly can.

**PAPERS**

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

- State Film Centre of Victoria Council—Reports and financial statements for the years 1983–84 and 1984–85.

**ADJOURNMENT**

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

That the House, at its rising, adjourn until Tuesday, December 2.

The motion was agreed to.

**ABORIGINAL LAND (FRAMLINGHAM FOREST) BILL**

Mr CATHIE (Minister for Education)—I move:

That the following Order of the Day, Government Business, be read and discharged:

Aboriginal Land (Framlingham Forest) Bill—Second-reading—Resumption of debate.

and that the Bill be withdrawn.

The motion was agreed to, and the Bill was withdrawn.

**ABORIGINAL LAND (FRAMLINGHAM FOREST) BILL (No. 2)**

Mr CATHIE (Minister for Education)—I move:

That this Bill be now read a second time.

The Bill replaces the Aboriginal Land (Framlingham Forest) Bill 1985, which has been on the notice paper for approximately twelve months.

The provisions differ from those of the original Bill in that they are now in accordance with the provisions in the Aboriginal Land (Lake Condah) Bill. The major amendment is the adoption of the mining provisions in the Lake Condah Bill, which are derived from the Pitjantjatjara Land Rights Act 1981 passed by the South Australian Parliament.

The Bill provides for the return of the Framlingham Forest, an area of 1130 hectares of Crown land administered under the Forests Act, to the Kirrae Whurrong community at Framlingham.

In 1861, the Framlingham Forest formed part of an area of land temporarily reserved from sale and set aside for the use of Aborigines. Despite the wishes of the Aborigines, or without regard to any form of recompense for the existing state of dispossession from traditional tribal lands, most of the land has been sold or leased off. The last excision occurred as recently as 1952. The remaining area of 237 hectares was vested in the Framlingham Aboriginal Trust in 1970 under the Aboriginal Land Act 1970.

After lengthy consultations with the Kirrae Whurrong community, agreement has been reached to transfer the remainder of Framlingham Forest back to the community's control.
recognising the Kirrae Whurrong have always asserted their traditional rights over the land and the Framlingham Forest in particular. The principles of this agreement are incorporated in the Bill.

The Bill provides that the Kirrae Whurrong, subject to incorporation under the Associations Incorporation Act 1981, will receive title to the Framlingham Forest on condition that the land will not be sold.

The traditional rights of the Kirrae Whurrong are acknowledged and the land vested in a form of inalienable title.

The Framlingham Forest can be transferred only to another incorporated Aboriginal body, if this is agreed to by the Aboriginal owners.

Subject to a special resolution of the Kirrae Whurrong community, the land can be leased to the Government, a public authority or another person.

Where the lease is to another person for a period longer than three years, the Kirrae Whurrong community must seek the approval of the Minister for Conservation, Forests and Lands after consultation between that Minister and the Minister responsible for Aboriginal affairs.

Any existing licences or permits will continue on the same terms and conditions but cannot be renewed or extended without the permission of the Kirrae Whurrong Community Incorporated.

It is the wish of the Kirrae Whurrong community that the Bill provide for the making of by-laws. The Government has agreed to this wish. The by-laws are to be subject to existing Federal, Victorian or municipal statutes and by-laws and the provisions as set out in the Bill. This will enable the Kirrae Whurrong community to effectively manage the land.

To affirm the role of the elders of the Kirrae Whurrong in accordance with tribal custom, the elders will be empowered to determine all matters relating to traditional laws, customs and practices of the community.

The elders will be able to resolve disputes relating to a person’s eligibility to membership of the Kirrae Whurrong Community Incorporated, as well as internal disputes between members which may arise from the application of the by-laws of the incorporated body.

To strengthen the concept of inalienable title, should the Kirrae Whurrong Community Incorporated be wound up for whatever reason, the land will not form part of the assets on winding up.

The Government agrees to ensure that the land will be transferred only to another approved and duly incorporated Aboriginal body which is able to claim legitimate title to the forest land as descendants of the Kirrae Whurrong.

The Kirrae Whurrong community and the Government agree that the protection of the forest is a matter of great importance. Adequate measures must be taken to protect the Framlingham Forest from fire.

Under the Bill the Framlingham Forest will be declared protected public land in accordance with sections 62 to 72 and sections 99 and 99A of the Forests Act 1958.

In addition, through a separate management agreement, the Framlingham Forest will be included in a regional fire protection plan which is coordinated with similar plans prepared by the Shire of Warrnambool for the surrounding farmlands. The plan will provide for a rolling three-year program of fire prevention works to be undertaken, and to be revised each year.
To ensure the adequate control of vermin and noxious weeds, the Kirrae Whurrong Community Incorporated has agreed to include this matter in the separate management agreement.

The clauses in the Bill, that are different from those in the Aboriginal Land (Lake Condah) Bill, are specifically related to the two Aboriginal communities requesting slightly different organisation structures and membership arrangements more suited to their needs and forms of incorporation. The Bills are essentially the same in all other respects.

In view of the fact that the mining provisions in the Bill are identical with the mining provisions in the Aboriginal Land (Lake Condah) Bill, I do not propose to go into details.

I should like to say, and this cannot be put more strongly, that these mining provisions do not discriminate against the mining companies. They set out clear procedures, which, in the first instance, require the approval of the Minister for Industry, Technology and Resources before the mining company can seek the permission of the Aboriginal owners.

In the event that agreement cannot be reached, the matters in dispute will be subject to conciliation through the offices of the Minister before going before the Administrative Appeals Tribunal for arbitration. The Minister may then grant the mining tenement.

I commend the Bill to the House.

On the motion of Mr PLOWMAN (Evelyn), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, December 2.

PROSTITUTION REGULATION BILL

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

Mr FORDHAM (Minister for Industry, Technology and Resources)—I declare that this Bill is an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (a).

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes 39
Noes 35

Majority for the motion 4

AYES
Mr Cain
Mr Cathie
Dr Coghill
Mr Culpin
Mr Cunningham
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon

NOES
Mr Austin
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Evans
Mr Gude
Mr Hann
Mr Hayward
Mr Heffernan
Mr Jasper
Mr John
Mr Kennett
Mr Lea
Mr Leigh
Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That the time allotted in connection with the Bill be as follows:

(a) for the second-reading stage of the Bill until 4.15 p.m. this day;
(b) for the remaining stages of the Bill until 5.30 p.m. this day.

Mr HANN (Rodney)—On the question of time, Mr Speaker, I register the National Party’s strong opposition to the proposal put forward by the Minister for Industry, Technology and Resources.

This is a vitally important issue to the whole community of Victoria. What the Labor Government, in its embarrassment, is doing is attempting to rush the proposed legislation through Parliament.

I am aware that a significant number of members of my party wish to contribute to this debate and that a large number of members of the Opposition party also wish to make their points of view known on behalf of their constituents and the people of this State.

It is a disgrace that this Bill has been brought on because the Minister gave me an assurance earlier in the week that this measure would not be brought on this week. I asked the Minister to defer the Bill and he agreed that it would be deferred. Last night the Government decided to bring on this measure and the Government is now committed to rushing it through Parliament.

For that reason, the National Party strongly opposes this limitation on time. If the Government is really anxious to get this Bill through Parliament, it should be prepared to sit on into this evening to allow sufficient debate on this vitally important issue that is of concern to thousands of Victorians.
Mr I. W. SMITH (Polwarth)—The Opposition is entirely opposed to restraints placed on debate of this Bill. This sinister move in bringing the Bill forward on the Notice Paper from No. 19 yesterday to No. 2—but effectively the first item to be debated—today, is obviously motivated by what the Government perceives to be divisions within the opposition parties about the Bill. That will be proved to be totally incorrect.

The Bill is concerned with standards of morality about which constituents have expressed their views to honourable members representing them in Parliament. The effect of this move by the Government is to chop off the rights of those people to have their views heard in the people’s Parliament.

It is typical of the Government, which has lost the support of the majority of people in this State and has lost the feel for ordinary people, that it should chop off the rights of those people to have their views heard on an issue of such importance.

Why the panic to pass the Bill through Parliament? Is the Deputy Premier suggesting that the House cannot sit at some stage next week, or longer—the week after next, or the week after that?

The Deputy Premier wants to wind up this Parliament as quickly as possible, and he is denying the rights of citizens who have strong views on a question of morals such as this to have their views expressed in Parliament. It is a disgrace, and it ought to be opposed.

Dr WELLS (Dromana)—On the question of time, Mr Speaker, I express my anger at the Government’s proposals. Does the Government expect to gain the respect of the community with this proposal? What does it fear? Does it not want community contribution to achieve the best possible legislation?

How much time has the Government permitted the community to consider it since the Neave report was produced? What does it fear in allowing the Opposition to represent the views of the community of Victoria on this matter? What shallow victory does the Government expect to achieve by ramming the measure through Parliament? It believes there may be temporary division on the matter at this time, but it is wrong. Why does the Government not permit its own members to make a conscience vote on this issue?

I object to the proposal to limit the time for debate on the measure. This is a miserable, narrow-minded measure which is not to the credit of Parliament, and the Government will pay for it in the eyes of the community.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes 39
Noes 33

Majority for the motion 6

**AYES**
Mr Andrianopoulos
Mr Cain
Mr Cathie
Dr Coghil
Mr Culpin
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald

**NOES**
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Evans
Mr Gude
Mr Hann
Mr Hayward
Mr Heffernan
Mr Gude
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald

Mr Perrin
The debate (adjourned from October 23) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—I am extremely critical of the Bill and also of the way in which it has been introduced to Parliament. With very little notice, it has been brought forward from being Order of the Day, Government Business, No. 19 on the Notice Paper yesterday to being Order of the Day, Government Business, No. 2 today.

