Thursday, 30 April 1987

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 10.34 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

NUNAWADING PROVINCE BY-ELECTION

Mr MACLELLAN (Berwick)—I refer the Minister for Property and Services to the legal opinion obtained for the Chief Electoral Officer in regard to the Nunawading Province by-election. Having read those opinions, can the Minister assure the House that no prosecution was recommended in respect of any Government member of either House of Parliament—in particular, the honourable member for Ringwood?

Mr McCUTCHEON (Minister for Property and Services)—The position has been made clear on this matter. It is still an issue before the Administrative Appeals Tribunal. A freedom of information application has been made for the release of the documents and the matter is being dealt with by the tribunal, so I do not believe it is appropriate to make further comment.

GOVERNMENT'S ECONOMIC STRATEGY

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Premier to the Government's economic strategy document released yesterday which stated that the Government assumes total conformity with the last national wage case decision for the next eighteen months. Can the Premier inform the House how this relates to the Government's support for the claim by the building industry unions for an extra $52 a week pay package?

Mr CAIN (Premier)—The Minister for Labour has explained the situation to which the Leader of the National Party has referred. I say by way of comment that the difficulties in which the Government found itself regarding the building industry are not, without putting too fine a point on it or overstating the case, unrelated to the pay-out of approximately $7 million for strike pay by the previous Liberal Government at Loy Yang.

Mr Stockdale—Rubbish!

Mr CAIN—The honourable member for Brighton says “Rubbish”. I ask the honourable member to look at recent history and he will see that it is not rubbish. The Government has got some sense out of the chaos in the building industry over the past five years.

The demise of the Builders Labourers Federation is not without consequence and could never have been achieved by any other Government.

The Minister for Labour said that there are still problems with employers and developers in the building industry who exercise what they regard as their rights and discretion to do deals outside the system.

The Minister for Labour is to be commended for making an endeavour to put together a set of proposals that are within the directions and guidelines of the national wage case.

Honourable members interjecting.

Mr CAIN—I am not being provocative, but the final threshold or body in whom responsibility rests is the Australian Conciliation and Arbitration Commission, which will either approve or disapprove of any arrangement, negotiation or agreement reached in respect of a national wage case application.
ADVERTISING FOR WORKCARE

Mr SIMPSON (Niddrie)—Can the Minister for Labour inform the House whether the Government spent $3·1 million on publicising WorkCare?

Mr CRABB (Minister for Labour)—Some two or three weeks ago the honourable member for Kew issued a press release claiming that the Government's expenditure on WorkCare publicity had been $3·1 million. A number of matters concerned me about that press release. So far as I was aware, the Government had not spent that sum of money, but I was even more concerned by the fact that the document had on it words to the effect of: “For further information contact the honourable member for Kew, or a person by the name of John Simpson. Given the renowned accuracy of the comments and claims of the honourable member for Niddrie, I was concerned about this and I took steps to ascertain if the document was correct.

Honourable members interjecting.

Mr CRABB—Indeed, it was not the honourable member for Niddrie who had put his name to this scandalous publication. The terms used were “expenditure on WorkCare publicity”, “known Government waste” and even “a flippant spending of the public’s money”.

The fact is that the $3·1 million to which the document referred was the budget allocation for this financial year for the Accident Compensation Commission's marketing division.

The responsibilities of the marketing division of the Accident Compensation Commission include the production of its stationery, the production of the forms used for WorkCare, the literature provided to employers to tell them how to use the forms properly, training—particularly of the employers—the annual reports, the internal newsletter and so on.

The amount that is being spent this financial year—not the $3·1 million as claimed, but the actual amount spent on advertising, promotion and market research—is $372 165.

The Government is accustomed to a measure of hyperbole in Opposition statements, and that is permissible, but in this case the Opposition is not 7 per cent wrong, not 70 per cent wrong—not even 700 per cent wrong—it is 733 per cent wrong. No wonder it does not have an economic policy or a tax policy of its own! It cannot even produce one simple statement within 700 per cent of being accurate.

The Government has done a great job with WorkCare. It has ensured that the entire community is involved in it and it will continue to do so.

CHANGES TO ROLE OF LEGISLATIVE COUNCIL

Mr PESCOTT (Bennettswood)—I ask the Premier: has he or, to his knowledge, any other Minister, participated in discussions in the past six months aimed at introducing four-year Legislative Council terms to be concurrent with those of the Legislative Assembly?

Have discussions been held aimed at introducing proportional representation in the Legislative Council, based on five provinces—three urban and two rural—and aimed at the ultimate abolition of the Legislative Council? If so, what action is the Government taking?

Mr CAIN (Premier)—I know this is the last day of Parliament but I am a bit puzzled about the extent of the desperation of the Opposition.

I understand how miffed the Opposition was yesterday when its traditional electorate said, again, what it thinks of the Opposition and how hopeless it is. The traditional supporters have turned away from the Opposition in droves, and think it is the greatest
joke in the world. However, I do not understand the sudden interest on the part of the
Opposition in the demise or otherwise of the role of the Legislative Council.

The Government's policy on this matter is well known. It believes the Legislative
Assembly should be supreme, and it has always been of that opinion. I regret that, over
the past five years, the Opposition has not been prepared to ensure that the kinds of
constitutional crises that have occurred in this country and in this State are not repeated.
The Opposition seems determined to leave open the situation where the Upper House can
have some say in respect of the life of the Government of the day.

The Government rejects that notion and, if there is some renewed interest by members
of the Opposition in trying to ensure a system of Parliamentary Government in keeping
with the Westminster system—where the role of the people's House is paramount—I will
be delighted to talk to any of them at any time. In fact, if the Opposition is to make any
contribution to political life in this State in the next two years, this is probably the way it
can best make it.

If the parties could come to an agreement on legislation that would remove for all time
the prospect of the Upper House seeking, on its own whim, to turn out of office the elected
Government, that would be a massive step forward. If the Opposition is offering to do so,
I shall leave my office open to anyone who knocks on the door to talk about it.

The matter is of fundamental importance, and if I can interpret any indication that the
Opposition is prepared to discuss the matter and consider the Bill that I introduced here
four and a half years ago to remove the right of the Upper House to reject Supply and
bring down the elected Government, I will be in it, as we all will.

This is not a party political matter. In my view, it concerns the system under which we
all work, and if we want to make it better, we will take such action.

VICTORIAN BUILDING INDUSTRY

Mr Jasper (Murray Valley)—Given the Premier's promise that the Government
would not be a pacesetter in the setting of wages and conditions within Victoria, how can
he justify the actions of the Government in trying to impose on the Victorian building
industry a wage and package deal that is far in excess of that which has been negotiated at
the Federal level?

Mr Cain (Premier)—I answered this matter adequately in a general way in response to
a question from the Leader of the National Party. As the Minister for Labour indicated,
nobody is imposing anything on anybody. I understand that there is a considerable head
of steam on the part of builders, developers and employers to come to an agreement. If
the honourable member for Murray Valley is saying that is a bad thing, let him say it.

The Government's industrial relations record in this State is second to none. Honourable
members know what industrial relations were like before the Government came to office.
We know how many people walked to work every day because there were no trams or
trains and that children lost days at school because teachers were on strike. There were
also days when there was no electric power.

Mr Cain—If question time is frustrated, as the Leader of the Opposition says, it is
clear that it is being frustrated by the barrage of mindless noise from the Opposition.

I was saying that Opposition members will be aware of the many occasions on which
Victoria had no power because of constant industrial disputation in the Latrobe Valley.
Over the past five years the Government has restored some sort of industrial sense to this
State. It has not tried to take on everyone and knock everyone off. We did knock off the
Builders Labourers Federation, which the previous Government did not have the guts or capacity to do. We make no apology for having done that, but that is not what the Government has been about. It has been about resolving industrial disputes by negotiation before they reach the stage of causing damage and lost working days.

For the benefit of the honourable member for Murray Valley I indicate that the Government will continue doing that. If the building industry wants to resolve the application of the national wage case, that is a matter for it to decide. If the Minister can assist, he should assist because the building industry is an important industry in this State. It does not matter what happens in Queensland and some other States because they do not have building industries like Victoria. One has only to look at the number of cranes on the city skyline to see there is an astonishing number of them. That situation was brought about by the Government.

The Opposition knows what was happening in the building industry before the Labor Party came to government. If we show support for the building industry and employers, instead of their going out and doing their own thing, as they were when the Government came to office, and entering all sorts of rotten deals, we may get some order into the industry. The Government will do that.

The Government is not ashamed about that. Members of the Opposition do not understand that the final decision rests with that body, a body which the new right—which is running the Opposition—would take away, as would the Premier of Queensland. If Sir Joh Bjelke-Petersen delivers policies to the National Party, he will remove that body. The Conciliation and Arbitration Commission will finally determine whether any agreement reached is in accordance with the guidelines.

PROPOSED TRANSFER OF AVIATION FACILITIES FROM MELBOURNE

Mr HILL (Warrandyte)—I ask the Premier to advise the House what action the Government has taken to change the proposal of the Commonwealth Government to move aviation facilities from Melbourne to Canberra.

Mr CAIN (Premier)—There has been a suggestion to shift aviation training facilities from Melbourne to Canberra, and in a written submission to the Commonwealth Public Works Committee the Government has responded to that.

The Department of Aviation has proposed that a new aviation training centre be built at Canberra. The proposal involves the transfer of air traffic control, flight services and the flight standard school from Melbourne to Canberra. The cost of this scheme is $10 million at a time of national belt tightening.

So far as the Government can determine, the project lacks any technical or administrative merit and it is beyond the realms of comprehension to continue with a transfer program that was first put forward in 1979. To do that would be to ignore the technical and administrative realities that were developed by the Federal Government.

The State Government believes the proposal is outdated in concept and primarily serves—and I use the words advisedly—to feed bureaucratic egos. The concept of a central training college was developed well before the decisions establishing the Federal Airports Corporation and the Civil Aviation Corporation were taken.

Major structural and technical changes must take place in the introduction of a new air traffic function. A number of new reviews are yet to be completed on curriculum issues and air navigation, and the Department of Aviation should recognise that there is an acknowledged surplus of air traffic controllers which will last beyond 1990.

Canberra does not offer the practical experience nor the exposure to the aviation industry required for effective aviation training and activities. The Government believes all the necessary conditions for effective airways and flight standards, exercises are in Melbourne,
and that is where they should stay. Melbourne offers the major education and training opportunities in this country.

Mr Ross-Edwards—This is a Ministerial statement.

Mr CAIN—The Government requires support from the National Party and the Liberal Party in trying to protect a facility provided in this State, and I hope that support is given.

**CHANGES TO PASSAGE OF SUPPLY BILLS**

Mr PESCOTT (Bennettswood)—Has the Premier or any other Minister to his knowledge participated in discussions during the past six months aimed at removing the requirement for Supply Bills to be passed by the Legislative Council and for any other Bills if rejected by the other place, to become law if passed a second time by the Assembly, if so, what action is the Government taking?

The SPEAKER—Order! I rule that the question is in order, but I note that it is almost supplementary to the original question of the honourable member for Bennettswood.

Mr CAIN (Premier)—I thought I indicated my response to a similar question on this issue, and I am being charitable and polite by using the word “similar”.

Honourable members interjecting.

Mr CAIN—It was only a few minutes ago. I think I am being reasonable in suggesting that was the sense of the question. The matters raised by the honourable member are of public interest and I should be happy to speak to anyone else about them at any time. I am especially happy to speak to members of the Opposition, especially about Supply.

**OVERSEAS TRADING CORPORATION**

Mr MICALLEF (Springvale)—I congratulate the Treasurer on his excellent performance on the Australian Broadcasting Corporation this morning!

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

Mr MICALLEF—Will the Treasurer provide to the House the excellent reasons why the Government has decided to set up an overseas trading corporation?

Mr JOLLY (Treasurer)—The Government has established a trading corporation to complement the policies undertaken by the Federal Government. Honourable members may not have been aware that there is no trading company operating in Australia for the purpose of facilitating the export of manufactured goods. As Victoria is the manufacturing capital of Australia and as the country is looking to increase exports when new opportunities are available, it is important that the potential is maximised.

A study by Arthur Andersen and Co. and the Macquarie Bank Ltd has clearly established that export opportunities are being lost, and the establishment of an international corporation would ensure that those opportunities are not lost in the future.

The trading corporation we have in mind would have a capital base of some $20 million. It would consist of a partnership between the public and private sectors, but the public sector would hold a maximum of 20 per cent equity. The corporation would operate on a hands-on basis, would be commercial and operate on a profit basis.

It would seek out domestic companies that were looking to produce and sell exportable products to specific overseas markets so that the companies could either increase their sales in overseas markets or penetrate new markets.

This initiative will be of great importance to small and medium-sized exporters and should be supported by all parties. I hope that, rather than hearing negative comments in
respect of the Government's economic policies, we will see the Liberal and National parties support this strong initiative.

**OVERSEAS WHARFAGE CHARGES**

Mr Brown (Gippsland West)—I refer the Minister for Transport to the Government's stated economic strategy to improve the competitiveness of the Victorian trade-exposed sector. Why are the outward overseas wharfage charges at the port of Melbourne 37 per cent more than those in Sydney?

Mr Roper (Minister for Transport)—As the honourable member should have known, these issues were referred to in a recent report produced by Dr Stuart Joy, the Deputy Director-General of Planning and Policy in the Ministry of Transport. He referred to a number of issues that need to be resolved with the port of Melbourne, not only questions of debt from loans entered into prior to 1982—honourable members opposite can ask questions about that if they like—but also questions of charging policy. There had been a traditional method of charging which penalised certain kinds of users of the port and these were no longer adequate for a modern port charging arrangement.

The Port of Melbourne Authority has taken that report to the board. The board has had a number of discussions on the report so far. At its request, I extended for a fortnight the period of time within which the board can respond to the report. I am pleased to say that those proposed improvements in the capacity of the Port of Melbourne Authority are set out in the economic strategy document to which the honourable member referred.

I am looking forward to the Port of Melbourne Authority overcoming its current difficulties, many of which, as I have mentioned, stem from decisions that were taken prior to 1982; just as I look forward to the Port of Melbourne Authority working through the material that it is currently considering to make it far more competitive. The Port of Portland Authority is also currently examining all aspects of its activity and performance to ensure that its performance is most adequate. As well as the Port of Melbourne Authority, it is working very closely with the Government on the Western Port development. The honourable member for Gippsland West has shown his lack of interest in Western Port by encouraging his party, against the advice of the local members, to oppose having separate representation. Despite the fact that the Liberal Party is hopeless so far as Western Port is concerned, the Port of Melbourne Authority and the Government will be working to develop Western Port.

**GRAIN FREIGHT RATES**

Mr W. D. McGrath (Lowan)—Has the Minister for Transport received a submission from V/Line in respect of grain freight rates for the 1987–88 harvest; and, if he has received such a submission, has he asked for discussions to commence between V/Line and industry representatives prior to the decision finally being accepted by the Government?

Mr Roper (Minister for Transport)—I thank the honourable member very much for the question, because, no doubt, he is aware that I have written to the Victorian Farmers Federation asking it to commence detailed discussions with V/Line officials to examine the costs of grain handling.

Last year very detailed discussions took place and, indeed, when the federation suggested that it did not have enough money to employ its consultants for some extra days, I offered to pay the federation as part of the consultative process so that it could have its consultants spend some additional time on the matter.

The Government is concerned to assist the Victorian Farmers Federation to understand the basis on which V/Line sets its costs and runs its grain business.

I have been very pleased to note in a number of statements that the President of the Victorian Farmers Federation has made that he commended the Government for the far
greater efficiency that is occurring in grain harvest handling. I know members of the National Party also have appreciated the improvements that have occurred.

I make it clear that I expect V/Line and the federation to have serious discussions about the grain freight rate and the wash-up of last year's grain harvest and on how effectively it was carried out. After those discussions, I expect a recommendation from V/Line, which I will then take to my colleagues in the Government.

PROPOSED VICTORIAN EDUCATION COMMISSION

Mr CUNNINGHAM (Derrimut)—Can the Minister for Education inform the House of the response from the business and educational communities to the proposal of the Government to set up a Victorian Education Commission?

Mr CATHIE (Minister for Education)—I thank the honourable member for the question because, in the economic strategy released by the Premier and the Treasurer yesterday, there is a chapter on education and training, and the proposals and initiatives that the Government has outlined in that chapter are fully supported by the business community and industry in this State.

It appears that the only ones left behind are members of the Liberal Party, who seem to be expressing sour grapes about the fact that this Government is able to develop creative and positive proposals in relating education to industry.

Dr Wells interjected.

Mr CATHIE—After five years in opposition, the Liberal Party has not been able to announce one policy in the education area.

The Government's policies are designed to give Victoria the best educated and skilled work force in Australia. The Government is determined to meet the needs of business and industry and to work with them to make that happen. Indeed, we already have had a positive and creative relationship with industry in this State and the new initiatives are based on the broad achievements that we have had in the past.

The Government has been able to lift the participation and retention rates in secondary education from the miserable 39 per cent it was when the Liberal Party was in government to 58·5 per cent. As a result, young Victorians are better skilled, better educated and they have better job opportunities.

The Government has been able to lift the appallingly low level of apprenticeships that existed under the previous Liberal Government to record levels. It has been able to increase enrolments in the technical and further education area and it is the only State Government that has funded places in higher education to ensure that 50 per cent of students in secondary schools will have the opportunity to go on to higher education.

The new initiatives that were announced yesterday are a further development of those broad achievements of the past. We will enter into arrangements with business in the setting up of the Victorian Education Foundation, which will be jointly funded and managed by Government and industry to look at the gaps within existing courses of higher education and to develop new courses to meet the needs of technology in business and industry.

The Government has developed a range of proposals to strengthen the development of mathematics, science and technology courses which require the retraining of existing staff, introducing special programs to increase the number of science and mathematics teachers in our schools and in the educational institutions and in the provision of technology studentships.

This demonstrates once again the success of the Government in working positively and constructively with the business community to ensure that Victoria remains the State leading Australia.
PERSONAL EXPLANATION

Ms SIBREE (Kew)—In answer to a question from the Government this morning, the
Minister for Labour seriously misrepresented the position that I proposed in respect of a
matter of waste watch. He indicated that I was 730 per cent wrong in the figures I had been
given. Indeed, I have written proof from the Accident Compensation Commission in a
letter dated 31 December 1986 which stated that the publicity promotion and the like for
WorkCare during 1986–87 was estimated to be $3095 million.

Honourable members interjecting.

The SPEAKER—Order! I am not aware whether the honourable member for Kew has
finished her personal explanation, but I ask honourable members on the Opposition
benches to cease interjecting to enable her personal explanation to be concluded.

Ms SIBREE—I reiterate that the figures I released publicly were not a figment of my
imagination but were given to me by officers of the Minister’s department, whom I hope
the Minister will back up.

PETITIONS

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

Local authorities superannuation fund

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

We the undersigned, all being employees with the local government industry and members of the Local
Authorities Superannuation Scheme, hereby petition the Minister for Local Government and the State Treasurer
to take immediate action to pass the legislation necessary to improve the investment performance and
administration of the scheme.

The scheme which is presently performing at less than half the rate of comparable schemes—15 per cent as
opposed to 40 per cent for Melbourne City Council’s scheme—is costing contributors millions of dollars through
reduced investment revenue, and councils—ultimately ratepayers—by way of increased contributions, to meet
the shortfall. We request that as a matter of urgency, this situation be changed by providing wider investment
policies so that improved benefits may follow and costs may be reduced.

We also request that an urgent review be carried out into the administration of the scheme to ensure that steps
are taken to prevent this type of situation occurring in future and to ensure that the latest commercial methods
are employed in regard to investment, payment of benefits and scheme administration.

By Mr Pope (36 signatures)

Television production

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

The humble petition of the undersigned citizens of the State of Victoria sheweth:

We demand a stop to networking, we call upon the Premier of Victoria to object to the proposed media
legislation which has encouraged the spread of television networking.

We further call upon the Premier to demand that the Federal Government take immediate steps to prevent
the implementation of networking to safeguard viewers’ choice, local jobs and small business.

Your petitioners therefore pray for legislation to establish State levels of production as a priority.

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

By Mr Hayward (79 signatures)
R5 arterial road

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

The humble petition of the Mill Park Residents' Association Incorporated and the undersigned citizens of the State of Victoria sheweth that Childs Road, Mill Park is primarily a residential access road. It is heavily used by pedestrian and vehicular traffic accessing schools, parks, medical surgeries, dental surgeries, preschools, primary schools and shopping facilities on or near each side of the road. Much of the use is at low speed for short distances. A substantial number of crossings is by children alone or parents with children in prams and pushers.

Your petitioners therefore pray that connection of the R5 to the west of Plenty Road (from Dalton Road) precede connection from the east (from Greensborough) so that Childs Road does not become an arterial road by default.

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

By Mrs Gleeson (50 signatures)

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

ECONOMIC AND BUDGET REVIEW COMMITTEE
Bush nursing services

Mr Gavin (Coburg) presented a report from the Economic and Budget Review Committee upon the review of bush nursing services in Victoria, together with appendices and minutes of evidence.

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

SOCIAL DEVELOPMENT COMMITTEE
Options for dying with dignity

Ms Sibree (Kew) presented the second and final report from the Social Development Committee upon the inquiry into options for dying with dignity, together with appendices.

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

MORTUARY INDUSTRY AND CEMETERIES ADMINISTRATION COMMITTEE
Review of cemetery legislation

Mr Kirkwood (Preston) presented the seventh report from the Mortuary Industry and Cemeteries Administration Committee upon "A Review of Cemetery Legislation", together with appendices and minutes of evidence.

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

PAPERS

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

Liquor Control Commission—Report for the year 1985-86—Ordered to be printed.

Mr RAMSAY (Balwyn)—I move:

That this House condemns the Government for the failure of its economic strategy to provide adequate housing for those on lower incomes and those in impoverished circumstances and urges the Premier to redirect his Government’s policies to ensure that the cost of home finance is kept within reach of Victoria’s young families.

Any visitor to Victoria yesterday who happened to be at the Hyatt on Collins for luncheon must surely have been impressed to witness the Premier’s soft sell to the business community of the April 1987 updated version of the Government’s much vaunted economic strategy.

Had that visitor in fact come to Victoria in the course of a world survey in this year, which has been designated by the United Nations as the International Year of Shelter for the Homeless, he or she would surely have been less than impressed.

Whichever way one looks at the situation today, one must face the fact that thousands of families in Victoria are living on low incomes and in modest circumstances in shelter that is far from adequate. Hundreds of families in this State, having taken out mortgages on their homes—and they may have entered into these commitments full of confidence perhaps a short time or perhaps many years ago—now find themselves, having made their mortgage payments, living below the poverty line.

Housing construction in Victoria is not buoyant. Housing interest rates are still refusing to come down and Government policy is failing adequately to address the underlying causes of this sorry and unhappy situation.

No-one will deny the importance of housing. Shelter is a basic human need. Any society that is providing inadequate shelter is failing in a vital area of human care. The adequacy and suitability of housing in any community is a measure of that community’s progress. The incidence of homelessness in a society is a major contributor to poverty and social disintegration, and a Government that turns its back on these statistics is negligent in carrying out its duty.

The housing industry is one of the most important industries in our community. It is a key to employment, it is a key to economic stimulus, and it currently is finding the situation in Victoria extremely difficult.

The provision of rental accommodation in any community is another significant factor and a key ingredient to an adequately housed society, but let us turn for a moment to the Government’s economic strategy and ask ourselves how this strategy is contributing to housing in Victoria. The answer is, of course, that housing receives not one mention in the Government’s documents. The building industry, as such, is ignored.

The economic strategy is now three years old. It was launched in April 1984 with the loudly proclaimed major objective of maximising long-term economic and employment growth and with the secondary objective—which I emphasise this morning—of the achievement of social goals through economic revival. If any portion of Government policy should be calling for the achievement of the social goal of adequately housing the community, the economic strategy should be doing exactly that, but what did the Government say in its economic strategy? What were to be the means of achieving all these objectives?

In the strategy, stress was placed on making the trade exposed sector of the economy more competitive and the Government set out to identify and help in the areas of Victoria’s competitive strengths, so we had the Government declaring that a new emphasis would be placed on building Victoria’s industrial and skill base. The strategy goes on to say that Melbourne will be promoted as the commercial centre, not only of Victoria but also the whole of Australia. It says that the scientific research institutions of which Melbourne and Victoria can be so proud will be further enhanced. Emphasis was placed on the brown coal
resource that is such an important reserve of energy in this State. The off-shore oil and gas fields were identified as part of Victoria's competitive strengths. The strategy says that Victoria continues to depend on the diversity and strength of its rural sector.

The ease of communication we have in Victoria compared with the situation in many other States in Australia is identified as one of our competitive strengths, as are the opportunities for building tourism.

In that total array of good economic commonsense, there was not one mention of housing and, indeed, the delivery of that economic strategy over the past three years, in itself, leaves a great deal to be desired.

What results do we see from a Government heading off on a loudly proclaimed economic strategy? The figures speak for themselves. Victoria now has the largest public sector debt of any State of Australia. The net debt at the beginning of this financial year had climbed to $19.3 billion—a growth of approximately 69 per cent since Labor came to office in 1982.

It is not only the size of the debt that is the problem, but also the cost of servicing that debt, which becomes an ongoing drain upon the resources of this State. The estimated cost of servicing the debt last year was $2.1 billion—some $500 per head of State taxation had to be shunted off to pay the interest bill on public sector borrowings. These borrowing programs of the Government continued unabated.

The year 1986-87 saw a $3.1 billion addition to the borrowings and 60 per cent of that $3.1 billion was, in fact, new borrowings; not the roll-over of previous loans, but new borrowings in themselves.

Together with this, the Government has entered into a program of the sale and lease-back of assets, a technique that has enabled it to raise $600 million in further borrowings but at a cost to the community of $1.2 billion.

The high borrowings in which the Government has been engaged have left the State in a more difficult state in terms of serving the loans in the future than ever before. This has all been happening at a time of record high interest rates.

Australian interest rates over this period have been running at approximately 7 to 10 per cent above those of other developed countries and there is no doubt that the demands of the Government in the borrowing market have been one of the factors maintaining this high interest rate regime.

If one examines taxes and charges imposed by the Cain Government since it came to office, one finds that Victorians are paying more tax per head than people in any other Australian States. In 1986-87 it had reached the level of $931 a head, an increase of 66 per cent during the Government's term in office.

State Government taxation this year looks like reaching approximately $3.9 billion, an 87 per cent jump since Labor came to office, and that is not even taking into account public authority taxation increases, which sit on top of these figures, where we have an additional $342 million being paid through the public authority charges.

One would have hoped that, in the course of economic strategy, the employment situation would have improved. If one is looking for an increase in figures, one can find it in the public sector. Public sector employment, including the Public Service, has blossomed under the Government's economic strategy. Between 1983 and 1986 Victoria saw an additional 27,000 people go into the public sector payroll. In June 1986 public sector employment had grown to 309,900 with 46,627 people being employed as public servants; but the labour force itself saw another side. In 1986, Victoria's unemployment continued to grow. An additional 18,800 people found themselves without work.

The unemployment level continued to run at more than 7 per cent. As late as March this year, Victoria's unemployment rate was 7.2 per cent compared with a level when the
Labor Party came to power of only 6.1 per cent. The fact that 7.2 per cent may be a lower rate than the other States in Australia is little comfort to the people of Victoria when they see a Government heading on a course that is not effectively stimulating the private sector to help create necessary jobs.

Victoria's inflation rate continues to run at extremely high levels. At the beginning of this year, Victoria became the inflation capital of Australia with a record rate of 10.2 per cent. It is some comfort that it has decreased to 9.9 per cent, according to the latest figures released this morning; however, it is a far cry from the inflation rate of our trading partners and the 6 per cent level that the Federal Government has announced should be here by the middle of the year.

The Victorian situation continues to run badly and the achievements of the Government's economic strategy must be questioned. Above all, honourable members must consider what has happened in the housing field. The impact of the economic strategy on housing in Victoria has been extremely grim. The private sector is fighting an ongoing battle for affordable finance for houses. The high interest rates faced in Victoria have been a major disincentive for house builders. Recent figures demonstrate the situation beyond a shadow of doubt, and I seek leave of the House to incorporate a number of tables in Hansard that will support the claims I shall make.

The DEPUTY SPEAKER (Mr Fogarty)—Order! Has the Speaker seen the documents?

Mr RAMSAY—Yes, Sir.

Leave was granted, and the tables were as follows:

Table 1
NUMBER OF DWELLINGS APPROVED (VICTORIA)

<table>
<thead>
<tr>
<th>Dec. Quarter 1986</th>
<th>MAT to Dec. 1986</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>% Change</td>
</tr>
<tr>
<td>Private Sector:</td>
<td></td>
</tr>
<tr>
<td>Houses</td>
<td>7125</td>
</tr>
<tr>
<td>Other Dwellings</td>
<td>1250</td>
</tr>
<tr>
<td>Total</td>
<td>8375</td>
</tr>
<tr>
<td>Public Sector:</td>
<td></td>
</tr>
<tr>
<td>Houses</td>
<td>503</td>
</tr>
<tr>
<td>Other Dwellings</td>
<td>132</td>
</tr>
<tr>
<td>Total</td>
<td>635</td>
</tr>
<tr>
<td>Total Ownership:</td>
<td></td>
</tr>
<tr>
<td>Houses</td>
<td>7628</td>
</tr>
<tr>
<td>Other Dwellings</td>
<td>1382</td>
</tr>
<tr>
<td>Total</td>
<td>9010</td>
</tr>
</tbody>
</table>

Source: H.I.A. Quarterly Survey

Table 2
SECURED HOUSING FINANCE COMMITMENTS TO INDIVIDUALS BY TYPE OF LENDER (VICTORIA)

<table>
<thead>
<tr>
<th>Lender</th>
<th>Dec. Quarter 1986</th>
<th>MAT to December 1986</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Qty.</td>
<td>% Change</td>
</tr>
<tr>
<td>Savings Banks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Loans</td>
<td>19110</td>
<td>+15.0</td>
</tr>
<tr>
<td>Value $m</td>
<td>910.8</td>
<td>+40.7</td>
</tr>
<tr>
<td>Trading Banks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Loans</td>
<td>911</td>
<td>-53.7</td>
</tr>
<tr>
<td>Value $m</td>
<td>64.8</td>
<td>-32.5</td>
</tr>
</tbody>
</table>
Mr RAMSAY—Table 1 shows the number of dwelling approvals in Victoria during the past twelve months. Including both the public and private sectors, a reduction of some 15.9 per cent has occurred from a total of 34,679. In the private sector, for both houses and other dwellings, the reduction was 15.6 per cent and for the public sector it was a massive 19.7 per cent.

People are not able to build houses because they cannot afford the funds, and that is reflected in the second table I have incorporated, which shows from where borrowings for housing came during the year ended December 1986. The table shows secured housing finance commitments to individuals by the type of lender.

The outstanding figure in that table relates to the loans provided by permanent building societies where there was a reduction of 59 per cent in the number of loans that such societies made available to potential borrowers. Permanent building societies specifically in the business of making money available for housing loans found their business drying up because they could not muster funds due to high interest rates.

Finance for housing in the private sector is far from satisfactory. One cannot help but recall the vain promise of the Minister for Housing in April last year when building societies found it necessary to urge the Government to allow their lending rate to be increased to 16 per cent because of the pressures of the marketplace and the high interest rate regime throughout Australia.

The lending rate of building societies increased to 16 per cent. The Minister indicated that he had made special arrangements with the building societies that they would not necessarily increase the monthly repayments but would allow any borrowers to vary the terms of their loans so that the loans could run a little longer to avoid any increase in the monthly repayments until April or May of this year, by which time the Minister said he hoped interest rates might be reduced.

The net result is that any building society borrower who took up that offer to extend the term of his or her loan rather than making higher payments is today faced with both prospects; the higher payments now commence and the loan has been extended. The Government has failed to give those borrowers a fair go.

Linked with this is the cost of housing that has been increasing by an amount greater than the increase in the consumer price index. Table 3 indicates that between 1985 and 1986 the average value of housing approvals in Victoria and the cost of housing have increased by 11.2 per cent over a period when the inflation rate was running at around 10 per cent. The home buyers are caught in a double bind, money is more expensive to obtain because of the high interest rates and the amount of money they require is being outstripped by the cost of housing and the cost of building.

The net result is that home loan affordability as a part of the budget of the average Victorian family is becoming more difficult to achieve. Home loan repayments as a percentage of family income have increased dramatically since the Cain Government came to office.
I refer the House to table 4, home loan affordability in Victoria, which clearly indicates that the ratio of loan repayments to family income has moved from 18 per cent in 1982 to 26.6 per cent in September of last year. The average Victorian family who has borrowed to buy a home and is paying off a mortgage month by month finds that more than a quarter of the family income has been taken up in home repayments. That is far too high a figure to allow families to have anything like a reasonable amount of disposable income left after paying the mortgage. That figure is the average figure and it means that the many families whose incomes are below that level would find it even more intolerable.

Can we hope for much improvement? The current forecasts that are generally promoted by the banks and the industry are that there will be a continuing decline in house building activity this year with a hope of some recovery next year.

It is always next year—always a year down the track when things might improve. The forecast is that the number of new dwelling approvals in 1986–87 will fall from 37 000 to 34 000. There is an urgent need for lower interest rates for home purchases. The Government must adopt policies that will encourage interest rates to fall. Interest rates cannot be held down artificially. The Government has failed to address, in its economic strategy, issues that have allowed its own borrowing program to continue to make demands on the general resources of the community while insufficient resources are available to people to build new houses.

A similar tragic picture occurs in the private rental market. The needs of that market are being inadequately met by the Government. The number of vacant houses as a proportion of the total community stock—the rental vacancy rate—is currently running at 1.9 per cent, and has been the case for some months. For every 100 rental houses in the community, there are fewer than two vacant and available for new inquiries at any time.

The housing and real estate industries recognise that that is an inadequate rental stock. A 3 per cent vacancy rate is generally accepted in the industry as a workable figure for a healthy and vigorous market. What is the Government doing to encourage private investment in the rental market? The answer is "Nothing".

The Federal Government has removed negative gearing and has introduced a capital gains tax, so the Cain Government cannot be blamed for that. However, a case could be made out that the State Government should be leaning heavily on the Federal Government to change some aspects of those measures. If one considers the revenue gained by the Government from land tax and stamp duty, one recognises that the Government cannot absolve itself from some responsibility for the tightness in the residential market.

Last year the Government introduced proposed legislation to deal with residential tenancies and it brought in further amendments this sessional period that now will be held over to the autumn sessional period. The Government should be seeking to help rather than hinder the creation of more properties for rental accommodation in the private sector.

At present the private rental market is receiving little encouragement from this Administration. The private housing situation is tough. People are finding it difficult to obtain the funds to purchase land and build houses. The taxes and charges imposed by the Government, especially stamp duty, are onerous. However, the private sector position is in some way moderate when one compares it with the public housing sector.

I direct the attention of the House to a number of pertinent aspects of the public housing sector. The main test of any Government's success in the provision of public housing is the shape of its waiting list. In its review of housing policies in 1985 the Government established that some 87 000 households in the private rental sector would be eligible for public housing assistance. Furthermore, some 20 000 households currently residing in caravan parks, boarding houses, private hotels, hostels and refuges would qualify for public housing assistance. Since then there has been a strong growth in the number of people on the waiting list, particularly of families who require public housing.
A review of the housing policy of the Government indicates that since 1985 little change has occurred and, if anything, the situation has become worse.

I direct the attention of the House to table 5 that indicates the way the public rental housing waiting list in Victoria has grown from some 16,268 in June 1982, when the Labor Government first took responsibility for housing, until the Ministry's annual report to June 1986 which shows that some 32,644 families are waiting for houses. That represents a growth of more than 100 per cent, a situation that can be regarded only as deplorable.

What is especially important, when examining the nature of this demand for housing, is that it is not being met by the public sector. In considering the household types that are seeking housing, the group that represents the largest number is that of single persons with the care of children. Of some 34 per cent of the 32,644 families seeking housing, 11,223 are single persons with children.

That is a sad reflection on the social situation in Victoria at the moment. More and more sole parents with the care of children find themselves in impoverished circumstances and in need of public housing assistance—assistance that is not forthcoming from the Government. That is the record level of our waiting lists.

A similar situation exists with the demand for emergency housing and crisis accommodation. In 1985-86 more than 10,000 people were seeking that type of assistance. At the same time, the waiting list for loans assistance for people wishing to buy houses grew to 29,325.

On any measure, the growth in the number of people waiting for assistance and the nature of those people indicate that the Government is failing adequately to meet community needs in terms of a housing policy. When examined closely, other features suggest that much more needs to be done.

One must consider the rental rebates that the Ministry of Housing is currently required to meet. Rental rebates arise when a family living in a Ministry house is unable to meet the full rental cost because of its particular income situation. The Ministry has a rental cost policy which sets rents payable on all Ministry dwelling stock in line with the Commonwealth-State Housing Agreement.

These dwelling rents are related to the annual cost of providing and managing public rental stock and they are set at a level that, if they were paid, would provide sufficient funds to recover the operating expenses, the interest charges and the depreciation and maintenance costs of the houses concerned.

Generally speaking, Ministry rentals work out at approximately 90 per cent of the market costs. In other words, Ministry tenants do receive their housing at market cost but they receive it marginally cheaper than do people in the private sector. Even so, many tenants are unable to meet the full rent cost. What occurs is that the Government accepts a little less from these tenants. It allows the rental to be calculated in terms of the income of the family: 20 per cent for those receiving the minimum wage and 25 per cent for those receiving anything over that figure.

Having done those sums, last year the Government had to find $55 million to make up the shortfall. This year the shortfall is estimated to be $63 million; in fact, 65 per cent of all rental housing in the public sector is rebated. The growing cost of rental rebates must signal to the Government that something is wrong.

The $63 million must be found to make up the shortfall. That means $63 million will not be made available to tackle the enormous waiting list for public housing. So long as it is necessary to find that sort of financial assistance to maintain families living in Ministry accommodation, how will the necessary assistance be found to help the needy in our community?

Slowly but surely the Ministry is creating two classes of the needy: those it is prepared to subsidise with rental rebates, and those it is not prepared to subsidise. That situation
Housing cannot be allowed to continue. A close examination of the housing construction program of the Ministry of Housing needs to be made to ascertain the most efficient way to provide affordable accommodation for people on the public housing waiting list. If the Government continues to heavily subsidise the rental paid by people in public housing, a solution to the problem will not be found.

From that area one can move on to the matter of rental arrears where an extraordinary situation has developed. Over the past few years, the amount of money owed to the Ministry of Housing by tenants has soared from $4.8 million to $17.1 million this year. Why has this happened? One could say that it is a measure of the economic difficulties that currently exist in the community but they certainly have not been addressed by the economic strategy; one could also say that the Ministry is inadequate in supervising its rental stock.

Whatever the major cause is, the situation is intolerable and action needs to be taken quickly. The $17.1 million that is owed to the Ministry should be available to it to advance its public housing program. No doubt the Minister will say that the Government has done wonders in increasing the public housing stock because 3100 new units will be made available this year.

The Opposition does not pretend that the situation is otherwise. Hence, I have included a table that shows additions to public housing stock during the past few years.

Mr Simpson—It is pretty impressive!

Mr Ramsay—Since 1984-85 the figures have steadily increased; the Ministry is adding 2000 to 3000 new houses to the stock each year, but it is also worth noting that the latest figures for 25 February this year show 1342 houses were lying vacant. That represents a vacancy rate of 2.3 per cent.

The Ministry of Housing must look to its laurels regarding its vacancies. If the Minister for Housing has any doubts about the problem he need only have watched the report on Channel 2, which examined the Paisley estate at Altona where seven houses are not only unoccupied but also are uninhabitable because of the lack of supervision by his Ministry in that area.

I direct the attention of honourable members to the spot purchasing program of the Ministry which was developed to help overcome a number of these problems. That program has been an important feature over the past few years, but it has run into considerable difficulties. The Ministry has fixed the maximum price to be paid for a home in any area based on local government areas and frequently the program has difficulties because it cannot pay more than the ceiling that the Ministry has put on houses. The ceiling that the Ministry of Housing has applied is too low and the spot purchasing program cannot acquire reasonable houses at that price. It means that houses either cannot be bought at all or if purchased require considerable renovation or improvement before they become habitable. The homes that are purchased are often in a poor condition. It is one of the factors leading to the number of vacancies that exist within the Ministry’s houses.

The net result of the spot purchasing program is a modest addition to the number of houses in the Ministry’s stock, but the cost of those houses has grown significantly.

The average cost of units under the spot purchasing program is approximately $73,000, which is too low and is not the way to create a stock of affordable housing to help solve the enormous waiting list problem.

Whichever way one looks at it, the delivery of services by the Ministry of Housing is not adequate to meet the demands. I mentioned earlier the deplorable situation at the Paisley estate at Altona which was opened only in 1983. That estate was opened with great flourish by Their Royal Highnesses, Prince Charles and Princess Diana during their visit to Victoria. They were so impressed with what they saw at the Paisley estate that they
asked to be kept informed about its progress and to be sent photographs of it every second year. Now no-one wants to live there. The seven vandalised units are vacant and have been empty for months and, in spite of the fact that the Ministry has spent $5 million this year on estate maintenance in Altona, the Paisley estate is a deplorable blot on the escutcheon of the Ministry of Housing.

I placed a question on notice some weeks ago concerning the flats of the Ministry of Housing at Braybrook on the Ballarat Road where a similar picture is revealed; flats are sitting vacant for an extended period and are being vandalised by goodness knows who and the police do not want to know about it.

The Ministry of Housing has failed to deliver the urgent needs of adequate housing for the community. The House should be aware that this year is the International Year of Shelter for the Homeless. On 22 April the Government launched its contribution to the International Year of Shelter for the Homeless and one might have hoped that the community would see a revitalised Ministry to mark this important year, but it is being presented with an ongoing talkfest. The Minister has appointed five new committees that will examine the problems of housing in the future. The Minister indicates by way of interjection that he is proud of the calibre of his committees and of their objectives. I would share his enthusiasm for that, but one wonders why it takes a Minister four years to appoint committees to examine these things.

At the launch of the International Year of Shelter for the Homeless on 22 April, the Right Reverend Peter Hollingworth, the Chairman of the International Year of Shelter for the Homeless Non-Government Coordinating Committee, spoke about the Australian scene, of which Victoria is an integral part. He stated:

There are now many more Australians living below the poverty line after they have paid their rental mortgage payment. In excess of 760,000 people, over half of whom are families, have been dragged down into poverty as a result of an inordinately large percentage of their income being involved in rental payments or mortgage payments at high interest rates. Nothing over the past two years has occurred to diminish that situation, so the overall figure may well be a lot higher.

There is a desperate and urgent need for shelter for the community. The Government’s response to that need has left a great deal to be desired. A new emphasis is needed. The Government must review its taxes and charges that have been imposed during the past few years and the impact of those taxes and charges on Victorian families.

The Government must review its high borrowing policies that have contributed so sharply to the maintenance of the high interest rate regimen.

The Government must review growth in the public sector that it has not only allowed to occur, but has positively encouraged.

Above all, the Government needs to recognise that economic progress in the next decade, so loudly hailed yesterday in the Government’s update of its economic strategy, will be a hollow sham if it fails to achieve the most basic of human needs, somewhere to live for all members of the community.

Mr WILKES (Minister for Housing)—Any Government or Minister worth his salt welcomes an examination of its policies. I had the expectation today that the honourable member for Balwyn would make an examination of the Government’s housing policy. No-one could be more disappointed than I, as I am sure you are, Mr Acting Speaker, and the House because there has not been that examination of those policies.

I can understand the embarrassment of the honourable member for Balwyn when it is his responsibility to make an examination of the policies of the Government in respect of housing since it has been in office from 1982, because the honourable member was a member of the Government that has the worst housing record of any Government in this State.
I do not want to waste the time of the House by going over some of the malpractices and crooked dealings that took place in the 1970s in the housing area that was the responsibility of the previous Government, because there are more important things to say. However, just to refer briefly to some of those matters, I remind the Opposition about the two honourable members who were expelled from the Liberal Party because they dared to be critical of the appalling mess that the then Government became involved in with the housing industry.

Those two honourable members, to one of whom honourable members paid homage the other day as he has unfortunately passed away, stood up for what they believed was right. Because they had the temerity to do so—more than that came out in Sir Gregory Gowans's report and the Frost commission—they were thrown out of the Liberal Party. One of the Ministers involved resigned and another lost his job. The Premier of the State at the time was recorded in the press as saying that his Ministers were wrong. Why were they wrong?

I do not want to go over all the details of that sordid period in the history of housing in this State under the former Liberal Government, but I cannot help adverting to an article that appeared in the Age of 15 March 1978 when the Premier at the time, Mr Hamer, said:

... the Government, the Housing Commission and Ministers were responsible for the excessive profits made by land developers in commission land deals.

Mr Hamer said that the Gowans inquiry had found no impropriety, no breach of law, or duty, no act of negligence or dishonesty, but that Ministers were responsible. He said:

The Gowans report, tabled in Parliament yesterday, revealed that because of inadequate valuations the Housing Commission paid an extra $4 million for land at Pakenham, Sunbury and Melton.

Without going into Mr Hamer's critical condemnation of his Ministers, I indicate that the end result was that the land that was purchased, in round figures, was 10,000 acres at Pakenham, Melton and Sunbury for the purpose of building affordable houses for people on low incomes. That was the intention of the former State Government and it received the money from the Federal Labor Government at the time.

The Housing Commission then went out and purchased from all the crooks who were prepared to sell it land. It bought up land as fast as it could get it and paid through the nose for it. In fact, it paid $4 million more than it needed to pay.

Sir Gregory Gowans and the Frost commission indicated that the land that was filched from the farmers for $4 million was sold to the former Government's commission for $10 million. I invite honourable members to consider what happened with the land that was bought for $10 million. Five years after it was bought, not one single house had been built on it and not one lot had been sold. That was the situation the Labor Government inherited in 1982. It had to take stock of the situation, and went to Melton and Pakenham to look at the land. It was found that it was flood prone. One could sell the former Government anything! It would have bought a lot in Port Phillip Bay!

Before the Labor Government could do anything it had to buy a boat and waders to get out there. The former Government expected to put public housing on that land. How can the honourable member for Balwyn criticise the housing program of this Government, which I shall detail in a moment? I have outlined the background of what the Government inherited and the situation it faced in formulating a housing policy.

I could make comparisons but I do not want to get into the details of Sunbury or Melton as exactly the same thing happened in each area. People were able to sell the former Government anything and make millions of dollars at taxpayers' expense. The taxpayers took a direct line of action on the matter; they had had enough and we all know the results of that!

The honourable member for Balwyn said there was no mention of housing in the economic strategy released by the Treasurer yesterday. I direct his attention to page 39
where housing is mentioned in the strategy. That was the first mistake the honourable member for Balwyn made.

The second mistake he made was that he was not prepared to tell the House what policies the Liberal Party would put into effect if, heaven forbid, that party ever reached the Treasury benches of this State. We do not know what the Opposition's policies are. We know what the Federal Liberal Party policy is and I shall refer to that disaster later.

We know what the policies of the Government are and the achievements the Government has been able to place on the record books since it took office in 1982. When the Government came to office in 1982 it built twice as many houses as the previous Government had. Notwithstanding that, the previous Government sold off not 1000, 10 000 or 20 000 houses, but 50 000 housing units that had been used for public rental housing.

If those 50 000 housing units were still owned by the Government today, the honourable member for Balwyn would not be belly-aching about waiting lists because those houses would accommodate people. They were not the 50 000 houses that were purchased at Holmesglen, the concrete prefabricated houses on which the Government has had to spend millions of dollars in maintenance to stop condensation running down the walls—the former Government did not sell off those houses. It had a policy of selling off the stumps. As soon as a house was designed and building commenced, it was sold. Selling off the stumps was its policy.

It is no good talking about providing sufficient houses for public rental when one knows that 50 000 houses could have been available and providing homes for 50 000 families if those houses had not been sold by the previous Government. Those were some of the problems the Labor Government faced on coming to office.

I shall refer to some statistics. In 1981–82 the previous Liberal Government could boast that it had a total stock of 42 800 housing units, although it should have been 92 000. In 1986–87 the current Government has responsibility for the maintenance of 57 900 units, an increase of 15 000 units in the short period it has been in office.

In 1981–82 the former Government spent $19·4 million on maintenance expenditure. The honourable member for Balwyn spoke about isolated cases in isolated estates. I inform him that the present Government spent $56·7 million on maintenance expenditure in 1985–86. One may ask: why? It was because the Labor Government inherited some of the most obsolete stock of houses that it is possible for a Government to inherit.

The former Government did not know what estate improvement meant. High-rise developments were allowed to continue in use without any improvements being carried out. My predecessor, who is now the Minister for Education, inspected those estates and said something had to be done, and the Government agreed with him.

Instead of spending, in nominal terms, $4·8 million like the former Government did in 1982, this Government is now spending this year some $29·8 million on estate improvements. At least the Labor Government has made high-rise accommodation more comfortable and more equitable.

The Labor Government has closed off the corridors and carpeted them. More importantly, it has consulted with tenants and asked what colour they would like the buildings to be painted. The former Government used to buy 1000 gallons of paint—white or some other colour—and paint the buildings. The tenants had no choice and had to live in surroundings painted whatever colour that Government wanted to paint them. The Labor Government has introduced a consultative process that encourages tenants to say what colours they would like their surroundings to be painted.

The honourable member for Balwyn mentioned rent rebates as though they were a terrible thing. The idea of the Commonwealth–State Housing Agreement introducing a...
rent rebate system was to assist people on low incomes; the people whose disposable incomes were such that they could not pay the cost rent.

It is only in the past two years that the Ministry has switched over, with respect to the last agreement which is to operate for the next ten years, from market rents to cost rents. There was a slight reduction from market rents to cost rents from between 3 to 5 per cent.

The Government admits that the rent rebates have increased to the proportion mentioned by the honourable member for Balwyn. That is because the Ministry is housing a variety of clients in its housing stock that was never entertained by the former Government.

The Labor Government is providing accommodation for a much broader base of clients than ever before. There is a singles policy, a policy for disabled people, an extended policy for the elderly and a policy for single-parent families with respect to Ministry housing stock.

A single parent on a pension of approximately $130 a week pays a rent of $28 a week. Does the honourable member for Balwyn deny that person the right of the rebated rent of $28? When one subtracts $28 from a pension of $130 a week, there is not much income left. Only one thing needs to go wrong in the family, such as a doctor's bill or a school requisite for the child, and the family is down the drain for that week.

The Government acknowledges that there is a total of $12 million in uncollected rents. The honourable member for Balwyn quoted a figure of $17 million, which included vacated premises rather than rented premises. Those rents are written off in every other State. However, in this State the Government is prepared to make that figure available. Honourable members would know that, because of the plight of those tenants, if one places pressure on them to collect rent they vacate the premises and one is left with the bill.

The Government has applied itself to the problem in a compassionate way. It has employed a number of additional staff to counsel the unfortunate tenants involved to try to assist them to balance their budgets and pay their rents. If the Government threw everybody out on the street, what agency would pick them up? Where would they go? Should mothers feed their children on the kerbside? That is the alternative. The Government has faced the problem in a businesslike and compassionate way and it will continue to do so.

I refer now to the Government's performance and programs. Capital expenditure on housing increased from $350 million during the last four-year term of the former Government to just over $1100 million in the Labor Government’s first four years in office. This was largely due to the beneficence of the Federal Government that was prepared this year, in spite of the economic strain placed on its resources, to provide $700 million across the board for housing. That is a magnificent effort.

It may mean that we have to tighten our belts, but at least we will be able to perform as well as we did in the previous year. That is important because the Labor Government came into office on a promise that it would provide 12 000 additional housing units in its term of office. It is well on the way to achieving that objective. That is a contrast to the action of the former Government and represents a remarkable effort. The Labor Government should be congratulated for its public housing effort.

The honourable member for Balwyn mentioned the private sector. The latest meeting of the Indicative Planning Council suggested an upturn in private housing next year. The council has every reason to believe an upturn will take place. It has predicted that there will be 36 500 handovers next year. The Government will assist that with 3000 public housing handovers in this State.

In spite of the downward trend in private sector housing in this country, Victoria has stood up better than any other State in the Commonwealth in both the private and public
sectors. I should have thought that the honourable member for Balwyn would have been generous enough to mention that. However, he did not do so.

The new housing programs introduced by the Labor Government include a capital indexed loan scheme, to which the honourable member referred, for people who cannot afford housing loans. They can afford Ministry housing loans because the Government has made them affordable. The Government introduced the capital indexed loan scheme as a pilot project to assist households receiving social security benefits or people on incomes of $200 a week, so that they can afford to pay off a housing loan. The pilot scheme has been a success.

Therefore, it is possible to provide money for housing loans to people on low incomes. The pilot scheme was so successful that in 1985-86 the funds available were increased to $74 million.

A further innovative scheme introduced under the Commonwealth-State Housing Agreement is the local government and community housing scheme which provided $4.5 million for joint venture housing in local government. This has been most successful right across the board in Victoria.

Members of the National Party and country Liberal Party members, if asked about the scheme, would say that it is one of the schemes introduced by the Labor Government under the agreement that has been most successful. As local government is accountable, it is a pleasure to work through the Ministry with local government to add to existing State housing stocks.

The Government has in place a deferred interest scheme. The home finance scheme was established in partnership with four savings banks from which it was able to raise $55 million for low-start home loans for Ministry clients. The scheme, which is a joint venture with private banks, has been most successful. The Government approached the banks again and next year will be able to raise another $55 million.

That meant that we were able to provide an additional 1100 home loans on a low-start basis—not the loans that the honourable member for Balwyn was talking about, but low-start loans for people who earn less than $360 a week gross income. The Ministry was able to clear its list of applicants in this income bracket because of the joint venture with the private banks.

The honourable member for Balwyn mentioned the difficulties some people in the private sector have in paying back their mortgages. I can understand that, but I point out to him that in 1985-86 the Ministry spent $12.1 million on mortgage and rent relief, which was made available to people who got into dire circumstances and were unable to keep up their mortgage payments in the private sector—not the public sector.

Mr Leigh—Tell us about the waiting list.

Mr WILKES—The honourable member for Malvern has a mouth like a sewer. He ought to stop and learn. He is only young, and if he stops and listens he will be able to clear that blockage. He talks about the waiting list. I explained the reason for the waiting list—his party's former Government sold 50,000 houses!

Mr Leigh—Rubbish!

Mr WILKES—It is an indisputable fact. The honourable member for Malvern is too young to understand.

Mr Simpson—It is not that he is too young he is too thick.

Mr WILKES—The honourable member has obviously never read the Gowans report or the Frost report or about the criminal activities that were carried out under the nose of the former Liberal Party Government which deprived people of public housing in this State. I suggest the honourable member for Malvern should read the Gowans report; it is available in the Parliamentary Library.
Mr Williams—It is only part of the truth.

Mr WILKES—What the honourable member for Doncaster—for whom I have a high regard in this place—says is partly true. I do not know whether that is an insult to Sir Gregory Gowans, but I should have thought the fact that a Minister lost his job and two backbench members of the Liberal Party were thrown out over it, had some significance.

Of course, the people made a decision that they had had enough of millions of dollars of public money going down the drain and into the pockets of those people mentioned in a list that appeared in the *Age* of 16 March 1978.

It is worth mentioning the list of payments that occurred under the former Liberal Government. I refer to the payments that Mr Dillon made to Mr Riach.

Mr Leigh interjected.

Mr WILKES—The honourable member for Malvern ought to listen. Mr Riach received $2500 as a contribution towards the purchase of his wife's car and $19,000 as part of the profit made on Nelson land at Melton.

Mr LEIGH (Malvern)—I raise a point of order, Mr Speaker. I submit that the motion before the House has nothing to do with land deals; also the Minister wrecked local government and he now wishes to wreck housing, so I suggest the Minister should return to the motion.

The SPEAKER—Order! Of course, the latter part of the honourable member’s point of order is out of order. The motion moved by the honourable member for Balwyn is very broad in its content, particularly where it refers to “the failure of the Government’s economic strategy”.

I believe the Minister for Housing is in order in canvassing the matters that led to the economic strategy, and I rule accordingly. The honourable member’s point of order is out of order.

Mr WILKES (Minister for Housing)—The honourable member’s mind is stuffed up with the dead and decaying philosophies of the Liberal Party, but he is young and honourable members ought to be kind to him. Fancy talking about the waiting lists, with the record that the former Liberal Government has!

Mr Leigh interjected.

The SPEAKER—Order! I will warn the honourable member for Malvern. I will not take any further action except for that of the extreme if he continues to interject. I warn him to cease interjecting.

Mr WILKES—I do not want to chide the honourable member for Malvern, Mr Speaker. He is not a bad bloke. However, the fact remains that this Government has an unblemished record in housing, in providing sufficient houses within its resources to accommodate low-income earners in this State. As the Premier promised that 12,000 additional units would be produced by his Government, that will be the case. We are on target, and we will continue to address ourselves to the housing needs of the less fortunate people of this State. Unlike our predecessors, we will not allow standover tactics by developers and other people to tell us what land we ought or ought not to buy. We will operate our Ministry on a basis whereby we can receive 99.9 cents for every dollar that we spend in housing.

I condemn the motion moved by the honourable member for Balwyn. The substance of the motion was difficult to understand. It attempted to talk about housing. As I said at the commencement of my remarks, we would welcome an examination of our housing policies and our performance. When members of the former Liberal Government can come up with anything better by way of a policy than what the Government is putting into place now, we will welcome the opportunity of examining it.
Mr J. F. McGRATH (Warrnambool)—I shall address my remarks to the latter part of the motion, which deals with the cost of home finance being kept within reach of Victoria's young families. I should like to present to the Minister and the Government some of the views that might help to facilitate achieving that very valuable component of the motion.

There is a need to address the importance of housing for all Victorians, but it is fair to say we should give priority to some extent to young families because of the enormous difficulties that they face today in reaching what we have come to call the great Australian dream—that is, owning a home or heading down the path of owning a home.

The honourable member for Balwyn has talked about many and varied things. However, throughout his contribution to the House—which was very articulate and demonstrated he had obviously done much homework—the honourable member referred to interest rates. That is a significant point, because that is what I consider to be one of the major problems faced by us as Parliamentarians in this State, and particularly the Government, in terms of devising some sort of plan through the Ministry of Housing that can provide to young families the opportunity of home ownership.

The first point that needs to be made reflects on the last Budget and the decision of the Government to remove the stamp duty exemption for first home buyers. That was a bitter blow for young families who would have been able to use that money to great advantage in the establishment of a new home, whether to pay their legal or other associated costs.

When one considers the overall cost to the Government of providing that exemption to the number of applicants who were successful in obtaining the exemption, one notes it was not a significant amount compared with the size of the State Budget. However, it was significant for young people who received some $1000 or $1200 through that scheme, which assisted them in paying their legal costs and other associated establishment charges.

I suggest to the Minister for Housing that the Government should perhaps reconsider its decision to remove the first home buyers' stamp duty exemption and provide a further incentive to enable young people to obtain appropriate accommodation and realise the great Australian dream of home ownership.

I also wonder about the various investments that are made through many superannuation funds and the allocation of those funds through the Government into housing cooperatives.

I know to some extent that this is done and I wonder whether it can be extended in an endeavour to address the issue of high interest rates. Obviously, the ability to pay is what finally determines whether one buys a block of land and then contracts a builder to go ahead and build the great Australian dream.

It would be better for the Government to utilise some of the funds invested by passing them on to the housing cooperatives to fund houses for young families at a reasonable interest rate rather than follow some of the procedures that are being implemented currently by various lenders, with good motives; for example, low-start finance.

This may be the only way that these people can reach the levels required to make the necessary repayments, but five years down the track when the loan repayments are increased they may have difficulties in doing that.

In my discussions with young families in the electorate of Warrnambool I have found that many young couples who had dual incomes achieved satisfactory salary levels to service their debts. However, when they had only one income and had to face an increase in repayments as part of this low-start procedure, they were in a difficult situation.

I have reservations about the low-start housing loans. I know they provide opportunities for people to buy homes, but I wonder about the difficulties that young families will face in servicing their debts when their incomes are reduced.

This was recently brought home to me when I had discussions about setting up a housing cooperative with the management and staff of Kraft Foods Ltd at Allansford. There was
enough interest from the staff to suggest setting up a cooperative housing scheme specifically for Kraft employees, but when we spoke to the people individually it became evident that they faced enormous difficulties, after making a deposit on a block of land or on a house, in servicing their loans as a large proportion of their income had to be allocated to that.

There is value in utilising investment funds more effectively through cooperative housing schemes to provide loans at low interest rates instead of people using low-start repayments, which increase at a later time and may cause problems.

Land values have increased significantly in every municipality. Once it was easy to buy a block of land and borrow the amount of money required on first mortgage to build a house. Today, it is not so simple. The lending guidelines invariably introduce a second mortgage situation and that, in turn, impacts considerably on one's ability to pay.

As I said earlier, there are two ways in which we can do something constructive about the provision of adequate housing for young families and that is, firstly, with the reintroduction of stamp duty exemption. This would give young home buyers $1000 or $1200 to assist with some of the establishment costs, and the existing investment funds in the various instrumentalities, superannuation funds and so forth, could be directed into the cooperative housing market to support new home buyers.

The honourable member for Balwyn said that high interest rates have caused a downturn in private housing construction. That has significant impact because not only does it create problems for those purchasing homes but also it creates enormous problems for the overall economy.

It impacts specifically in the building area on carpenters, bricklayers and plumbers. One can take that a step further and include the timber industry and the transport industry. An enormous consequential impact is brought about by this downturn in housing construction.

Permanent building societies, which have a specific charter under the Act to provide a percentage of their funds for home building, have significantly reduced the number of loans in this area. That is a matter that should be addressed.

In the private rental market, high interest rates affect the levels of rent imposed and this creates a problem with the low-income bracket and particularly those people on a benefit or pension.

The honourable member for Balwyn mentioned the low vacancy rate for rental properties, which tends to reduce market competition and to increase rents.

I have received many requests through my office from constituents who require assistance in the housing area. Invariably these people are mothers supporting one or two children on a single mother's supporting benefit and they are paying $90 or $95 a week in rent. I never cease to be amazed that these people survive. That must be all they are doing—just surviving—until they find their way into appropriate Ministry accommodation at an appropriate rent.

Negative gearing and capital gains, which are outside this Government's jurisdiction, have a significant impact on the rental market. The Residential Tenancies Bill, which was introduced into this House last year, also had a significant effect because many people in the market panicked or acted in a way that seemed appropriate and reduced the number of accommodation units they had in the private rental market, which is reflected in the low vacancy rate.

This is an indication that the market is not competitive. When rents creep up, low-income earners face difficulty in obtaining accommodation.

The two earlier issues to which I referred would take the pressure off the market and would assist housing generally in Victoria. The problem was further extended by the probable introduction of legislation dealing with the occupants of caravan parks, which are in heavy demand for permanent accommodation. Some parks have a long established
rule that they will not take permanent residents and that creates difficulties. It creates enormous concern when people are moved in some cases from one park to another.

The honourable member for Balwyn spoke of rental arrears. The Minister for Housing interjected about the composition of the rental arrears. I refer the House to the Auditor-General's report for 1985-86 where he dealt with rental arrears. His figures are composite; they are not broken down. However, the bottom line is the amount of moneys outstanding. Whether those moneys be due from premises where money has not been collected or from rent that is not able to be collected, they are still outstanding moneys to the Victorian Government and, in kind, to the Victorian taxpayer.

The Auditor-General's reports clearly demonstrated that in 1982 there were arrears of $4.8 million but in 1986 the arrears were $17.1 million. In 1982 the rental arrears were roughly 7.5 per cent of the total collectable rent, but in 1986 the arrears figure was between 16 and 17 per cent. There was a quadrupling of the $4.8 million arrears outstanding in 1982 and almost a doubling of the percentage of collectable rent involved. The addendum to the Auditor-General's report 1985-86 states that at the end of January 1987 the previous figure of $17.1 million had become $19.7 million. The significant increase in rental arrears must be dealt with.

Changes have taken place in the structure of the administration to try to redress the matter, and last year 40 additional staff were employed for this purpose. However, it is obvious from the Auditor-General's report that the Government is still losing ground on the rental arrears problem. The additional 40 staff have not assisted the problem. If the rate of rental arrears continues, at the end of this financial year another $2 million will be added to the outstanding moneys, with a total of approximately $22 million being outstanding.

I take the Minister's point that the problem is extremely difficult, but I believe the Ministry of Housing has responded too slowly to these problems. More stringent guidelines need to be applied to the follow-up of rental collection. The delay that occurs between the delivery of the first notice and the second notice perhaps was appropriate fifteen years ago, but it is not appropriate today with the cost of money and high interest rates in today's economy. A more professional approach should be taken in the collection of outstanding moneys.

Simultaneous with the growth in the amount of rental arrears is the growth of bad debt. In 1982-83 the provision made for doubtful debts was $0.9 million but in 1985-86 the provision increased to $6 million; in 1982-83 less than $500,000 in rental arrears was written off but in 1985-86 the amount written off was $1.1 million. The decline that is shown up in the system needs to be addressed if adequate housing is to be provided for the people of Victoria, particularly for young families, because in the overall budget, although the debt arrears may be a small amount of money, they would be reflected significantly in the number of houses and units that could be provided for young families and disadvantaged families who are having difficulty competing in the private rental market and who, on limited fixed incomes, are paying between $80 and $100 a week in rent.

I refer the House to the delay in maintenance of Ministry of Housing properties, which I believe is related to funding. Several Ministry of Housing homes in Warrnambool are empty because of their need to be upgraded to an appropriate condition for tenancy. Several houses have been empty for some time before maintenance upgrading has been effected.

I do not have any real answers to the concern I express about Ministry of Housing tenants whose incomes have improved considerably since their occupancy. Perhaps a regular review should be made of incomes of Ministry of Housing tenants and an assessment made of their suitability financially to remain Ministry of Housing tenants. I emphasise that I have no answer to this problem, but some tenants whose incomes have improved significantly are still paying the normal Ministry of Housing rental and, by occupying
those homes, are excluding other people in straitened financial circumstances who can ill-afford the private rental market.

This has been a problem for some time. Many people come to my electorate office unable to pay even $60 a week, let alone the $85 or $90 a week rent some are paying for private accommodation; and it is an inequitable arrangement when some occupants of Ministry of Housing homes, perhaps families on two incomes, are in better financial circumstances. This dilemma needs to be sorted out and appropriate action taken so that the Ministry of Housing has the ability to respond to the needs of low-income families.

There are many matters I could draw to the attention of the House, but I am aware that other honourable members wish to contribute to the debate. I trust the Minister for Housing will regard my contribution as constructive. I hope he realises that the young families to whom I have been referring want one day, as is the great Australian dream, to own their own homes.

Mrs TONER (Greensborough)—It is with pleasure that I contribute to the debate. I was disappointed at the negative approach of the honourable member for Balwyn, who apparently does not recognise the achievements of the Government, in addressing the incredibly bad situation that existed previously as the result of housing stock being sold off over many years. The Opposition refuses to recognise the initiatives that the Government has taken to restore faith and confidence in public housing in Victoria.

The Government and the Minister for Housing deserve credit. The Government has recognised the important social and economic benefits of housing activity. It has increased expenditure on construction of new public housing; it has provided home finance assistance and, along the way, it has generated employment in the building industry, and this has had a significant effect on the economic activity of the State. The Government's strategy, *Victoria. The Next Decade*, which was launched yesterday, points to the importance of housing as a component of an economic strategy for Victoria.

The honourable member for Warrnambool made some worthwhile suggestions. Public housing in Warrnambool is important. I know that the Minister will consider those suggestions because he is a Minister who consults and listens to what people have to say. I am sure he will explore the constructive suggestions of the honourable member for Warrnambool. Of course, the honourable member for Balwyn made no constructive suggestions in his contribution.

What concerns me is that a month ago the excellent and hard-working Minister for Housing warned the State Liberal Party that the impact of the proposals its Federal colleagues have released as a housing policy would spell disaster for housing in Victoria. He appealed to the State Liberal Party to distance itself from the housing policy released by its Federal colleagues. He appealed to members of the State Liberal Party to support his call for the total withdrawal of the dreadful document that was produced in the name of a housing policy by the Federal Liberal Party. He pointed out that this is the International Year of Shelter for the Homeless, but I did not hear the honourable member for Balwyn respond at the time—or, indeed, today—to these pleas from the Minister.

It seems to me that on this one issue we should be able to get all parties in this Parliament to act together in a united manner to tell the Federal Government of the high priority that we place on housing and to appeal to that Government to continue to maintain its input. That would seem to be the most appropriate way for us to proceed, because Victoria received $165 million from the Commonwealth under the Commonwealth-State Housing Agreement in 1986–87.