This Parliament sits on too few occasions and, when it does, it sits for too long. The Opposition would be happy to come back early in December for an additional week of sitting if it were given additional time to debate this important issue.

The Bill fails to protect the Victorian community and, in its present form as presented to Parliament, it is substantially unenforceable. Under the Government's proposed legislation, prostitution would be able to operate from private dwellings in residential areas, near schools, churches, shops and youth clubs, and with police and local councils having no right of objection.

The Opposition is extremely concerned about the Bill and the issue of prostitution. Prostitution is immoral. It is degrading, it is offensive and it involves the gross exploitation of men, women and children—particularly women—in our society. It involves the use of drugs and often the dependence on drugs in establishments which involve prostitution. It often involves physical violence or threats of physical violence.

Prostitution is often associated with underworld figures. It is also alleged that it involves the laundering of money on a large scale, that is, the laundering of money obtained by criminals and their associates from other illegal sources which is then laundered through the prostitution business.
Prostitution is a form of human slavery. It offends the moral values and religious beliefs of most people in the Victorian community. The Liberal Party would like very much to put an end to prostitution, to eradicate it from society. Although this may not be possible, as prostitution has been with us since the dawn of mankind, the Liberal Party is nevertheless determined to fight it and to do its utmost to eradicate prostitution.

The manner with which one deals with the issue must involve considerable sensitivity. The issue of how one should combat prostitution is controversial. It can be emotional and it can be agonising as people struggle with their consciences on this difficult issue.

The Opposition is so critical of the Bill in its present form that it intends to vote against it unless the Government accepts considerable and significant amendments which I foreshadow and shall move on behalf of the Opposition at a later stage. The amendments will be moved to toughen up the proposed legislation, which is inadequate in its present form.

Mr Micallef—What about the National Party’s mandate of 39 per cent?

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member will ignore interjections; they are out of order.

Mr JOHN—The honourable member for Springvale has made little contribution to this Parliament since I have been a member. I have rarely heard words come from his mouth, except in interjections. It would be a substantial improvement if he concentrated on the issues. I shall welcome any contribution from the Government on the Bill.

Depending on the outcome of the amendments that I have foreshadowed, some members of the Opposition may feel, as a matter of conscience, that they cannot contemplate voting even for an amended Bill with substantially toughened-up provisions. The constitution of the Liberal Party provides that a member may vote according to his conscience if to do otherwise would offend the dictates of his conscience or the tenets of his religion.

That is one of the key issues in the Liberal Party constitution—that on such a serious issue as this matter, which is one of the significant moral issues of our time—members have a conscience vote. If the dictates of a person’s conscience or the tenets of his religion are affected—they are the two key elements, not that he or she disagrees with the policy or stance of the party—the constitution of the party provides for a conscience vote. That is one of the great rights and privileges that members of the Liberal Party have under the party’s constitution, and I understand it is not one of the rights and privileges enjoyed under the constitution of the Australian Labor Party.

The act of prostitution, regardless of the question of morality, has never been illegal in Victoria. Many of the representations that I am sure honourable members on both sides of Parliament have received, have misunderstood that important fact. Although it is grossly immoral, it has never been illegal in Victoria. It is some of the associated activities that constitute the offences. For example, it is currently an offence in Victoria to solicit for the purposes of prostitution; it is an offence to live off the earnings of a prostitute; it is an offence to induce people into prostitution; and it is an offence to use for prostitution premises that do not have the appropriate planning permit.

The man who goes onto the street to seek the services of a prostitute may be guilty of an offence if the obvious, satisfactory proof is provided to a court. The man or woman working for escort agencies who visits clients’ homes or motels for prostitution purposes is not committing an offence under existing law. It is an offence under current law to keep or manage a brothel which does not have a planning permit, and it is an offence to employ in a brothel, whether or not that brothel has a permit. As an anomaly, it is not an offence to advertise for escort agency staff, so the present law is a nasty bag of worms; the present legislation is riddled with anomalies.
With this in mind, in October 1985, the Government referred the issue to Professor Marcia Neave to inquire into prostitution. All members of Parliament would have received the three volumes of that inquiry into prostitution.

Professor Neave stated that probably 3000 to 4000 women and men regularly worked as prostitutes in Victoria. She estimated that about 200 prostitutes worked on the streets, although the report gives no adequate proof of that calculation.

In my view, and in the view of the Opposition, the ability of the Vice Squad to enforce the law and to attempt to stamp out prostitution is severely restricted. The existing law is inadequate and unsatisfactory. Clearly, the Bill has been introduced with this in mind, albeit with the defects to which I shall allude. The Vice Squad consists of nine people, of whom at any one time about four are operational.

Approximately 39 brothels in Victoria are operating with permits and about seven are operating during an appeal process for permits. Approximately 100 illegal brothels are operating. From all reports, police officers have no real enforcement or law and order problems with the approximately 39 licensed brothels and they report little in the way of violence, drugs or complaints from people.

However, problems exist with the 100 or so illegal brothels. It is difficult to achieve prosecutions. Complaints of violence, drugs and disorderly conduct are received but it is difficult for the police under existing law to take action which ought to be taken. Some illegal brothels are difficult to locate; they move about the community; they float around society; and some even pose as "escort agencies".

The Bill substantially takes up the recommendations of the report of Professor Marcia Neave, except for the recommendation to establish certain areas for street prostitution. The Bill abolishes the offence of living off the earnings of a prostitute except where there is violence or coercive behaviour. Clause 5 maintains the offence of soliciting or loitering for the purpose of prostitution. Clauses 6 to 9 provide a range of offences where children are involved.

Clause 10 provides that it is an offence to force a person into, or to remain in, prostitution. Clause 12 provides that it is an offence, where a prostitute carries a sexually transmittable disease for a prostitute to work in a brothel. The Bill provides for the licensing of brothels similar to the 1984 Act and states that a brothel constitutes a place where three or more prostitutes regularly use the premises.

Clause 18 establishes the Brothel Licensing Board, which includes representatives of the Police Force, planning and community welfare organisations. Clause 21 details the requirements for eligibility for a licence to operate a brothel, which are similar to the 1984 Act.

The Bill provides that a single prostitute will be permitted to conduct her operation without a planning permit or a brothel permit. Two prostitutes working together will need only a brothel permit, not a planning permit, whereas three or more prostitutes working together will need both permits.

All honourable members will have received representations on the anomalies created as a result of the three classifications and the permits that are required. I have received representations from Archdeacon Alan Nichols, from the Diocese of Melbourne, the Women's Action Alliance, the Catholic Women's League of Victoria and Wagga Wagga, the Christian Pro-Family Forum and the Ascension Life Centre at Bendigo. Other members of the Opposition have been contacted by church groups, religious organisations, and so on, and have taken note of those submissions.

Members of the Opposition have talked to police officers about problems with the existing laws and the proposed law to determine what difficulties they might have with enforcement. In all cases, largely the stance taken by the Opposition has been supported.
The Opposition is aware of the tremendous problems associated with prostitution and in society generally with sexually transmitted diseases, particularly with the acquired immune deficiency syndrome—AIDS. Problems of venereal disease always have existed in society, but now there is a new dimension to venereal disease with the advent of AIDS and rapid spread of this illness. Professor Marcia Neave in her report, “Inquiry into Prostitution”, states that prostitutes are in a high-risk category. In the summary, she asked:

Is prostitution a significant source of sexually transmitted disease?

The answer given is:

Prostitutes are in the high risk category for contracting and passing on sexually transmitted diseases. However, non-prostitutes with multiple sexual partners also play an important part in the spread of such diseases.

The difficulties relate not only to prostitutes but also to people who have sexual relations with multiple partners. An article in the Age of 4 November 1986 refers to the spread of AIDS in the community and to the comments of Dr Jonathan Mann, the head of the World Health Organisation's AIDS control unit. The article states:

The head of the World Health Organisation’s AIDS control unit has urged governments and health authorities to stop “soft pedalling” the extent of the AIDS epidemic.

Dr Mann was reported also as saying:

... that estimates suggested that 1.5 million people in the US were infected with the AIDS virus. More than one million people were infected in Africa, about 250,000 in Europe and about 50,000 in Australia.

Dr Mann also stated that the main method of transmission of the virus today was by heterosexual intercourse, whereas in the past it was thought the disease was restricted only to homosexuals.

Members of Parliament would be failing in their duty if they did not take a strong stance and action on the prostitution issue. With this in mind, during the Committee stage I shall move amendments on behalf of the Opposition to toughen up the Bill.

In summary, the Opposition wants the provisions governing planning permits, siting restrictions and the licensing of brothels to apply to one, two, three or more prostitutes operating out of a premises. It wishes to abolish the distinction between prostitutes operating singly, as two or three persons, or more. The provisions relating to these matters should cover all categories.

On behalf of the Opposition I shall move amendments to increase monetary penalties substantially, including penalties for child prostitution. Each penalty of this type should have a substantial gaol alternative. I believe this area is inadequately covered by the Bill.

The Bill contains insufficient powers for health checks. I shall attempt to incorporate in the measure a power for the Minister to fully prescribe health checks and related matters. In this way it is hoped to attack the problem of AIDS and other sexually transmittable diseases. These powers will be improved by the Opposition’s amendments, particularly the power of entry.

The police should have the power to share with other authorities involved in the area of prostitution, information which is gained in the conduct of their duties, for example, with the taxation authorities, in an attempt to get at the Mr Bigs, to prevent the laundering of money and to prevent revenue being lost to the State and Federal Governments.