It is my intention now to move an amendment to the motion moved by the honourable member for Balwyn and to speak to that amendment in the brief time allotted to me. Therefore, I move:

That all the words after "House" be omitted with the view of inserting in place thereof the words "notes the Government's economic strategy to provide adequate housing for those on lower incomes and those in"
impoverished circumstances, and draws attention to the failure of the State Liberal Party to dissociate itself from
the Federal Liberal Party’s proposal to terminate the Commonwealth–State Housing Agreement, though such a
termination could effectively halve the provision of public housing, home ownership assistance and a range of
emergency programs and result in dire consequences for families and individuals seeking housing assistance and
for the housing industry”.

I shall read to the House some portions of the Federal Liberal Party’s recently released
housing policy because members of the Opposition may not be aware of what their Federal
colleagues are doing because they spend so much time fighting and they release so few
policies that those policies are not taken seriously when they are produced. I shall spell
out just what the policy is and point out the dangers for Victoria and for people who
depend on the Commonwealth’s contribution to housing.

Mr Wilkes—It would virtually wipe out public housing as we know it.

Mrs TONER—That is correct. The policy states:

The Liberal–National parties—

It was a combined effort at the time, although that National Party has now been
eliminated—

... regard the States as having the responsibility for public housing.

They are handballing it back to the States.

The existing duplication between the Commonwealth and the States is unnecessary and expensive. If the States
do not provide adequate funds for public housing they will have to answer to their constituencies.

Mr Ramsay—That is right.

Mrs TONER—So now we do get from the honourable member for Balwyn agreement
with his Federal colleagues.

Mr Wilkes—He is on record now as wanting to abolish the agreement.

Mrs TONER—That is right. It continues:

In these circumstances the States will no longer be able to blame the Commonwealth Government.

That is the intention, to handball back to the States all of the responsibility. The policy
says that the States, having that responsibility—and the honourable member for Balwyn
agrees with that—will no longer be able to blame the Commonwealth Government. It
continues:

Consistent with its view that the States are the most appropriate authorities to identify and manage public
housing requirements, the next Liberal–National Party—

That, of course, has gone by the board now—

... will terminate the Commonwealth–State Housing Agreement and absorb the funds into the financial assistance
grants to the States.

Mr Ramsay—Into the which?

Mrs TONER—That is right; we all know the difficulties when such grants are absorbed
into the general grants for the States. There is a tendency for them to disappear altogether.
The policy goes on:

The arrangement whereby the States can nominate a portion of their Loan Council borrowing programs for
public housing at concessional interest rates will cease.

Can anyone imagine the appalling consequences of that policy?

Mr Wilkes—Yes, I can.

Mrs TONER—It would be appalling, particularly if the people of Victoria were ever
foolish enough to return to power a Liberal State Government, a State Government that
would then proceed to sell off the public housing stock this Government has been building
in an attempt to make up the depleted stocks that were sold off by the former Government.
In the policy put forward by the Liberal colleagues in Canberra of our friends opposite we now have it in black and white. Although the honourable member for Balwyn has been silent until now, we now know that he, as shadow Minister, is supportive of this dreadful proposal.

Mr Wilkes—He said he was.

Mrs TONER—That is right. That gives the lie to any expression of concern from him about housing in Victoria and claims about concern for people on lower incomes and in impoverished circumstances.

Throughout his speech the honourable member for Balwyn seemed to be concentrating more on people involved in providing accommodation for the rental market and he seemed to be defending the notion of negative gearing and seeing the provision of housing as a way of ripping off people and not as a means of providing shelter.

Mr Wilkes—That came through in what he said about rental rebates.

Mrs TONER—It certainly did, and he also said that if there was any falling behind in the payment of rents people ought to be thrown out of their homes. I know that the Minister for Housing has said that he is concerned about the backlog in rental payments and the honourable gentleman indeed has done something about the problem, but in a compassionate way.

I suggest that all parties in this Parliament should get behind the Minister for Housing and that significant document that was prepared by four Labor housing Ministers—Housing Makes Sense—because that document shows how to come to grips with housing related policy. It shows the way in which a case can be made for increasing housing systems and for new specific purpose initiatives to ease the problems of people who face the difficulties of securing appropriate and affordable housing.

Public investment in housing and the stimulation of private investment through joint ventures will help and will also assist our economic performance, and it will provide avenues for innovative policy development in the provision of public and private rental housing.

In accordance with Sessional Orders, the debate was interrupted.

The SPEAKER—Order! It is time for me to interrupt the debate. I shall resume the chair at 2 p.m., when Government Business will take precedence. The honourable member may continue her speech for 18 minutes when the matter is next listed for debate.

The sitting was suspended at 1 p.m. until 2.4 p.m.

SUPERANNUATION SCHEMES (ACCIDENT COMPENSATION) BILL

Mr JOLLY (Treasurer)—I move:

That this Bill be now read a second time.

The 1984 Parliamentary inquiry into public sector superannuation recommended that the Government should consider what action, if any, should be taken in cases where disability pensions from the State Superannuation Fund were being paid in conjunction with workers compensation benefits.

As foreshadowed by the committee, action has become necessary since the major reforms and improvements of the WorkCare program. It has not, however, become pressing until this stage because, in the period immediately following the commencement of WorkCare, most public sector workers suffering disabling injuries have been entitled to continue to receive 100 per cent of salary, either as make-up pay or under sick leave provisions. Only now that early long-term WorkCare beneficiaries are beginning to qualify also for superannuation disability benefits is double-dipping becoming an issue.
Under the Accident Compensation Act, an injured worker receives from WorkCare weekly payments of up to 80 per cent of his or her previous salary. Disabled public sector employees can claim disability pensions of up to 70 per cent of salary from their superannuation schemes. In many cases the total of weekly payments from WorkCare and superannuation would exceed the previous salary.

Paying a person who is not working more than one is paid who is working does not meet any standards of equity or fairness. It also represents a strong disincentive for rehabilitation and re-entry into the work force, which are primary objectives of the WorkCare reforms.

The Bill prevents excessive benefits by modifying all public sector superannuation schemes to restrict the total of weekly WorkCare and superannuation disability benefits to not more than the equivalent of previous salary. WorkCare benefits will remain unchanged.

As the modifications to public sector schemes will extend across the wide variety of existing schemes, they could set a precedent for those private sector superannuation schemes were there are similar problems of double-dipping.

The Superannuation Act will be amended so that a person receiving both WorkCare weekly benefits and a pension will remain a member of the State Superannuation Fund and be required to pay contributions. The contributor will thus retain all rights accruing from continuing service. If he or she is so seriously injured as to remain on WorkCare until age 65, when WorkCare ceases, a full age retirement pension will still be payable. However, an employee injured for an extended period who is eventually rehabilitated and returns to work will suffer no loss of superannuation.

This general principle will also apply to the Hospitals Superannuation Fund, the Local Authorities Superannuation Fund and the State Employees Retirement Benefits Fund. However these funds provide both lump sums and pensions on disability. When WorkCare and the superannuation pension together exceed 100 per cent of previous salary, no lump sum will be paid, but the amount will be invested for payment to the injured employee on retirement.

If the total weekly benefit is less than 100 per cent of previous salary, up to 3 per cent per annum of the lump sum will be applied to make up the WorkCare benefits and pension to 100 per cent. The rate of 3 per cent represents a "real" interest rate so that, even if it is paid, the lump sums set aside on disability should retain value in real terms. A person remaining on WorkCare and disability pension until 65 should thus be eligible for full age retirement benefits from the superannuation fund.

The same principle for limiting dual benefits is already included in the recently established Emergency Services Superannuation Scheme. It is extended to all other public sector superannuation funds by amendments to the Superannuation Benefits Act 1977.

A second objective of the Bill is to allow the State Superannuation Fund, the Hospitals Superannuation Fund and the State Employees Retirement Benefits Fund to offer to invest moneys on behalf of retiring contributors. This facility, which is strongly supported by the boards, will enable the funds to offer a further option similar to approved deposit funds offered by banks and insurance companies, to assist public sector employees in financial planning for their retirements.

Finally, the Bill includes a number of technical amendments to the major superannuation Acts to overcome difficulties or to eliminate potential abuses that have been discovered in practical operation. The explanatory memorandum gives details, but attention is drawn to two of the more significant amendments.

Firstly, in line with the Government's commitment to extend superannuation to all employees of the public sector, defined in its widest sense, provision is made for persons employed by incorporated bodies or companies established by Ministers to become contributors to either the State Superannuation Fund or the State Employees Retirement Benefits Fund subject to approval by the Governor in Council.
Secondly, the operation of the Local Authorities Superannuation Board is separated from the Municipal Association of Victoria. This legal independence will confirm a situation which has evolved over many years.

The Bill is a further step in the rationalisation of the provisions of public sector superannuation schemes.

I commend the Bill to the House.

On the motion of Mr GUDE (Hawthorn), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, August 1.

VICTORIAN ARTS CENTRE (AMENDMENT) BILL

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

That this Bill be now read a second time.

The Bill amends the banking provisions of the Victorian Arts Centre Trust. Currently the Victorian Arts Centre Act provides that the trust shall maintain in a bank an account to be known as the Victorian Arts Centre Trust Account and all moneys received by the trust must be paid into this one account.

That requirement applies not only to moneys received by the trust by means of grants for recurrent and works and services expenditure, but also to moneys received by the trust for the management of the newly acquired State Orchestra of Victoria.

As from 1 January 1987, the management of the Elizabethan Melbourne Orchestra, now renamed the State Orchestra of Victoria, transferred to the trust. The State Orchestra is funded jointly by the Australia Council and the Victorian Ministry for the Arts and, in accordance with the established practice for such grants, is allocated its moneys on a calendar year basis. As a result, its financial year ends on 31 December compared with that of the trust which ends on 30 June. It is therefore unrealistic to expect the trust to provide as a condition of funding audited financial statements for the State Orchestra without the State Orchestra having a separate bank account in which its transactions are recorded.

The current situation is clearly not a suitable arrangement as it does not provide sufficient flexibility and accountability for all of the trust’s operations. Limiting the trust’s banking facilities in such a way not only causes inefficiencies in day-to-day management, but also imposes constraints which, it is believed, were neither the intent of the Act nor the spirit in which the authority was originally conferred.

The provisions of the Bill will overcome these constraints by determining that the trust must establish the Victorian Arts Centre Trust Fund and that moneys in the fund must be paid into an account or accounts in any bank or banks. Appropriate control is provided by the Bill as the Treasurer’s prior approval is required before new accounts are opened.

I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Saturday, August 1.

SURVEY CO-ORDINATION (AMENDMENT) BILL

Mr McCUTCHEON (Minister for Water Resources)—I move:

That this Bill be now read a second time.

The purpose of the Bill is twofold: firstly, it will introduce measures to improve survey coordination in Victoria. This will be achieved by requiring that the Australian map grid, used in accordance with standards set by the Surveyor-General, will be the common
reference in land information systems used by public sector agencies. At present, many agencies rely on individually generated systems. An integrated land information base for the State is now being developed under the Landata program, which requires a common grid reference system. The continued use of differing systems for recording land related data would lead to incompatibility, duplication and extra costs.

A further improvement will be the addition of powers to allow regulations to be made to prescribe standards for other than cadastral—land boundary—survey marks, for example, engineering survey marks, to ensure that they are not confused with land boundary marks. These standards will eliminate confusion between different types of marks and thus minimise survey costs.

The second purpose of the Bill is to redress shortcomings in the composition and functions of the Place Names Committee. The present composition of the committee does not provide for Aboriginal interests to be adequately represented. It is proposed, therefore, to appoint an additional committee member with appropriate skills and experience to liaise with and represent Aboriginal groups. This expansion of membership is in line with Government policy to give precedence to Aboriginal place names. The Bill provides for the committee to perform a new function in compiling a register of street and road names. A comprehensive and authoritative register is a necessary adjunct of an effective land information system.

The introduction of these new measures also provides the opportunity of making various minor amendments.

I commend the Bill to the House.

On the motion of Mr LEIGH (Malvern), the debate was adjourned.

It was ordered that the debate be adjourned until Saturday, August 1.

FIRE AUTHORITIES BILL

The DEPUTY SPEAKER (Mr Fogarty) announced the presentation of a further message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

Clauses 1 and 2 were agreed to.

Clause 3

Mr MATHEWS (Minister for Police and Emergency Services)—I advise the Committee that, since the second-reading debate on this Bill concluded last night, some discussions have occurred on concerns expressed by honourable members opposite about aspects of the Bill.

As a result, agreement has been reached on a number of amendments which would reflect a mutually acceptable position on the composition of the Metropolitan Fire Brigades Board and also deal with clause 10, which was highlighted by the honourable member for Benalla.

As a result, agreement has been reached on a number of amendments which would reflect a mutually acceptable position on the composition of the Metropolitan Fire Brigades Board and also deal with clause 10, which was highlighted by the honourable member for Benalla.

The essence of the understanding is that the board at present includes three representatives drawn from the insurance industry and three drawn from local government. However, it will now be proposed that the three representatives of the insurance industry should be selected by the Minister from a panel of five names submitted by the Insurance Council of Australia.

It will likewise now be proposed that the three members from local government should be selected respectively from a panel of four names put forward by the Municipal Association of Victoria and a panel of two names put forward by the Metropolitan
Municipal Association. An additional member should be added to the board, that person having financial expertise, whose name would be proposed to the Minister by the Treasurer. Those particulars, and the amendments to be moved to clause 10, meet in a realistic fashion the requirements that have been expressed during the debate.

Given the exigencies of the Government Printer's program today, it is a matter of agreement, I understand, that the amendments will be moved in the Legislative Council and will thereafter come back for the approval of this House. Perhaps it would suit the convenience of the House to follow the procedure I have outlined.

Mr CROZIER (Portland)—I am pleased that the Minister has accepted the objections of the Opposition and the National Party to clause 3 of the Bill. On behalf of the Opposition, I advise the Committee that, as the Minister has indicated, I have advised him in a private discussion that the proposals before the Committee as a consequence of the amendments that have just been explained are acceptable to the Opposition—that is, that the board of the Metropolitan Fire Brigade will now consist of nine members and those members are as explained in the amendment.

In view of what the Minister has described as the exigencies of the situation, the Opposition is prepared to concur with the procedure outlined by him, to wit, that the amendments will be incorporated in the Bill during discussion in the other place.

Mr McNAMARA (Benalla)—On behalf of the National Party, I thank the Minister for the amendments to which he has agreed, and I also thank the Opposition for its cooperation.

As stated in the second-reading speech yesterday—and I will not go through that in any detail—it was felt strongly by those who made such a substantial contribution to the cost of fire services, particularly in the metropolitan area, that both the insurance industry and local government should have the right to nominate their own members to the fire services board for the metropolitan area. What we have is a panel of five names from the insurance industry, from which the Minister will select three; the Municipal Association of Victoria will put forward a panel of four, from which the Minister will select two, and the Metropolitan Municipal Association will put forward a panel of two names, from which the Minister will select one. This will give local government and the insurance industry the opportunity of ensuring that the people they wish to represent them are put forward on those panels.

The National Party appreciates the wish of the Minister to have someone with specific financial expertise, and the proposal that the Treasurer nominate one person to the board is also accepted, particularly considering the difficulties that the Metropolitan Fire Brigades Board has experienced over recent years.

The employees will also nominate one representative, and the Government will nominate the chairman.

Mr MATHEWS (Minister for Police and Emergency Services)—I thank the honourable members for Portland and Benalla for their positive responses to the clause put before the Committee this afternoon. Unfortunately, I have just been advised by the Clerk that the addition of a further member to the board makes it a matter requiring an additional appropriation, and that the amendment therefore cannot be initiated in the other place. In those circumstances, the appropriate thing is for me to move the amendments standing in my name.

Mr CROZIER (Portland)—As indicated, the Opposition accepts the proposed amendments as outlined by the Minister.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:

1. Clause 3, page 2, lines 1 to 34, omit all words and expressions on these lines and insert the following expression:

"(1) The Board is to consist of nine members appointed by the Governor in Council of whom—"
(a) one, who is to be president of the Board, must be nominated by the Minister and shall be the Chief Executive Officer of the Board; and

(b) one must be nominated by the Minister, being a person whose name is submitted by the Treasurer and who has knowledge of and experience in financial management or administration; and

(c) three must be nominated by the Minister from a panel of not less than five names (being the names of persons who are resident in Victoria) submitted by the Insurance Council of Australia; and

(d) two must be nominated by the Minister from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of not less than four persons each of whom at the time of the submission is a municipal councillor of a municipality whose municipal district is wholly or partly within the metropolitan fire district; and

(e) one must be nominated by the Minister from a panel, submitted by the Executive of the Metropolitan Municipal Association, of the names of not less than two persons each of whom at the time of the submission is a municipal councillor of a municipality whose municipal district is wholly or partly within the metropolitan fire district; and

(f) one must be an officer or employee of the Board who is elected by the officers and employees of the Board.; and

(ii) in sub-section (4), for “elected under paragraph (b), (c) or (d) of sub-section (1) ceases to be a councillor of one of the municipal councils specified in the paragraph concerned” substitute “appointed under paragraph (d) or (e) of sub-section (1) ceases to be a councillor,”;

(b) in section 9 (1) (aa), after “may” insert “, with the approval of the Board”;

(c) For section 14, substitute—

Governor in Council may appoint without election or nomination.

“14. (1) If the officers and employees of the Board fail within a reasonable time after being requested to do so by the Minister to elect a member of the Board under section 7 (1) (f), the Governor in Council may without that election appoint a member under section 7 (1) (f).

(2) If at any time a body or person referred to in paragraph (c), (d) or (e) of section 7 (1) fails to submit to the Minister a panel of names within fourteen days after the receipt of a request in writing from the Minister to do so, the Governor in Council may without that submission appoint any eligible person or persons to be a member or members under that paragraph.”;

(d) In section 20 (1) for “four” substitute “five”.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 9.

Clause 10

Mr MATHEWS (Minister for Police and Emergency Services)—I move:

2. Clause 10, lines 2 to 4, omit all words and expressions on these lines and insert the following expression:

“10. (1) For section 84 of the Country Fire Authority Act 1958, substitute—”.

3. Clause 10, lines 19 to 21, omit all words and expressions on these lines and insert the following expression:

“(2) For section 51 of the Metropolitan Fire Brigades Act 1958, substitute—”.

Following discussions which took place yesterday between representatives of the Liberal and National parties and officers of my department, advice was sought from Parliamentary Counsel in drafting that form of wording.

Mr McNAMARA (Benalla)—Section 21 (2) of the Country Fire Authority Act 1958 provides:

All moneys resulting from the sale exchange or letting of any property by the Authority shall be applied in the purchase of property for the Authority or the improvement of the property of the Authority.
The National Party was concerned that, if that section of the Act were deleted, as proposed by clause 10, the authority would be able to sell various assets and apply the moneys from the sale of those assets for purposes other than the improvement of existing properties or assets of the authority or to purchase additional assets.

The National Party was concerned because the same clause seeks to establish various funds, including a superannuation fund and a compensation fund, which were to be transferred from section 110 of the Act. I now understand section 110 will remain and that those two funds will be covered by regulations. Therefore, there will be no opportunity for assets to be sold and for the receipts from those sales to be used to pay for the operation of the superannuation fund. In the early years of the fund’s operation more moneys will be paid out than will be received in contributions from the Department of Management and Budget and from employees.

Mr MATHEWS (Minister for Police and Emergency Services)—I have been advised that the appropriate form of words has been used to achieve what has been expressed by the honourable member for Benalla.

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

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

The debate (adjourned from April 28) on the motion of Mr McCutcheon (Minister for Water Resources) for the second reading of this Bill was resumed.

Mr WILLIAMS (Doncaster)—The Bill, among other things, provides for rates and charges for water supplied to cluster and strata title subdivisions. As the representative of a rapidly expanding municipality, I have a strong interest in this subject, particularly as it relates to cluster and strata title subdivisions. I am also interested in the effect of the new system of charging for water by measure not only on my constituents who live in cluster and strata subdivisions but also on householders generally.

Many of my constituents reside in homes valued at $60 000 or more. The new system of charging for water by measure will adversely affect most people in the Doncaster electorate. I, together with many of my constituents, look gloomily towards the spring and Christmas periods when water bills will flood our letter boxes.

It does not matter how careful we are in conserving water in the home—turning off our bubble baths and other means of cleansing our bodies, cutting down on the use of garden sprinklers and so on—we will be hit with a double whammy. Despite reducing the amount of water we use and allowing our gardens and lawns to deteriorate, we will still pay through the nose because of the heavy excess water charges that will result from the new water charging policy of the Board of Works.

Water costs the board nothing. The major costs of the Board of Works involve interest payments on loans. Since the start of the twentieth century, and even before then, the construction of reservoirs and dams, aqueducts and pipelines was responsible for most of the board’s costs. Those assets are now in use and, apart from debt charges, cost the board little to operate. That is why I look with a critical and jaundiced eye on the board’s system of raising revenue.

I am also concerned that the Board of Works has been forced to pay a dividend to the Government. That also is straining its resources. It is of extreme disappointment to me.
that, in addition to facing an increasing debt burden because of having to pay the dividend, the Board of Works has introduced this excess water charge on the specious argument that it is a water conservation measure.

I estimate that in the electorate I represent some 30,000 residential units and homes will be affected by the new water charges. A $60,000 house in the Doncaster electorate will be subjected to a $150 bill, which is an increase of $15 on last year. An $80,000 house will be subjected to a $50 increase. A $120,000 house will be subjected to a $135 increase.

Mr Kirkwood interjected.

Mr WILLIAMS—It is all very well for the honourable member for Preston to interject, but my constituents are paying through the nose for excess water charges in addition to higher interest rates on home mortgages. Even a person in the higher income bracket will have difficulty in paying these excess water charges. In the past only a small minority paid excess water bills. When I was first married and moved into my area I did not pay excess water rates. That has occurred only in recent years. I do not look forward to paying an additional $50 or more on my water bill.

The board’s policy of restructuring the water rate will be phased in over three years. In that period, on the one hand, more than 300,000 homeowners in seventeen eastern and southern municipalities will be discriminated against because they have better than average homes. That position has been achieved only by people working long hours, taking second jobs and having both partners of a marriage at work. People are doing everything to assist them to pay off heavy mortgages. They are spending money on sprinklers and garden conservation measures, but for their pains they are asked to pay more and more for water.

On the other hand, at least 600,000 lucky homeowners or occupiers in 36 western, northern and inner city municipalities will pay little or no increase in water rates. This measure is a wealth tax by stealth. It socks the so-called rich. It is in conformance with the new social justice strategy of the Australian Labor Party to redistribute wealth from the so-called rich in the area I represent to the so-called poor in Preston, Footscray and all the other allegedly poor suburbs. It is a thinly disguised wealth tax and is designed to redistribute wealth.

This system is loaded against Doncaster and many other suburbs. If the Labor Party thinks it can get away with this measure, I have news for it!

I notice the honourable member for Mitcham is in the House. The electorate he represents borders my electorate. I hope the honourable members for Warrandyte, Box Hill, Ringwood and Greensborough also realise that they will be under the hammer at the next election in early 1989. They will have to answer to their constituents for the huge water bills that will be imposed. The honourable members for Monbulk and Whittlesea will be shivering in their shoes come the next election. The Minister for Water Resources will also be shivering in his shoes when he hears what the people of St Kilda think about their excess water charges. Dozens of Government seats will be at risk because of what the Government is doing about cutting back water usage in homes and gardens through excess water charges.

Apart from the excess water charge, the property rating base is loaded against the eastern and southern suburbs. It is high time the rating base of the Board of Works was changed. In Melbourne 700,000 tenements—that is, two-thirds of all tenements—are rated for water charges on a net annual value basis but rated on a site value basis for municipal rating purposes. The same principle should apply to the rating basis of the Board of Works.

When the Unimproved Value Rating Act was passed in 1915, a provision was inserted giving ratepayers of the Board of Works the same rights as municipal ratepayers, who, by resolution of the board or by ratepayer poll, could choose the rating system they desired. However, due to the first world war this section of the Act was not implemented; and by some mysterious means—I suspect, skulduggery—the provision was subsequently dropped from the Act. That is most unfortunate.
The recommendations of the Darvall report should be implemented as soon as possible. The Darvall inquiry was instigated by the Hamer Government and it recommended that the Melbourne and Metropolitan Board of Works Act be amended to restore the provision permitting the board to use a site value rating basis, a net annual value basis or a mixture of both instead of just the net annual value basis.

Some members of my party support a net annual value basis. Others such as I support a site value rating basis. If members of the Government share the same division of opinion, it should be easy to implement a shandy rating system. The community should have a choice. That is what a democracy is all about.

I do not want to force my views down people's throats. I am prepared to go on the hustings and argue my case. However, the Act does not allow me to go to the hustings or to petition to have the current rating system changed.

All the evidence to which I have access indicates that a site value rating basis is the answer to the problems of the Board of Works, especially in the outer suburbs where water mains are located through vacant land. There may be a house at the top of the street and a house at the bottom of the street with a vast area of vacant land in between. The owners of that vacant land pay much lower rates than the people owning the two houses in the street. That situation should not be allowed to continue.

Brisbane, Sydney and other cities and towns in New South Wales have water boards that use the site value rating system. The Brisbane City Council, which runs its own water and sewerage system, has used the site value rating system as its base for the collection of rates successfully since its inception in 1928.

The Metropolitan Water Sewerage and Drainage Board in Sydney changed over in 1975 to a site value rating basis for its residential properties which constitute 90 per cent of all its rateable properties.

The Minister for Water Resources should obtain better advice from his advisers. Even when my friend and former colleague on the Doncaster/Templestowe council, the late Alan Croxford, was chairman of the board, I could never persuade such an eminent person of the great benefits to the board of site value rating because of the obstruction of officers who refused to acknowledge a case for a site value rating system. Those officers had closed minds.

I ask the Minister, who is a reasonable man, to turn up the Darvall report and ask his officers to prepare another report, because I am sure the Minister does not want the doleful story with which I commenced my remarks to become a reality. I ask the Minister to request the responsible officers of the Board of Works to consider the benefits of site value rating for its rating system.

That rating system would provide a far more equitable approach to well improved houses situated among run-down, vacant and derelict houses. Why should a variation in the rates exist because some people are houseproud and look after their properties and other people spend all their time at the pub and allow the condition of their houses to run down? That system should be changed. If everyone has the same sized allotment with the same sized water main passing their properties, they should pay the same rates. There could not be a fairer system than that.

The site value rating system would enable a progressive growth in the board's finances by encouraging both new buildings, renovations and maintenance, thus increasing the value of the sites generally. People should not be penalised by having their rates increased if they add another room or a garage or make some other improvement to their homes.

One needs only to examine statistics to see the effect on buildings caused by the variation in rates between various municipalities. For instance, the City of Camberwell uses a site value rating basis and the City of Hawthorn uses the net annual value system of rating. Those cities are side by side and in one street the boundary goes down the middle. It is
obvious from the standard of housing and general improvement of houses on one side of
the street compared with the other side which city each side relates to.

The second advantage of a site value rating basis is that it stimulates building and
associated industries. With the development of more industry come more jobs. The
building industry is the catalyst and the multiplier for a vast range of house improvements
and furnishings and other things that service and equip houses.

The next argument for a system of site value rating is that it enables a majority of
residential ratepayers to pay lower rates. That is made up by the board in its collection of
more revenue from vacant land. If the board used the shandy rating system it would
receive more revenue from commercial and industrial properties. That has happened in
Sydney where 90 per cent of ratepayers are homeowners or tenement occupiers and are
rated on a site value basis and the 10 per cent who are commercial and industrial ratepayers
are rated on a net annual value rating basis.

For the life of me I cannot see why the Victorian Labor Government cannot echo the
Sydney situation. Fixed site value rating enables people to improve their properties without
fear of being charged higher rates because of the improvements.

Under the present rating system, the more people improve their properties, the more
rates and excess water charges have to be paid. The net annual value rating system charges
the users in proportion to the value of their properties, whether they be their homes, shops,
factories or land improvements.

The present rating system adopted by the Board of Works forces ratepayers to let their
houses and gardens deteriorate. The Board of Works should take account of the value of
the site and not the improvements. At present water rates are not truly representative of
the amount of water used by householders; there are extraordinary variations.

For example, a young couple with a young family may have their property mortgaged
to the hilt and have practically no equity in their home. This couple would pay a huge
excess water bill because of the high value of the home. I say, "Good luck to them!" Young
people with good prospects should overextend themselves, especially when they can get a
friendly bank manager or someone else to assist them to purchase a home.

Mr Cooper—Or a friendly crocodile!

Mr WILLIAMS—In comparison there may be another young childless couple who are
both working. They travel the world, have holidays at Surfers Paradise and are hardly ever
in their home. They pay no excess water bill. It is not fair!

The poor and large single-income families are vulnerable to the rating system adopted
by the Board of Works. The young families and hard workers in the Doncaster electorate
are suffering because, as I said, they earn incomes to buy nice homes. They work hard at
the weekends to install garden sprinkler systems and to make other home improvements.
What do they get for their pains? They get this enormous tax slug, which will be imposed
on them during the coming spring and summer months.

I hope the Minister for Water Resources is listening because the wrath will be on his
head. If I meet him in the street in two or three years' time and we are both former
members of Parliament, I shall not commiserate with him because I shall have retired
voluntarily whereas he will have been forced out of office because his departmental staff
did not give him the correct advice!

Mr I, LEIGH (Malvern)—In replying to the debate——

Mr Coleman—Mr Acting Speaker, I direct your attention to the state of the House.

A quorum was formed.

Mr LEIGH—As I started to say, the proposed legislation is a confidence trick. For
many months the Minister has said that the scheme will not mean that ratepayers pay
more. When the Minister introduced the Mark 1 scheme he gave that assurance, but members of the Opposition and other interested groups, such as the Melbourne and Metropolitan Board of Works Ratepayers Association, pointed out that the Minister's calculations showed that the average person would pay substantially more.

The Minister then introduced this Mark 2 scheme. Now the Minister expects us to accept his word that the proposed new system will ensure that people will pay no more taxes. The Opposition is not convinced. Its calculations show that ratepayers will pay more.

Mr McCutcheon—Prove it!

Mr LEIGH—When the Minister introduces a measure which will mean that more people will pay more money, he should explain the cost of the system.

Under the old scheme 340 000 litres of water could be used before excess water rates were charged; under the new scheme one has to use only 150 000 litres before the excess charges are incurred. At present the rating systems are one half net annual value rating and the other half a type of consumption tax. The Government has not been prepared to make a commitment one way or the other, and, as the Leader of the National Party would say, it is sitting on a barbed-wire fence.

The new scheme will not work. All that will happen is that the Government will receive more money. What will the Board of Works do with the money that will be collected? It is important for ratepayers to know the answer. Information I gained under the Freedom of Information Act showed that the Minister will require $1 million to introduce new computers and to employ more staff to administer this new scheme. His departmental heads demonstrated that the scheme would cost substantially more to operate!

During the past three and a half to four years, approximately 35 000 additional public servants have been employed. Why cannot some of them be used? What are they doing? I do not know, and I am sure the Minister and the Government also do not know what they are doing. The Government believes the Public Service and the bureaucracy know best.

Last year the Minister spent $250 000 of the ratepayers' money on International Year of Peace functions. He did so simply to please some of his socialist left mates in the Labor Party.

An article that appeared in *The Southerly* of 1 October 1986 reported comments of the Minister that sum up the Bill brilliantly:

Mr McCutcheon said Mr Leigh had missed the bus in describing the board as just responsible for water.

I understand that the Board of Works has new parks and other areas of concern, but the Minister for Water Resources has missed the bus, because the board, as a monopoly, is responsible for supplying the metropolitan area with water. The Minister is doing what he wants.

Last year $250 000 was spent by the Board of Works on some crazy left wing peace propaganda. The Leader of the Opposition said yesterday that the Minister, who is a former minister of religion, has introduced a Bill that will make it more difficult for the community to live. The Minister does not seem to care very much about that.

It is interesting to note that a figure of 150 000 litres has been set, but the Board of Works' own figures indicate that the average family uses 270 000 litres per year. If the board was aware what the average family usage was per year, why does it set the figure at 150 000 litres? Could it be that the Minister requires more revenue?

Honourable members interjecting.

Mr LEIGH—The Minister says it is going to be the same, but the calculations prove that the Minister had it wrong.

Honourable members interjecting.
Mr LEIGH—The Minister is responsible for "Nunawading-gate" and should be careful whom he criticises. The Minister should listen to what is being said.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The Minister will have every opportunity of replying to these matters in closing the debate.

Mr LEIGH—I shall be delighted to hear the Minister's response. Approximately eight weeks ago the Minister authorised full-page advertisements in the Age asking people to contact the Board of Works concerning its new treatment plant. Where is the new treatment plant? The Minister has not even got it on the drawing board, yet full-page advertisements worth more than $6000, were placed in the Age for a treatment plant that does not exist! I do not understand the logic of it, and I am sure that many people in the community do not understand the logic of it.

In the City of Malvern the Board of Works rates have been increasing by approximately 25 per cent. The Government has introduced a 6 per cent price ceiling on a number of items, but it does not apply to Board of Works rates. The Government wants those rates left alone.

The Minister should give careful consideration to the proposed legislation, not only as the Minister responsible for the Board of Works, but also as the local member for St Kilda. St Kilda has one of the highest concentrations of strata title units and flats of any area of Melbourne. How will the Minister's constituents be advantaged? They will not be advantaged, because the way the system works there is one Board of Works meter at the front of the units and any bill for excess water will be divided up among all the owners or tenants of those flats. People living in flats have individual meters for their electricity usage, but the Minister has changed the system for the paying of water rates.

Many people living in flats or in strata title units have complained to me about this problem. The Minister does not seem to care. As the honourable member for Narracan interjects, it is a redistribution of wealth.

This is the inept Minister who has allowed the Melbourne and Metropolitan Board of Works to pay almost 5 per cent of its income to the Government as part of its public authority dividend tax. In 1984-85 the board owed the Government $56 million, but it had only $46 million. The $10 million difference was borrowed to pay a Government tax. The honourable member for Narracan says that it is worse this year. It is a scandal. It is leading to many people being forced out of their homes. People have to pay not only their Board of Works rates, but land tax as well. Those two Government charges are forcing many people out of their homes. It is affecting elderly people who have lived in properties for many years. The Minister says that their properties are a valuable resource and the Government will tax them, but it does not care about those people who live in these properties. That is unacceptable to most people.

The Minister for Water Resources should give a guarantee that the Board of Works will not become involved in projects involved with, for instance, the International Year of Peace again. I shall not be surprised if the board is involved with the International Year of Shelter for the Homeless. I advise the Minister now that I shall be placing a question on the Notice Paper concerning any grants or allocations made to his former friends in Collingwood. The Opposition wants to know what is going on. The Opposition waste watch committee will spend considerable time at the Board of Works office examining the types of grants that have been made. If the Minister does not possess a shredder he had better purchase one; and if he does purchase one, he will be in even more trouble than he is regarding "Nunawading-gate". The Minister is on the skids. When questions are asked of the Minister during question time, the Premier cringes because of the types of answers or non-answers that are given. The Premier would remove the Minister from his portfolio if he were allowed to. The Minister has forced the proposed legislation on the Premier and I am sure the Premier did not want the Bill, just as he does not want the Minister. It is the Minister's mates who control the caucus who keep the Minister in office, his coalition colleagues.
The proposed legislation will hurt a number of people in the community. Those people who desire to examine their Board of Works bill from last year, compiled under the old system, and compare it with a bill compiled under the new system are wasting their time because the comparison does not work. That is the trick of the proposed legislation. In the first year the Board of Works rates will not be so bad but in the long term the proposed legislation will be to the great disadvantage of the majority of the citizens of this State.

Mr McCUTCHEON (Minister for Water Resources)—I thank honourable members who have taken part in the debate. Nine honourable members have contributed to the debate, one from the National Party and eight from the Opposition. My mind has been sorely taxed by listening to their contributions and jangled arguments. Speaker after speaker from the Opposition benches has entertained the House with rhetoric that is best described by the saying, "Don't spoil a good argument with the facts". I shall try to set the record straight in the next 15 minutes.

The new pricing system contains a two-part tariff. There is a rating component that is allocated to water, as there has always been with the Board or Works, which is being reduced by 15 per cent, and a "pay for use" or water-by-measure system. The first point to understand is that it has been introduced for the benefit of ratepayers. It is not a new tax and the system will not increase revenue.

I should like to find one shred of evidence to support the arguments of Opposition members that the Board of Works will gather more revenue from this measure. The revenue that will be gathered by the new pricing system will be between $5 million and $10 million less than the revenue that would have been gathered if the old pricing system had remained in operation. Let us wipe the floor with the nonsense about a new tax, about the board having a secret revenue gathering device! None of the eight Opposition members who contributed to the debate bothered to work out the impact on individuals.

The issue of flats and units was raised. That issue needs to be sensibly discussed, not in the way in which the Leader of the Opposition entered the House the other night at a quarter to midnight and regaled honourable members at the top of his voice in a disgraceful way and made the most outrageous statements, trying to engender fear among pensioners and other people who live in flats and units. It has also been said by a number of people that, as my electorate contains a large number of flats and units, I shall lose my seat at the next election. The honourable member for Doncaster was one of the people who made that allegation. Although I like the honourable member for Doncaster as an individual I believe in this case that he, like other people who have been talking about this action, does not have the facts straight.

I shall try to set the record straight on flats and units. The first point is that 75 per cent of flats and units use less than 150 000 litres of water a year. In other words, they will receive a reduction of 15 per cent in their rates and will not receive a water-by-measure bill. The second point is that 95 per cent will have used less than 35 000 litres and therefore the amount they will be charged for water by measure is 15 cents a kilolitre. Only a handful of strata title units are in the highest water using bracket; it is something like 1 or 2 per cent.

All the scare tactics do not alter the fact that more than 95 per cent of people in flats and units will not receive an increase in the combined water-by-measure and water rate bill. All the ranting and raving of the Leader of the Opposition and statements to the Herald need to be put in context—he is basically wrong and has been from the start of his statements.

Other arguments include the claims made by a number of honourable members that their constituents will pay more. I point out that 75 per cent of all households in the metropolitan area use less than 350 000 litres. Up to 350 000 litres is charged at 15 cents a kilolitre, so those households will not enter the highest bracket of the pricing system, which is designed to encourage people to reduce their water consumption.
The advantage of reducing consumption among the metropolitan population is that it will enable the board to defer the massive expenditures involved in building new water storages and if that happens everyone will benefit by a small rate bill. The people of metropolitan Melbourne will thank the Government for its progressive conservation policy based on payment by use so that people can turn off the tap and reduce their water bills.

Unless people are in the top bracket of water consumers their water bills will be less than the bills they would have received under the previous system. That is a significant point that the Opposition has not acknowledged.

The honourable member for Narracan produced a number of tables during his contribution. Table 1 sought to demonstrate that water consumption per head in Melbourne is actually declining.

Honourable members interjecting.

Mr McCUTCHEON—Some of his colleagues actually said that water consumption was declining. I seek leave of the House to incorporate in Hansard a graph entitled “Table A”, on water use.

Leave was granted, and the table was as follows:

**TABLE A**

**2001: WATER USE PROJECTIONS**

- **Safe supply limit of existing system**
- **Historic Trend Line**
- **Voluntary Conservation Line**
- **Price Incentives Line**

*Water Restriction Years

1 Megalitre = 1 Million Litres
Water Consumption Line Based on Historic Projections
Water Consumption Line without Price Incentives (Voluntary Conservation)
Water Consumption Line with Price Incentives (Price Incentives + Voluntary Conservation)
Mr McCUTCHEON—Honourable members will note that over 20 to 40 years water consumption has increased by approximately 3 per cent a year except in 1967–68, 1973–74 and 1982–83, when water restrictions were in force and water consumption was reduced. Water consumption has also been constrained by the Wally advertisements, which have highlighted the need to reduce water consumption.

The graph indicates that a year or two after a drought water consumption increases again as people go back to their old habits. The intention of the water pricing policy is to flatten the curve on the graph and prevent increased consumption without damaging the lifestyles of people or affecting their gardens. That can be accomplished with a 1 or 2 per cent reduction in the use of water, which is basically the water that is currently attributable to wastage. The community will benefit if that target is achieved because people will not have to face an additional $200 on the rate bill for each household. The people of Melbourne will appreciate that that is a worthwhile target and will cooperate with the board.

I suggest that table 1 incorporated by the honourable member for Narracan does not give an accurate picture. I have provided table A to assist honourable members in the interpretation of table 1.

The second table incorporated by the honourable member for Narracan dealt with excess water rates per property. There are mistakes in that table. In 1981–82 the former Liberal Government set water charges, which were then in effect from 1982 to 1984. Therefore, when the honourable member claims that the Labor Government was responsible for a 78·8 per cent increase in excess water rates he should realise that that increase was based on decisions made by the former Liberal Government.

The other aspect not taken into account by the honourable member for Narracan was that in the present pricing system the first charge one receives under water by measure is 15 cents, not 45·6 cents. There were serious errors in the presentation of the information.

The third table dealt with a comparison of water charges in the old and new systems. Once again by sleight of hand the figures presented have completely distorted the situation. The figures provided by the honourable member are wrong and I seek the leave of the House to incorporate table B into Hansard. The table provides the facts of the matter in terms of the decreases in actual water bills that will apply to households unless they are in high consumption areas.

Leave was granted, and the table was as follows:

<table>
<thead>
<tr>
<th>TABLE B</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPARISON OF TOTAL WATER BILLS IN 1987–88 PRICES</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Improved Value</th>
<th>Net Annual Value</th>
<th>Low Consumption 150 kl</th>
<th>Average Consumption 270 kl</th>
<th>High Consumption 400 kl</th>
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<td>New System</td>
<td>Charge</td>
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<td>282</td>
<td>239</td>
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Top 15 per cent of water users.

This comparison shows what customers will pay under the new system compared to the old, in real terms. That is, it eliminates the effect of price rises between years. This is the correct way to compare the two systems.
The table shows that only high consumers in high valued properties will pay more under the new system than the old. These are the very people who have the ability to reduce their water consumption and thus to save money. The whole purpose of the new water pricing policy is to give customers more control over their MMBW bills and to conserve water.

Mr McCUTCHEON—Without dwelling on the figures, I point out that they clearly demonstrate that 75 per cent of households in the Board of Works area will either pay less or the same amounts in real terms if they use the same amount of water as previously. All the sabre rattling by Opposition speakers and their efforts to scare metropolitan Melbourne will go by the board when householders receive their bills and find that they are for amounts less and certainly no more than they have been in the past. I believe they will also appreciate the fact that now they can turn off their taps and reduce their bills. Collectively, we will all benefit from that attack on water conservation.

The Bill incorporates a measure to enable the pricing policy to be applied to flats and units. I know the Opposition intends to support that measure. The National Party supports the Bill. The honourable member for Swan Hill was the only speaker on the other side of the House who, from a country point of view, understood the conservation benefits. The honourable member for Swan Hill understands the water needs of metropolitan Melbourne and also understands that Victorians must maintain their water resources because the State is not endowed with an endless water supply.

I remind the House that if the growth of 3 per cent per annum in the consumption rate continues, we will run out of harvestable water in approximately 35 years. I do not know whether the Opposition has thought about that. The House has not heard a single comment about the water policy of the Opposition.

Mr Perrin—You will get it!

The SPEAKER—Order! The honourable member for Bulleen is interjecting and out of his place. If he continues to interject, I shall deal with him.

Mr McCUTCHEON—It is about time the Opposition came clean on where it stands on water conservation. What will its policies be if it is ever elected to Government? By the poppycock that has been presented in this place, it seems the Opposition is just trying to scare pensioners, old people, low-income earners and the residents of flats and units.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5

Mr McCUTCHEON (Minister for Water Resources)—I move:

Clause 5, after line 12, insert—

"(6) Notwithstanding sub-section (1) the body corporate of a strata or cluster subdivision is only liable to pay any rates levied under this Division if the rates are levied on the common property or part of the common property of the subdivision.

The amendment adds a sixth subsection to section 106A of the principal Act. It clarifies a matter raised by the Opposition. When rates and charges are applied to flats and units, bodies corporate and strata titles, the responsibility for paying the rates and charges applies to the unit owners and cannot be charged to the bodies corporate. The only charge to the body corporate is that which pertains to the commonly-owned property.

The Government and I believe that is the intention of the measure. There was some debate about whether the proposed legislation would express that with no loopholes, so this wording is submitted to make it clear that that is the case.

Mr DELZOPPO (Narracan)—It is true, as the Minister said, that the clause deals primarily with the supply of water to strata units and strata subdivisions. It was this clause
that forced the Minister to bring the whole question of Board of Works pricing before the House. Not only members of the Committee, but also members of the public understand that it was by way of a by-law of dubious value that the Minister could change the charging system of the Board of Works without challenge.

The whole procedure would have gone ahead without a hitch except for the fact that section 106A of the Melbourne and Metropolitan Board of Works Act deals with the supply of water to strata subdivisions and cluster subdivisions. If the Act were not amended by way of this Bill, strata and cluster subdivisions would be charged under the old scheme whereby each unit was rated in cents in the dollar based on net annual value and that sum of money would have been divided by the cost of water to give each unit its entitlement.

As the Committee is aware, in June last year the Minister introduced a new method of charging for water. As I said, this method of charging has dubious origins. The Committee decided only by a whisker that it was legal for the new method of charging to be introduced rather than calling for a full financial impact statement to alert the public about what was going on.

The new method of charging remained for a number of months. There was a reason for the change in position. It just so happened that, by coincidence, a by-election was to be held in the Central Highlands Province. I am not saying that this was the case, but it may be a coincidence that the Minister changed his mind and changed the charging method prior to the by-election.

The ACTING CHAIRMAN (Mr Stirling)—Order! I ask the honourable member to deal with the amendment.

Mr DELZOPPO—I am dealing with the amendment which concerns the supply of water to cluster and strata subdivisions. The method of charging was changed and I seek your indulgence, Mr Acting Chairman, to develop my argument. The method of charging was changed for two reasons; firstly, because of the by-election; and, secondly, because the Government undertook a household survey. The survey questioned households in certain sections of metropolitan Melbourne—the majority of which, by coincidence, were in the Central Highlands Province—and asked, "What do you think about the Government's method of charging for water and for whom do you intend to vote?" Honourable members know the result. When the results of the survey were tabulated, there was a black mark against the Government and the Minister.

The panic button was then pressed and the new Board of Works pricing, Mark 2, was introduced just one month before the Central Highlands Province by-election. It is sufficient for me to have dealt with that point so as to get the matter straight.

I take this opportunity of directing to the attention of the Committee the situation that exists for strata and cluster title unit occupiers. I have received a vast number of letters—and I am sure the Minister has also received such letters—and there have been a number of letters in the press, pointing out the injustice to strata and cluster title unit occupiers whereby the Board of Works supplies one meter for the total corporation and, under this new amendment to the Bill, each unit will be allowed a supply of 150 000 litres—not for free, as the Minister and his Goebbels machine would suggest.

Nothing in this world is free, especially if it comes from the Labor Government. For the price of the rate, they receive 150 kilolitres of water and the excess bill is sent to the body corporate; it is then up to the body corporate to charge individual unit holders for that excess.

The complication is this: there can be two unit holders, side by side, one of whom uses up to or less than 150 kilolitres and the other who uses in excess of that amount. The unit holder who does not use his full entitlement has to pay for the one who does. The only way this can be overcome, of course, is by providing individual meters for each unit, and the Minister has refused that.
Not only has the Minister refused it, but also he further confused the issue when, in his second-reading speech, he said:

The purpose of this amendment...

That is, clause 5, the amendment with which the Committee is now dealing—

...is to ensure that the body corporate of residential cluster and strata subdivisions flats and units is treated in the same manner as a householder.

The Minister had to do that because, otherwise, they would have been on the old system—

The amendment will also facilitate the separate metering of individual flats and units where it is feasible and desirable.

I cannot understand the Minister's point of view. In the second-reading speech he gave an indication that he was willing to put a meter on to every separate unit and each sub-unit and cluster title subdivision.

It just so happens that I wrote to the Minister on 10 September last year saying that an injustice was being done to individual unit holders, that those who used less than their allocation of 150 kilolitres would have to pay for those who exceeded it. The Minister replied in the following terms:

The present method as it applies to flats and units with a single metered supply is that the Water Rate portion of the account payable by each flat and unit owner is combined and offset against the value of water recorded annually by the meter.

I might add that the Minister writes long sentences indeed—one needs to take two or three breaths to read them—

If the Water Rate is exceeded, an account is forwarded for the balance.

The provision of a single metered service to each flat and/or unit would involve major capital costs for metering and in many instances, alterations to service piping which would cause significant disturbance with minor justification.

I do not believe that to be the case, or that the Minister can argue that—as he said in the second-reading speech—the amendment would also facilitate separate metering for individual units, because he is on the record as of September last year stating that he would not agree to separate metering.

The Minister cannot have it both ways. Either the amendment before the Committee deals with an allocation to each separate unit and the Minister has given an assurance that those individual units will be metered or, as he said in his letter of 10 September, they will not be metered.

It is up to the Minister during the debate on this clause to ensure that this business is sorted out.

The Minister continued in a quite curious way and said:

However, there would be no objection to individual owners purchasing a check meter and having it fixed by a licensed plumber, although the Board would neither read nor maintain the meter.

The Minister said in a big-hearted way, "Yes, you can install a meter at your expense and maintain that meter at your expense, but the board will not take any notice of it"! To other members of the Opposition and me that is very cold comfort indeed, and it holds the Minister up to ridicule. I believe he deserves to be ridiculed on this point.

I turn now to the wording of the amendment. This amendment is before the Committee because I directed the Minister's attention to the wording of clause 5 of the Bill, which amends section 106A of the principal Act. The original intention of the provision was that in a situation of a strata or cluster subdivision, the unit holder and the body corporate could not be charged for the one amount of water; that is fair and clear, the Minister acknowledges that and there is no problem.
However, the problem is the amendment the Government has moved to clause 5, which omits from section 106A of the principal Act, the words “subject to sub-section (2)“. 

I do not wish to enter into a long, protracted legal argument, but my colleagues and I are not satisfied that the amendment will prevent both the body corporate and an individual unit holder being charged for the same amount of water. The Minister acknowledges that, and we have no quarrel. Both the Minister and I are anxious that this should not happen. There is very little likelihood that it will occur but in these days of computer billing there is a chance—remote as it might be—that the account could be sent for the same amount of water to both the corporation and the individual unit holder. 

The only difficulty the Opposition has is for the Parliamentary Counsel and the legal department of the Board of Works to come up with a set of words that would be suitable. 

The Minister has moved the amendment, which states:

> Notwithstanding sub-section (1) the body corporate of a strata or cluster subdivision is only liable to pay any rates levied under this Division if the rates are levied on the common property or part of the common property of the subdivision.

My legal advice is that, notwithstanding the amendment moved by the Minister, there is still a chance of double-dipping or double charging on the same amount of water. It is up to the Minister and his legal advisers to come up with a form of words that will give protection, which already exists in section 106A of the Act, and that is what the Opposition is concerned with.

I should be interested to hear the Minister’s response, firstly, on the amendment and, secondly, on whether he is prepared to provide an individual meter for all those unit, flat or strata title holders who are part of a body corporate; some may use less than the 150 kilolitres allocated by the board, and yet, they would have to pay for excess water used by somebody else. I look forward to the Minister’s reply on this matter.

Mr COLEMAN (Syndal)—I should like to commence my remarks on the amendment to clause 5 by reading an extract from a letter that I received in August last year—so it is not something that has been generated by the current debate, but when the proposal was first mooted.

The gentleman, who is part of a body corporate, stated in the letter, inter alia:

> I have a copy of the Strata Titles Act 1967, which governs the operations of bodies corporate, and nowhere in it can I find any regulation giving any body corporate a legal or moral right to dissect any account and decide arbitrarily what amount is to be paid by each member of the body corporate. It seems the MMBW scheme is trying to force bodies corporate to do something they have no power to do. The body corporate cannot demand payment from any owner, because in the absence of separate meters they don’t know how much water each owner has used.

> It seems incredible that such a ridiculously unfair and unworkable scheme could ever have been devised by people with any commonsense at all.

The letter continues:

> In conversation with a MMBW representative on the phone, I told him I considered the proposed system was illegal, and that every seller of any commodity sold by volume or weight was compelled by law to provide a reliable device to ensure that the customer received what he is expected to pay for.

He further continues:

> If you searched Melbourne, Mr Coleman, I am sure you would not find anyone more water-conscious than myself. I spent the first 34 years of my life in the Victorian Wimmera, the heart of some of the finest wheat-growing land in the world, but alas so often deficient in rainfall.

All the rhetoric in the world will never instil sense into the one-track minds of water wasters.

That gentleman demonstrates an understanding of the problem.

In the Weights and Measures Act, there is an exclusion for the Board of Works and other Government instrumentalities but there is no exclusion for individuals.
The Government is shifting its responsibility under the Act to the bodies corporate, and presumably their secretaries, to determine what amounts of water will be charged to individuals in the corporate bodies.

Section 72 (1) of the Weights and Measures Act deals with units of measure for use. It states:

Every contract dealing or other transaction made or entered into in Victoria for any work goods or other thing that is to be done, sold, carried, or agreed for by measurement of the physical quantity concerned and all tolls or duties charged or collected in Victoria according to weight or measure shall be made or entered into or charged or collected by reference to some unit of measurement specified in this sub-section or to some multiple or part thereof.

Section 73 (1) of the Act states:

No person shall sell by retail any goods by weight or measure unless by net weight or measure.

That is the dilemma that this gentleman finds himself in.

Perhaps every secretary of a body corporate will find he or she will be confined by the Act and, as the water used will not be able to be measured, an estimate will be made and the excess water charge will have to be levied over the total number of unit holders. As a result, the Act is abrogated by that decision.

The Government cannot make fish of one and fowl of another. The Government should have inserted the exclusion rate in the Weights and Measures Act instead of abrogating responsibility for the collection of those charges and consequently placing the responsibility for the collection of this measure on the bodies corporate.

The Minister should inform the Committee how he proposes to collect the excess water charges. The rate notice is issued with an allowance for 150 000 litres. It is easy to raise an account when it is presupposed that everybody has used 150 000 litres.

It will be interesting to know the result when the Bill is tested in the legal system. The Minister should consider withdrawing the amendment and taking some other action. He should consider adjourning the Bill until next week to obtain some information on how the effect of the Weights and Measures Act will be dealt with.

Mr RICHARDSON (Forest Hill)—The amendment to clause 5 moved by the Minister is about the method of charging that is to be applied and operated. In other words, it relates directly to the revenue-raising activities of this big spending, big taxing Government.

The amendment does nothing to diminish the greed of the Government. It is designed to provide another method of providing revenue by a hidden water tax. There is nothing in this amendment which diminishes in any way the reality that, every time one turns on a tap, every time one flushes the loo, one is paying a hidden tax to the Government. It does not matter how hard the Government tries to disguise that fact, it does not matter what form of words it uses, it does not matter how many amendments are made to clause 5, the reality will remain.

The amendment before the Committee is in fact Mark 3. Mark 1 was an earlier proposition which had to be abandoned when the Government faced the unpleasant reality of a by-election. The Government did its surveys, as the honourable member for Narracan has informed the Committee.

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The ACTING CHAIRMAN (Mr Stirling)—Order! The honourable member for Forest Hill is straying from the amendment. The Committee is not discussing clause 5 but the amendment to it.

Mr RICHARDSON—I am on the amendment and honourable members will recall that I said a moment ago that the amendment is Mark 3. Amendment Mark 1 was the original scheme which was announced with much fanfare.
The ACTING CHAIRMAN (Mr Stirling)—Order! I direct the honourable member back to the matter before the Committee.

Mr RICHARDSON—Scheme Mark 3 modified scheme Mark 2, to which it is directly relevant. Mark 2 was brought in when scheme Mark 1 went terribly wrong and the Minister got the wind up.

The ACTING CHAIRMAN—Order! I ask the honourable member to come back to the amendment.

Mr RICHARDSON—The object of the exercise was to disguise those realities from the Committee and the public. Directly relevant to the amendment is a memo which was sent to the Board of Works dated 1 July 1986 and which was signed by the head of the branch and the head of the division. The memo demonstrates the deviousness, the subterfuge and the length to which the Government and the Minister will go to hide the truth from the public. The memo related to the pricing policy, which will be amended by this amendment. It states:

Any substantial delays will reduce the impact of the pricing policy in that the public will not be able to relate the consumption during the previous twelve months to the size of the bill.

I throw that directly in the face of the Minister and I ask whether he will try to deny that the Government was endeavouring to hoodwink the public and that the whole thing was a con job. It is all part of a massive taxing program that the Government is engaged in because here is a document from the Minister's department and signed by the head of branch and division.

That was the scheme. They were trying to hoodwink the public by stringing the whole thing out so that nobody would remember what they were paying twelve months before. On that piece of paper alone, this Minister should resign. He might not be given the luxury of resigning because, despite what is in the amendment to clause 5, the decision will be made for him by his own electors.

The Minister represents an electorate that has the largest number of flats and strata title units in the entire State. Although the Minister’s retirement could be voluntary, I fancy it will be involuntary at the next election because his own electors will be awake up to him. They are the ones who will be paying the bills. They are the ones whose accounts will be higher than they were and it is those electors who will be reminded by me of what is contained in this memorandum and the way their own member of Parliament tried to hoodwink them. The reality will come to them when they sign the cheques for their Board of Works rates bills.

The impact of the amendment will hit them when they get bills for the specified amounts of water that have been supplied and the bodies corporate get other bills for the excess water and divides them up. They will feel that second bite; the second bite will hurt them and it is when they hurt that they will make the decision at the ballot-box that will kick this Minister out on his ear.

The unfairness of the way in which the Government has gone about running the affairs of the State is bad enough but the deceit, the deliberate subterfuge and the dishonest way in which it has behaved will be found to be intolerable. The electorate of St Kilda will be the hardest hit by the matters that relate to this clause and the amendment. The electorate of St Kilda will make its decision at the ballot-box about its local member of Parliament who sold them down the sewer.

Mr PERRIN (Bulleen)—Unlike the Minister for Water Resources, who in his second-reading speech spoke in generalities, I intend to refer to a real life example of where the amendment will impact on people in the community.

In his second-reading speech, the Minister stated that the Bill would ensure that the body corporate of a block of residential flats or a group of cluster or strata title units would be treated in the same manner as a householder and that the Bill would also facilitate the
separate metering of individual flats and units where it is feasible and desirable. The key words are “where it is feasible and desirable”.

Separate metering will be necessary. I received a letter from a constituent who has one flat in a block of twenty units in the Labor Party electorate of Northcote, the electorate of the Minister for Housing, and I should like the Minister for Water Resources to reply to the problems that have been raised in the letter. Mr Margetts wrote:

I wish to bring to your attention an excess water bill relating to the above property of which I am part owner. A copy of the the MMBW account is attached and as you can see the property, consisting of 20 OYO units, was charged $899.97 excess water for the year ended February 1987.

I submit the following details of the property for your consideration:

(a) property consists of $18 \times 1$ bedroom units and $2 \times 2$ bedroom units all owned by 18 different owners;
(b) the blocks of land on either side of 247 Heidelberg Road are of a similar size but contain one house on each block;
(c) water to service the 20 units at 247 Heidelberg Road passes through one of two meters only;
(d) approximately 50 per cent of the units are occupied by one resident the rest by just two;
(e) No children reside in any unit at 247 Heidelberg Road—about 16 units are occupied by residents who work and four by single people on pensions/super, etc.;
(f) no unit contains a dishwasher;
(g) no automatic washing machines are installed as the plumbing does not cater for automatic washers;
(h) no car washing facilities exist on the property;
(i) no one waters the small garden—the property does possess a garden hose;
(j) there is no swimming pool or spa on the property;
(k) each unit is fitted with a five gallon electric hot water service;
(l) each unit has one single flush toilet, one bath with a shower over the bath and the four common laundries have to be locked by the body corporate management to restrict access;
(m) owners of similar size land on either side pay MMBW rates (I guess) of $300$–$400 per annum; combined owner rates of 247 Heidelberg Road are approximately $20 \times 180 = 3,600$ per annum;
(n) other than reading twice as many water meters at 247 Heidelberg Road (ie two), the board provide no more service to 247 Heidelberg Road than the neighbouring properties.

As owners of the body corporate, we are not happy with the charge for excess water. The board is receiving $4,500 total rates for this property and as the property has only two meters servicing 20 units the board is unable to accurately measure water consumption per unit. We also find it difficult to believe that each unit uses more than 90.4 gallons per day—each resident would have to empty their hot water services 18 times a day to use this amount. No-one showers 18 times a day!

I would be pleased if you could investigate this matter for me and explain the 42.6 cent charged on the rate notice.

The letter goes to the crux of the amendment. The Minister has heard the description of the units and unit holders. They cannot possibly be large water consumers yet the average unit consumption of these twenty units is 202 kilolitres—not the 150 kilolitres that the Minister talked about in his generalities. The real life example that I have given averages out at 202 kilolitres a unit.

From a reading of the letter it is most plain that this situation will result in debate and fights among the twenty unit holders about who should pay what amount, who watered the garden last week, who used more water, who showered eighteen times a day, who flushed the toilet how many times and so on. It is obvious from the letter that the unit holders have the minimal possible water usage facilities. The units have only twenty 5-gallon hot water systems, yet these units cannot be considered to be the bottom water using units in the State.

They do not fit into that category. They use far more than the 150 kilolitres mentioned by the Minister. The average is 202 kilolitres.
When one compares what the Minister said in reply to the second-reading debate with this real life example, one can see the difference. The Minister is talking in generalities whereas the real world is here in Northcote. The Minister is wrong.

Every unit owner in this State will demand a separate meter on his property. One can foresee the arguments developing. The board's latest annual report says that 167 000 properties that are serviced by the board have no meters and I suggest that the substantial majority of those properties comprises units, flats and granny flats. Those 167 000 occupiers at the lowest end of the spectrum will be forced, because of fights over excess water bills, to demand separate meters. I do not know what that will cost. I suggest that $150 per meter would be a conservative figure.

As I said, under the new system each unit owner will have to pay an excess water bill, and those people are already paying for excess water. On 4 May they are already due to pay bills of $899.97, and no account is taken of whether they have the money to meet those bills.

The real reason for these excess water bills is the fact that the Government has increased the excess water charge by 78.8 per cent since 1982 and it will rise again from 42.6 to 45.6 cents.

It should also be said that unit owners are all paying the minimum water charge. They are not paying a rate on the value of their properties but a water charge of $43.02 in 1986-87, so they are coping it both ways. They are paying the minimum water charge and the new excess water rate; and even under the new system they will continue to pay an excess water bill.

When one averages out the cost to consumers of the public authority dividend tax and the Thomson River dam tax, one finds that $100 of each of those bills that I have just mentioned is for tax, not for water; so that in the example I gave of twenty units, those unit owners will pay $2000 tax this year.

The ACTING CHAIRMAN (Mr Stirling)—Order! The honourable member has now moved to deal with the principle of taxation. I do not think that matter comes within the amendment to clause 5.

Mr PERRIN—One must understand that the residents in flats tend to be either the very young or the very old, many of whom live in one-bedroom units. They are aware of the tax that they will have to pay. Clearly, there will be a mad rush for the metering of every flat and unit.

In the past few days I have received a publication from an organisation called the Water Resources Action Group, a mickey mouse front for the Labor Party and the Board of Works, set up with taxpayers' funds, to try to cushion the effect of these imposts on the community. This latest edition dated April 1987 has wrong figures on the back because the Board of Works cannot even work out basic arithmetic, and it also talks about flats and units and says:

Watch out for details about a public meeting on 20th May to discuss metering of flats and units.

The debate is starting in the community. People can see the need for a meter on every single flat and unit. The debate will widen after the new rate notices appear.

The Legal and Constitutional Committee made it clear that the Board of Works had never conducted an economic impact study on the introduction of the new system and it criticised the board and the Minister in that regard.

The ACTING CHAIRMAN (Mr Stirling)—Again, the honourable member is straying from the amendment.

Mr PERRIN—It is critical that we would never have got a debate in this place on excess water bills or on the metering of flats and units, had it not been for this amendment. Without that debate, the only way in which the community could get information would
be by having an impact study done by the Board of Works. The board should put up the figures. No matter what the Minister said in his reply to the second-reading debate, he has never put forward a total impact statement in this place. That is terrible and should not be accepted. The law should never be used in this way.

I have attempted to bring before the Committee a real life example with real figures that have to be paid by real people. I have not indulged in the highfalutin statements made by the Minister.

This will impact on the community and especially on owners of own-your-own flats, units and granny flats. It is disgusting that the Minister should put forward this Bill without an impact statement so that the community can see what was occurring.

The ACTING CHAIRMAN—The question is that the amendment be agreed to.

Mr RICHARDSON (Forest Hill)—Was the Minister going to speak? It really will not do for the Minister to sit mute.

The ACTING CHAIRMAN—The honourable member will resume his seat. I am putting the question that the amendment be agreed to, unless the honourable member wishes to speak on the amendment.

Mr RICHARDSON—I am taking up my entitlement to speak again on the matter before the Chair.

The ACTING CHAIRMAN—On the amendment?

Mr RICHARDSON—Yes, Sir, but I am prepared to defer to the Minister, if he will speak. I had the impression that he was not going to respond.

The ACTING CHAIRMAN—If the honourable member resumes his seat, I shall call the Minister for Water Resources on the amendment.

Mr McCUTCHEON (Minister for Water Resources)—I shall try to keep more closely to the amendment than some of the speakers to whom the Committee has had to listen.

Two issues are involved: one to do with the provision of meters; the other to do with the problems concerning some flats and units, especially blocks that were built years ago when there was no requirement to meter individual dwellings. In many of those instances the pipes wander all over the place and a major construction job would need to be undertaken to try to sort out the tangle of pipes and meter them in some way.

The fact of the matter is that this is not a new situation. Water-by-measure accounts have been issued to bodies corporate in the past and the body corporate has had to divvy up the water-by-measure account.

In this case, let us take the example to which we were referred at length by the honourable member for Bulleen. He uses the example of the water-by-measure bill under the old system. That bill averages out under the old system to $45 each in excess water bills. It is clear that that block of flats—and I should acknowledge that I do not know the exact address of them—had a low net annual value and, under the allocation of water under the old system, it quickly ran into water-by-measure. That toted up the bill to $899, which shared out over twenty flats, to $45 each.

Under the new system, each of those units—

Mr Perrin—They are single bedroom!

Mr McCUTCHEON—We are talking about the old system that the Liberal Party is trying to defend. The example quoted is of the old pricing system. That block of flats went through its water entitlement and built up a water-by-measure bill which runs out to $45 a unit.
If one calculates what they will pay under the new system—and let us make this the knockdown argument for all time because the honourable member for Bulleen was not in the House when I went through this earlier—each of the twenty flats will receive an allowance of 150 kilolitres. There will be a 3000 kilolitre allowance for the whole block and on the basis that they use an average of 202 kilolitres, which is the figure given to me by the honourable member for Bulleen, they will have an average excess of 52 kilolitres each at 50 cents a kilolitre, which runs to approximately $6.50 each, not $45.

They will each also receive a reduction on their rate of 15 per cent and they will therefore be well in front because the reduction of their rate will be $12 to $15. They will pay only $6.50 as their share of water in excess and they will be in front.

The Liberal Party should wake up to itself and stop peddling balderdash about this pricing system. I repeat, for the benefit of the honourable member for Bulleen, that 70 per cent of flats and units use less than 150,000 litres of water. They will receive a reduction of 15 per cent in their water rate. Some 95 per cent of flats and units use less than 350,000 litres, so 95 per cent will be buying water at 15 cents a litre—which limits the total amount that can be split up among them.

I agree there will be cases where squabbles will arise; that has been going on in the past. Bodies corporate are notorious for quarrelling over water-by-measure bills that they currently have.

The Board of Works is prepared to talk to bodies corporate about the way they handle these issues. In a couple of units already dealt with, the board has arranged for a couple of dwellings on a block of land to have meters installed and thus pay for their bills separately. The Opposition has acknowledged that for some of the buildings standing in this town, it would be a huge expense to tear the water piping system out, replace it all and separately meter it. It is not worth it when one is talking about amounts of $6.50.

Why spend $100 on a meter when one can pay $6.50? I am sure that each body corporate will examine that proposition, make a decision accordingly and decide not to bother to install meters for amounts of that sort.

I should deal now with the amendment before the House. Subsection (1) of section 106A concerns the body corporate being liable to pay for water. Subsection (2) relates to bodies corporate that are not residential and therefore clause 5 indicates that this subsection (2) does not apply to residential units.

Subsection (3) is about the liability of the body corporate under subsection (1). It shall not relieve any other person of their liability to pay his or her water bills.

I now move:

Clause 5, after line 2, insert—

“(6) Notwithstanding sub-section (1) the body corporate of a strata or cluster subdivision is only liable to pay any rates levied under this Division if the rates are levied on the common property or part of the common property of the subdivision.”

In the past bodies corporate have had to work out how to overcome arguments. The body corporate has had the right, under the Strata Titles Act and the Cluster Titles Act, to have the unit liability defined on its plan of subdivision and it can therefore write in the arrangement that it makes so that it is statutory for that body corporate and, in 99.9 per cent of cases, the matter can be resolved in some sensible fashion.