The Opposition wishes to incorporate in the Bill a large number of police powers relating to evidence. One of the common complaints of police officers, especially those involved in this area, is the difficulty of establishing facts, bringing prosecutions and making those prosecutions stick in the courts. It should still be an offence to live off the earnings of a prostitute, except under the most limited situations where earnings are gained in the conduct of a licensed brothel. The penalties for owners and occupiers of illegal brothels should be substantially increased.
The proposed Brothel Licensing Board consists of six persons. An amendment will be moved by the Opposition to specify that three of the six members of the board should come from areas of society other than the Public Service. The Opposition does not want more than three public servants appointed to the board. Valuable community input can be obtained by making a change of this sort to the provision.

One of the most important changes the Opposition wishes to effect is the powers of local councils in planning matters associated with prostitution and brothels. The Opposition supports local government, which is the tier of government closest to the people. Ultimately, local government is the most democratic and the method by which we can properly serve our people and listen to their views at a local level.

I shall move amendments to ensure that local councils can decide whether they want brothels in their planning schemes. This suggestion is a fundamental departure from the present Bill. The Opposition insists on this provision and is not prepared to agree to the proposed legislation unless that amendment is made.

Local councils should be able to decide whether they should have brothels in their planning schemes. In extreme circumstances the ultimate decision will rest with the Minister but planning boards and tribunals should not be allowed to overturn decisions made by local councils.

Prostitution is immoral, degrading and exploits women—particularly women—in our society. This issue is sensitive, controversial and emotional. Unless the amendments and suggestions that I have outlined in summary form are accepted by the Government, the Opposition will vote against the proposed legislation.

Mr HANN (Rodney)—The National Party believes it is a sad day for Victoria when a Government argues on the one hand for social justice and on the other hand legislates for the exploitation of women and the continuation of that exploitation. The honourable member for Dandenong North does not agree with me, but that is the reality of the proposed legislation.

Effectively, the Bill will allow the operation not only of existing brothels but also of brothels established in the future. Applications are already before the Town and Country Planning Board for the establishment of luxury brothels in King Street, Melbourne. Those applications were made prior to the introduction of the Bill.

The National Party believes the community has not given widespread support to the proposed legislation.

Mr Steggall—Mr Speaker, I direct your attention to the State of the House.

A quorum was formed.

Mr HANN—The National Party believes prostitution is wrong. It is wrong for society, it is wrong for the people who practise or are supported by it, and it is wrong for Governments to condone it by regulating it, or to gain revenue by licensing it or taxing its proceeds. That is effectively what the proposed legislation is designed to do.

Robert J. Ringer in his book How You Can Find Happiness During the Collapse of Western Civilization makes this comment:

At its zenith, the Western way of life encompassed a unique blend of beliefs, characteristics, principles and philosophies. Numbered among its virtues were honesty, self-discipline, non-violence, self-sufficiency, the work ethic, respect for elders, aggrandizement of achievement, planning for the future, respect for the property of others, a stable economic system, reverence for the family unit, courtesy and consideration toward others, and, above all, the right of the individual to be left alone. When I speak of the collapse of Western Civilization, then, it is the literal destruction of this way of life that I am referring to.

Amongst evidence of such collapse he cites sexual promiscuity which is now accepted among all classes of society. Every year one of every ten girls between the ages of fifteen
and nineteen becomes pregnant in the United States of America—more than one million girls annually.

Mr Ringer continues:

In a very literal sense the moral standards of a civilization constitute its foundation.

The issue of prostitution is a moral issue. Either prostitution is moral or it is immoral; either it is right or it is wrong. Legalisation of liberalisation does not make an activity right.

The former New South Wales Premier, Neville Wran, made the statement during a television interview that because prostitution has been around for years, "We cannot legislate against it!"

Mr Micallef interjected.

Mr HANN—When I listen to his interjections I suspect the honourable member for Springvale would benefit from a few sermons. He may benefit from this address, but if he wants to see it in the form of a sermon, so be it.

I discussed the matter with the Deputy Premier last night, and he made the same point. He said that because prostitution is with us, we cannot legislate against it. He attempted to argue that we, as legislators, should not legislate on moral issues. He said that he would be pleased to be here and listen to the debate. I hope he will see fit to do so.

Using this perverse logic, there should be no law against rape, theft, murder and other such assaults against the human person! Historically, all societies have prohibited adultery and prostitution. Those which condoned these practices ultimately collapsed—from inner decay and decline. The Hebrew people forbade it. It was prohibited under the Mosaic law. Chapter 19, verse 29, of Leviticus in the Old Testament states:

Do not disgrace your daughters by making them temple prostitutes:

Mr Micallef interjected.

Mr HANN—For the benefit of the honourable member for Springvale, I remind him that we live in a Christian society. Each day this House starts with the Lord's Prayer, "Thy will be done". The laws of Parliament were based on God's law, if one goes back far enough. The Bible is God's instruction.

Mr Micallef interjected.

The SPEAKER—Order! I ask the honourable member for Springvale to cease interjecting. If he wishes to speak on the Bill I shall call him. He is disorderly and disrupting the flow of the speech of the Deputy Leader of the National Party. The honourable member for Springvale is causing disruption that is not necessary on a technical Bill.

Mr HANN—I was making the point that our laws are based on God's laws—the biblical laws. Australians live in a Christian society and something like 80 per cent of the nation are Christians. The laws of God go back thousands of years. The Bible is the word of God. Of the 6000 prophecies in the Bible, 3000 have come to fruition and every single one of them has been right.

In Chapter 4, verse 18, the prophet Hosea was highly critical of prostitution and stated:

After drinking much wine, they delight in their prostitution, preferring disgrace to honour. They will be carried away as by the wind, and they will be ashamed of their pagan sacrifices.

Mr Micallef interjected.

Mr HANN—I refer the honourable member for Springvale to the Book of Proverbs which was written many thousands of years ago. He would uphold those sorts of philosophies today. In chapter 7, verse 6, of the Book of Proverbs, criticism is made of
prostitution and the enlightening message, which was written thousands of years ago, states:

Once I was looking out of the window of my house, and I saw many inexperienced young men, but noticed one foolish fellow in particular. He was walking along the street near the corner where a certain woman lived. He was passing near her house in the evening after it was dark. And then she met him; she was dressed like a prostitute and was making plans. She was a bold and shameless woman who always walked the streets or stood waiting at a corner, sometimes in the streets, sometimes in the market-place. She threw her arms round the young man, kissed him, looked him straight in the eye, and said, "I made my offerings today and have the meat from the sacrifices. So I came out looking for you. I wanted to find you, and here you are! I've covered my bed with sheets of coloured linen from Egypt, I've perfumed it with myrrh, aloes, and cinnamon. Come on! Let's make love all night long. We'll be happy in each other's arms. My husband isn't at home. He's gone away on a long journey. He took plenty of money with him and won't be back for two weeks." So she tempted him with her charms, and he gave in to her smooth talk. Suddenly he was going with her like an ox on the way to be slaughtered, like a deer prancing into a trap, where an arrow would pierce its heart. He was like a bird going into a net—he did not know that his life was in danger.

Mr Gavin—Is all that in the Bible?

Mr HANN—I should be delighted to lend my Bible to the honourable member for Coburg because he challenges me about whether the quotations I am making are contained in the Bible. I should be happy to lend the honourable member my Bible for his benefit.

The SPEAKER—Order! I ask the Deputy Leader of the National Party to cease responding to inane interjections, because they are disorderly. Members on the Government side of the House are aware that the debate on the Bill has been restricted. I ask honourable members to cease interjecting.

Mrs TONER (Greensborough)—On a point of order, I ask that the honourable member identify the part of the Bible to which he refers.

The SPEAKER—Order! There is no point of order. The honourable member for Rodney said that he was quoting from the Bible when he commenced his remarks.

Mr HANN (Rodney)—I also identified the chapter. I am quoting from chapter 7 of the Book of Proverbs. I have a copy of the quotation and I should be happy to supply it to the honourable member for Greensborough.

In drawing on God's law St Paul said to the Corinthians, at chapter 6, verse 15:

You know that your bodies are parts of the body of Christ. Shall I take a part of Christ's body and make it part of the body of a prostitute? Or perhaps you don't know that the man who joins his body to a prostitute becomes physically one with her? The scripture says quite plainly, "The two will become one body." But he who joins himself to the Lord becomes spiritually one with him.

The apostle is saying there that the man who joins himself with a prostitute becomes physically one with her. St Paul goes on to say:

Avoid immorality. Any other sin a man commits does not affect his body; but the man who is guilty of sexual immorality sins against his own body.

From the historical perspective, Christian cultures whose moral values have been based on biblical law, have had, until this century, legislation forbidding prostitution and social mores that have frowned upon extramarital and perverted sexual activities.

Mr R. J. Rushdoony notes in his book Institutes of Biblical Law:

Arrests for fornication and for adultery were low in 1948; by 1969, they had virtually disappeared, as had much internal family discipline.

In an article in the Weekend Australian of 8–9 November 1986, Norman Podhoretz made this comment:

"When I was a teenager in the 1940s it was hard for kids to get condoms, let alone birth-control pills, which did not even exist, or abortions, which were illegal, as it is easy today. Yet in most places premarital teenage pregnancies were as uncommon then as they are common today. The reason is that there was much less premarital teenage sex in those years than there is today."
It is clear that attempts by Governments to control social evils by licensing them are never successful: not with gambling, nor abortion, nor "free" or deviant sex and pornography. The result is always more crime, more disease and more destruction of home and family—and more welfare.

From an Australian perspective, Australia historically is a Christian nation. That is, its foundation has been that of biblical law although its citizens have not necessarily attended church or had personal faith.