Where there have been disputes ending in difficulty, probably more money will have to be spent to solve them; but the problem arises where one is faced with pigheaded people who will not accept a workable arrangement that is reasonably economic and who choose to spend a lot more money to solve an argument. That is everybody’s choice; but if one looks at the costs, one finds that small amounts of money involved in water-by-measure bills that flats and units will pay make that case very flimsy.
Mr COLEMAN (Syndal)—What the Minister has said puts further meat into the discussion. It is now quite clear that if, in a strata title development, there are excess water charges to be paid, it will continue to be the responsibility of the secretary of the body corporate to be the arbitrator on the way excess water should be charged back, irrespective of the occupancy of the individual units concerned.

The honourable member for Bulleen has given the House a chapter and verse exposé on twenty units in Heidelberg. In that block of units, there are eighteen single bedroom units and twenty double bedroom units. Obviously, there is a great disparity between the amounts of water that each of the units will use. The Minister also failed to mention that the entitlement drops back to 150,000 litres and a considerable number of people will start to have an excess charge, where previously they may not have, in these sorts of developments.

The Minister must recognise that, if the body corporate is to be responsible for the collection of the excess water rate and determines in some fashion how it will be divided up between the unit holders, that process is an abrogation of the board’s responsibility.

I am sure that, with implementation, a considerable number of these bodies corporate will go into long and destructive internal disputes as to how and under what system that water bill is divided up. It could be resolved by the inclusion of a meter to every service and if it is to be done in a legal way, it would almost be imperative that a meter be provided.

It is all right for the Minister to say that, because there will be a decrease in the water rate, one will be able to join that rate with an excess water rate of $6, if applicable, and the total rate will be less, but water rates are levied on individual flat owners and the excess water rate is levied in a totally different way. It will not be possible for the two rates to be joined together as they use separate accounting methods.

Water rates go directly to flat owners and excess water rates are sent to the body corporate. I do not believe the Minister for Water Resources recognises that fact.

Individual meters should be provided to strata title unit owners. There is no doubt that will be a growth industry; plumbing and the supplying of meters will be the best industry to get into.

Mr Perrin—George will be happy!

Mr COLEMAN—Who better to go to than George Crawford—we have the man in this place who can fix it! He held the State to ransom, but that does not matter. There are 160,000 services, and the Minister will either estimate what they should pay or leave it to the bodies corporate to do his work for him.

Mr RICHARDSON (Forest Hill)—The glib response presented to the Committee by this facile Minister who so badly represents an electorate that has the highest number of flats and units in the State will not do. He is the Minister for neglect.

Because the honourable member for Bulleen provided a precise example which the Minister then took to his adviser for some quick advice, the magic figure of six appeared. The Government appears to be hooked on the figure six: the Government’s prices pegging system uses that magic figure; and there are six Ministers in the Legislative Council who want to become members of this place. Now gloriously, the Minister for Water Resources has found the magic figure of six as the number of dollars that people will pay under the calculation that was done for him. I do not quibble with that; if the Minister says it is $6 or $6.50, I accept that because I know that he did not do the arithmetic.

The example, however, does not alter the validity of the case put by members of the Opposition who appear to be the only people in this Chamber who care about the interests of the people who occupy flats and strata title units. Not one word has been heard from any member of the Government to defend the position. The only people who are standing up for the rights of occupiers of flats and strata title units are members of the Liberal Party.
Not a word has been heard from the Minister for Housing, and one would think that he would be interested in the matter. Nothing has been heard from members of the caucus committees on housing and water resources. Social justice is out the window and down the gurgler; the Government has pulled the chain and flushed social justice down the tube.

I anticipate that the Minister for Water Resources will now take the magic figure of $6 and use it in the next press statement he releases. I will bet anything—even a glass of free water—that the Minister will use that example from now on.

The Minister will be known as “Mr $6”, but that will not fool anybody because members of the Opposition will not let the Minister fool anybody. We will continue to talk to people and let them know how they are being hoodwinked. Members of the Opposition will continue to remind people living in flats and strata title units that they are being denied the mechanism by which they could properly and accurately establish what their water bills should be.

The Minister, representing this grasping Government, is doing everything in his power to prevent people living in flats and strata title units from getting a fair go in what they pay for their water. The Minister has made no concessions today except to say, “We will talk to them; we are always prepared to talk to people”.

The Government is not always prepared to talk to people. It pretends it is interested in consulting, but it simply consults its union mates and does what they want. The Opposition will not let the Government get away with this. People are entitled to a meter that will measure the water they have used on their properties.

It is quite unjust for a bill for excess water to be delivered to a body corporate and then have it divided up and handed out to each resident. That will be seen by the occupants of flats and strata title units as being unfair and unjust. Knowing human nature, I guarantee that every resident will believe he or she is getting a raw deal. Each one will believe they are getting “touched” by the Government and, when people believe they are being “touched”, they will look at last year’s bill. They will get a shock when they make that comparison, and they will then look at what the bill was the year before that and begin to wake up. When the next State election occurs, it will be “Good-bye” to the Minister, “Hello” St Kilda back to the Liberal Party and “Bye-bye” Labor Government.

The amendment was agreed to.

Mr DELZOPPO (Narracan)—I emphasise the fact that although the Opposition accepts the amendment, it does not believe it goes far enough, and further consultation will need to take place while the Bill is between here and another place. The Opposition agrees with the intent of the amendment, but it has some quarrel with the way the words are expressed.

The Minister for Water Resources still has a problem with the metering of individual units, and that problem will not go away until he does what he mentioned in his second-reading speech, and that is to provide a meter to each flat or unit.

The clause, as amended, was adopted, as were the remaining clauses.

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

LOCAL GOVERNMENT ELECTIONS BILL

The debate (adjourned from April 9) on the motion of Mr Simmonds (Minister for Local Government) for the second reading of this Bill was resumed.

Mr COOPER (Mornington)—The Local Government Elections Bill has three major stated aims: to enable the Shire of Morwell to have triennial elections commencing this year; to allow the Shire of Morwell to have twelve councillors elected by the proportional representation system of voting, and to enable any other council in the State to have
triennial elections and proportional representation. It is important to examine some of the history of the proposed legislation and why it is before the House.

The Shire of Morwell at present has fifteen councillors representing a population of just under 4000. Because for some time there have been imbalances in the population distribution between the ridings of the shire, the Government has insisted on internal boundary changes taking place. While negotiations between the council and the Government were taking place, the council stated its strong preference for the council to be redivided into four ridings with three councillors in each riding, and therefore having twelve councillors. That view of the council was strongly supported by the community.

I understand there was a lot of consultation between the community and the council about how the redistribution of the municipality should take place. This was put to the Government and, after taking advice from the Local Government Commission, the Government disagreed and insisted that the council be redivided into three ridings and the shire would have nine councillors instead of the twelve it wished to have. There was a lot of controversy over the matter, and as reported in the Latrobe Valley Express of 9 April 1987, Cr Jack Vinall said:

... the original order had been “foisted on us” unannounced ...

There was a lot of unrest in the shire when the order was placed on the Shire of Morwell, and negotiations then took place. I do not know whether those negotiations were originated by the honourable member for Morwell or whether the council approached the honourable member for Morwell and the Minister for Local Government but, whatever happened, the three bodies came together to discuss the matter.

Following those negotiations, as I understand it, the Minister then, on behalf of the Government, indicated to the Shire of Morwell and to the community of the shire that the Government would allow the shire to have twelve councillors if the community and the council agreed to the municipality being unsubdivided; that elections be held on a triennial basis and that a proportional representation system of voting be implemented with the triennial elections.

It would be reasonable to say that at that stage the council, having that proposal put to it, faced a no-win situation. It could do one of two things: either stick with its opposition to proportional representation and triennial elections—an opposition that the council had for some time—and it would end up with what had originally been foisted on it, or bow to the Government’s demands and have the twelve councillors which it believes it needs to achieve proper representation in the shire.

There was a lot of debate within both the council and the local community. Despite having expressed grave misgivings publicly, the council bowed to Government pressure and agreed to ask the Government to implement legislation that would allow the council to have triennial elections, proportional representation and twelve councillors representing the community in an unsubdivided Shire of Morwell. That occurred and draft legislation was produced and, subsequently, the proposed legislation is now before the House.

Many people in the Shire of Morwell have an uneasy feeling about this matter; they think something has been put over them. The majority are not sure what has been put over them, but there are certainly expressions of concern and misgivings in the local community that are starting to surface rapidly.

After the negotiations, the next step was for the Minister to produce a Bill, and since the Shire of Morwell had asked the Minister to produce a Bill relating to the shire, it is interesting to note that the Minister could not help himself; he could not resist the temptation. He could not produce a Bill relating only to the Shire of Morwell; he had to try again, and use his jack boot tactics to push his socialistic aims. He thought he had done a nifty deal with the Shire of Morwell and was going to try to widen it a little; shovel it through into local government.
The third major aim of the proposed legislation is to allow any council other than that of the Shire of Morwell, to adopt this system if it so wishes. I shall come to that shortly and explain why it is a dirty trick on local government. I hope the honourable member for Morwell will pay attention because she recognises that the provision is already there.

The honourable member for Morwell knows that is the case. I hope when she makes her contribution that she will have the grace, courtesy and honesty to acknowledge that that occurred. The Minister was not content to deal with the Shire of Morwell on a one-off basis. He wanted to cover other selected municipalities in the same way as he has done with the Shire of Morwell. He wanted to persuade other municipalities into accepting proportional voting and the holding of triennial elections.

The Minister presented the Bill to the Shire of Morwell and said, “Here is the proposed legislation you wanted; this is what the Government will introduce into Parliament”. The Minister then publicly proclaimed the fact that he had the support of the council and that it was right behind him. I believe the Minister even used the words “the unanimous support of the Shire of Morwell”.

I refer the House to a report in the La Trobe Valley Express of 9 April to illustrate the supposed unanimous support of the Bill. The councillors were less than impressed after considering the draft legislation. The article states:

Part of the council executive's recommendation was to commend the Minister for responding to council's request and initiating the legislation.

Cr Tom Lawless was adamant he would not commend the Minister, and said that in the lead up to the current draft Bill, the Minister had not taken notice of council.

That is what Cr Tom Lawless said. What is new about that statement when considering the actions of the Minister for Local Government? The Minister did not take any notice of the council. Honourable members will recall how much notice of local government the Minister took in matters that have come before the House and in other matters which have not been introduced but which have been recognised by all Victorians. The glorious debacle on council amalgamation was proof in the first instance that the Minister does not pay any attention to local councils. The Bill is another example of his attitude. Cr Lawless said that he had not taken any notice of the council.

Finally, the council decided to support the Bill. A division was called on the motion to support the Bill and nine councillors voted in favour and five voted against it. That is the Minister's unanimous support.

When the Minister first informed the council that he proposed to draft some legislation, the council said, “Okay, we will back you on that”. Having been pushed into a corner fourteen of fifteen councillors—one was absent—agreed to the Minister drafting a Bill. As one councillor was absent, perhaps fourteen of the fifteen councillors is a unanimous vote! The council backed the Minister on that action but, when it saw the proposed legislation, it decided nine for and five against in favour of the Bill. When the Minister produced the document and councillors examined the words contained in it, some of them knew something was wrong and did not support it.

I said at the outset of my remarks that the Bill had some stated major aims. I now turn to the real aims of the Bill. Let us get around the slippery rhetoric of the Minister and examine the unsighted agenda of the Government concerning what it wants for local government.

The Bill is to be used as a Trojan Horse to implement the Government's socialist policies and to force them on to local governments and communities throughout Victoria. It has been well documented, and cannot be denied by any member of the Government, that the primary aim of the Australian Labor Party and this Government is to control every municipality in Victoria, or at the very least to have significant Labor Party representation on all councils. That statement has been made in many speeches over the years.
I first heard it at a public meeting in Frankston when the Minister for Housing was Leader of the Opposition before he was ousted from that position. The Honourable Frank Wilkes said that was the aim of the Labor Party and that has been reinforced by an article printed in the Australian Labor Party's Labor Star of May 1981.

I shall record in Hansard the statements made in that article because they demonstrate what the aim of the Government is and why it intends to use proposed legislation such as this Bill to implement changes that are not supported by the community. The Labor Party recognises that if it can make these changes in local government circles, as it is doing with the Shire of Morwell, it will be able to persuade Parliament to agree to the same provisions.

The local government policy committee of the Australian Labor Party issued a discussion paper outlining the aims of the Labor Party and those of the Cain Government. That article states:

If triennial elections were introduced there would be virtually no councils which would have less than one-third of their members from the ALP. The repercussions for the Party in terms of increased respect and identification with the Party would be incalculable. Particularly in rural areas such a move could well be crucial to Labor gaining government at State and Federal levels.

There would be more opportunity to present policy publicly.

There would also be a focal point for Party morale in areas without ALP Parliamentary representation and it would provide a training ground for political activities.

The Government wants to turn local government into a training ground for the Australian Labor Party.

Honourable members interjecting.

Mr COOPER—The article continues:

Multi-candidate elections lead to greater politicalisation of the candidates. With three to be elected there is greater scope for comparison of candidates and their policies—more opportunity to present a non-establishment line.

The dirty, ugly truth is now coming out. That article takes the lid off the filthy ALP dustbin and it is spewing out all over the place. The Government's designs for this fabulous local government institution are clear.

Mr Norris interjected.

Mr COOPER—The honourable member for Dandenong was a contributor, so he would know about it. The article continues:

Local government would become more openly political—the public tends to believe that non-ALP councils are non-political!

There would be reduced costs, both in time and money because fewer elections would mean less time lost out of the local government year, less time spent by party officers in organising and less time spent by party supporters in campaigning.

It is clear that the Labor Party does not have the goodwill of the community at heart. It is more interested in reducing costs in time and money for itself. When I read that statement about reducing costs in government, I was amazed. It is a peculiar statement to be made by a Labor Government that has never been concerned about reducing costs in any proposal or procedure that it has implemented over the past five years.

The real truth of the matter is that the claimed cost saving relates to the cost saving for party officers in organising and less time spent by party supporters in campaigning. That is the real reason for the Government attempting to make the changes incorporated in the Bill.

The article covering the views of the Local Government Policy Committee of the Australian Labor Party states:

A councillor who performs reasonably well would be unlikely to lose his seat since he should be able to muster 25 per cent of the vote.
That is a nice piece of democracy! If one can whip up 25 per cent of the vote under the ALP scheme, one will not lose one's seat according to this article. One does not have to even perform well. In the Labor Party's own words, one needs only to perform reasonably well. The article continues:

Labor councils all exist in inner-suburban areas which, in any case, are bound to return Labor members of Parliament irrespective of who controls the local government scene.

The article then has a summary stating:

The introduction of triennial elections would lead to the rejuvenation of the local government scene and an enhanced democratisation of local councils. It would greatly increase the number of ALP members serving as local government councillors and thereby lead to a much more widely accepted grass-roots base for the Australian Labor Party. If proportional representation took effect at local government level the incentives it creates for group tickets is such that Party formations would develop rapidly.

That encapsulates everything about the Bill with which the Opposition is concerned and it incorporates everything about the Labor Party and the Cain Government that local government currently thinks about it. It shows that this Government cannot be trusted with local government or the designs it has on local government.

The Minister will no doubt deny that a hidden agenda exists. That agenda is there in his party's own paper. That agenda is really no secret because it is in writing and it has been publicised by the Opposition and will continue to be so publicised. It is an agenda that needs to be republicised and emphasised by the people of this State because at some stage or another they could well believe this Government might develop the desire to do the right thing for local government. It would be a mistake for people to believe that because that will never happen, certainly not while this Minister is the Minister for Local Government.

The stated aims of the Bill and the real aims of the Labor Party bear no relationship to the good of local government. This Bill is all about control of local government by a socialist Government. The insincere rhetoric of the Minister in Parliament and in the media is a cover-up of the Government's real plans, not just in relation to the Shire of Morwell, which happens to be the unlucky vehicle used by the Government, but for councils throughout the State.

If the Government were able to have this Bill passed, it would turn on other councils in Victoria like a boa constrictor. It would strangle them as it wishes to strangle the Shire of Morwell and as it has attempted to strangle councils virtually ever since March 1985 when the present Minister was foisted onto local government by the Premier.

The Liberal Party is opposed to any moves that will make the introduction of party politics into local government any easier than it is today. The Opposition does not believe it is easy but nevertheless it occurs. The combination of triennial elections and proportional representation would assist in the easier introduction of party politics into most, if not all, councils.

Proportional representation voting is a system of voting that discriminates against the individual candidate. It is a ticket system. Support for that statement is obvious by considering Senate elections. How often does an individual get elected to the Australian Senate? Very rarely. In my memory, it has happened twice in Tasmania, and only in recent times, and it has not happened in any other State. Proportional representation voting is custom-made for ticket voting, for parties or for groups of candidates. It is certainly not made for individuals. If any further evidence is needed of that, it is shown in council elections in New South Wales where proportional representation voting is used.

New South Wales had an enormous array of shonkie councils that would not be acceptable in Victoria. No doubt Victoria has had some crooked, bodgie councils but nothing like the mob of shonkie and bodgie councils that New South Wales has had for many years.
Instances of councillors being dismissed in New South Wales have occurred in recent times. I suggest that most of those councillors were never elected to truly represent the community. In most instances, they represent the political party that has put them up. If one was seeking a well organised group for a ticket to run for a council election or any other election under proportional representational voting, one would not find a better organised group in this country than a political party.

If ever there were a party that expressed an interest in dominating and controlling local government, that party is the ALP. It has made no secret of its interest in that area. It has demonstrated that time and time again and the article from which I read shows that that is what the ALP is all about.

Those councils in this State that have been so demonstrably bad that they have had to be dismissed and run by administrators have been councils dominated by party politics. Party politics have been the root of all evil. The Nicholson inquiry into the Richmond city council shows how bad a council can be when party politics are involved.

The community that is supposed to be represented by its local council is third or fourth on the priority list of endorsed party political councillors. This was evident not only at Richmond but also at Sunshine and Keilor where those councils were dismissed and administrators appointed.

Local government in Victoria is far more highly regarded by the general community than is local government in New South Wales. The reason is obvious when one considers that many New South Wales councils are politically dominated and politically run.

Those who take an interest in local government matters recognise the kinds of dangers that are inherent in this sort of Bill and would oppose any change that would open local government up to the problems that are annually being faced in New South Wales. It is sad to hear comments from people who live in New South Wales, especially in Sydney where I have many friends, talking about local government. It would be a disgrace if the Government in Victoria took any action that would give our local government that kind of reputation.

Those who are interested in local government know full well that once one starts to tinker or play around with the voting system, party politics takes over and problems arise. They recognise the sleazy tactics adopted by the Government to try to politicise local councils and to introduce measures that bulldoze local councils, like the Shire of Morwell, into a corner.

The Minister has virtually blackmailed that shire council and he has been aided and abetted by the honourable member for Morwell. They know that Parliament should throw the Bill out and not have a bar of it because it is not acceptable to the vast majority of Victorians. Once the public is informed of what is happening in the Shire of Morwell it will say, "Throw out the Bill!" Already many are saying that to members of the Opposition.

Unlike the Government, the Liberal Party regularly consults local councils. An overwhelming majority, more than 90 per cent of people—not only councillors—are opposed to proportional representation and triennial elections for local government. After its consultation the Opposition discovered that one of the major issues of concern to local government is the present Government and what it is trying to do to local councils. They are not concerned about what the Government is trying to do for local government but what it is trying to do to local government!

The Minister is no longer regarded as the Minister for Local Government; he is the Minister against local government. Every action that he takes demonstrates that attitude. Those interested and involved in local government no longer trust the Government and neither they should.

The Liberal Party has a policy that strongly opposes proportional representation and triennial elections. That policy has been in writing for a long time. The Minister may
giggle but our policy is in writing. Today the Opposition intends to uphold that policy. It will not resile from it.

Mr Cunningham interjected.

Mr COOPER—The honourable member for Derrimut might be interested to hear the Government's policy. I shall educate him because obviously he is in need of it.

Mr Cunningham interjected.

Mr COOPER—The honourable member has interjected again—I just heard his head rattle!

The Government's policy was set out in a letter from the Minister to a person called Mr S. Morris, Chairman of the Local Government Commission, 480 Collins Street, Melbourne, 3000. The letter is dated 9 December 1986. I shall hazard a guess that the man is Mr Stuart Morris!

The letter deals with suggested letters to municipalities about their responses to an earlier letter and it states in part:

1. am generally in agreement with them, except for the letter to unsubdivided municipalities which needs to reflect the policy position that all municipalities should be subdivided.

That is Labor Party policy. The letter is dated 9 December 1986 and I ask the Minister whether he has changed the policy since that date.

Mr Simmonds—No.

Mr COOPER—The Minister says, "No." Therefore, the Bill flies in the face of Labor Party policy. We have the Minister for pragmatism sitting at the table; he does not care about Labor Party policy. He believes that anything will do so long as it is acceptable. The Liberal Party will stick to its policy and it is a shame the Labor Party will not do the same.

A Bill which deals with subdivided and unsubdivided municipalities, was introduced yesterday. A draft of that Bill said one thing and the Bill presented yesterday said another. The Government's policy on local government is in tatters. It has broken promises to local government time and again.

This Bill forces the municipalities that are subdivided to become unsubdivided. That is the opposite of the policy of the Labor Party that says that "all municipalities should be subdivided". The Government is saying to the Shire of Morwell that it can have what it wants so long as it agrees to become unsubdivided and agrees to proportional representation and triennial elections. That is how low the Government has sunk. It has blatantly breached its policy in an effort to bring councils to heel under its political control.

I have demonstrated to the House that the aim of the Bill is to implement the Labor Party's socialist policy of domination of local government. The Government has blatantly broken its own policy on local government in an attempt to bring the Shire of Morwell to heel so that it comes under the political domination of the Government. It indicates how pragmatic the Government is and the reason why local government does not trust the Government.

The Government's local government policy is a negotiable instrument. It is a piece of paper that can be thrown away at any time. Some Labor Party backbench members may now ask some questions about this blatant breach of Labor Party policy. It obviously was not discussed at caucus meetings. Where is the policy and when will the Government stick to that policy?

The Minister for Local Government has confirmed that Labor Party policy is for all municipalities to be subdivided, but the Bill introduces provisions that are the exact opposite of that policy.
Local Government Elections Bill
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Last year the Government again went against its stated policy on local government. Recognition of local government in the Commonwealth Constitution is a part of Labor Party policy, but at the Constitutional Convention in Brisbane the Labor Party voted against that provision. It was only through the strong efforts of Victorian Liberal Party delegates that the provision was accepted by that convention.

Local government is let down every time it is addressed by the Government. This Bill is another indication of how untrustworthy the Government is on local government matters.

The Opposition will not allow local government to become the political plaything of the Labor Party or be part of party politics. Unfortunately, the Bill does exactly that and will make councils soapboxes for socialist policies. That policy was stated clearly in the Labor Star of November 1981 and no member of the Australian Labor Party can resile from that, because it has been stated many times by members of the Labor Party at public forums around the State.

Councils will become a haven for the activities of the unsavoury comrades and friends of the Government's back bench. The Bill will be opposed by the Liberal Party, both here and in another place. The Opposition will not allow these provisions to be inflicted on local government and if members of the Government had goodwill and the best interests of local government at heart they would not for one moment entertain this dreadful piece of proposed legislation.

Mr STEGGALL (Swan Hill)—The Bill is all the things that the honourable member for Mornington has referred to. When the Government failed to have legislation passed that would restructure and change local government boundaries, the Minister for Local Government and his minders examined other methods to change and bend the will of local government. All honourable members know that the Achilles heel of the Government and its socialist policies is local government and Government members know that they must weaken and change local government in some way.

The Government decided that the introduction of one vote, one value for internal boundaries for local government throughout Victoria would be the best way to implement its socialist policies on local government. The Minister and his minders have searched for a council that would accept that Government policy, and the Shire of Morwell was the council.

Labor Party members laugh at the suggestion that one vote, one value cannot apply effectively in rural municipalities, but it will not work, particularly if the provisions relating to sphere of influence and the community of interest is applied. The honourable member for Mornington has explained the political reasons surrounding proportional representation and I do not intend to repeat that argument. I agree with all that the honourable member has said. A similar debate occurred in 1985 regarding the Melbourne City Council legislation. That was slightly different because ridings were involved and proportional representation was not seen in its best light for those people who promote that system.

The Council of the Shire of Morwell wrote to the Government in March this year requesting the Government to make certain changes to the Local Government Act. It is a pity that the Minister and the Government did not accede to the many other requests made by the council during the past two years. No honourable member can argue that because the Shire of Morwell has asked for the Bill to be introduced that Parliament should pass the proposed legislation. All honourable members know that the provisions in the Bill are the only ones that the Government has accepted among the many matters raised by the shire. The Government did not accept the five riding operation that exists in the Shire of Morwell. The Shire of Morwell submitted a petition to its ratepayers asking them whether they wanted four ridings or the status quo. The petition gained enormous support. I am intrigued by the dishonesty of some members of Parliament and people in other places who are prepared to tell blatant lies.
After the petition was presented 3200 letters were sent to people in the Shire of Morwell. The letter, which was signed by the Minister for Local Government, stated:

Dear Resident.

Your name was recorded as supporting a petition dealing with representation on the Shire of Morwell.

Not proportional representation, but representation on the Shire of Morwell—

Your local MP, Val Callister, MLA, has also made representation on the issue.

As a result the Government will introduce legislation to give effect to the request of the petition . . .

That is rubbish! The petition had nothing to do with it.

. . . in accordance with the resolution of the Shire of Morwell. The legislation will provide for triennial elections of an unsubdivided shire and provide for the election of twelve councillors by the proportional representation method of election.

Half the people of Morwell do not have the faintest idea what proportional representation is. When they received this letter in their letterboxes it was the first time most of them would have heard anything about it. The letter continues:

This will ensure that the three principal communities of interest in the shire i.e., Morwell, Churchill and rural—are catered for and will provide fair and equitable representation. The system of proportional representation will ensure that ward boundaries are unnecessary.

Arrangements are being made by my Ministry—Department of Local Government—in cooperation with the Shire of Morwell and MLA for Morwell, Val Callister, to inform the community of the progress of the legislation and its effect on residents of the Shire of Morwell.

I look forward to an early result with your continued support.

After reading that cleverly written letter those people would think that the petition they signed was about proportional representation, but it was not. The petition they signed was about having two ridings in Morwell, one in Churchill and one covering the rest of the area.

This Government, with its sneaky tactics, has taken that opportunity and used it to its own ends, creating the expectation among people that proportional representation must be all right. It is not and there is no way, for many reasons, that the National Party will support proportional representation.

Members of the conservative political parties will be blamed for the mess that will now be inflicted by the Minister on the Shire of Morwell because the Minister has decided that there shall be three ridings in the Shire of Morwell, which is a difficult thing to achieve, and if it does not happen the gazetted operation will go through and there will be three ridings anyway.

I should like the Minister to consider the internal boundaries of the Shire of Morwell and the 5 per cent variation. The Bill introduced to Parliament yesterday provided that the internal boundaries of ten municipal councils will be based on 10 per cent variation. Perhaps it would be a good idea if the Local Government Commission visited the Shire of Morwell to look at the four ridings in the shire and the 10 per cent variation. It is not too much to ask because the Government has not done it and the standards that have been placed on the Shire of Morwell have made it nervous.

I shall briefly consider representation as it would apply to Morwell. With the twelve councillors under the proposed legislation the quota would become 7.69 per cent, which I shall call 8 per cent. Anyone who can achieve 8 per cent support in the Shire of Morwell would gain a seat. It is feasible under that method for a candidate with whom 92 per cent of the people disagree to achieve election to the council. With the last person elected support may be even less than 8 per cent.

Proportional representation works only on listings or groupings or, as we know it, political parties. What is the effect when one applies party groupings or listings to the operation of proportional representation? Each group of people will put together a list of
probably six or seven candidates. The two major groups opposing one another will have eight candidates each. It is a lay down misère situation for the first four on each list as they will win on most occasions. That means that if one makes the first, second, third or fourth place on the list, one is as safe as houses, no matter how the election goes.

The next two positions are the ones that the election is actually about. The first four people listed do not have to campaign or be judged as councillors, politicians or people. The election is about whether the last two on each list will be elected. That is where fringe groups come in with only 8 per cent support in the electorate. I am fair dinkum about this.

One point that many people in the Labor Party do not understand is that the simple reason why there are socialist and conservative sides of Parliament is that the socialists will believe in some things and agree to them without giving sufficient thought and the conservatives will not—proportional representation is a classical example. I know there is nothing I can say in this Chamber or anywhere else to change the minds of the true blue—or perhaps true red—socialists on their opinions of proportional representation, except if they belong to the tomato left.

I appreciate that there is a strange coalition of ideas in this Parliament. There are hard lefts, as against the sissy lefts, who are desirous of having the Labor Party travel in the direction in which it is going with this Bill.

That is a strange thing. When I heard that I thought I would have to have a close think about where we are going.

Most socialist members of the Australian Labor Party vehemently believe in the principle of proportional representation. The only way to achieve that, through this Parliament under the system we have, is for the Labor Party to win enough votes in the community. I should like to have an election on proportional representation because it would be extremely interesting. We might be able to arrange it!

If ever the Labor Party decided to inform people about the principles of proportional representation and how it works, the general community might begin to understand it. At present the understanding of proportional representation in the electorate is absolutely zero.

Mr Gavin interjected.

Mr STEGGALL—Does the honourable member for Coburg want me to deal with the countries he quoted? The honourable member for Coburg summed up his case very well; he quoted three of the most unstable Governments in Europe! That is one of the side effects of proportional representation. If one believes that to be elected one must have a very good majority supporting one or not opposing one—I am speaking of council elections—the preferential system we have today is very good and it makes everyone earn their stripes.

The Labor Party says, "If you have a good strong candidate out in front and that candidate receives 65 per cent of the vote in a council election, the other candidates listed as No. 2 and No. 3 will be dragged straight through". I suggest that, under proportional representation, there is a difference.

For the third person on a popular ticket to be elected, a candidate cannot have more than 50 per cent of the people voting against him or her. It is impossible. Under proportional representation the same thing can happen with the ticket and the listing system. However, to be elected under this system—in this case in the Shire of Morwell which has twelve councillors—a candidate need achieve only 8 per cent of the vote or have 92 per cent of the voters reject him or her.

We will have a similar debate when the Local Government Bill comes before Parliament. I imagine that our side of politics will give that Bill the same treatment that the Bill before the House is receiving today. Proportional representation is powder puff stuff! It appears in many forms around the world and it has been rejected in many places around the world.
In France, which has had proportional representation for some time, the new conservative Prime Minister, M. Chirac, passed a Bill through Parliament ridding the country of proportional representation for the first time since the days of de Gaulle. However, because France has a socialist president, President Mitterand vetoed the motion of the House. Therefore, the French people will have to front up again under the proportional representation system. That is how popular proportional representation is in a country like France. It was not one of the countries mentioned by the honourable member for Coburg.

The proportional representation debate can go on and on. Some members are vehemently in favour of it and others are vehemently opposed to it. The only way the Labor Party will be able to introduce proportional representation is if it wins power in its own right in the Upper House. There is no way the conservative parties will allow its introduction. If one wants strong Government and politics as we understand them in Australia, the system we have today is far better than proportional representation.

Many thinking members of the Australian Labor Party in Victoria today would be disappointed if proportional representation were introduced in Australia. It would weaken the democratic system enormously and make it almost impossible for any Government of any political persuasion to govern in a bicameral system in its own right in both Houses.

That problem is currently being experienced with the Australian Senate. Thank goodness the House of Representatives is not elected by proportional representation, or the situation would be worse. Proportional representation is foreign to the Australian character.

I leave honourable members with one thought. As I said, the Australian Senate is elected by proportional representation. As a person representing a northern Victorian electorate, I have a lot of interest in the fact that the Senators are elected by proportional representation because that system does not allow territorial representation.

There is not a Senator representing the State of Victoria who has responsibility for the Swan Hill or Mildura electorate. There is no-one in the Senate to whom I can go to discuss the problems of the people in the electorate I represent. There is no Senator to take up the battle of rural finance, salinity or any other major issue concerning the River Murray, the Murray-Darling basin or whatever.

If proportional representation is to be continued with Senate elections, perhaps there should be some country divisions. Nearly all Senators operate out of Melbourne or the provincial cities. The Senate is not representative of the people. I say that as a country politician. One must remember that no country politician has been able to make it through to the Senate in recent years. That refutes the statements and arguments one hears from the Labor Party about how minority groups will win through.

I make no bones about the fact that I belong to a minority group. It does not take very long for a member representing the Swan Hill electorate to realise when he speaks that, of the 88 members in this House, 68 come from the metropolitan area. Sometimes one feels a bit lonely. Proportional representation in the Senate has never worked in recent years unless one can get on the famous list.

The National Party completely and utterly rejects the Bill. The debate and argument about proportional representation will continue among politicians who understand it.

Another clause that should be mentioned, which has not rated a run today, is clause 9. I wonder why the Minister would wait for a Bill that he knew would get rolled. He knew the direction in which the Bill would be heading on the day he put pen to paper to actually tell his draftsmen or his department to draw it up. Why on earth is clause 9 included in this Bill? For the first time a piece of proposed legislation includes a provision relating to the introduction of electronic accounting systems. If the subject were that important, I should have thought he could have waited for the debate on the Local Government Bill!
I do not know much about electronic accounting systems, but I am delighted that this Bill will be rejected in toto. Possibly, the only subject worth considering in this Bill is clause 9, which relates to electronic equipment, and I hope we will come to understand it more when the Local Government Bill is debated later this year.

Miss CALLISTER (Morwell)—This afternoon members of the opposition parties have handed out insult after insult to the council of the Shire of Morwell. They have virtually accused its councillors of being a bunch of dumdums and of not knowing what they were seeking from the State Government. Nothing could be further from the truth.

Before continuing my remarks, for the benefit of those who do not know the meaning of the word “unanimous”, I refer them to the dictionary meaning, which is, “all being of one mind; agreeing in opinion; and with one accord”. The fact is that the Shire of Morwell advised the Minister for Local Government of a resolution it had made unanimously following its meeting on 10 March 1987. Contained in that letter was the following resolution of the council:

That this council request the Minister for Local Government to introduce the following proposal for elections in the Shire of Morwell. An un-subdivided municipality with proportional representation for the election of a minimum of twelve (12) councillors at a triennial election in 1987.

That is what the council of the Shire of Morwell asked the State Government to do, and it is that to which the State Government has responded by way of introducing this Bill to Parliament.

Therefore, nothing could demonstrate more intensely the commitment of this Government to respond to the desire of the council. The Bill also ensures that there is general application where councils request that the principles enshrined in the measure should be applied in their own municipalities.

The Bill is not being foisted on local government throughout Victoria; its purpose is simply to provide a vehicle of choice to local municipalities, should the majority of councillors on those municipal councils desire to institute for their council areas the set of principles contained in the measure.

I should have thought that was completely in line with what the opposition parties say when they travel around Victoria and tout the desirability of self-determination and local government autonomy. That is what members of the opposition parties say week after week, month after month, year after year: that they want local government to have the sort of autonomy to enable them to determine their own electoral systems and set-up, and that is simply what the Bill enables.

As I said, the Bill is a response to a unanimous request of councillors who sit around the council table of the Shire of Morwell.

As previous speakers have pointed out, the Bill embraces four key principles, one of which is proportional representation. I shall defend to the nth degree the democratic nature of proportional value of giving one vote, one value and ensuring that important and significant communities of interest are represented, in this case, at local council level. I stress the point that the Bill achieves a very democratic value of one vote, one value.

The Bill also relates to the non-subdivided municipality. In response to matters raised in consultations throughout the State about the draft Local Government Bill, non-subdivided municipalities—28 of them—have made a submission to the Minister for Local Government to underline the democratic nature of non-subdivided municipalities. In that submission they have said that it is the purest form of democracy. They also state that the option of employing proportional representation in elections is an important feature of that draft Bill, as it allows choice in this important matter, and that is most commendable.

Therefore, non-subdivided municipalities support the element of choice, as does the State Government in the Bill before the House.
The third major point contained in the Bill embraces the system of triennial elections, which means that the whole of the council is elected once every three years. I know that the vast majority of people would prefer not to be out voting for local councils on an annual basis. As the honourable member for Greensborough says, by interjection, they get sick and tired of that annual ritual. They would much prefer to elect the whole of the council once every three years. That system of elections is much more in line with the other levels of government and substantially simplifies the whole system for them.

The Corporation of the City of Melbourne has been permitted by this Parliament to operate under that system, and it is only fair, if they so desire, that other municipalities in this State should be allowed to do so as well. It is discrimination in the extreme against the requests of councils such as that of the Shire of Morwell that they should be denied their request by the opposition parties.

The Bill states that the council will comprise twelve councillors. That is the preference of the Shire of Morwell. It is my view that nine would be an adequate number of councillors to conduct the affairs of the council in the way in which people expect them to be conducted; that is, with recognition of local opinion and so on about the decisions that have been made.

However, the council has requested twelve councillors, and the Government has acceded to its request. In other words, the Government has simply responded to a request of a council, which was put to the Government as something on which unanimous agreement had been reached by that council.

The arguments put forward by the opposition parties have been largely irrelevant, and certainly, so far as the Liberal Party spokesperson is concerned, vastly incorrect. They have demonstrated an uncompromising streak, unlike the capacity of this Government to respond to the Shire of Morwell and thereby show that it is willing to take on the wishes of local councils in this matter.

As I said, the position put forward by the opposition parties is hypocritical in the extreme. They make very strong comments on local government autonomy and local government having the right to self-determination, and they now have the opportunity of supporting proposed legislation that gives effect to those wishes. Yet, without exception, they are rejecting a local council initiative. That will prove to be a millstone around their necks for a long time to come so far as the Latrobe Valley is concerned.

Councils will rightfully have a strong degree of cynicism about the strength of the Opposition’s commitment to the autonomy of local government decision making when it will not accede to what is a unanimous request made by the Shire of Morwell.

The opposition parties are making mealy-mouthed statements as they go around the State. They are demonstrating that they do not believe in the principle of one vote, one value because they have put forward various opinions on how the system could be better organised in the Shire of Morwell. However, none of those opinions meet with the basic tenet of one vote, one value.

The honourable member for Mornington gave what I would call a potted history of this issue. It is true that it goes back some years. In October 1984, following a request by the Shire of Morwell for a review of its internal and external boundaries, it was resolved by the council that it would put forward to the Local Government Commission a request for three wards and nine councillors, adopting as its second preference four ridings.

It is a matter of history that the shire subsequently changed its mind and, from time to time, it has had various positions, including the retention of the status quo. However, it is also a fact of history that it has been able to review the position in the knowledge that, if certain principles are accorded with, it would be able to have a completely new democratic system. This was unanimously requested.
The opposition parties are rolling that request made by the Shire of Morwell. A major group that has an interest in this matter is the Morwell shire boundaries committee, which has also supported the Bill.

The letter from the shire to which I referred earlier indicated that the boundary group, addressed a special council meeting and indicated its support for the proposals that had been adopted. Representatives of the group were present on the occasion when the Minister presented the original draft legislation. As stated it desires the principles enshrined in the Bill to be put into practice in the Shire of Morwell at the next council election later this year.

Parliament has an historic opportunity to endorse the unanimous request of the Shire of Morwell for this change.

Mr Leigh interjected.

The SPEAKER—Order! I have already mentioned that if the honourable member for Malvern wishes to be thrown out, I will oblige him.

Miss CALLISTER—That is a simple request—I am not referring to the honourable member for Malvern as being simple, although past and future history may prove that he is simple.

This is a real opportunity to accord with the request of the shire for a particular voting system. However, the opposition parties are using their positions to ensure that the proposed legislation is defeated and, therefore, are ensuring that the wishes of the Morwell shire are being denied, and so too, are the wishes of a number of other municipalities across the State who have considered the principles enshrined in the Bill and said that they are good principles and will be the best principles for giving effect to better decision making and democracy in local government.

It is a sad day for me. A lot of work has gone into preparing the Bill for introduction to Parliament in an attempt to meet the request of the Shire of Morwell. It is disappointing that the opposition parties in another place will use their numbers to throw it out.

It shows how paternalistic those parties are. By their actions they do not believe that any council has the capacity to determine for itself whether this system will suit it. The opposition parties are saying, "We have decided the limit, and, therefore, the Shire of Morwell will have to look at what we want rather than what it wants".

Mr LEIGH (Malvern)—The House has just listened to a speech from the honourable member for Morwell and, had the Bill passed, the honourable member would have been known as the commissar of Morwell. If I were the shire secretary in the Morwell shire, I would be looking out for my job because at the end of the day the Government is about big unionism and big local government with the Australian Labor Party in control. That is what the honourable member is about!

The honourable member seems to have some hold over the Minister as the Minister is prepared to break Labor Party policy. The honourable member for Mornington referred to a letter he received, dated 9 December 1986, in which the Minister stated:

I am generally in agreement with them, except for the letter to unsubdivided municipalities which needs to reflect the policy position that all municipalities should be subdivided.

On the one hand, there is the policy of the Government and, on the other hand, there is the statement of the Minister or the commissar, the honourable member for whatever.

The SPEAKER—Order! I am not sure whether I heard what the honourable member said, but if he is referring to the honourable member for Morwell that is how he should address her when he mentions something that he believes she did and, in the same manner, he should refer to the Minister for Local Government. If the honourable member wishes to be heard he should use the correct forms in respect to honourable members. Secondly, he should address his remarks to the Bill.
Mr LEIGH—Certainly, Sir, and I believe I am addressing my remarks to the Bill. In her speech, the honourable member for Morwell gave reasons for her belief that the measure ought to be passed despite the fact that it is contrary to Australian Labor Party policy. For some reason the Government is prepared to change its attitude to that policy.

This measure is the thin end of the wedge. The Government is attempting to hold a shotgun to the community's head; if the Government can get this measure passed, it believes these provisions will spread more widely throughout other communities. The Bill does not merely confine itself to the Shire of Morwell. It has wider ramifications in local government. Once it is successfully implemented in one sector it will be forced on all other sectors of local government. I reiterate that the Bill contradicts Australian Labor Party policy.

The Bill will further politicise local government to a degree that the community has never known. Proportional representation and triennial elections will achieve two results: firstly, the bureaucracy of local government, which will be delighted with triennial elections, will be able to ride roughshod over local communities; and, secondly, as the Government concedes, proportional representation will allow the Labor Party to get its foot in the door of virtually every local council in the State should voters be stupid enough to allow it to occur. I do not really believe voters will be that stupid but the fact is that the measure will be used to assist the Government in its quest to remain in power.

One should examine the communities that have been controlled by Labor Party councils—such as Richmond, Sunshine, Keilor and Oakleigh. It is a pitiful list. Where the Australian Labor Party has involved itself in local government it has been nothing short of a disaster.

Admittedly the Government sacked the Richmond City Council but I suspect that occurred only because it had been set in train by the previous Liberal Government and the Labor Government had no choice in the matter. The Minister for Local Government is certainly not prepared to act similarly with regard to other Labor councils.

The SPEAKER—Order! The Bill does not give the honourable member the scope of debate that he is attempting. The honourable member is not the lead speaker of the Opposition, who is given the opportunity of canvassing other matters and, from what I heard, did so. I ask the honourable member to relate his remarks to the Bill.

Mr LEIGH—Absolutely, Sir. I am attempting to say that the measure will lead to the politicisation of local government. If local government is further politicised, that politicisation and the reality of this measure will impinge on the community. I have made brief mention of that and I shall relate my remarks to the Bill.

The honourable member for Mornington quoted the Labor Star of May 1981, which referred to triennial elections. I quote further:

There would also be a focal point for party morale in areas without ALP Parliamentary representation and it would provide a training ground for political activities ... The democratic process will be enhanced by minority groups having an increased chance of being represented.

Today, Government party members berated the National Party for being a minority party. It appears to me that the Government is interested in minority groups only so long as they are associated with the Labor Party and in control of local government. It is another matter if a minority group is of a different political philosophy. The Government would prefer to wipe out minorities that do not share the Government's beliefs. That is what the Government is attempting with proportional representation in local government.

Proportional representation will turn local government into a political blood sport. It will attract the dregs of politics into local government who are not wanted in local government—the people who are incapable of winning ALP preselection for State or Federal Parliament seats. That is what is happening in councils like Oakleigh, Richmond and so forth and that is why those councils are in difficulties. I am aware that the Minister for Local Government has attempted to correct this trend in those municipalities in his
aim for local government councillors to receive remuneration rather than to continue to be unpaid.

I am aware that this is not a provision of the Bill but is another example of the thin end of the wedge. Of course, it should be remembered that the Minister for Local Government is not a Minister who the Premier wanted in Cabinet. The Labor Star states further:

The fear that the ALP would lose control of those councils presently held by Labor is offset by the greatest increase in ALP councillors throughout the State. Labor councils all exist in inner suburban areas which in any case are bound to return Labor members of Parliament irrespective of who controls the local government scene.

What do they think about people in the community? They think everyone will vote for the ALP merely because previously there have been ALP candidates in those areas. They are so prepared to take people for granted that they do not care for democracy.

This Bill has absolutely nothing to do with democracy. It is concerned with the ALP's attempt to remain in government in Victoria by further politicising local government. By interjection, the Deputy Premier says that it does not, but I cannot believe he is so unaware of the facts. The foundation of the ALP is its local government base and if that is destroyed the Parliamentary Labor Party will be reduced to the minority group it was accusing the National Party of being. It has been apparent in many municipalities that ALP members are elected as independent councillors and gradually proceed to destroy good representative local government by politicising it and that is too bad for the people—it has nothing to do with them!

Politics and local government should not be mixed. As the honourable member for Mornington said, one needs only to look at New South Wales for an example of the disastrous effect of proportional representation, yet the Minister for Local Government wants to introduce the same system to Victoria. He wants to bring "Big Butterfly Barry's" concepts into Victoria and debase the State, as the honourable member for Mornington interjected. I do not believe Victorians will be prepared to put up with this rubbish. I refer again to the Labor Star. It says:

The suggestion is that the Liberals might pick up one-third of the seats with 25 per cent of the vote. Reformers or radicals might pick up another 25 per cent on some topical local issue, leaving the ALP with just one-third of the council seats and a loss of control. This seems an unlikely scenario, but in any case, the reality could well turn out to be an alignment of the radical reformers with the ALP.

Who are the radical reformers? I suspect that they are the communists and those other fringe groups with whom this Government associates in the inner city areas such as the Collingwoods and Fitzroys. We know what is going on. We know that proportional representation will allow this Government to take the State of Victoria further down the track. I reiterate that I do not believe the community is prepared to have a bar of this.

There are problems with local government. The Opposition understands that. We believe there is a need to ensure that local government is kept up to date but handing over control of local government to more minority groups, as this Bill will do, is not a solution to the problems of my community, Mr Speaker, or any community.

Proportional representation is in fact unrepresentative government, not representative government. Today Victorians cry out for one thing. They are sick and tired of Governments caving in to minority groups. They want good, honest, clean government at every level that takes into account the needs of all the people, not just the people who shout the most. The people who have been shouting the most have been getting what they wished in some areas of policy. As the Government has had disputes with those people, it has caved in on some aspects. The people are not prepared to put up with that.

The summary to this document says:

It would greatly increase the number of ALP members serving as local government councillors and thereby lead to a much more widely accepted grassroots base for the Australian Labor Party.
Honourable members currently see an example of the base of the Labor Party in Oakleigh and in Richmond. I have also seen it on the other side of the city, and it is an extremely smelly grassroots base. It has such a stench about it that no community in this State or this country would want that. Because of that stench, I do not believe the Liberal and National parties will allow the Bill to pass. If we do, we might as well throw away representative government in this State because the Bill is a first step in that direction.

Earlier today one of my colleagues mentioned the concept of proportional representation for the other Chamber. It is a fact that Governments are moving down that track. Wipe out local government; wipe out the Legislative Council; leave the Minister in charge of everything. He can be the honourable Minister; perhaps he can also be the honourable commissar or whatever. Too bad about representative local government! The Minister makes jokes about it. I do not believe people are prepared to put up with that.

The best thing every member of this House could do, including Government members who have not been in this place very long, would be to go to the Parliamentary Library and obtain a copy of the Labor Star of 1981 to see how it is set out. I know that not all Government members agree with what the Minister is preparing to do. Perhaps they have been bulldozed in their party room into going along with it. If they really believe in this sort of nonsense, how can they ever advocate the interests of democracy?

Proportional representation will add to the concept of social justice. Honourable members are already aware of the exercise that went on with Mr Stuart Morris aimed at getting bigger local government, proportional representation in local government, unaccountability in local government, social justice in local government and greater expense in local government for the ratepayers of this State. That is not on. The Opposition will not allow that sort of thing to happen. As a political party, we must stop it.

The Shire of Morwell says it wants this Bill. As I asked earlier: does the shire really want it? Why does it want the Bill? The honourable member for Morwell is obviously in favour of it. She is in favour of it for her own reasons and the reasons of her political party but not for her constituents' reasons. She did not ask them when the Minister published the new boundaries in the Gazette. Her attitude is: too bad about the people. The Minister does not care about what happens to people. The Labor Party and the Labor Government shout that they have a conscience about what happens to people; yet the first time that the Minister was put to the test at the beginning of 1982, and even today as the Minister for Local Government, he would not and the Labor Government will not ask what the people want. The Minister and the Government believe they know better. That is one thing that one can always say about socialism and socialists: they know better than the people, and democracy becomes terribly unimportant. They do not ask people because the people might give them a message that the Government and the Minister do not want to hear. That is why we have the proposal for proportional representation.

As the Minister knows, we have already been through the business of triennial elections; and I can recall other occasions when the shadow Minister for Local Government, the honourable member for Mornington, held out his hand to the Minister, offering to ensure, to the best of his ability, that the Opposition would cooperate on any Bill dealing with local government, within certain parameters. I can recall that triennial elections constituted one of the parameters about which honourable members made a decision before.

If the Minister were serious and wanted the best for local government, he would have cooperated. Instead, the honourable member for Mornington lost a hand: it was bitten off by the Minister, who is not interested in ensuring that the Westminster system operates. He is interested in his views and they have nothing to do with Parliament, proportional representation or triennial elections. His views have to do with the Labor caucus and the way members of the caucus vote when they meet at Spring Street.

I am not prepared to have my community bulldozed with the sort of inane junk that is being presented to Parliament: that is what it is. I do not wish this Bill a speedy passage.
know what the Opposition will do with it. I believe the Minister got that message quite clearly before the Bill was introduced. One must ask: if the Minister knows that the Bill will be rejected, why did he introduce it? What is the point of causing further division in the community by introducing a Bill that the Minister knows the opposition parties will reject? I hope the Minister will explain that to honourable members.

I should have thought that the community wanted to see from politicians a number of things. The community wants to see politicians and members of Parliament being positive in what they do. The community wants Governments and Oppositions to be positive and to find solutions. The Minister was offered cooperation but he has thrown it out the window with this Bill.

I ask the Minister to tell honourable members in his summation of the second-reading debate what is the significance to the Shire of Morwell of the passage of this Bill, which is contrary to the Labor Party's political platform. There must be a reason somewhere. Every time the socialists do something, they have a reason. They go down one track quite deliberately. I will say this for the socialists: they are dedicated—dedicated to the destruction of this State and the real interests of democratic principles in this State.

The Minister and the honourable member for Morwell laugh at that. It is obvious either that the Minister did not write the article for the Labor Star of 1981 or that he did not read it. If he had, he would have seen that the article concluded by talking about democratic principles and the enhancement of the rights of minority groups. I do not know who wrote this article: perhaps it was the former Minister for Local Government or the present Minister when he was the factional leader of the group, but that is what it said. Too bad about rights!

I should like to know who wrote the article. It certainly represented the platform of the Labor Party and the Minister is now six years later carrying it out. I commend him for one thing and that is dedication—dedication to his cause.

It is a fairly hopeless course to go along. The Opposition is not prepared to go along with it and, as I said earlier, I do not wish the Bill a speedy passage through the House and I will not be wound up by the Minister at all. He has caved in to the pressure from his party—that rabble that went to the State conference and threw tomatoes at each other. That is not an example of representative government; the Government has caved in to tomato throwers again. It is just too bad about people's rights, so far as the Government is concerned.

I hope the Bill fails. I am absolutely convinced it will fail. It will not fail in the Legislative Assembly but when it gets to the Legislative Council it will be dealt with in a negative and speedy manner.

Mr WALLACE (Gippsland South)—The Bill is an important one. It is an absolute disgrace to think that the Shire of Morwell, which is a great shire, has been put in a position where councillors and officers of that shire, who are of the highest calibre, are being used to score political points.

It is about time the Minister had a jolly good look at what is going on. It is a shame to see councils, which are trying to do the right thing, being put in a position by a Minister who was defeated in his previous aim of obtaining additional boundaries.

The National Party is completely opposed to the triennial elections and proportional representation. Local government is about local people. The reason for the annual election in local government is that the local issues change from year to year, unlike other areas where the same issues can be carried on for three years. Unfortunately, the Bill is trying to put somebody in place who will be able to fill in time for three years and that is an absolute disgrace.

No member of this House or member of the community would agree that 8 people out of 100 can elect a representative to represent them. Ninety-two people out of 100 say that
they do not want that representation and yet eight people have their say; not for one year, but for three years.

Surely the Minister can see that the Bill is not right. One should not force things on the people that they do not want. The Minister has not considered the people in the area. He put them in a position where they had nowhere else to go. They knew what they wanted and they were trying to achieve it, but the Minister could see a political point and he tried to push it through. The people in the Shire of Morwell want to elect their people their way, not the way the Government wants to elect them.

The people to whom I have spoken in the Morwell area know nothing about triennial elections. They represent their people; but unfortunately, the Minister has a bee in his bonnet. He believes he knows best and he will force it on the community at any cost.

This will not be allowed to happen. The National Party will oppose the Bill vigorously. I still do not understand why the Minister is endeavouring to introduce the Bill when he has the Local Government Bill knocking on the door. Why could he not wait a little longer and get it right?

The Council has continually made strong representations to the regional commission. It has been cooperative to other councils and it wants to be able to represent its people. I urge the Minister to reconsider what he is doing and to think about the people rather than trying to score political points.

The sitting was suspended at 6.27 p.m. until 8.4 p.m.

Mr SIMMONDS (Minister for Local Government)—Before the suspension of the sitting for dinner, members of the Opposition responded to the Bill and, clearly, they have not considered the objectives of the measure. They are attempting to deny the citizens of the Shire of Morwell the opportunity presented by the Bill. The Government is committed to the passage of the Bill, which will postpone the local government election due in the Shire of Morwell in August 1987.

The Bill is in response to a request from the Shire of Morwell for an alternative to a three-ward subdivision, which was the result of an inquiry by the Local Government Commission which established the principle of one vote, one value by drawing together three wards under the existing external boundaries of the shire.

The Shire of Morwell was concerned to get a spread of representation and was concerned that, in drawing ward boundaries, some community interests would be affected. During discussions, it was suggested that an alternative to the subdivision could be made, and provisions are contained in the Bill to cater for that.

The question of the number of councillors was raised because the provisions, which are the subject of a decision by the Governor in Council, would have required that there be nine councillors in the shire as at August 1987. The shire would prefer to have twelve councillors. The measure reduces the quota from 10 per cent, which would have applied to nine councillors, to 7.69 per cent.

It is interesting that members of the National Party totally oppose proportional representation, and they are supported by the Opposition. The concept of equity in electoral representation put forward by the National Party totally rejects proportional representation in circumstances where the Shire of Morwell has indicated that it prefers that approach and where the Government has been prepared to address the problem of achieving a spread of representation. The shire wants to forego the position of a three-ward subdivision to achieve a spread on the basis of proportional representation.

If further evidence of the necessity for this approach is needed, I shall quote a telegram I received from the City of Frankston which states:

Re Local Government Elections Bill, Frankston City Council supports the provisions in the Local Government Elections Bill currently before Parliament. Council's support is subject to clause 8 (3) being amended to allow
deferment of the first general election in 1987 for other municipal councils declared under proposed section 5 in addition to the Morwell Shire Council, A. H. Butler Chief Executive Officer City of Frankston.

That is a clear indication that the City of Frankston wishes to use the provisions in the Bill.

The provisions in this measure are available on request by an absolute majority of the total number of councillors and it can be applied in no other way. Initially, the Shire of Morwell unanimously requested the action contained in the Bill.

Mr Cooper interjected.

Mr SIMMONDS—The honourable member for Mornington makes half a statement about what happened on 8 April. I advise the House of correspondence I have received from the Chief Executive Officer of the Shire of Morwell dated 8 April, which states:

Dear Minister,

Local Government Elections Act 1987

I refer to your visit to Morwell on Thursday, 2 April 1987 and your presentation of the draft Bill to the council and other interested parties.

As indicated at that meeting the council has now considered the draft Bill at its ordinary meeting held on Monday, 6 April 1987 and has resolved as follows—

1. That the Minister be commended for responding to the council's request initiating legislation that will enable the council's electoral proposal to be brought into effect in 1987.

That is hardly the action of a council under duress.

The letter continues:

2. That the Council support the Bill subject to it being amended to provide for the Shire of Morwell only and also that a provision be included to enable the Shire of Morwell to apply to the Minister for revocation of the Order should the need arise.

There would be no difficulty with that proposition. In fact, it is carried out with respect to proposed legislation that has yet to be debated in this Parliament. The honourable member for Mornington comes into this Chamber and abuses people who are paid by the Public Service to carry out their functions in support of Government. I do not care if he abuses me but he should not personally abuse people employed by the Government in this way. The legislation stands on its own merits. The honourable member for Mornington is a whining, whingeing example of why the Opposition suffers because of its representation with respect to local government.

The letter further states:

In addition the Council has resolved to seek the support of the opposition parties and will be making representations direct in an endeavour to obtain this support.

I commend the council for its decision. I regard its approach to the question of balanced and fair representation as a proper one. I understand that a number of municipalities in Victoria would welcome the opportunity to endorse the provisions of the proposed legislation.

I was interested to hear of the newfound philosophy of the Liberal Party on proportional representation. It was not always as it has been described in the Chamber tonight. I quote from a document headed "State Crisis" that is available from the Parliamentary Library. It is a document written by Mr Dawnay-Mould, who would be unfamiliar to the honourable member for Mornington but not to most honourable members in the Chamber. It is a statement of the Liberal Party's attitude. Under the heading "The Original Objective of the Liberal Party Jettisoned" it states:

It will be seen that, in agreeing to reject the electoral reform principles that had been enunciated by the founders of the Party, the L.C.P. practically rejected the very purpose for which it was originally brought into existence.

An Honourable Member—Who is the LCP?
Mr SIMMONDS—There has been a certain amount of discussion about coalition alliances, and we have seen an example of that alliance. Now members of the Opposition are worried about the Bill and almost everything from the State to the national scene involving the electoral system, and they want to run for cover when asked to discuss their alliance and what it all means.

The document reads, in part:

THE LIBERAL AND COUNTRY PARTY
RESOLUTIONS FROM BRANCHES FOR FIRST ANNUAL STATE COUNCIL MEETING
6th and 7th September, 1950

LEGISLATIVE COUNCIL AND ELECTORAL REFORM

Following a recommendation from the Joint Standing Committee on State Policy, the State Executive adopted the following resolution which is now placed before the State Council for consideration:

1. That in view of the anomalies existing in the present Victorian Electoral System, the Liberal and Country Party advocates reform on the following basis—

   1. A complete redistribution of the House of Assembly Electorates on the basis of two Assembly Electorates to each Federal Electorate.

   2. Adult Franchise together with Proportional Representation for the Legislative Council.

The result of the vote was 380 for and ten against. We know what happened on that side of politics, because that lasted about two years.

Mr COLEMAN (Syndal)—Mr Speaker, on a point of order; it is normal when an honourable member is quoting from a document that he identify the author and the year it was printed, because I am sure that the document from which the Minister is quoting has come out of the archives.

The SPEAKER—Order! The honourable member for Syndal raises a legitimate point of order. I do not intend to allow him to take it to the farcical stage. Will the Minister for Local Government identify the document and make it available to the House?

Mr SIMMONDS (Minister for Local Government)—I indicated that it was published by Mr Dawney-Mould, and the document is headed “State Crisis”. It was a State crisis in the Liberal Party in the 1950s and there are quotes on the question of proportional representation.

The point I wanted to make with respect to the debate is that on this occasion we had the use of another document in 1981 quoting from a discussion paper on the issue of local government representation in Victoria, and it made unauthorised and unsubstantiated contribution towards the debate.

With respect to the current position on proportional representation in the State, I should be interested to know whether the Liberal Party subscribes to the view of the National Party that under no circumstances would proportional representation be available to citizens in local government elections or in other areas of government in Victoria.

For the purposes of the proposed legislation, the point is that citizens of the Shire of Morwell requested the measure that is before the House. I took the trouble to take the draft Bill to representatives of the shire and discussed aspects of it with them. The honourable member for Narracan was present, and he said he opposed to proportional representation. I understand his position, and if he had looked at what had been done initially he would find—

Mr Delzoppo—When did I say that?

Mr SIMMONDS—The honourable member at first was opposed to the introduction of proportional representation for the Shire of Morwell. If he believes I have misrepresented him I should like to know. Perhaps he would acknowledge that the proposition put to the
Shire of Morwell—the three ward subdivision—conforms with the view that it is one way of achieving a spread of representation.

There is a second and preferred way that the Shire of Morwell could have access to proportional representation to achieve the objective of the spread of representation—it is as simple as that. There is nothing more or less than that in the proposed legislation. It is available to the Shire of Morwell, and in fairness to the rest of the municipalities in Victoria, I point out that under the provisions of the proposed legislation they are entitled to apply for proportional representation on production of a resolution carried by an absolute majority of all the councils in the municipalities concerned.

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

Ayes: 40
Noes: 28

Majority for the motion: 12

AYES

Mr Andrianopoulos
Mr Cain
Miss Callister
Mr Cathie
Mr Crabb
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hill
Mr Hockley
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Seitz
Mrs Setches
Mr Sheehan
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Wilkes

Tellers:
Mrs Hirsh
Mrs Wilson

NOES

Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Hann
Mr Jasper
Mr John
Mr Kennett
Mr Leigh
Mr McGrath
(Warrnambool)
Mr McNamara
Mr Pesce
Mr Ramsey
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Smith
(Glen Waverley)
Mr Smith
(Polwarth)
Mr Stockdale
Mr Tanner
Mr Wallace
Mr Weideman
Dr Wells
Mr Whiting
Mr Williams

Tellers:
Mr Dickinson
Mr Steggall
The Bill was read a second time, and passed through its remaining stages.

**EDUCATION ACTS (AMENDMENT) BILL**

This Bill was returned from the Council with a message relating to amendments. It was ordered that the message be taken into consideration later this day.

**ENVIRONMENT PROTECTION (AMENDMENT) BILL**

This Bill was returned from the Council with a message relating to an amendment. It was ordered that the message be taken into consideration later this day.

**PUBLIC HOLIDAYS (BICENTENNIAL CELEBRATIONS) BILL**

This Bill was returned from the Council with a message insisting on the amendments with which the Assembly have disagreed. It was ordered that the message be taken into consideration later this day.

**HOUSE CONTRACTS GUARANTEE BILL**

The Order of the Day for the further consideration of this Bill in Committee was read.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I declare this Bill to be 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 motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I am glad the Opposition did not divide on the matter and that there was accord across the House about the urgency of the Bill. I now move:

That the time allotted for the remaining stages of the Bill be until 9.30 p.m. this day.

As honourable members who have been in the House or who have listened to the earlier stages of the debate would be aware, some 3 hours of debate has occurred on this august measure and the Bill has already been considered in Committee.

I understand that the Opposition wishes to have the opportunity of putting a further statement of principle on clause 3, so it now has that opportunity. I am certain that all fair-minded members of the House would agree that 1 hour is more than sufficient and that I have been overindulgent in the way this Bill has been treated.

Extensive consultation involving all three political parties has occurred in an effort to resolve this matter in the Legislative Council and the Opposition, within its rights, has determined that that is not the appropriate way this matter should be finalised. In those circumstances, I have no alternative but to move the motion before the House.

Mr KENNEDY (Leader of the Opposition)—On the question of time, Mr Speaker, it is extraordinary that the Minister for Industry, Technology and Resources can take this
course on this Bill at this hour when the Premier wants to close Parliament because he states there is not sufficient proposed legislation to be considered.

The Government will introduce 40 amendments to a Bill that is fundamental to the community, given the desire of people to own their own homes, as many of them are doing so by building new houses.

As recently as a few days ago, the Government deferred a Bill until August, the reason being that Parliament should have enough time to consider the measure. The 40 amendments to this Bill were introduced only yesterday and the Committee will have less than one hour to discuss those amendments.

The Government shows no consistency in its attitude when it treats two Bills introduced this week in totally different ways. In closing down Parliament, the Government makes a mockery of its so-called express desire for good legislation. It certainly makes a mockery of the Government's desire to legislate effectively.

The Government wants to close down Parliament because it knows that the Government is under scrutiny. It is not prepared to have the Bill scrutinised, nor is it prepared to have the Government's cover-up of the Nunawading by-election scrutinised. The Government shows that it is fundamentally weak and displays no consistency or regard for the interests of Victoria.

The House divided on Mr Fordham's motion (the Hon. C. T. Edmunds in the chair).

Ayes 40
Noes 28

Majority for the motion 12

AYES
Mr Andrianopoulos
Miss Callister
Mr Cathie
Mr Crabb
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr Mathews
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Mr Sheehan
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mrs Toner
Mr Trezise

NOES
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Hann
Mr Jasper
Mr Kennett
Mr Leigh
Mr McGrath
Mr McNamara
Mr Pescott
Mr Ramsay
Mr Reynolds
Mr Richardson
Mr Ross-Edwards
Mr Smith
Mr Smith
Mr Steggall
Mr Stockdale
Mr Tanner
Mr Wallace
Mr Weideman
Mr Whiting
Mr Williams

Tellers:
Mr John
Dr Wells
The House went into Committee for the further consideration of this Bill.

Clause 2 was agreed to.

Clause 3

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

1. Clause 3, lines 29 to 30, omit the definition of “Co-ordinator” and insert—

   “Cost plus contract” means a domestic building work contract under which the total amount payable to the builder (exclusive of prime cost items and provisional sums) cannot be determined at the time the contract is entered into.

2. Clause 3, page 3, line 27, after “work” insert “(or, in the case of a cost plus contract, the amount set out in the contract as a fair and reasonable estimate of the amount payable under the contract in respect of that work)”.

3. Clause 3, page 4, line 41, omit “29” and insert “28”.

The honourable member for Bennettswood also wishes to raise a number of matters concerning this clause and cost plus contracts.

Although these contracts are not common these days in the domestic building industry, they are still legitimate. The Bill needed to be amended slightly to recognise their role. The definition of cost plus contract will be added to the measure and the definition of domestic building contracts will be amended to cover cost plus contracts.

The definition of coordinator is not needed because the provisions are contained in the Building Control Act 1981 and the Bill was found to be unclear on how the provisions would apply to cost plus contracts. The amendments will correct this situation.

The amendments were agreed to.

Mr PESCOTT (Bennettswood)—Obviously because of the guillotine that applies to this measure, the Opposition has been put in a difficult position. As the Minister is aware, the Opposition has foreshadowed a number of amendments which will apply to clauses toward the end of the proposed legislation. The amendments, which stand in my name, are particularly heavy and are proposed to clause 36.

The Bill has gone up hill and down dale and throughout the length and breadth of this place during the past 24 or 48 hours while the Opposition has tried to work out what is happening though conversations it has held with both the National Party and the Government. We have all been trying to resurrect something from this very sloppy measure.

The Opposition sought to support the Bill with amendments and tried to work out a system of retaining the guarantee as it was and introducing or approving of a number of good amendments in the Bill. The Minister is aware of the provisions of which the Opposition approved, especially the increase in the monetary limit of $40 000 for all building work and the inclusion of renovations and additions. The Opposition also
approves of the provision to allow appeals to be made to the Administrative Appeals Tribunal.

The Minister is also aware that the Opposition found a number of other aspects of the measure quite abhorrent, in particular, the provision contained in clause 18 (4), which deals with the control of the Minister over the contents of contracts. The Opposition cannot accept that provision; nor can it accept other parts of the proposed legislation that deal with the takeover of the Housing Guarantee Fund Ltd; the heavy penalties that will apply to builders if they commit even a small offence; and claims being allowed without any excess being paid by the consumer.

Many amendments have been proposed by the Government—approximately 40—and that shows that the proposed legislation was not in a condition to be presented to the House. For a period in the industry the Minister and officers of his Ministry held so-called consultations throughout Victoria, especially in Melbourne. How can it be that, after so much consultation, the Bill, as presented to the House, requires so many amendments?

When the Opposition asked Parliamentary Counsel to consider leaving the former scheme as it was but adding the improvements that the Opposition liked, Parliamentary Counsel found that that was almost impossible. Therefore, the Opposition went back to seeking to strike out, through the amendments standing in my name, the scheme proposed in the Bill in an attempt to go back to the old scheme. Unfortunately that would have meant leaving out some of the refinements and making improvements to the old scheme.