By the 1880s strong moves were under way to see some form of Commonwealth established, where a Federal governmental authority could take responsibility for issues that affected all the colonies. When the time came to draft the Bill, large petitions were received from the people praying that some recognition of God be found in the Constitution. After some discussion the preamble to the Federal Constitution read:

Whereas the people . . . humbly relying upon the blessing of Almighty God, have agreed to unite in one indissoluble federal Commonwealth . . .

As with the American Constitution, there was a definite intention of relying upon God. The absorption of a British legal system and bicameral Parliamentary order, both of which had their roots in God's law, further enhanced the biblically based nature of Australian society.

It is interesting to read John Whitehead's book *The Second American Revolution* in which he directs attention to the fact that the Constitution of the United States of America, which was based on biblical law, since 1917 has been interpreted by Federal Court judges to reflect various opinions of the day. If one examines the moral, social and economic decline in the United States of America over the years, one will discover that it relates to these decisions by judges who have reflected a move away from God's law.

Since the early days of European settlement in Australia, there have been criminal laws directed against prostitution activity. As early as 1835 the Colony of New South Wales passed legislation to make it a criminal offence for a person to be a vagrant. Included in this category was "every common prostitute wandering in any street . . . or being in any public resort who shall behave in a riotous or indecent manner". Over the next 100 years a number of additional criminal offences were enacted directed at prostitution. Soliciting was made a criminal offence.

Governments and legislators committed to changing the biblical foundation of the nation and replacing it with relativistic values and those of hedonism, however, have made changes in the legislation of the nation and in public morality.

The late Mr Justice Lionel Murphy was described by Australia's best-known historian, Professor Manning Clark, as follows:

A man in Australia who believed passionately that the morality of Judaeo-Christianity had ceased to be relevant.

Mr B. A. Santamaria made this comment about Mr Justice Murphy:

If Professor Clark's expression of the judge's view is correct, the central purpose of the dead judge's life was thus to remove, if not extirpate, the moral and social values of Christianity, by eliminating the various forms of restraint and authority every society creates to protect its foundation principles.

I reject totally the view put forward by the late Mr Justice Lionel Murphy that the Judaeo-Christian ethic is not relevant to this day and age. Professor Manning Clark in his description of the late Mr Justice Murphy stated that history would show whether Lionel Murphy was right or whether the Christians were right. I believe history has already demonstrated that, because Lionel Murphy departed from this world without the love and faith that is offered to everyone through Christianity.

Therefore, prostitution, formerly a criminal activity in Australia, is gradually becoming decriminalised or, at least, laws concerning the activities of prostitution are not being enforced.
Now the Prostitution Regulation Bill of Victoria seeks to licence prostitution, thus giving it Government approval!

I turn to the philosophical objections to the Bill. The proposed legislation is based on the Neave inquiry. It is interesting to note that the working party established prior to the Planning (Brothels) Bill being introduced into Parliament in 1984 recommended that there ought to be a separate inquiry examining a range of issues and the morality of prostitution. However, in a letter attached to the 1985 report to the Attorney-General, Professor Neave stated:

In September 1984 your Government requested me to inquire into and report upon the social, economic, legal and health aspects of prostitution.

The moral aspect was specifically excluded from those terms of reference. Therefore, it was understandable that Professor Neave would bring down a final report which would endorse prostitution and would recommend its decriminalisation rather than to address the serious moral issues involved.

I was delighted when a discussion on this Bill with Professor Neave took place and she told members of the National Party, “I dislike prostitution intensely; I think it is degrading”. That was a comment by Professor Neave, who is the author of the Government’s report.

Professor Neave and her colleagues in presenting a report to the Government and to Victorians prepared a report that they knew the Government wanted. It is the old story of commissions of inquiry being, firstly, committed to their terms of reference but, secondly, attempting to give what they believe to be the will of the people who established those commissions.

Mr Micaleff—That is an insult!

Mr HANN—It is not an insult; it is based on the terms of reference as spelt out in Professor Neave’s letter.

Mr Remington—What does God’s law say about casting aspersions on a person’s integrity?

The SPEAKER—Order! I suggest that the honourable member should research that inquiry himself.

Mr HANN—Legislation which liberalises prostitution by making it subject to licensing procedures is not going to minimise exploitation. Prostitution is exploitative by its very nature. It involves paying for the services of another for purposes of self-gratification. The liberalisation of laws governing an activity do not provide a control of that activity or a minimisation of the harmful side effects of that activity, as the following examples will illustrate.

Abortion is one of those examples where our society and Governments once again turn a blind eye to this issue. Throughout the world and in every State of Australia there has been a rapid increase in the number of abortions carried out.

A similar situation has occurred with pornography. There has been some restriction in Victoria and in other Australian States, but if one compares police statistics of rapes per 100 000 population in Queensland and South Australia, one can glean a significant difference between the conservative and liberal attitudes taken on pornography by State Governments.

The number of rapes reported to police per 100 000 population in Queensland decreased from 3.2 in 1964 to 3 in 1977. In South Australia the comparable figure is 1.8 in 1964 which increased to 13.4 in 1977. This represented an increase of 284 per cent in South Australia.

The same change in moral standards and its effect on society applies to the question of divorce. In 1976, the late Justice Murphy’s “no-fault” divorce provisions of the Family
Prostitution Regulation Bill

Law Act effectively reduced the family responsibilities of marriage. The number of divorces in our society increased dramatically and, since 1976, 500,000 children in this country have been affected by divorce.

The Institute of Family Studies predicts that something like four out of ten marriages will fail. Involved with that is enormous trauma. All honourable members are well aware of this fact because their constituents approach them from time to time expressing the trauma of family breakdown and seeking assistance.

This situation is the responsibility of all political parties. In fact, it was the Liberal-National Party coalition that introduced the family law changes, so one should not gain the impression that I am saying that the Labor Party only is involved in this situation. All political parties in the Federal sphere were responsible for it and we were all wrong in changing the existing legislation; but in introducing the no-fault divorce, a situation was created where it is possible, after a twelve-month separation, to completely break up a marriage despite the fact that one of the partners of that marriage may not wish to do so. There is little attempt to bring about reconciliation or to bring families together.

Some of the specific objections to prostitution relate, firstly, to the question of the slave trade. It is important to recognise at this stage that all major church leaders in Victoria have expressed their strong and total opposition to the Bill. The Anglican Archbishop, the Catholic Archbishop, the Salvation Army and the Uniting Church have expressed alarm and opposition. In a letter dated, 18 August, which I understand was sent to all honourable members, the Anglican Archbishop, the Reverend David Penman, said:

I cannot, on moral grounds, accept that a Government should legalise and therefore indicate community approval for a form of human slavery which, even if some women and men choose it voluntarily, inevitably leads to health breakdown, contagious disease and drug involvement.

Similar concern was expressed by the Catholic Archbishop, Sir Frank Little. In a letter dated, 14 November, he makes the following observations:

Prostitution is a demonstration and exercise of violence. Violence underlies the very nature of the Bill. The Bill cheats, regulates, encourages and even imposes violence on the innocent citizens. That a Government should impose such places of violence on municipalities against the will of those municipalities indicates to me that violence is catching. Violence is begetting violence.

He continued:

Regretfully, I anticipate seeing, at least in my mind's eye, the banner of the harlot rather than the flag of the nation or State flying from the flagpoles of Parliament House.

That is how seriously he views the Bill. The former Anglican Archbishop, Sir Frank Woods, made the comment:

To give licences to set up brothels is to claim the right to buy and sell human beings ... Morally speaking there is little difference between a brothel and a slave market. Both degrade human beings. Both treat humans as tools. Both result in wrecked human lives. Both are set up and carried on for commercial gain. Perhaps the brothel trade is one degree worse than the slave trade—it is pornography, not in pictures but in living agents.

The fact that many prostitutes feel trapped in their work and find it difficult to leave the trade without help, suggests that prostitution is far from a “victimless crime”. Even the Australian Collective of Prostitutes, which probably speaks for those prostitutes who are at least risk of exploitation, acknowledges that every transaction is a form of exploitation.

Honourable members should examine the effects of prostitution. It has sometimes falsely been termed a “victimless” crime. Prostitution always has victims. The victims of prostitution are, firstly, the prostitutes.

An article in the Sydney Morning Herald of 20 February 1986 listed the following reasons for women’s entry into prostitution: boredom with present occupation; failed marriage; unmarried motherhood; need for economic independence; drug habit; and early sexual experience or promiscuity.

The American Meese Report on Pornography found that: the average age of prostitutes was 22 years; the average starting age of prostitutes was seventeen years; 68 per cent of
prostitutes had run away from home; 80 per cent were victims of sexual abuse; and 83 per cent had no savings or other financial resources.

The all-party committee on crime in New South Wales found that: 80 per cent of prostitutes are heroin addicts; 10 per cent of prostitutes are street walkers; and the average age of prostitutes was 27.4 years.

In Victoria, the percentage is much lower in relation to those who are heroin and drug addicts, but a large number of prostitutes are there because of the lack of job skills and the unemployment situation existing in our society. They are prostitutes because of financial circumstances, as a result of a breakdown of the family unit, and because they have children to support and there is little food in their homes.

The life of prostitution reduces the capacity of prostitutes to return to conventional society. Once the commitment to take money has been made, the female has given up even the pretence of an emotionally valued relationship with a male. P. R. Wilson, in The Sexual Dilemma, University of Queensland Press, 1971 made this statement:

Many prostitutes dislike most aspects of their work—the sex, the cynicism they develop, the inability to feel love and affection, the fear and mistrust of men, and the fact that they cannot marry and lead a "normal" life. Why, in view of all this, do they become prostitutes? ... To begin with there is always the money ... It is this prospect of "easy" money which is so appealing ... in addition, there is the glamour of meeting many men, some rich and important ... After a woman has been prostituting herself for a few years, the initial glamour seems to wear off; but two inducements remain. First, once a girl has lost her status in the eyes of "respectable" people, accepted the values of a prostitute, and is no longer ashamed to what she is, it is very difficult for her to re-establish herself in a society which she has rejected and which, in turn, has rejected her ... Secondly, there is the question of money."

Venereal disease has long been recognised as a problem aggravated by prostitution. Dr Harold Baytch, on retiring as Deputy Director of the Venereal Diseases Clinic in Fitzroy, Melbourne, said:

... massage parlours ..., which were posing as fronts for brothels, were rife with gonorrhoea and syphilis ... Nearly all the girls working in Melbourne's parlours were infected. Those that are not already infected soon will be.

Referring to six girls from one parlour who had recently visited the clinic for a routine VD check-up, he said:

Not only all six girls were found to be infected, but so too was the madam.

Venereal disease is a constant threat which, if undetected, can leave the girl sterile. It is an interesting factor in relation to the infertility problems today of a number of young couples.

Prostitution, by its very nature, is a degradation of human beings. It debases what was intended to be the most intimate and satisfying of human relationships—that love relationship between a man and woman consummated in marriage. Liberalisation of prostitution laws will only remove the legislative deterrent to an involvement in a life of prostitution: it will not "improve" the status or lot of the prostitute.

Nor will liberalisation control the violence involved in a life of prostitution. Once a prostitute is hooked on the life of prostitution through economic necessity, drug habit to support, blackmail, shame or inability to gain other employment, she will not be likely to report violence by a "pimp" or brothel manager/owner even if legislation is enacted to punish such violence, for fear of jeopardising her "job". Nor is she going to be able to identify easily those clients who commit acts of violence against her because of the very "fleeting" nature of their contact.

Prostitutes are used by their clients for a variety of reasons. It is alarming, but approximately 45,000 to 60,000 men use prostitutes on a regular basis. For many men, especially those in lower classes, the motive is often simply sexual relief or the opportunity of experiencing a novel sexual contact. For many other males, more commonly from the
middle class, an equally potent factor is the lack of future responsibility for the consequences of the sexual contact.

Psychology suggests that under ordinary, peacetime, urban conditions, those who habitually resort to prostitutes do so not as a matter of custom or habit but rather because of deep-seated psychic maladjustment, the same basic type of regression or infantilism from which the prostitute herself most probably suffers. According to Glover in his book *The Roots of Crime*, the prostitute satisfies a psychopathological demand.

The clients of prostitutes become victims of the “sexploiters”. Titillated by erotica, they turn to prostitutes to act out their sexual fantasies. Repetition of this depersonalised sex reinforces a psychic maladjustment in which sexual gratification becomes separated from love, affection and responsibility. Pornography often aggravates the slide into even more bizarre forms of deviation and perversion. Venereal disease is a constant threat regardless of whether prostitutes have regular medical examinations.

I shall now refer to the wives of clients. Significantly, a study of 100 prostitutes revealed that married men constituted 70 per cent to 80 per cent of their clients. Therefore, wives of men who frequent prostitutes indirectly become victims. Those men who use prostitutes for novelty in partner or to avoid responsibility for the consequences of sexual contact show little regard for their wives. For many women, such infidelity represents a crushing blow that adds further difficulties to any existing problems.

Mr Wallace—Mr Acting Speaker, I direct your attention to the state of the House.

A quorum was formed.

Mr HANN—Evidence of perverted demands being made on wives was provided by the Naomi Women’s Shelter in Adelaide during the debate in 1976 on the controversial South Australian Rape in Marriage Bill. Statements taken from several women were published and they graphically illustrate the humiliation and victimisation they suffered. One 30-year-old woman said of her husband:

> Perverted. He was very perverted... He used to force me to do these things, and I can’t say what he did but it was horrible.

It goes without saying that the wives of men who use prostitutes are likely to become infected with venereal disease through their husbands.

Wives of clients of prostitutes, therefore, are drawn into the web of the victims of prostitution. They may suffer neglect, perversion or venereal disease. The prostitutes and the vendors of pornography are the indirect exploiters of these unfortunate women.

I shall now refer to prostitution and pornography. The Meese report made this statement:

> Prostitution is the foundation upon which pornography is built... the acts are identical except in pornography there is a permanent record of the women's abuse.

In a report entitled, “Pornography: Its Effect on the Family, Community and Culture”, David Alexander Scott made these comments:

> Pornography can lead to sexual deviancy for disturbed and normal people alike. They become desensitised by pornography. Sexual fulfillment in marriage can decrease. Marriages can be weakened. Users of pornography frequently lose faith in the viability of marriage. They do not believe that it has any effect on them. Furthermore, pornography is addictive. ‘Hard-core’ and 'soft-core' pornography, as well as sex-education materials, have similar effects. Soft-core pornography leads to an increase in rape fantasies even in normal males.

Pornography is the literature of sexual deviance. Dangerous offenders (i.e., child molesters, incest fathers, killers and rapists), develop a fondness for deviant material and incorporate it into preparatory stimulation before seeking out a victim. Soft-core pornography is even preferred by the rapist. Moreover, the marketing of pornography legitimises sexual deviance. The feminist critique of pornography has not yet fully addressed many of these findings.

Television violence research demonstrates the power of the visual image on the screen to shape behavior in a manner congruent with what is portrayed. Content analyses of media offerings over the last fifteen years show a significant and steadily-rising level of pornographic material on the screen. Coupled with the pornography effects
described above, television-effects research demonstrates the medium's passive power to generalise these pornography effects throughout society.

Organised crime is the industry that markets and supplies deviance and addiction.

In recent days, one of my colleagues from the other place raised the matter of advertising of videos from New South Wales promoting incest and sexual violence.

The report continues:

It shadows every aspect of the pornography industry, from the choosing of performers through the making and distributing of movies. Its power in the entertainment industry is significant. Its influence on television offerings is growing substantially.

The effects of pornography are being generalised throughout society. By age eight much damage is already done. One generation has already been victimised. The next is being revictimised.

The proposition that rape has increased where pornography laws have been liberalised has already been indicated in the contrast of rape reports in South Australia and Queensland prior to and following liberalisation of pornography laws in South Australia.

Organised crime thrives where profits from illegal enterprises far outweigh the risk. This has been found to be the case with pornography, prostitution, drug use and gambling.

According to the Meese report:

Physical violence, injury, prostitution and other forms of sexual abuse are so interlinked in many cases as to be almost inseparable except according to statutory definitions. Among the crimes known to be interlinked with the pornography industry are: murder, physical violence and damage to property, prostitution and other sexual abuse, narcotics distribution, money laundering and tax violations...fraud.

Thus, prostitution is linked with pornography in organised crime.

Prostitution in New South Wales is estimated to be a $250 million industry. Approximately 9000 customers every day use the services of that State's 2000 prostitutes. I have already quoted the number of people in Victoria estimated to use prostitutes. Approximately 3000 to 4000 women are involved in prostitution in Victoria and 45,000 to 60,000 men use prostitutes on a regular basis.

The makers of the well-known hard-core pornographic movie, Deep Throat have, it is claimed, made up to $50 million from a film that cost $25,000 to produce. That is an example of the impact of pornography.

The proposed legislation in Victoria will only “control” criminals who have been convicted for their crimes. “Criminals” will still be involved in the management of brothels and organised crime will still be involved in milking the proceeds. Only those few who are actually caught and convicted for their crimes will be prevented from operating and then for only five years.

I shall refer to a statement from a United Nations Convention on the Elimination of All Forms of Discrimination against Women. It is important to note that the Australian Labor Party, both in this State and Federally, has endorsed the declaration of that convention. The declaration has been the basis for changes to the Equal Opportunity Act and the Federal Sexual Discrimination Act. It is also the basis of the affirmative action program of the Prime Minister and Senator Susan Ryan.

Article 6 of that convention states:

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

The National Party so strongly supports that article, that I move:

That all the words after “That” be omitted with the view of inserting in place thereof the words “this Bill be withdrawn and redrafted to provide for the suppression of all forms of traffic in women and exploitation of prostitution of women.”
The motion is correctly in line with article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. I shall be interested to know the attitude of the Government on the amendment, especially in light of the way the Premier and his Ministers often espouse in Parliament their support for that convention. The amendment is aimed at endorsing that article of the United Nations convention.

Mr Sidiropoulos—That is what the Bill is designed to do.

Mr HANN—The honourable member for Richmond should read the Bill, although I suspect the honourable member was not a member of the Bill committee and he might not have read it. Honourable members should be reminded that the Bill, if passed, will allow people to live off the earnings of prostitution. The Bill will allow the honourable member for Richmond, any other honourable member or any person in the community to establish a brothel, provided that person obtains a permit, and, as the honourable member for Richmond would be aware, a number of permits have already been issued.

Mr Ramsay—Under the Bill one would need to obtain a licence.

Mr HANN—That is correct, and that would generate revenue for the Government. I shall be delighted to listen to the comments of the honourable member for Richmond if he can persuade me that the Bill will not further exploit women. The Bill licenses people to live off the earnings of prostitution.

How can the Government argue that the Bill does not conflict directly with article 6 of the United Nations convention?

This is a major issue on which the female members of Parliament will have to stand up and be counted on behalf of their fellow women. If those female members of Parliament do not support the amendment, they will be voting against the United Nations convention and agreeing that it is legitimate to exploit women in Victoria today. The vote on the motion by the female members of Parliament will be an interesting test of their belief in the rights of women and on whether it is acceptable to exploit women, as the Bill proposes to do.