Honourable members know the Bill has been guillotined and the Opposition is not in a position to deal with it clause by clause. The Minister has proposed amendments standing in his name to be moved during the Committee stage but the Opposition understands that the Minister still has amendments to be presented in another place. In other words, there are amendments that the Opposition has not yet seen, yet the Minister has the audacity to say that the Opposition is trying to take the guts out of the Bill! The Minister is now doing the same through his heavy amendment program with which the National Party agreed.

It is a fact that the difficulty of amending legislation and turning it into something that the Opposition could accept was more than Parliamentary Counsel was able to do. Therefore, the Opposition is in a position—as a result of the Bill being guillotined—to use the opportunity provided by discussion on clause 3 to foreshadow the amendments the Opposition intended moving to clause 36, which amendments would take the scheme back to its original form and make a number of other changes.

Mr Chairman, I seek leave to have the amendments I proposed to move incorporated in Hansard instead of reading them out.

The CHAIRMAN—Order! I have noted that the amendment can be incorporated.

Leave was granted, and the amendment was as follows:

Leave was granted, and the amendment was as follows:

2. Clause 36, line 6, omit "repealed," and insert—

"amend as follows:

(a) In section 918A (1)—

(i) in the definition of "Approved indemnity" after "construction" (where twice occurring) insert "or renovation";

(ii) in the definition of "Builder"—

(A) after "constructs" insert "or renovates";

(B) after "construct" insert "or renovate";

(iii) omit the definition of "Contract price";

(iv) after the definition of "Dwelling-house" insert—

"Guarantee period" means—

(a) in relation to the construction of a dwelling-house—

(i) the period of 6 years after the issue of the certificate of occupancy; or
(ii) if a certificate of occupancy has not been issued in respect of the dwelling-house within the period of 12 months after the date on which the contract for the construction of the dwelling-house was entered into, the period of 7 years after that date; and

(b) in relation to the renovation of a dwelling house, the period of 7 years after the time when building approval (within the meaning of the Building Control Act 1981) was granted for the renovation work or the contract for the renovation work was entered into, whichever is the earlier.

“Renovate”, in relation to a dwelling-house, means—

(a) to make additions to the floor area of the dwelling-house; or

(b) to make alterations to the structural design of the dwelling-house; or

(c) to replace load-bearing fixtures that are part of the structural design of the dwelling-house and are integral to its functioning; or

(d) to replace or install attached or fixed mechanical components that are integral to the functioning of the dwelling-house; or

(e) to replace, remove or install non-load-bearing rigid fixtures (other than machinery) that are integral to the functioning of the dwelling-house; or

(f) to replace or install structures that are attached to the exterior of the dwelling-house and are integral to its functioning; or

(g) to perform any other work required to be performed in consequence of any work referred to in paragraphs (a) and (f),

(b) In section 918A, after sub-section (1) insert—

“(2) Nothing in this Division applies to or in relation to a contract to renovate a dwelling-house unless—

(a) the amount payable under the contract is more than $10 000; and

(b) the contract is entered into after the commencement of section 3 of the House Contracts Guarantee Act 1987.”;

(c) In section 918A, after “construction” (where first and secondly occurring) insert “or renovation”;

(d) In section 918A, after “construction” (where first and secondly occurring) insert “or renovation”;

(e) In section 918A (7) (a)—

(i) for “constructed to be constructed” substitute “constructed or renovated or to be constructed or renovated”;

(ii) in sub-paragraphs (ii), (iii) and (iv), after “constructed” insert “or on which is the dwelling-house that is renovated or is to be renovated”;

(i) In section 918A (1), after “construction” (where twice occurring) insert “or renovation”;

(g) In section 918A—

(i) in sub-section (1)—

(A) after “construction” insert “or renovation”;

(B) after “constructed” insert “or renovated”;

(ii) for sub-section (2), substitute—

“(2) Nothing in sub-section (1) makes a person liable for loss or damage suffered by a person other than loss or damage not exceeding the sum of $40 000 of which the person becomes aware before the end of the guarantee period and of which the person gives notice in writing to the first-mentioned person within three months of becoming so aware.”.

(iii) sub-section (4) is repealed;

(h) In section 918D—

(i) in paragraph (a) for “$14 400 or 60 per cent of the contract price whichever is the greater” substitute “$40 000”;

(ii) in paragraph (b) for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;

(i) In section 918E (1) after “construct” insert “or renovate”;

In section 918A—

(i) in sub-section (1)—

(A) after “construction” insert “or renovation”;

(B) after “constructed” insert “or renovated”;

(ii) for sub-section (2), substitute—

“(2) Nothing in sub-section (1) makes a person liable for loss or damage suffered by a person other than loss or damage not exceeding the sum of $40 000 of which the person becomes aware before the end of the guarantee period and of which the person gives notice in writing to the first-mentioned person within three months of becoming so aware.”.

(iii) sub-section (4) is repealed;

(h) In section 918D—

(i) in paragraph (a) for “$14 400 or 60 per cent of the contract price whichever is the greater” substitute “$40 000”;

(ii) in paragraph (b) for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;

(i) In section 918E (1) after “construct” insert “or renovate”;
(j) In section 918F—
(i) in sub-section (1) (b), after “construction” insert “or renovation”;
(ii) in sub-section (3) after “construction” (where twice occurring) insert “or renovation”;
(iii) in sub-section (4) (c) after “construction” insert “or renovation”;

(k) In section 918i—
(i) in paragraph (a) of sub-section (i)—
   A in sub-paragraph (i) after “construction” insert “or renovation”;
   B in sub-paragraph (i), after “constructs” insert “or renovates”;
   C in sub-paragraph (ii), after “construction” insert “or renovation”;
(ii) in sub-section (2) after “construction” (where twice occurring) insert “or renovation”;
(iii) in sub-section (3) after “construct” insert “renovate”;

(l) In section 918j—
(i) in paragraph (a) after “construction” insert “or renovation”;
(ii) after “construction” (where last occurring) insert “or renovation”;

(m) In section 918k (1)—
(i) after “construction” (where first and secondly occurring) insert “or renovation”;
(ii) in paragraph (a) for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;
(iii) in paragraph (b)—
   A for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;
   B after “issued” insert “or otherwise to fulfil the builder's obligations under the contract”;
(iv) in paragraph (c)—
   A for “$14 400 or 60 per cent of the contract price whichever is the greater” substitute “$40 000”;
   B for “after the issue of the certificate of occupancy” (where first occurring) substitute “of the guarantee period”;
   C for “issue of the certificate of occupancy” substitute “commencement of the guarantee period”;
(v) in paragraph (d)—
   A for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;
   B for “after the issue of the certificate of occupancy” substitute “of the guarantee period”;
   C for “after the issue of that certificate of occupancy” substitute “of that period”;

(n) In section 918k (3) for “after the issue of the guarantee period” substitute “of the guarantee period”;
(o) In section 918k sub-sections (3AA) and 3 (A) are repealed;
(p) In section 918l (1)—
(i) in paragraph (a) for “$14 400 or 60 per cent of the contract price whichever is the greater” substitute “$40 000”;
(ii) in paragraph (b) for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;
(q) In section 918m—
(i) in sub-section (1) after “construction” insert “or renovation”;
(ii) in sub-section (2)—
   A after “construction” (where first occurring) insert “or renovation”;
   B in paragraph (a) for “$6000 or 25 per cent of the contract price whichever is the greater” substitute “$40 000”;

(C) in paragraph (b) for "$6000 or 25 per cent of the contract price whichever is the greater" substitute "$40 000";

(D) in paragraph (b) after "issued" insert "or otherwise fails to fulfil the builder's obligations under the contract";

(E) in paragraph (c) for "$14 400 or 60 per cent of the contract price whichever is the greater" substitute "$40 000";

(F) in paragraph (c) for "after the issue of the certificate of occupancy" (where first occurring) "of the guarantee period";

(G) in paragraph (c) for "issue of the certificate of occupancy" substitute "commencement of the guarantee period";

(H) in paragraph (d) for "$6000 or 25 per cent of the contract price, whichever is the greater," substitute "$40 000";

(I) in paragraph (d) for "after the issue of the certificate of occupancy" substitute "of the guarantee period";

(J) in paragraph (d) for "after the issue of that certificate substitute "of the guarantee period";

(iii) sub-sections (2AA) and (2A) are repealed;

(r) In section 918n (2)—

(i) in paragraph (a) for "$14 400 or 60 per cent of the contract price whichever is the greater" substitute "$40 000";

(ii) in paragraph (b) for "$6000 or 25 per cent of the contract price whichever is the greater" substitute "$40 000";

(s) After section 918o insert—

Application for review by Administrative Appeals Tribunal

"918oc. An application may be made to the Administrative Appeals Tribunal established by the Administrative Appeals Tribunal Act 1984 for review of a decision of an approved guarantor under this Division or for review of a decision of the Minister under section 918oa or 918on."

Limitation on construction of dwelling-houses by owner builders

"918od. A builder, other than a builder recognized by an approved guarantor under the rules must not construct more than three dwelling-houses in any period of seven years.

Penalty: 10 penalty units."

(t) In section 918r after "construction" insert "renovation";

(u) In section 918u—

(i) after "918u." insert "(l)";

(ii) at the end of the section insert—

"(2) A power conferred by this Division to make regulations is subject to the regulations being disallowed by Parliament.".

Mr PESCOTT—The amendment incorporating the "cost plus contract" was an initiative of the Opposition. I foreshadow that because the Opposition has not had time to prepare further amendments, in another place, the Opposition shall seek to increase the limit of work done as listed under the domestic building work contract from $3000 to $5000. The Minister for Consumer Affairs is aware of the proposal.

I condemn the Minister for introducing an extremely sloppy piece of proposed legislation which, when amended, will bear almost no relationship to the original Bill.

Mr SPYKER (Minister for Consumer Affairs)—It is the price one pays for being a reasonable Minister, I suppose, because when the Bill was introduced I ensured that full discussion took place with the industry, consumer groups and the Opposition. If the Opposition had not been so intransigent and if the honourable member for Bennettswood did not have such a big ego, it could have made a better contribution to the clauses before the Committee.
The Government understands the importance of the proposed legislation to consumers and the building industry and the need to have correct legislative measures, because this type of legislation does not come before Parliament often. The honourable member for Bennettswood has adopted a sneaky and standoffish approach. That is the reason he has got himself into the situation of having his amendments to clause 36 incorporated while clause 3 is under discussion. The Opposition initially indicated support for the Bill but it now wishes to delete almost all the clauses.

I thank the National Party for its positive contribution in improving the Bill. As the honourable member for Bennettswood indicated, amendments will be proposed in another place and the Government will accept them. Discussions took place with members of the Opposition even when these measures were the responsibility of the Minister for Local Government. The honourable member could have made a positive contribution at the time and helped to improve the Bill and the Government would have accepted some of the honourable member's suggestions. However, the honourable member now wants to take the guts out of the Bill and the Government cannot accept the amendments.

Mr WALLACE (Gippsland South) — I am concerned about the response of the honourable member for Bennettswood. The honourable member indicated he did not have the opportunity of speaking on the amendments because of the short time available, but the honourable member then moved to remove clauses 3 to 35 inclusive from the Bill. I do not understand the honourable member when he says he does not have enough time to debate those amendments and yet he has moved to have those clauses removed from the Bill.

The important thing, so far as the National Party is concerned, is to make the Bill work. I believed the honourable member for Bennettswood, the honourable member for South Eastern Province, Mr Hunt, and the honourable member for North Eastern Province, Mr Baxter, and myself had almost come to agreement about the clauses. The National Party wants to make the Bill work better than the legislation has worked in the past. It is important that the honourable member works at solving some of the problems contained in this measure.

The National Party does not agree with all the provisions in the Bill, but there are good points and I see no reason for the Bill to be thrown out just because the honourable member for Bennettswood does not appreciate the important issues contained in these provisions.

Mr PESCOTT (Bennettswood) — The Liberal Party wants to make the fund work, but in trying to get the fund working effectively and in trying to get the proposed legislation into a workable form, a number of changes have been made by the Minister and further changes will be made while the Bill is between here and another place. All those changes are improvements because of the initiative of the Opposition. They are improvements suggested in consultation with the National Party and now that the Opposition is in the process of trying to make the Bill work more effectively it is told it has not done enough.

I take up the comments that the Minister has made about making contributions in the past. The draft legislation was not distributed to members of Parliament for their comments. The Bill was distributed once it was introduced in the House, but honourable members were not asked to contribute to the proposed legislation during the initial discussion period.

The clause, as amended, was agreed to, as was clause 4.

Clause 5:

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

4. Clause 5, lines 41 to 43, omit paragraph (b) and insert—

"(b) enter into a contract to sell a dwelling-house under which the purchaser will become entitled to possession or to the receipt of rents and profits before the end of any applicable guarantee period—".
This is a technical amendment and ties the period during which the House must be sold with a guarantee period as defined in clause 3 (1) rather than to the period of seven years from the granting of the building approval, which may be slightly different.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 6.

Clause 7

Mr PESCOTT (Bennettswood)—I wonder whether the Minister for Consumer Affairs intends to move the amendment that has been circulated in his name.

Mr SPYKER (Minister for Consumer Affairs)—I circulated the proposed amendment for information only.

Mr Delzoppo—What are you talking about?

Mr SPYKER—Will you belt up!

The CHAIRMAN (Mr Fogarty)—Order! In other words, the amendment has not been officially circulated.

Mr SPYKER—The further information was circulated because of the gag procedure, which meant that I was not able to move any additional amendments. As I indicated during the debate on clause 3, the further amendments will be moved by my representative in another place.

Mr PESCOTT (Bennettswood)—The Minister has suggested that something will happen in another place. I accept that that is a possibility. The Committee is dealing with clause 7 (5) which sets the minimum amount before a payment is made under the scheme. The Opposition will be pleased to accept the foreshadowed amendment when it is moved.

The CHAIRMAN—Order! This is the rule of anticipation, is it?

Mr PESCOTT—Yes, it is the rule of anticipation. The Opposition was surprised in the first instance, when the proposed legislation was introduced, that the Government had sought to bring down the level of claim to virtually nothing, which meant that a builder when working out the price of constructing a house would have to allow a contingency factor of $200, $300 or $400 to cover the possibility of having to return to that house and repair even the smallest fault.

The Opposition does not want consumers to suffer from the fact that the minimum amount may be for something that is really deserving. However, frivolous claims would have been made too often under that provision. It is another example of the Government thinking too hard about what the consumer might need without balancing it out with what the building industry needs. The Opposition is pleased that the amendment will be moved in another place and will support it. Clause 7 (5) (a) states:

The claim is for loss or damage arising out of the work of constructing a dwelling-house and the defect appears within one year of the dwelling-house first being occupied;

The Opposition is not convinced that the expression “first being occupied” is as fair as the expression in clause 7 (5) (b) “of the work being completed”. It could be unfair to a builder if a person decided not to move into the dwelling house for some time. It is not a major problem because in most instances, with the housing shortage in Victoria, people are desperate to move into new homes. However, the provision should perhaps refer to the completion, not the occupation.

Mr WALLACE (Gippsland South)—I am pleased that the honourable member for Bennettswood is supporting clause 7, because it is an important provision. It deals with important issues concerning owners and consumers and I am pleased that the honourable member has been realistic in understanding the problems and accepting the proposed amendments.
Mr PESCOTT (Bennettswood)—Clause 9 provides for owner-builders to be covered under the Housing Guarantee Fund. The Minister for Consumer Affairs will be aware that this matter has been of concern in the building industry. The way the clause is worded, it is possible for an entity that may have once been approved as a builder or a person who may have been approved individually as a builder to build more houses than it or he should and escape the provisions that apply to professional builders. I am aware that amendment No. 28 will correct this problem. The Committee may or may not deal with that amendment this evening. This is another example of an amendment being required to make the measure acceptable.

Under clause 9 (1) (a) it is possible that a person who has renovated will fall within the provision no matter whether he was personally responsible for the renovation or whether he used a subcontractor. The provision states:

The builder must, within the period of three months before entering into the contract for sale, have obtained from a recognised person and given to the purchaser before the purchaser signed the contract, a report containing such matters on the dwelling-house as are required by the Minister by notice published in the Government Gazette;

It seems to the Opposition that if the sale of a house were to continue for about a year, theoretically, the owner-builder would be required to obtain a new report every three months. I ask the Minister to consider the matter while the Bill is between the two Houses.

It is another example of the sloppiness of the proposed legislation. It is quite clear that the provision would be an inconvenience to a person selling a house if it had been recently renovated.

The clause was agreed to, as were clauses 10 and 11.

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

5. Clause 12, lines 10 to 13. omit sub-clause (1) and insert—

“(1) Subject to this Act, if an approved builder becomes subject to a liability to a building owner or purchaser as a result of legal proceedings brought in respect of domestic building work in relation to which a guarantee is given under this Act, the approved guarantor guarantees that liability.”.

The amendment seeks to clarify the clause. It makes clear the fact that the only liability of an approved builder guaranteed to the owner or purchaser is as a result of legal proceedings and ensures that the approved guarantor will be able to recover from the builder any amount to be paid out.

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

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

6. Clause 13, line 32, after “of” insert “complaints and”.
7. Clause 13, after line 32 insert—

“(2) The approved guarantor may propose to adopt as part of its procedures—

(a) the requirement that a claim be made in a particular way; and

(b) the requirement that a claimant supply to it a statutory declaration made by the claimant verifying any information supplied to the approved guarantor by the claimant in support of the claim.”.

The amendments allow the approved guarantor to seek approval for particular forms as part of the procedure for making and verifying a claim.

The amendments were agreed to.
Mr PESCOTT (Bennettswood)—I wish to make a point which is symbolic as much as anything else. I refer to the guarantor being put under the thumb of the Ministry of Consumer Affairs in terms of procedures to be used by the fund itself. A clear debate has taken place while the Bill has been under consideration about the extent of Government involvement in what initially was an industry scheme of regulation.

The Government has used the expression “co-regulation” which, as I said during the second-reading debate, makes it difficult to strike a balance because one partner in that co-regulation is the authority within the community that is responsible for regulations and for legislation.

Clearly, that partner holds the whip hand. The Bill introduces the Administrative Appeals Tribunal as a place where people can go if they are dissatisfied with any decision made under the fund. Some consumers are unhappy with decisions made by a fund administered largely by the industry.

However, if they are in a position to go to the Administrative Appeals Tribunal, that will allow them to go to an independent umpire once they have received a decision they do not like. It seems wrong to the Opposition that the Government needs to become too involved and should give itself the power to become too involved in the actual running of the scheme.

The Minister says, “I do not always use those powers and neither does the director”. However, legislation is for all time and when one Minister says that he will not use the power or that he never has done so, it is clear, when speaking to that individual that that will be the case. However, one cannot rely on future Ministers making those decisions. It is not correct to introduce laws that give people more power than they need.

The introduction of the Administrative Appeals Tribunal into the proposed legislation strikes a balance. It will be possible for a consumer who feels upset by a decision made by an industry scheme to obtain some form of recourse from an independent arbiter. The Opposition intends to divide on the clause as a symbolic gesture, as much as anything, because the Committee will not be able to go through the whole of the Bill and many of the points on which the Opposition would like to make further comments about the Government’s involvement in the scheme will not be dealt with.

Mrs HIRSH (Wantirna)—Self regulation and co-regulation are extremely important issues. It is important that total self-regulation by the industry no longer takes place. It has not been working in the past and that is one of the reasons for the introduction of the proposed legislation.

When people involved in the industry are the same people to whom complaints are made, problems can arise and, on many occasions, this has been the case.

The Bill strikes a balance of regulatory power with co-regulation. It is important that this valuable part of the Bill remain in place. It will be one of the aspects that makes the Bill work for consumers and which makes it fair for all concerned.

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

| Ayes   | 48 |
| Noes   | 25 |

Majority for the clause, as amended 23

AYES
Mr Andrianopoulos
Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin

NOES
Mr Brown
Mr Cooper
Mr Crozier
Mr Delkoppo
Mr Dickinson
Mr Gude
Mr Hayward
Clauses 14 and 15 were agreed to.

Clause 16

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

8. Clause 16, line 26, after “made” insert “and on payment to the approved guarantor of the prescribed fee (if any)”.

9. Clause 16, line 41, after “section” insert “but, if the decision appealed against is varied or quashed, the appeals committee may direct the approved guarantor to refund to the appellant the fee paid by the appellant under sub-section (1)”.

10. Clause 16, page 13, lines 1 to 3, omit sub-clause (6) and insert—

“(6) If a builder appeals under sub-section (1) (c) but at any time between the time when the decision was made and the time when the appeal is determined—

(a) the approved guarantor has made a payment or payments to the claimant in respect of the claim; or
(b) the approved guarantor has informed the claimant of its decision not to reject the claim and the claimant has acted on that information so that, if the decision were to be varied or quashed the claimant would be affected detrimentally; or

(c) the builder has begun to rectify the defect—

the appeals committee does not have the power to vary or quash the decision of the approved guarantor not to reject the claim.”.

The amendments were agreed to.

Mr PESCOTT (Bennettswood)—The Opposition believes that the power that is given to the appeals committee under clause 16 (6) is a provision that is one way—one way against the builder. Although we have not had time—because of all the issues we have discussed before and the problems we have had with the Government’s amendments—I foreshadow that this is something we will consider seriously while the Bill is between here and another place.

The clause, as amended, was adopted, as was clause 17.

Clause 18

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

1. Clause 18, line 33, omit paragraph (a).
2. Clause 18, line 34, after “out” insert “in writing”.
3. Clause 18, line 36, omit all words and expressions on this line and insert—

(ii) the subject-matter of the contract, either fully or in summary; and”.
4. Clause 18, line 37, after “price” insert “or, in the case of a cost plus contract, the manner in which the contract price is to be determined.”.
5. Clause 18, page 14, line 5, after “contract” insert “or the part of it that is in writing if it is not all in writing.”.
6. Clause 18, page 14, line 9, after “contract” insert “or part contract (as the case requires)”.
7. Clause 18, page 14, line 13, after “contract” insert “or part contract (as the case requires)”.
8. Clause 18, page 14, line 16, omit “(b), (e), (f) or (g)” and insert “(d), (e) or (f)”.
9. Clause 18, page 14, line 24, omit “(c) or (d)” and insert “(b) or (c)”.
10. Clause 18, page 14, line 43, after “cost to” insert “supply the item or”.
11. Clause 18, page 14, line 44, omit “item or sum” and insert “amount”.
12. Clause 18, page 15, after line 1 insert—

“(7) A builder must not enter into a cost plus contract that does not set out in writing a fair and reasonable estimate by the builder of the contract price.

Penalty: 2 penalty units.

(8) A contract is not illegal, void or unenforceable only because a requirement of sub-section (6) or (7) is not complied with.”.

The amendments were agreed to.

Mr PESCOTT (Bennettswood)—Clause 18 is obviously fundamental to the Bill, and it contains one of the most insidious attempts by this Government to lay its hands on the house building industry in Victoria.

Clause 18 (4) states:

The Minister may, by notice published in the Government Gazette, specify requirements to be complied with as to the contents of domestic building work contracts, being requirements that are not inconsistent with any other such requirements specified in the regulations.

I understand that the Minister is planning to have moved in another place an amendment which will omit this part of the clause.
I must remark on this discovery by the Minister at this stage. He was about to embark on something which was totally unacceptable and which had the potential of destroying the relationship within the building industry between the person who is building and the person for whom he is building; that is something which would have been totally abhorrent and would have given an opportunity for the Minister or his successors to put in place certain requirements without any reference to Parliament.

One does not need to be an Einstein to understand that this provision would have enabled people in the union movement who have been unable to get a toehold in the house building industry in the past to have that opportunity.

Other parts of the clause have been found by the Opposition to be extremely draconian, such as penalties against builders. Builders who, for example, may have left off a date on a contract could have found when they had completed work on a house that they were in breach of the Act and, under this clause, the owner of the new house would, by law, not have to pay any money for the work that had been done.

I foreshadow that, unless certain parts of this provision are cleaned up while the Bill is between here and another place—and I shall raise this matter with the Minister—the Opposition will consider moving further amendments in another place to ensure that the builder has a better chance of having recourse to a court for any misdemeanour that occurs under this clause.

Mr WALLACE (Gippsland South)—I am pleased that the National Party was able to have some discussions with the Ministry of Consumer Affairs. I thank the Ministry for its cooperation in making available officers to explain the Bill.

The Bill covers a wide area, and the clause is a complex part of the Bill. However, after much discussion and consideration, the Minister has agreed that the omission of parts of this Bill such as clause 18 (d), will be considered while the Bill is between here and another place. That will also include subclause (2) (c) and subclause (4). Those are the areas that would have caused some concern, as they did to the National Party. No doubt, the Government has also realised those problems and agreed to give further consideration to them. I am sure that this will make a big difference to the Bill.

The CHAIRMAN (Mr Fogarty)—Order! The time allotted for the remaining stages of the Bill has expired. The question is:

That clause 18, as amended, stand part of the Bill.

The question was agreed to.

The CHAIRMAN (Mr Fogarty)—Order! To conclude the Committee stage of the Bill, the question is:

That the remaining clauses of the Bill, together with the printed and circulated amendments of the Government, be agreed to.

The question was agreed to.

The printed and circulated amendments of the Government referred to in the question were:

23. Clause 19, after line 19 insert—

“(3) This section does not apply in relation to a cost plus contract.”.

24. Clause 20, page 16, after line 5 insert—

“(3) This section does not apply in relation to a cost plus contract.”.

25. Clause 21, line 26, after “authority” insert “or in relation to a cost plus contract”.

26. Clause 21, page 17, after the Table insert—

“(4) A contract is not illegal, void or unenforceable only because a requirement of this section is not complied with.”.

27. Clause 23, line 12, after “23” insert “(1)”.
28. Clause 23, after line 17 insert—

"(2) A person who is not a builder approved by the approved guarantor under sub-section (1)(a) must not carry on the business of constructing and selling dwelling-houses.

Penalty: 100 penalty units.".

29. Clause 25, page 20, line 19, omit "26 (2)" and insert "23 (3) of the Building Control Act 1981".

30. Clause 26, omit this clause.

31. Clause 35, line 19, omit "36" and insert "35".

32. Clause 35, line 35, omit "27" and insert "26".

33. Clause 35, line 39, after "23" insert "(1)".

34. Clause 35, line 41, after "23" insert "(1)".

35. Clause 35, page 25, line 2, omit "37 (1)" and insert "36 (1)".

36. Clause 39, line 29, after "39" insert "(1)".

37. Clause 39, after line 29, insert—

"(2) After section 22 of the Building Control Act 1981 insert—

Requirement to notify approved guarantor.

23. (1) In this section "Approved guarantor", "Builder" and "Domestic building work" have the same meanings as they have in the House Contracts Guarantee Act 1987.

(2) This section has effect despite anything to the contrary in this Division.

(3) An applicant for building approval for prescribed building work must serve notice of the application on the approved guarantor in the prescribed form.

(4) A Co-ordinator must not grant building approval for prescribed building work unless the applicant for approval has furnished to the Co-ordinator a certificate issued by the approved guarantor under section 25 (3) of the House Contracts Guarantee Act 1987 certifying that the approved guarantor has been notified of the application for building approval under sub-section (3) of this section.

(5) A Co-ordinator must include in any building approval granted for prescribed building work a statement to the effect that the House Contracts Guarantee Act 1987 applies in relation to domestic building work and the Co-ordinator must furnish or cause to be furnished to the applicant, together with the building approval, any information with respect to the operation and effect of that Act that the Minister administering that Act from time to time requires.

(6) Immediately on granting building approval for prescribed building work the Co-ordinator must serve on the approved guarantor notice in writing of the granting of that approval.

(7) If a person has been granted building approval for domestic building work and subsequently enters into a contract with a builder for the performance by the builder of that work, then not later than 14 days after that contract is entered into—

(a) the person to whom building approval has been granted must give the Co-ordinator notice in writing of that contract; and

(b) the builder must furnish to the Co-ordinator a certificate issued by the approved guarantor under section 25 (3) of the House Contracts Guarantee Act 1987 certifying that the work is work in relation to which a guarantee given by the approved guarantor is in force."

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

CONSERVATION, FORESTS AND LANDS BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration later this day.
PUBLIC SERVICE (AMENDMENT) BILL

The debate (adjourned from April 16) on the motion of Mr Cain (Premier) for the second reading of this Bill was resumed.

Mr KENNETT (Leader of the Opposition)—The Public Service (Amendment) Bill is a small measure that seeks, quite rightly, to put into effect a system of administrative changes to ensure that a chief administrator or an officer employed within the Public Service who has had disciplinary action taken against him or her may not retire or resign from the Public Service, thereby receiving entitlements, including the community's contribution—otherwise known as the Government's contribution—before the disciplinary procedure is completed.

One can only ask whether there has been a rash of such retirements over the past few months or years that has brought about this reform.

Mr Ross-Edwards—There has been.

Mr KENNETT—We do not know whether there has been any disciplinary action taken against people; we know there have been a number of resignations. I cannot believe the Government would introduce a Bill such as this without there being cause for it.

On this occasion the Opposition supports the Government. People who are employed by the public in the Government service and who are alleged to have committed serious offences under the Public Service Act should, without doubt, be accountable for their actions. The Bill allows for the due processes of the complaint to be carried through to fruition.

If a chief administrator or an officer who has had these allegations levelled against him or her, decides to retire early or resign, he or she may do so but after the formal disciplinary procedures have commenced. That person may then have to pay a penalty, which will be that he or she will be deemed to have been dismissed for superannuation purposes. In other words, there is a strict penalty for a person who, for some reason, has had such a disciplinary charge levelled against him or her and is found to have offended.

This is a commonsense measure. It does not allow a Minister or the Public Service Board to try to entice the retirement of public servants between the ages of 60 and 65 years while they are facing disciplinary procedures.

It would be tempting from time to time for a Minister or the Public Service Board, acting on directions from a Minister, to remove from the Public Service, people who have allegedly committed a misdemeanour or something more serious and to want to get them out of the Government service as quickly as possible. Often these people have accusations made against them that have to be proved, but the Government of the day may prefer to have the person out of the Public Service.

The Bill not only provides, on the one hand, that a person who is charged with disciplinary action should be held accountable and have the charges proved or discharged, but, on the other hand, it places the onus on the government of the day and the Public Service Board—as governments come and go—to ensure that once a person reaches a certain age—particularly as it is difficult to get jobs between the ages of 60 and 65 years—he is not thrown out of the Public Service to save the government of the day the political embarrassment because it wants to appoint someone of a different political persuasion.

When I was Minister of Housing I had the difficulty of seeking the retirement of a permanent head. He was younger than the ages referred to in the Bill. I recognise that the amendment placed an onus on both the servant and the employer; therefore, it is equitable. The Premier, when introducing the Bill, said that it removes a serious anomaly in the existing disciplinary provisions of the Act.
It has been recognised by the Liberal Party that, firstly, this Bill does not in any way reduce the right of an individual to a fair hearing or a fair trial or, secondly, allow an employer to remove an employee from employment.

I do not know what led to the introduction of the amendment. I can only suggest that there have been a number of early retirements and perhaps an abuse of the system. I would like to know what the reason is, but it is unlikely that the Premier will inform the House who got out of the system during the past six months. However, the Opposition supports the Bill and wishes it a speedy passage.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports this amendment to the Public Service Act, which was adequately explained by the Premier. The House has heard also from the Leader of the Opposition.

There have not been publicly many cases in Victoria where this has happened but there has been a rash of cases in New South Wales. In the New South Wales Police Force the matter was highlighted when a person who was charged immediately resigned from the force and was entitled to a substantial superannuation benefit. Obviously, the public takes unkindly to those circumstances because if someone has been dishonest or misbehaved there should not be an entitlement to superannuation benefits. That attitude has the support of the National Party.

However, the provision that a chief administrator or officer between the ages of 60 and 65 years cannot be called upon to retire by the Public Service Board on the recommendation of the Minister or the chief administrator while disciplinary proceedings are being taken against the person gives rights to a very senior public servant to which that public servant is entitled.

The Bill is commonsense; it fills the void and it has the support of the National Party.

Mr CAIN (Premier)—I thank the Leader of the Opposition and the Leader of the National Party for their comments and support.

The motion was agreed to.

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

POLICE REGULATION (PROTECTIVE SERVICES) BILL

The debate (adjourned from April 9) on the motion of Mr Mathews (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the amendment to the Police Regulation Act. The Minister for Police and Emergency Services and I have discussed this matter from time to time. My only reservation is that the National Party is keen to ensure that this new group becomes in spirit and in meaning very much part of the Victorian Police Force. The last thing that should happen is that some group comes into being that is away from the force.

The Victoria Police Force has a high reputation and it has great standing. I should not like another group to come into existence that does not have the status and authority of the Victoria Police Force. Those who have depended on the Police Force for protection and security over the years have been grateful for the efficiency and authority of the force. I should not like to witness the creation of a group of people looked upon as inferior to or lacking the status of the Victoria Police Force.

I am delighted that the group we have should protect Government House and the Shrine. I understand that will remain unaltered. They have received respect as a group over the years. Perhaps their uniform has played a part. They have become part of Melbourne. They have carried out their duties with distinction. They bring back memories of the first world war just in the uniform that they wear. They do their job quietly without any degree of show. Government House and the Shrine have been well looked after.
I should like an assurance from the Minister that the new group will be very much a part of the Victoria Police Force, that cooperation will be close and that naturally it will have the full backing of the Victoria Police Force if the going gets rough, because if the going gets rough we will need the full force of the Victoria Police behind this new group.

Mr CROZIER (Portland)—The Bill establishes an auxiliary Police Force and I suppose this must rank as one of the more extraordinary events in the history of the Victoria Police. It tempts the recollection of the police strike of 1923 when special constables were sworn in to cope with the emergency. My late father was one and I vividly remember some of the stories he had to tell of that time. This force is designed to be a guard force. The Opposition understands the reasons for the Minister's and the Government's somewhat belated concern for guarding certain places—places that are not specified in the Bill.

Mr Ross-Edwards—It is more people than places.

Mr CROZIER—I agree with the interjection of the Leader of the National Party. Clause 4 relates to provision of services for the protection of persons holding certain public or official offices and of certain places of public importance. I am not suggesting that the Opposition deny in any way the need for augmented security.

In the past year there have been several outrageous incidents in the State that are ugly reminders that this society is no longer in any way immune from the ravages of terrorist acts and, unfortunately, the outlook must suggest that any prudent Government should prepare for more of the same.