Although Government members are decent people, I cannot understand their attitude to the Bill, which is aimed at continuing the exploitation of women by a range of people in society. The Government is telling parents, “If you want your daughter to be a nurse or a teacher, that is fine, or if you want her to be a prostitute, that is fine, because she will be able to obtain employment in a licensed brothel.”

Mr Spyker—You are wrong!

Mr HANN—I am not wrong.

Mr Sidiropoulos—Women have been exploited for years.

Mr HANN—Does the honourable member for Richmond agree that women should be exploited?

Mr Sidiropoulos—No.

Mr HANN—Then the honourable member should support the amendment.

The SPEAKER—Order! The Deputy Leader of the National Party should not invite interjections.

Mr HANN—The Government is effectively legitimising prostitution as an alternative profession for women. The National Party rejects the Bill outright. The National Party does not believe prostitution is an alternative profession for young women.

Honourable members have a responsibility as legislators on behalf of the community to say that prostitution is wrong and that it should be discouraged. The Government should not encourage prostitution.
I urge Government members to re-examine the quotes I used earlier from the Bible, from God's law and the examples I gave of the exploitation of women that has been going on in other places. I referred to the difficulties that that exploitation leads to in relation to pornography and disease. Some of my colleagues will deal in more depth with the issue of the disease known as acquired immune deficiency syndrome.

The Bill, if passed, will mean that it will be possible to establish a brothel on any street corner. It will be legal for one person to operate as a prostitute within a residential home. The Bill will mean that the honourable member for Dandenong could find a brothel at either end of the street in which he lives.

The Bill could lead to the spread of the disease known as AIDS; venereal disease; an increase in drug trafficking; trauma; and all of the other nuisances associated with prostitution.

Mr Spyker—That happens now.

Mr HANN—I should not have thought the Government would encourage the expansion of those problems. I should have thought that if the Government were genuinely concerned about those problems it would act to prevent them.

The SPEAKER—Order! The Deputy Leader of the National Party should cease responding to interjections.

Mr HANN—The National Party finds the Bill totally abhorrent.

Although the Bill tightens up the law in relation to child prostitution, the Government cannot hide behind the excuse that it has introduced the Bill to improve the law in relation to child prostitution because child prostitution is illegal. Under the Bill, once a child reaches eighteen years of age, he or she can become a prostitute and be employed in a licensed brothel by an operator who can live off the earnings of prostitution.

The Bill represents a massive change in the current law on prostitution. I again remind the House that the amendment is directly in line with article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Deep down in their hearts all honourable members should support the amendment to make it illegal for people to exploit women and I urge all honourable members to do so.

The sitting was suspended at 1 p.m. until 2.4 p.m.

Mr NORRIS (Dandenong)—I support the Bill and oppose the amendment proposed by the Deputy Leader of the National Party. The Bill implements Professor Neave's fine report on prostitution and implements recommendations of that report that stated that prostitution was exploitative, that it should not be encouraged and that it should be controlled. The Bill is about the control of a social matter that has been with us since time immemorial.

I have listened with interest to the contributions of the lead speakers for the opposition parties. I was disappointed with the contribution made by the honourable member for Bendigo East, whose response was extremely conservative; in fact almost reactionary and negative. Its negativity was in sharp contrast to comments made by his Leader when debating the Planning (Brothels) Bill in 1984. In debate on that Bill, the Leader of the Opposition is reported in Hansard as saying:

Honourable members have a commitment, as legislators in the place—if not to be the founders of all knowledge and the solvers of all problems—to accept life for what it is and try to make this world a better place in which to live.

What honourable members have before them in the Bill is one of the reasons why I suppose, the Liberal Party lost office in the last election...
This is the Leader of the Opposition!

... and I am the first to admit that there were times when members of the Opposition, as a political party, failed to face up to the reality of life. What the Labor Party has done, to its credit, is to try to tackle the issue. The Government deserves credit for that.

I congratulate the Leader of the Opposition for those comments, which are forthright, progressive and in sharp contrast to the comments of the lead speaker for his party today, whose remarks were extremely negative and reactionary.

The Leader of the Opposition is also reported as stating during that debate in 1984:

All honourable members know there are problems associated with prostitution, and none of us in this House condone prostitution, whether it be male or female prostitution.

... any move that in any way addresses itself to overcoming a fact of life has to be accepted by all sensible, rational and reasonable members in this place, regardless of the political party to which they belong.

Those are splendid words. The Leader of the Opposition concluded:

One cannot run away from life, and today, the honourable member for Gippsland East has clearly indicated how the National Party is terribly blinkered on some issues and is not prepared to lift its horizons—not for its sake but for the sake of the people whom members of Parliament are charged to represent.

To that I say, “Hear, hear! Well said by the the Leader of the Opposition.” We know where he stands on this important social and moral question.

The Bill is to control prostitution—the word “control” should be underlined—it is not to encourage it in any way. It is worth noting the final words of the honourable member for Bendigo East, “Liberals are determined to fight prostitution.” Again I say, “Hear, hear!”

However, one might well ask: why did not the Liberal Party fight prostitution when it was in office? It is well known to all honourable members that, unfortunately, when the Opposition was in government Melbourne became known as the massage parlour capital of the Western World.

Mr Whiting—It still is!

Mr NORRIS—It certainly was when the Opposition was in power. Prostitution, exploitation, thuggery and standover tactics thrived and they went on unabated. The honourable member for Bendigo East has stated today that the Liberal Party will fight prostitution. It is a pity it did not fight it when it was in power when prostitution flourished along with the bludgers, pimps, standover merchants and dealers in the drug trade.

The Sun did a count and established that there were 240 massage parlours in the Melbourne metropolitan area. That possibly says something about the mores of the males who inhabit our city—I do not know—but nevertheless that all occurred under a Liberal Government.

It ill-behoves the honourable member for Bendigo East to stand in judgment on this Government, which is attempting to tackle a problem that no other Government in this country has attempted to deal with.

I concede that prostitution is considered by many people to be a social evil. Nevertheless, it is a fact of life. The Government is attempting to tackle the problem, and I emphasise, it is attempting to control it—“control” is the operative word.

The honourable member for Rodney, the Deputy Leader of the National Party, has very deep morals and religious beliefs, and I acknowledge and respect him for that. However, much of his speech appeared to me to be a call for us to return to God and to the tenets of the Old Testament. As I say, that is his belief, and I respect and appreciate it.
However, unfortunately, honourable members are talking about the oldest profession in the world. In biblical times—and the honourable member quoted scripture after scripture from the Bible—it was a problem, as it was in medieval times; it was certainly a massive problem in Victorian times, at the height of the religious revival in Britain; and it is a problem today.

Prostitution is one of the most complex issues of today because we live in what could be termed a highly permissive and sexually active society.

The honourable member for Rodney seemed to base most of his argument on the moral and religious aspects and appeared to be calling for some sort of religious or spiritual revival. However, as I said, and as history will show, religious and spiritual revivals do not eradicate prostitution.

I repeat that prostitution, particularly during the great religious revival in Britain in the middle of the last century—particularly child prostitution—flourished, despite the starched shirts, the churchgoing and conservatism of Victorian England.

Therefore, we have a longstanding and difficult question. The honourable member for Rodney, who has now left the Chamber, referred to biblical times. If honourable members consider those times—even as far back as the Garden of Eden—they will note that prostitutes served some sort of a purpose.

It is possibly debatable in the minds of many people as to what sort of purpose prostitutes serve, but they do appear to serve a purpose, mainly for the male of the species—that purpose being, I suppose, that the male might rid himself of some of his unwanted desires. On that point also, honourable members can refer to the Bible and Adam in the Garden of Eden.

It is a problem that will continue to be with us, that we can never eradicate, but that we can possibly control. That is the great virtue of this Bill.

Another point that should be mentioned to the honourable member for Rodney and, in fact, members of the National Party generally, is that prostitution is rife in the only State where there is a National Party Government. I refer to Queensland. If one wants a prostitute, I advise one to go to the Gold Coast.

What has the Queensland Government attempted to do about the flourishing prostitution activity in that State? In fact, it has encouraged people to visit the Gold Coast for a dirty weekend. The National Party considers the prostitutes in Queensland to be some sort of a tourist attraction.

Therefore, let not honourable members adopt a “holier than thou” attitude on this issue. It is an issue that is relevant not only to this State and other States controlled by the Labor Party but also to a State controlled by the National Party and its churchgoing Leader, Sir Joh Bjelke-Petersen.

Mr Whiting—What about New South Wales?

Mr Norris—The problem exists there as well, and also in Tasmania, the “Apple Isle”. One can find the problem in every State of Australia.

I have similar concerns to those of many honourable members in this House. One might possibly have a go at me—and, no doubt, some people will—because I have been known as the killjoy or wowser in the Parliament when it comes to issues such as alcohol abuse and aspects of pornography, in which—and I agree with remarks made by honourable members opposite—women are the victims; they are exploited.

My colleagues on this side of the House and I have spoken out on that matter.

Honourable members interjecting.
Mr NORRIS—I am talking about alcohol abuse, pornography and so on. We have made remarks on the subjects as we saw them and if honourable members opposite read the record of the speeches that I made in the debate relating to pornographic videotapes, they will know my views on the subject.

I agree that there are dangers in those aspects. Here again, we enter into debates on moral questions, and it is dangerous to get into moral questions in this place. However, the facts are that in those instances, unfortunately, the depicted “victims” were invariably women.

Fortunately, one can say in regard to prostitution that the women covered by the Bill have a form of protection, unlike prostitutes in the present situation who may be drug addicts or stood over by bludgers and pimps; they have no protection.

This Bill gives the worker in the brothel, the prostitute, some measure of protection and rights. Under the present set-up, the prostitute has no rights and no protection.

Mr Whiting interjected.

Mr NORRIS—No doubt, the honourable member for Mildura has read the clauses of the Bill relating to the restrictions on operators, licensees of brothels and so on, which are extremely stringent. I am happy to note that they are enshrined in the proposed legislation.

As I said, it is an extremely difficult question to talk about without becoming moralistic, sanctimonious and, perhaps, appearing to approve of this profession. I refer honourable members to the Neave report, which disapproves of the profession, disapproves of exploitation, but which favours control.

We do not approve of this profession; we accept the reality that the only way to control it. History has proved that no country in the world has eradicated prostitution. No matter where one goes, one will find prostitutes and, unfortunately, one will find men who wish to be customers of those prostitutes. Therefore, we should get with the world as it is, rather than as we would wish it to be.

Under the former Liberal Government, brothels, prostitution and thuggery ran rife. As I said earlier, one Sunday newspaper counted some 240 massage parlours operating within the metropolitan area.

I quoted the splendid contribution of the Leader of the Opposition to the debate on the Planning (Brothels) Bill. It was an excellent speech. He made a very honest contribution. However, when that Bill was passed, it was interesting to note the massive decline in the number of businesses operating as massage parlours in the metropolitan area. That was one positive aspect of the Planning (Brothels) Act. It caused the number of brothels to drop dramatically.

The important issue of health checks was raised by the two speakers on the Opposition side of the House. We live in a very dangerous time—in the era of AIDS. As has been mentioned, it is the disease of the millenium, so to speak.

I sincerely hope the opposition parties will support the Government in the drive by Health Department Victoria to ensure that proper contraceptive education on the availability of condoms and so on takes place in all areas where people could be at risk.

I sincerely hope the honourable member for Narracan will support me in this issue.

Mr Delzoppo—I only sell them—I don’t use them!

The DEPUTY SPEAKER (Mr Fogarty)—Order! I remind the honourable member for Dandenong that he is not on the stage now, and should return to the Bill.

Mr NORRIS—I only wish I were on the stage, and I assure you, Mr Deputy Speaker, that if I were I would be better paid. I am pleased to hear that the honourable member for
Narracan stocks condoms in his chemist shop. He is doing a great community and social service for the younger generation of his electorate.

Health checks are extremely difficult to carry out. That is the way the Bill makes provision for condoms to be available in brothels. Anyone who goes to a brothel without using a condom must be out of his mind. The Bill will make condoms available in massage parlours. The campaign conducted by Health Department Victoria to promote contraception is running tandem with this Bill.

We cannot run away from the fact that AIDS is with us. There are still people who go to prostitutes and people with multiple partners, so it seems the risk of AIDS has not reduced the promiscuity of many people. One must be realistic. Honourable members must decide what can be done to protect those people from themselves and to protect them from the dreadful disease of AIDS. It must be ensured that contraception is available and that people wear contraceptive devices when they cohabit with prostitutes.

Another interesting aspect of the Bill is that it will put more onus on the licensee of the establishment. The licensee will be considered to have committed an offence if he or she allows a prostitute to work while having a sexually transmittable disease. That will place considerable onus on the licensee. I can envisage, down the track, decent litigation actions being taken regarding consumer protection by someone who uses a brothel and contracts a disease. The provision will ensure that the establishments are run properly.

The honourable member for Forest Hill, who is an expert on consumer affairs, will know, as well as I do, that if Mr X visited a brothel and contracted a disease whilst in the brothel as a customer, he would have a case for litigation against the licensee of that brothel. Licensees will have to ensure that their workers and customers are using proper protective measures when they are cohabiting. It places the onus back on the licensee, which is one of the desirable aspects of the Bill.

Anyone who uses a brothel in this age must have either a deep physical need, be desperately lonely or have some sort of psychological hang-up. Protection must be provided for them and for the workers in the brothel. Only a “desperate” or a fool would frequent brothels in this era of AIDS.

Clauses 6 and 9 relate to child prostitution. The honourable member for Rodney mentioned this matter. Child sexual abuse, child exploitation and child prostitution concern all honourable members. The provision contained in clauses 6 and 9 are stringent and severe. I am sure they will be strictly implemented.

One of the distasteful features of modern society is the advertising of brothels in the brothel sheet known as the Truth newspaper. The Bill will outlaw the advertising of brothels. Members on both sides of the House will be pleased with that provision so that the Truth newspaper’s back pages full of soothing hands and titillating photographs with descriptions of pleasures awaiting the prospective customer will no longer be available to the readers of Truth. That provision is contained in clause 13.

The Bill gives a measure of protection both to the prostitute and the customer. It will be a major factor in fighting the drug war within prostitution and the drug menace within the brothels because it will give police the right of entry into brothels at any time. If the right of entry is delayed or hindered in any way the police have the right to break in and forcibly enter the premises.

The Opposition will have to agree that those provisions are necessary. The police can no longer be hindered, held up or stalled at the door. They will be able to enter immediately to see whether the prostitutes are using drugs, whether brothels are being used as clearing houses for drugs or whether prostitutes are paid in drugs, which will no longer be allowed. That is a major step forward in the Bill.

It is a brave Bill because it tackles a social issue that previous Governments have not had the guts to tackle. It accepts reality and the facts of life that prostitution, being the
oldest profession, has always been with us and, unfortunately, will always be with us. In that respect, I have pleasure in supporting the Bill. I advise all members of the public to read the Neave report, if they have not already read it, as it is a valuable document. This House should congratulate Professor Neave for her magnificent report.

I conclude by reiterating that this Bill enshrines recommendations made in the Neave report. The philosophy underlying those recommendations is that prostitution is exploitative; it is a business that should not be encouraged or promoted. The Bill is aimed at minimising prostitution and bringing it under control. I support the Bill and oppose the reasoned amendment.

Mr KENNETT (Leader of the Opposition)—This Bill is one of the few measures to come before Parliament that deserves the rational debate of all members of Parliament, regardless of their politics. It is not often that this House considers proposed legislation like it. It is important that Parliament be seen to serve the people of Victoria, rather than to serve entrenched party political lines.

I remember about eleven years ago when I stood for preselection for the party which I now lead that one of the two fundamental reasons that motivated me to offer myself as a member of Parliament through the Liberal Party was to ensure that when my children reach twenty years of age they will have as much opportunity as possible in an economic and social environment to exercise their choice and have some input into the direction of their lives.

As I stand here today discussing the proposed legislation, my motivating reason, and I believe that of my party in the decisions it has made, is to ensure that in legislation on an issue like this, we legislate in the long-term interests and short-term interests of the community, particularly young people.

It is for those reasons that I say the proposed legislation deserves constructive consideration from members of Parliament, rather than getting away with the emotions that these issues incite.

The role of Parliament in trying to legislate in an area like this is exceptionally difficult. The constitution of the Liberal Party provides for a conscience vote on social issues. The Opposition respects that provision because it is important not to override the conscience of an individual and to understand that no collective view necessarily takes into account the views of the individual.

Not many years ago Parliament considered another Bill with social consequence, the Adoption (Amendment) Bill. That Bill was an example of what can be achieved when parties work together closely in the community's interest. On that occasion, the honourable members for Greensborough and Swan Hill and the former honourable member for Wantirna, Mr Saltmarsh, worked together to produce legislation that basically was agreed to by all members of Parliament across party political lines in the interests of the community whom Parliamentarians are jointly elected to serve.

Prostitution is not a desirable occupation. No one supports it. No one encourages it. All honourable members would wish there was a simple way of eliminating prostitution and the associated crime that it attracts. There is no simple answer to this issue. People have been trying to solve the problem for more than 2000 years. There is no reason to believe that the constituted members of Parliament are any wiser or any closer to resolving the problem that exists.

Parliament is concerned not only with the problem of those who are prostitutes, those who house and encourage prostitution or those who use the services of prostitutes, but also with the social impact of prostitution on the community and the exploitation of young men and women and people who are not so young.

Last night I was told of an example of a female living with two young children in one of the outer suburbs of Melbourne who, for economic reasons, has resorted to prostitution.
That is happening all the time. It is a tragedy for society that young people, regardless of their sex, are turning to prostitution to try to hold their families together. It is a profession and an activity that is despised not only by the community, but also by most of those people who resort to it.

With prostitution unquestionably comes crime, and that is something we all have to address. With prostitution comes the drug racket. With prostitution comes disease. Honourable members can put forward a range of figures that may differ greatly but, nevertheless, it is there in society. It does not matter to what degree crime, drugs or disease exists; it is not something any person wishes to see in society. With prostitution comes the destruction of families and of individuals, and there is nothing more tragic than that.

No doubt some members of the House—as I have during the period of ten years or more that I have been in Parliament—have gone with the police and witnessed young people or people under 30 years who are having their lives destroyed either by being forced into prostitution or by being tempted into it because of the economic rewards.

All sections of the community would like prostitution to be eliminated for all the reasons that I have mentioned, but, realistically, Parliament cannot do that and, therefore, honourable members must ask themselves where their responsibilities lie. Is it to seek to achieve the impossible and therefore give rise to the continuance of drugs, child abuse and the spread of health disease; or should honourable members accept some degree of responsibility for trying to further police and limit prostitution, the spread of crime, the utilisation of drugs and the spread of disease?

My party makes no bones about it. If the Opposition honestly thought that it could today, next week, next year—find a solution that would put an end to prostitution, it would support that solution, as would all honourable members, but it cannot. The difficulty honourable members face, on the one hand, is a rejection of prostitution, and, on the other hand, a realisation that there is no way that it can be exterminated.

It is Parliament's responsibility to ascertain how it is going to eliminate the abuses, the crimes, the spread of disease and the destruction of individuals. Regrettably, that can be done only by good, tough legislation which neither promotes prostitution nor rejects its existence, but which recognises the realities of life. All honourable members must recognise that the Government, in good faith, has initiated legislation for consideration; equally in good faith, the Opposition says to the Government that that responsibility and knowledge do not reside entirely with the members of any Government.

The honourable member for Bendigo East has foreshadowed the amendments that the Opposition will move in the Committee stage of the Bill. The proposed amendments are designed not for political reasons, but to serve the interests of the community in what is one of the most difficult problems facing society. When the Government examines the proposed amendments, it is hoped that it will accept them to ensure that the proposed legislation toughens up controls on prostitution to reduce the impact of crime, exploitation and the threat of further spread of disease.

The Liberal Party does not enter this debate believing it has all the answers. It has examined the Government's Bill carefully and has consulted widely. The Opposition offers a range of foreshadowed amendments to improve the proposed legislation.

I do not care if one talks to leading churchmen or women or whether one talks to members of the Police Force, to leading citizens in the community, or to parents: most people in the community accept that prostitution exists and most people want the laws to be tougher. There are members of the Government party who cannot support all clauses in the measure. That is understandable. I do not make a political point of it; it is a reality. The foreshadowed amendments of the Liberal Party will make the Bill more acceptable to Parliament and to those members of the Government party who have difficulties with some provisions of the Bill.
The reasoned amendment moved by the National Party seeks to have the Bill withdrawn and redrafted. This means that at some stage in the future—not at our determination but at the Government’s—a Bill will be introduced to deal with prostitution. The present Bill is seriously flawed and unacceptable to the Liberal Party, but almost all sections of the community want prostitution dealt with honestly and strongly now.

They do not want to keep the status quo when the police, church groups and community groups agree that serious problems exist.

Mr Hann—Do you think prostitution is wrong?

Mr KENNETT—If the Deputy Leader of the National Party had been listening, he would know that several times I have said that prostitution is wrong but one cannot eliminate it. I also believe the Deputy Leader of the National Party knows, in his heart of hearts, that one cannot eliminate prostitution. Therefore, I ask the Deputy Leader of the National Party what can be done in the best interests of his and my children for the future.

The answer is that we can legislate to rigorously control prostitution; to crack down on the criminal elements and the utilisation of drugs; to provide for regular, adequate health checks, and attempt to stop the spread of potential diseases.

The honourable member for Bendigo East foreshadowed a number of amendments the Opposition will move to the measure. I believe they will meet the objectives of the reasoned amendment moved by the National Party. A vote for the reasoned amendment is a vote for the status quo, which is unquestionably unsatisfactory and unacceptable to the vast majority of the community.

In line with the party’s decision, the Opposition will take the unusual step today of abstaining from the vote to be taken on the reasoned amendment, because it cannot and will not be seen to support the Government’s proposed legislation until the Government accepts the amendments to be proposed by the Opposition during the Committee stage.

For the reasons outlined by the honourable member for Bendigo East, the Opposition will vote against the second-reading motion because at that stage the amendments foreshadowed by the Opposition will not have been considered for incorporation. If the Government cannot accept the amendments, the Opposition will vote against the third reading of the Bill.

The Liberal Party is being totally consistent: prostitution exists but it rejects the fact that it exists. The Liberal Party has a responsibility to the community, which demands tough legislation to control this unsavoury area of activity.

If the reasoned amendment were accepted, the Bill would be withdrawn from discussion and this would absolve Parliament from taking the necessary responsibility for tackling this area, especially when the Opposition believes the proposed legislation can be vastly improved by its amendments.

In another place the Opposition will insist that its amendments be accepted, as they should be, because they are not politically motivated; their purpose is to protect the community we are elected to serve.

The National Party should recognise that its amendment is an attempt to walk away from trying to deal honestly and responsibly with this community problem.

Mr J. F. McGrath—Not so.

Mr KENNETT—I am sorry, but it is so because of the reality of life.

Mr J. F. McGrath—it is in the real world.

Mr KENNETT—It is not in the real world. Parliament must address this problem; it cannot keep walking away from it. If the reasoned amendment were agreed to, honourable
members would not know whether another measure would be introduced. It may not be introduced next year or the year after.

The police, church leaders and community workers involved in the area of prostitution and its side effects are calling for more powers. Is Parliament going to say that it does not have the strength to address the problem of prostitution now?

I congratulate the Government for having the gumption to at least tackle the problem, but it has given Parliament a flawed piece of proposed legislation. Parliament should not consider this measure on strictly political grounds, for reasons of local political support in a particular area of the State. The problem of prostitution is social; it exists throughout the State, the country and the world. Parliament should be big enough to address the problem.

If some honourable members are totally opposed to the concept of prostitution—as are some members of the Liberal Party—they have every right to exercise their conscience vote in Parliament. That principle should apply to all political parties. Ultimately all honourable members are elected to serve the people and to safeguard the interests of the community, particularly our youth.

I close on the point at which I started my speech: today justifies one of the two fundamental reasons why I stood for preselection eleven years ago this month—to act in a way that was responsible and to provide a safe and more secure environment for my children. In my heart I know the only honest way of improving the Victorian environment for my children and those of other honourable members and their grandchildren is to recognise the problem of prostitution and to deal with it with strength today.

Mr WALLACE (Gippsland South)—The Bill is very important. I was surprised to hear the Leader of the Opposition state that the Liberal Party will not support the reasoned amendment of the National Party. The Bill is based on the recommendations of the Neave inquiry, which stated that prostitution is the business of exploitation and should not be encouraged or promoted.

The proposed legislation will liberalise prostitution by encouraging and promoting it. Prostitution involves paying for services of another person for the purposes of self-gratification. The liberalisation of the laws governing this activity does not provide regulations for minimising the harmful side effects of this activity.

I acknowledge that the best intention of the Government was to try to remove the elements of exploitation in prostitution but, by its very nature, prostitution exploits women and girls and demeans all those involved in it. No amount of regulation will change that fact. The National Party does not believe the proposed legalisation of prostitution will, in the long term, secure the greater well-being of prostitutes.

Legislating on social problems such as drug abuse, unemployment and poverty does nothing to solve the real problems. The Bill is little more than an admission of defeat and the fact that our community is unable to find answers to problems at present. The Bill seems to condone the results of those problems.

The State Government has already enacted town planning legislation to control the location of brothels. The current Bill abolishes the criminal offences associated with prostitution and will introduce a licensing system for the operation of brothels in approved planning areas. It will establish a board to administer the licensing procedures and it encourages health and education programs relating to prostitution, sexually transmitted diseases and drugs.

New penalties will be introduced to protect adult prostitutes from violence or intimidation, to protect young people from sexual abuse or exploitation and to protect the community from nuisance.

The Government has acted on the basis that prostitution and brothels cannot be stamped out and the best approach is to impose controls over their location and activities and the
people who operate and work in them, and to take preventive measures to reduce the associated social and health risks.

One of the major concerns relates to the town planning provisions—and this affects the electorate I represent—which are covered by both the Planning (Brothels) Act 1984 and the present prostitution Bill. Since the brothels Act was proclaimed, there has been a steady process of giving planning approval to many of the brothels that were already in existence. The 45 brothels which now have planning permits include only five that obtained their permits directly from their local councils. Another 26 permits were granted on appeal by the Planning Appeals Board and more than ten other appeals are still pending.

According to the Government this shows a trend towards regulated brothel activity. The Government is giving brothels an open slather and taking the right to refuse a brothel permit out of the hands of local councils. It is an absolute disgrace.

How else can one explain the fact that the majority of planning permits are being gained on appeal? Local communities and councils have been denied the right to say that they do not want to have brothels in their areas. Only the smaller communities retain the right of refusal.

Our larger rural cities are subject to the appeal process. I speak especially of the Latrobe Valley where three cities were joined to create the numbers required to bring them under the planning law.

However, that is not the whole story because the Bill contains a significant loophole. The lone prostitute who operates from her own premises will not come under either the planning or licensing procedures. This will allow networks of sole operators to work wherever they like.

The ACTING SPEAKER (Mr Kirkwood)—Would the honourable member advise the Chair whether he is reading his speech?

Mr WALLACE—I am referring to copious notes. Another major concern under the planning requirements is that they do little to protect the general community or children's facilities. The Bill says that brothels will not be permitted within 100 metres of schools or kindergartens. However, that is only a stone's throw away. It is a very sorry state of affairs when the State has reached a situation like that. The Bill also requires councils to have regard to the location of brothels in relation to residential areas, churches, hospitals and so on. This does not mean that the brothels will have to be located 100 metres away from such amenities.

If a council refuses to grant a permit for a brothel on these grounds, it is still open to planning appeal. Whether we like it or not, brothels are being given legal recognition. They will get an open go and there is still nothing the local communities can do about it.

The licensing board, which is a subject of interest to me, will be set up under the provisions of the Bill. It will include representatives of the police, planning and local government departments, the Attorney-General, Community Services Victoria and Health Department Victoria. There should be representation on the board of the community and councils. Surely to goodness those organisations are entitled to have some say. Their representation on the board is needed to provide a proper balance on the end effect of brothels in our community.

Finally, there are insufficient safeguards against sexually transmitted diseases. The Bill provides a fine if an owner or manager of a brothel allows a prostitute with a disease to continue to work.

This is an important Bill, and honourable members should have the opportunity of having their say. I am disappointed that the Government has all the time in the world to introduce the Bill and yet it is attempting to jackboot through proposed legislation that will have an enormous effect on the whole community including our families and our