I suggest to the Minister for Police and Emergency Services that this forecast is not designed in any way to be sensational. It is an unpleasant reality made worse, in the opinion of the Opposition, by the Government's persistent refusal to grant the police a range of investigative powers that the police say they need and that the Opposition and the National Party say they need, powers that are available to almost every other comparable Police Force in the Western World.

It is also a time when Victoria is increasingly regarded as a soft target by various groups. We know for a fact that there are representatives of major terrorist groups in this State already and that this particular migration, unwelcome though it is, is likely to be augmented and accelerated by the transfer of sovereignty of Hong Kong in 1999. A recent article that comes to mind reminds us of the fact that the Chinese Triads are possibly the most feared and notorious mafia in the business. Some would dispute this. I believe Mr Bob Bottom, the noted crime expert, believes perhaps the Japanese mafia are even more notorious, but the Chinese Triads are bad enough and already there are signs that at least the forward scouts of the Triad organisations are in this city and this State.

One recent report that I have read suggests that, before the transfer of the sovereignty of Hong Kong to the Chinese People's Republic, some 90 000 criminals or criminal associates will seek to migrate and re-establish themselves in other parts of the world; and Victoria, partly because of the lack of police powers and certainly because of the shortage of police personnel, must be an attractive target to them.

I welcome the fact that the Government has shown some genuine, if somewhat belated, recognition of the need to protect prominent people and certain places, including the courts and possibly even this building, from the sorts of outrages which have unfortunately become commonplace in many parts of the world and from which Australians can no longer expect immunity.

The Bill sets up an auxiliary police force, the members of which are to be known as protective services officers. They are not to be members of the Police Force but, as the Minister reminds the House in his second-reading speech, they are to have the common-law powers of police constables. I am not sure what those powers are; in fact, I invite the Minister to explain the difference between the common-law powers and rights of police constables and the common-law rights of an individual citizen.
I note that proposed section 118D provides:

An officer who has taken and subscribed the oath has and may exercise, in the execution of his or her duties, the same powers, authorities, advantages and immunities and is liable to the same duties and responsibilities, as a constable appointed under this Act has and may exercise, or to which such a constable is liable, by virtue of the common law.

According to that, the protective services personnel will certainly have the same common-law rights as police constables, but they will also, on my interpretation, have very much the same powers and authorities. That is exactly what is said.

When one reads that provision and relates it to proposed section 118B, one can be excused for thinking that the Chief Commissioner of Police, which the sanction of the Governor in Council, may, from time to time, appoint so many persons to be protective services officers as the Governor in Council thinks necessary—which means that, on the advice of the chief commissioner, the Governor in Council can, as the Bill stands, appoint as many of those people as are deemed necessary.

That may be prudent in terms of giving the chief commissioner and the Government flexibility in these appointments. The Opposition has a concern that what we are doing tonight is creating by statute a HB grade police force. Honourable members understand the reason for it: it is a guard force with a much less demanding function. Presumably standards for entry will be lower and a far shorter training period will be required. However, it is reasonable to conclude from those two proposed sections that the Government could, if it wished, use those sections to appoint as many officers as it deemed appropriate and use them as substitute police. I invite the Minister to respond to that comment, because I believe that is exactly what the Bill says.

I do not believe proposed section 118D is sufficiently restrictive. It raises two further points: the question of an open-ended appointment; and the ability to appoint as many officers as are deemed necessary suggests to the Opposition that there ought to be a ceiling on the number of those officers and that their powers could be used for normal police duties.

Clearly that is not the thrust of the Minister's second-reading speech, and it ought not to occur. The statute should not, even inadvertently, allow that to occur.

Rather than attempting to amend proposed section 118D, the Opposition's approach is to amend proposed section 118B by imposing a ceiling on the number of such officers that can be appointed without the enabling legislation being brought back to Parliament; and I shall move an amendment to that effect during the Committee stage.

I shall now deal with the guard for the Shrine of Remembrance. I endorse the remarks of the Leader of the National Party: there is nothing to prevent the Shrine guard from being phased out in favour of these protective services personnel. That may well happen, if the Bill is allowed to pass. That is clearly something that the Opposition would not wish to see. The Shrine guard is very much a part of the tradition of the Shrine. It was formed in 1934 for the express purpose of providing a protective group with a ceremonial capacity for duty at the then new Shrine of Remembrance. That function was subsequently extended to guard duties at Government House.

The Opposition believes that the Shrine guard, with its members in their characteristic uniforms of the first world war, as described by the Leader of the National Party, is a very appropriate part of the ceremonial and symbolism associated with both places, and the Opposition would not like that to disappear. Therefore, on behalf of the Opposition, I shall move an amendment in the Committee stage that will guarantee the continuity of the Shrine guard and secure its continued status and function.

Mr E. R. Smith—It is one of our cherished traditions.

Mr Crozier—It is indeed, as the honourable member for Glen Waverley interjects, a cherished tradition, and the Opposition would not want it to disappear. Nor would the
Opposition want to provide the temptation for a Government, particularly a Government of the political flavour of the present Government, to perhaps achieve that—if that could be considered an achievement, and no doubt some honourable members opposite would see it as an achievement.

I point out that the Shrine guard is recruited on a different basis from other sections of the Police Force. The average age of its members is now 52 years. It has only 41 members and one condition of recruitment is previous service with the forces of the Crown. All of those criteria are entirely appropriate, in the Opposition's view, and they meet with our approval. We do not want to see the position changed.

Transfers from the Shrine guard—or, as it is known in the Police Force, the Government House—Shrine of Remembrance security group—have occurred. There is provision for such transfers to occur, but I understand that they are not normally permitted unless the chief commissioner expressly requires a member to perform general police duties or unless a member of the group requests a transfer back into the mainstream of operational policing.

Members of this group are, of course, police. They complete their eighteen weeks of training at the academy, and they are fully sworn policemen; but they are policemen with some differences—those differences that I have outlined.

The protective services personnel will be an entirely different group. As I have mentioned, they will not be members of the Police Force, although they will be under the direction and control of the Chief Commissioner of Police.

The Opposition understands the reason for this. It had many reservations when this proposal was first brought to its notice. The Opposition does not like the concept of a second-rate police force. More resources should be devoted to the police and I will come shortly to the manpower question, but the Opposition does concede that there is a need for augmenting the protection of certain people and certain places in this State. It also concedes that it is a questionable use of trained police manpower to have trained policemen providing this sort of function.

Therefore, with some reluctance, the Opposition accepts the concept on more pragmatic grounds. It is well aware of the acute manpower shortage in the Victoria Police. From time to time the Minister has been at pains to try to persuade the House and the Victorian public generally that there really is no real crisis in the manning strength in the Police Force. However, the Opposition knows otherwise.

The Minister is also at pains to persuade the general public that his Government's assurances and commitments prior to the 1982 and 1985 elections have been fulfilled.

The principal commitment is the well-known one prior to the Labor Party winning office in April 1982, which was that in the first three years of that Government, should the Labor Party win office, the Victorian Police would be increased by a thousand extra personnel. It is now more than five years since the Cain Government came to office and that promise has still not been honoured. I remind the House of the figures.

The SPEAKER—Order! The honourable member is taking the debate well away from the Bill before the House. At this stage I am not prepared to allow the introduction of material that is not related to the Bill. I have already called the Leader of the National Party, who has led the debate in this matter and the honourable member for Portland is now clearly trying to go much further. If he continues along those lines, I will rule him out of order.

Mr CROZIER—With respect, Mr Speaker, part of the rationale for this measure is the desperate state of the strength of the Victoria Police.

The SPEAKER—Order! I suggest to the honourable member that a passing reference is in order but certainly not a long dissertation on the subject matter.
Mr CROZIER—In view of your ruling, Mr Speaker, I shall make one brief reference to the state of play in terms of the manpower of the Victoria Police.

The comparison I wish to make is this: on 31 March 1982 there were 8116 on strength in the Victoria Police. Today there are 8915. Therefore in the five years-plus of the Government in actual terms, a mere 800 extra personnel have been provided.

In that time, there have been other factors such as the 38-hour week and the early retirement scheme which, in itself, has been supported by the party and the Parliament; but it exacerbates the situation. Now, of course, more recently, the Police Force has been given the role—appropriately, in our view—of taking over the function of the railway investigation officers.

All of these provisions stretch the manpower and this means the capacity of the force to guard important buildings and prominent people is diminished. All of this therefore adds to the reason for the “second best” which is what the Bill is about.

For those reasons, but with those reservations, the Opposition supports the Bill, recognising that Victoria will be more vulnerable as a terrorist target and recognising that we can anticipate, unfortunately, more outrages and certainly more attempts of terrorist violence.

There has been an alarming incidence of major crime in this State in the past five years—an increase of some 53 per cent. Indeed, in this year alone robbery has increased by more than 50 per cent and major crime by 18 per cent.

Therefore, as has been pointed out on a number of occasions by people who ought to know, including the retired Chief Justice of the High Court, Sir Harry Gibbs, the criminal justice system is not fulfilling its role of containing crime. Crimes of violence against the person are increasing.

It is in this particular milieu that one has to consider the rationale of this measure and although the Opposition has reservations, it will support the Bill, with the qualifications I have outlined.

Mr E. R. SMITH (Glen Waverley)—I support the honourable member for Portland and make the observation that there is absolutely no doubt that the Victoria Police is grossly understaffed. I will not reiterate what had been said by the honourable member for Portland except to say that in the average suburban police station at the moment, each police station is—

Mrs Toner—There are a lot more police!

Mr E. R. SMITH—I support the honourable member for Portland and make the observation that there is absolutely no doubt that the Victoria Police is grossly understaffed. I will not reiterate what had been said by the honourable member for Portland except to say that in the average suburban police station at the moment, each police station is—

Mrs Toner—There are a lot more police!

Mr E. R. SMITH—I know, but in the third paragraph of the Minister's second-reading speech, he talks about the establishment of this group to release fully-trained police into other areas of operational necessity and operational duty.

It is relevant to highlight the inadequacies in the suburban police stations. The staffing is down by two thirds. They are down operationally and the point I was going to make is that in an area like Glen Waverley where there are 39 police, there are only ever thirteen operating, which means only one third are available.

The Opposition is not suggesting that the Government merely needs to spend more money; it is saying, “Let us do it more efficiently”, and in some ways this is why the Bill was introduced.

As the honourable member for Portland has said, we must be extremely careful that we do not allow that number to get out of hand and for this reason an amendment will be moved in the Committee stage—so that whenever an increase is proposed, the Minister has to bring that matter back to the Parliament so that Parliament can talk about it. Then, if the Minister has good reason, there will be no hindrance on the part of the Opposition to the further increase; but Parliament should be the decision makers, not the bureaucrats.
The Victoria Police Association agrees that although senior police are being made available for tasks, and although it would prefer to see fully trained police, we are now getting the "Second Eleven" but that is better than nothing.

I understand from the briefings that the figures that will be released will be in the order of 70 or 80 extra police and, in that respect, the Opposition's foreshadowed amendment is relevant.

One of the points that came out of the briefings concerned the number of reservations that senior police had, particularly concerning where the Government will find these protective police and police who will take over. Where will they obtain their court experience?

The average young policeman working on court duty perhaps finds it boring, but subconsciously he is picking up a lot of invaluable training and this training will be denied to young police and, according to senior police to whom we spoke, no court training will be made available to them.

This is one of the difficulties in releasing police from the protective services duties they are currently undertaking. As one senior policeman said, young police officers unconsciously learn their ringcraft from police prosecutors, witnesses and court officials. I ask the Minister how those techniques will be learnt if the police officers are not rostered for duty. The answer must be that they will not.

The young police officers have become familiar with the call-over system that was introduced by the Government over the past couple of years and they have learnt how to enforce those procedures. The present system, although boring, teaches young policemen and police women their basic craft.

As the honourable member for Portland pointed out, there is concern about the establishment of a protective services organisation because of the fear of misfits being recruited. Of the 240 investigations of railway officers currently employed, twelve have been referred to the Director of Public Prosecutions; in other words, their offences have been discovered. That is a high number and it is something of which the Minister and the Chief Commissioner of Police must be aware.

The same factors that are taken into consideration in recruiting police to attend the Police Training Academy should be used in the selection of people to work as protective officers. Because the level of work for protective officers will be less than that of a fully trained police officer, a lessening of the academic standard is acceptable. Only those candidates who have been rejected by the academy on academic grounds should be accepted as protective officers. They should not be drawn from people who have been rejected by the academy because they are not suitable or because they have not reached the desired physical standards.

My experience is that the physical rejects present themselves as medical problems for the rest of their careers, and they would not be suitable to be trained as protective officers.

Another area of concern to senior police is what will happen during the time when there are not enough academic rejects from the academy to be trained as protective officers. Senior police officers have suggested that retired police officers could be used. They would have the advantage of being trained already and they could help with the training of the academic rejects from the academy.

Proposed section 118B (1) refers to the protection of certain persons, and I want the Minister to indicate who those persons will be. The protective services officers will wear the same uniform as the members of the Victoria Police and the community should know who they will be protecting.

Proposed section 118B (3) states that the conditions on which officers are employed shall be as determined by the Police Service Board. Will the officers be members of the Victoria Police Association? Which union will look after them in respect of payments and
conditions? The Minister should inform the House of the level of pay the officers will receive.

Proposed section 118D refers to the powers and privileges of an officer, and the Opposition wants to know the difference between protective services officers and ordinary police officers.

The Opposition supports the Bill because, in his second-reading speech, the Minister for Police and Emergency Services indicated it will help to alleviate shortages in the Police Force. Victoria must have a sufficiently staffed Police Force.

Protective services officers will be complementary to other members of the Police Force. They will not be competitive as they are in the Federal sphere. Because they will be under the auspices of the Chief Commissioner of Police, they will be administered properly and the divisions currently being experienced in the Federal sphere will not occur.

With the acceptance of the amendments foreshadowed by the honourable member for Portland, the Opposition supports the Bill.

Mr MACLELLAN (Berwick)—The Opposition supports the Bill, but I am a reluctant starter because the Government is not learning the lesson it should have learned over a considerable period from the experience of two Ministers for Transport with railway investigation officers. When the former Minister of Transport, the present Minister for Labour, decided to remove police control over railway investigation officers and replace the senior policeman in charge of that force with a retired Army person, he caused a division between the control of the standards of the railway investigation officers and the Victoria Police. Much of the trouble that has since arisen in relation to railway investigation officers flows from that decision.

My added reluctance is that anyone who suggests that the Bill will be of significant assistance to the police is simply ignoring the reality, which is that the Minister for Transport has made a decision which reduces police numbers by 240 as that number of police will be needed to replace railway investigation officers.

Perhaps only 200 police officers will be required as 40 railway investigation officers may be employed doing property and security work in the transport system. However, if 200 police must go into the transport system to replace railway investigation officers and this Bill merely means an addition to the Police Force of 70 to 80 effective members, Victoria will be 130 police officers short of the number necessary to maintain present police strength, which is so seriously depleted in many operational areas.

The honourable member for Glen Waverley was correct in stating that one has only to visit one's suburban police station to discover how ineffective the Government is in providing resources in areas of need.

Earlier the honourable member for Greensborough interjected and indicated that the Government has appointed additional police officers. However, it has reduced the hours of work of police officers and has created a shortage. The Government has now decided to replace railway investigation officers with police officers and that will create a serious police shortage.

The Government is trying to make up some of the ground with a short-term training session for a new protective services force that will be under police control. I accept that it should be under that control, but I am disturbed at the lack of training opportunities for members of the protective services force.

If they are to secure the courts, look after the judges, look after the Governor, the Premier, Ministers or other people who might hold office in the State and need special protection for whatever reason—and I can imagine there could be reasons why the Premier and others might need protection—I believe they ought to be suitably trained, and the training schedule indicated by the Minister for this proposal is simply inadequate to that
task. It is not sufficient to take an ordinary civilian and turn that person into an effective protective services officer under the control of the Police Commissioner.

I do not think we can create mickey mouse police forces on the cheap to try to buy our way out of our trouble with law and order and proper policing in the community, but that is what the Bill invites us to do. We cannot create the problem with one hand by saying that railway investigation officers will be replaced by police and police will work shorter hours, be able to retire earlier and do the sorts of jobs which combine so many of the administrative functions they have carried out over many years and expect to have effective policing on the streets and highways of Victoria, where the dangers and difficulties arise for the law-abiding population who are at present not safe to walk the streets at night, and are certainly not safe to drive on the streets, whether it is day or night.

That is the reality, and it is a reality for which the Government has to bear responsibility. The Government has created the police shortages, and with all the talk about the extra police it has not yet made up the number to balance the reductions it has made in the effective Police Force which results from decisions taken by the Minister under this Government. This little measure, which hopes to increase the Police Force by between 70 and 80 police, would not, for instance, be the same as a proper scheme to enable public servants to undertake clerical duties for the police. If that were implemented as a major policy and not in the half-hearted way it has been done by the Government, we would do far more to assist the Police Force.

I am concerned that a second-rate police force is the last thing we need in the State, but I am persuaded by my party that it is the alternative to leaving police on duty around courts with the obligation that they have for protective services where they might be replaced by properly trained protective services officers. Those protective services officers will be under police control, but I believe they will be inadequately trained for the responsibility they will have, and certainly will not have the status or acceptance within the community that is given to members of the Victoria Police Force.

It is common ground among all parties and all sections of Parliament—I suppose there would be a few left-wing exceptions in the Government party—that the high regard held for members of the Victorian police is very widespread. I suggest the honourable member for Greensborough keep whatever remarks she is making for her own speech at a later stage in case she might inspire me to go a little longer.

The SPEAKER—Order! The honourable member has 23 minutes to deliver his dissertation to the House.

Mr MACLELLAN—The honourable member for Greensborough has thoughtfully drawn that to my attention, and it will be seen whether I will take that 23 minutes. If she has something to say in the House she should make it in her speech and not mine.

My concern is about inadequate training resulting in a second-rate police force which is not capable of receiving the regard and respect that the Victoria Police Force has. I would say that there are some members of the Government who do not share that view, but I believe the view is shared by the majority of members of the Government and the other parties in the Parliament.

My view is that this measure, although welcomed by the police, is a second-rate solution to the problem. The problem is one of providing better resourcing of the police, better recruiting and training of more police and less of the early retirement scheme, less of adding new duties by telling the police they have to replace 200-odd railway investigation officers over the next few years and put more effort into putting police where they ought to be, that is, in their police stations, on the roads and doing the policing duties for which they are trained. The training is good; it has been successful, and we should have more police and fewer of the officers proposed to be appointed under the Bill.

Mr MATHEWS (Minister for Police and Emergency Services)—I thank honourable members opposite for supporting the Bill, as they foreshadowed in their remarks. I regret,
however, that the advent of the protective services officers in our community should have been ushered in by references to them as being the second-best component of the Police Force, a second eleven, a mickey mouse police force on the cheap or even an auxiliary police force, because I do not believe any of the those designations of this new group within the force are fair, justified or helpful.

The creation of the protective services officers group within the force simply reflects an objective and pragmatic judgment that there is a qualitative difference between the skills and training required to carry out guard and security duties for which this new measure is envisaged, and those which are required in the case of a member of the Police Force proper.

The honourable member for Berwick accused the Government of not having learned its lesson from the railway investigation officers exercise, but I suggest to him that an examination of the facts will demonstrate conclusively that the reverse is the case, because in the case of the railways the attempt was made in good faith to set up a security group independent of the Police Force, and in this case the security officers are being created within the ambit of the Police Force under the authority of the Chief Commissioner of Police and with all the safeguards and strengths that are implicit in those arrangements.

There were few allegations made in the course of the contributions of honourable members opposite which should be briefly answered. The first is in regard to the strength of the Victoria Police Force and the increases which have occurred during the period of office of this Government. I should put to rest once and for all the claim that the Government has not fulfilled its undertaking to increase by 1000 the effective strength of the Victoria Police Force.

The Neesham committee of inquiry into the Victoria Police Force made plain in its recommendations that there are two appropriate ways in which the effective strength of the Police Force should be supplemented. One is to increase over wastage the number of recruits who are taken into the Glen Waverley Police Training Academy and put through that course of training. The second is to employ additional public servants who replace on a one-for-one basis police who are currently engaged in duties of a clerical or administrative kind.

Both measures were recommended in the Neesham report and both measures have been pursued by the Government to the extent that, on the admission of the honourable member for Portland tonight, some 800 recruits over and above wastage have been taken into the Police Training Academy at Glen Waverley. An additional 260 police who previously were tied up on duties of a Public Service nature have been released for operational duties as a result of taking on 260 public servants. That has been done on a one-to-one basis.

The measure to which I have referred is a result of a specific understanding between myself and the Chief Commissioner of Police when the Labor Party took office. When I was first appointed Minister for Police and Emergency Services I set out to ensure that every police officer engaged in administrative or clerical duties would be replaced with a public servant and thus released for operational duties. Today the effective strength of the Police Force is in excess of 1000 more than when the Cain Government came to office, and that cannot be challenged.

Honourable members interjecting.

Mr MATHEWS—The honourable member for Berwick has interjected on a couple of occasions about the introduction of the 38-hour week and the optional early retirement scheme. From time to time the honourable member has urged on this Government the importance of consulting with the Police Force and that has been done at every stage over the past five years. The implementation of the 38-hour week and of optional early retirement emerged from that consultative process.
In my time as Minister the Victorian Police Association has pursued three principal goals with me. At the first meeting I held with representatives of the Police Association in 1982, the priority that the association urged on me was for improved accommodation for the Police Force. I was informed that the standard of accommodation that police officers had been forced to endure under the former Liberal Government, of which the honourable member for Portland was a Minister, was a disgrace and that no other section of the work force would put up with that standard of accommodation.

I informed the association that the Labor Government would correct that situation, and that has been accomplished to the extent that over the past five years, one in every seven police stations in Victoria has either been totally replaced or so substantially rebuilt as to be replaced in practice. That program has involved an investment of no less than $150 million of taxpayers' funds and is the most far-reaching program to provide the Police Force with the standard of accommodation that has ever been undertaken in the history of Victoria, and I make no apology for that.

The second priority that the Police Association pursued with me was the introduction of the 38-hour week, and that great industrial step forward was taken before any other State Police Force in Australia. Victoria led the way in giving the 38-hour week to its police officers.

The third priority that the Police Association raised with me was the introduction of optional early retirement. Again Victoria led the way in Australia in giving its Police Force the advantage of optional early retirement.

After five years of government by the Cain Administration, Victoria has a Police Force that has gained the first priority of new accommodation; a Police Force that has gained its second priority of a 38-hour week; and a Police Force that has gained its third priority of optional early retirement. In each case the Victoria Police Force has been well in advance of the remainder of the nation.

The honourable member for Portland in his contribution made an allegation that the Government had been deficient in providing police officers with investigative powers in order to carry out their duties. The honourable member contributes to the debate from a position of considerable ambivalence because in a press release of 29 January 1986 he stated that a Liberal Government in this State would give the Police Force a wide range of powers, which he itemised. However, less than four months later, on 4 May 1986, he said the only power that positively would be granted to police for the first time would be the power to ask for the name and address of any suspect. All other powers that he mentioned previously would instead only be considered by a Liberal Government.

It is not surprising that the Police Force views with a jaundiced and sceptical eye undertakings on this matter by a Minister of the former Liberal Government in this State.

When I became Minister for Police and Emergency Services I found waiting for me on my desk a document entitled A Search for Sanity submitted by the Victoria Police, which described it as a request for operational powers to enable the Victoria Police Force to carry out its tasks. That document stated——

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, in accordance with the traditions of the House, as the Minister is referring to a document, I ask whether he will not only identify it but also make it available to the House.

The SPEAKER—Order! Can the Minister advise the Chair whether he will identify the document and make it available to the House?

Mr MATHEWS (Minister for Police and Emergency Services)—Yes, Mr Speaker. The document is entitled A Search for Sanity and was prepared in 1982 by the Victoria Police. I am happy to make it available. The document states:

From time to time the Government has been informed of this, in the form of reports, submissions and comments. Little has been done.
What Government are they talking about? Is it the Cain Labor Government? No, it is the Thompson and Hamer Liberal Governments, in which the honourable member for Portland was a Minister. It continues:

But it is certain that right now this State is suffering from years of inactivity in terms of equipping the police to cope with the contemporary crime scene.

In 1979 Cabinet adopted a recommendation for legislation, allegedly “in line” with section 16 of the Commonwealth Criminal Investigation Bill 1977. More than two years later nothing concrete has emerged . . .

. . . we renew our strong representations for action by the Government to act upon its Cabinet decision by presenting such legislation to the Parliament . . .

In July 1979 Cabinet agreed that the powers to fingerprint and photograph people under arrest should be clarified and codified; nothing has happened since then . . .

This scheme was supported by the Norris committee, which recommended its use in “minor cases”. Such a scheme was put forward in the Beach report. It was supported in submissions to the Norris committee by the Victoria Police, the Police Association and the Victorian Bar. It was also proposed in the reforms proposed by the South Australian law reform committee chaired by Justice Mitchell. In 1968 the Statute Law Revision Committee recommended legislation which the force fully endorses.

In other words, the honourable member does not come into the debate with clean hands.

He has a record of making promises in one press release which he contradicts in a subsequent one. He makes promises in January and withdraws them in May. He has a background of being a member of cabinet when a decision that was made in 1979 had not been implemented by 1982 when his Government was finally removed from office.

As the honourable member for Portland has raised the matter, let me again make plain the question of police numbers. Not only has the Government fulfilled its undertaking to provide an additional 1000 police officers and more in this State but also, of the three largest States in Australia, Victoria has the most favourable ratio of police to population.

The SPEAKER—Order! The Minister's time has expired.

The honourable member for Portland, who has been acting in a disorderly fashion, has been a member of this House for some time and a member in another place for a further period. He knows he should not act like a schoolboy during the debate. If he does not behave himself in future, I shall name him.

The motion was agreed to.

The Bill was read a second time.

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

Mr CROZIER (Portland)—Leave is refused.

The Bill was committed.

Clause 1

Mr MACLELLAN (Berwick)—Clause 1 relates to the purpose of the Bill. In discussing whether the Committee should approve of the purpose of the Bill, I am reminded of the remarks of the Minister in his reply to the second-reading debate. The Minister indicated that the honourable member for Portland came to the debate with unclean hands.

The Minister has had five years to give appropriate powers to the police and to suggest appropriate powers for this new protective services force. I understand from what the Minister was saying that if I were a suspicious person lurking around the Supreme Court and one of the protective services personnel decided that I might represent a threat to a Supreme Court judge——

The ACTING CHAIRMAN (Mr Stirling)—Order! I direct the honourable members attention to clause 1 of the Bill, which is a simple clause.
Mr MACLELLAN—It is simple. Indeed, it is deceptively simple, Mr Acting Chairman. It is the heart and soul of the protective services which are proposed to be established under the Bill.

I want to know whether the protective services force will have the right to ask a suspicious person who may be lurking around the courts or, indeed, adopting a threatening attitude to the Premier or a Minister, for that person’s name and address. After five years of Labor Government, honourable members know the answer to that question! Not only will the protective services personnel not be entitled to require a citizen to provide his or her name and address but also members of the Police Force would not be entitled to request these details. In other words, the simple procedure of a citizen providing his or her name and address will not be made available to this force or to the Victoria Police under this Government.

The Minister has had unclean hands for five years. He is five times as dirty as the idea he was shopping around during the debate in the House because the situation is that the protective services force will not be able to require anybody to give his or her name and address.

If a person were in a restaurant, in a car or on licensed premises and was asked by the police for his or her name and address, that person would be obliged to provide that information. If an employer was being visited by a Construction Industry Long Service Leave Board inspector, he or she would have to provide his or her name and address. However, a person could wander around the Supreme Court with a sawn-off shotgun but that person would not be obliged to give his or her name and address.

Not only does the Government think it is unnecessary for the protective services personnel to have that power but it thinks it is unnecessary for the Victoria Police to have that power. If an effective police force is to be created in our society, the track suggested by the Minister of a one for one replacement of public servants and police—

Mr Mathews interjected.

The ACTING CHAIRMAN (Mr Stirling)—Order! The Minister is out of order.

Mr MACLELLAN—I want it recorded in Hansard that the Minister said, “Not me, the Neesham committee”. Not only is the Minister prepared to hide behind the Neesham committee, but also he volunteers the information that is not his view.

Mr Mathews—I did not say that. I said it was the Neesham committee.

The ACTING CHAIRMAN—Order! The honourable member for Berwick has the floor, nobody else.

Mr MACLELLAN—When you come in so forcefully, Mr Acting Chairman, I sometimes wonder whether I do have the floor. However, I hope so. Nevertheless, the Hansard record will show what the Minister said. His argument will stand or fall on that. Thankfully, proceedings are tape-recorded, which will provide some opportunity for checking any alterations that the Minister might make.

If somebody is lurking around the courts, outside Government House or outside the Cabinet room, that person cannot be asked for his or her name and address, be fingerprinted or be asked to identify himself or herself in any way. Apparently the Government has decided that the way to the future is to appoint more public servants and it is to be hoped—although the Minister does not say it—to release police personnel by appointing public servants. He claims that the Neesham committee report says that but he does not.

What the Minister is doing is appointing more public servants. The Opposition would like to know why the Minister is not appointing more police officers. Of course, the answer is that public servants on the lowest grade of employment are cheaper than police. Public servants do not ask people for their names and addresses, nor do they expect to take fingerprints, all they expect to do is perform clerical duties. Apparently the Government
has a clerical duties led recovery in the Police Force. Its line of approach is to appoint more clerical assistants and that will stop crime.

I presume, Mr Acting Chairman, that under the purpose clause of the Bill these people who are to be appointed to the protective services force will be entitled to a 38-hour week—leading the way in Australia—entitled to early retirement—leading the way in Australia—but they will not be expected to do clerical duties because that will be done by additional public servants appointed by this Minister—following the recommendations of the Neesham committee but not his own idea, of course!

The Minister does not think that appointing additional public servants actually releases police—the Neesham committee thinks that, not the Minister! That is the distinction the Minister wanted to draw so precisely when he interjected a few moments ago.

Why can the protective services people not ask and require the name and address of a citizen? Why can it not be made an offence if one fails to produce one's name and address if one is found on the premises of the Supreme Court, in the gardens of Government House or if one is threatening, in some realistic way, the safety and security of the Premier and the Premier's family?

I do not care whether it is this Premier or any future Premier because no Premier or Premier's family should be put at risk simply because the Government does not have the fortitude to give the police the power to ask and require a citizen to give his or her name and address—even after five years of persistent requests for this right from the Victorian Police Force.

The purpose of the Bill is to appoint protective services officers under the responsibility of the police. They will be appointed to relieve the police of the dreary duties of guarding the Supreme and County courts, yet the same people who will be appointed will not be able to demand a citizen to give his or her name and address. This is because the left wing of the Government will not allow that policy to be adopted.

The reality is: the left wing of the Government, the socialist left faction of the Government which has the Minister for Police and Emergency Services by the short and curlies, will not allow the Minister to introduce proposed legislation that ought to have been introduced. When the Minister made his second-reading speech he piped about the failure of the Hamer-Thompson Government to carry out Cabinet decisions.

Five years later, the Victoria Police Force is still waiting for this Government to make the right decision. The Minister made great play of the fact that police were waiting for houses to be repaired, for an early retirement scheme to be introduced, a 38-hour week and the introduction of a protective services force. They were described as pacesetting measures and the Minister decided that. The Government had better build up the police strengths in anticipation of those measures being introduced.

It was no use producing those goodies and then saying that Victoria had a less effective Police Force because the community knows it has a less effective Police Force. This is felt in Berwick, Waverley and in electorate after electorate throughout the State where there are so many police on the payroll but not on duty—the ones who are on duty simply cannot cope with the workload they have.

The purpose of the Bill, as I said, is to establish a force to try to provide the police with some minor relief, approximately 70 or 80 appointments will be made under the measure. This is a scandal!

The Minister and the Government are simply not interested in the safety and security of the citizens of Victoria or their houses and property. They are certainly not interested in the working conditions of the police and they will not be interested in the working conditions of the protective services group, because its conditions will not be any better than those under which the police work. If the police cannot cope, there is absolutely no reason to expect the protective services group to cope with the stress and strains our
society imposes upon its Police Force and will impose on the soon-to-be-established protective services group.

The only rational way to deal with this matter is not to talk about the improvements that have been made to police housing, the introduction of a shorter working week or an early retirement scheme—welcome as they are. What would be welcome is a more effective and well-trained Police Force and less of this business about a protective services group, which is a cheap alternative to proper policing and proper resourcing of the Police Force so that they can do the job that the Victorian community has entrusted to them and has respected them for doing.

The clause was agreed to.

Clause 2

Mr CROZIER (Portland)—I move:

1. Clause 2, line 6, omit “a day or days to be proclaimed” and insert “the twenty-eighth day after the day on which it receives the Royal Assent”.

Regrettably the Opposition now finds it necessary to insert this qualification into a Bill, which should be a purely mechanical procedure.

The reason for the amendment is self-evident. The Opposition recalls—how could it readily forget—the shoddy manoeuvre by which a certain clause in a Local Government Bill was pushed to one side by the devious device of not having it proclaimed. For that reason, I moved the amendment.

Mr McNAMARA (Benalla)—The National Party is happy to support the amendment because it is necessary to specify a period of 28 days after the day on which the measure will receive the Royal assent as the time the proposed legislation will be proclaimed.

Experience has shown that the Government has used the accepted practice of refusing to ensure that amendments that have been made to a Bill in this and another place become law. It does so by not proclaiming the proposed legislation or proclaiming selective clauses of it. This most devious method has been used by several Ministers in this Government.

A number of measures that have been passed through both Houses more than six months ago—or more in some cases—have been selectively proclaimed; only particular clauses of a Bill have been proclaimed. When amendments have been moved to proposed legislation by the opposition parties in another place, they have not been proclaimed. They are amendments to protect the citizens of the State. That is our function, to ensure that all Victorians are protected from the excessive measures and philosophies of this Government.

The Minister for Police and Emergency Services, more than any other Minister, cannot be trusted. We must ensure that the Minister is held to his word. Parliament has the greatest reservations that not all of the proposed legislation will be proclaimed unless the amendment moved by the honourable member for Portland is carried by this Committee.

If the Minister is as forthright, straightforward and honest as he claims he is, why will he not accept the amendment? The performance of the Minister in the Chamber tonight has been one of the poorest of any Minister this session. He has gone over the top and really flipped his lid! Anyone who witnessed his performance an hour ago would be convinced that he forgot to take his valium today. He overreacted.

The ACTING CHAIRMAN (Mr Stirling)—Order! The honourable member for Benalla will address the Chair and not the front bench of the Opposition.

Mr McNAMARA—Mr Acting Chairman, I was making the point that I believe the Minister needs some professional help. I am speaking in a medical sense; the Minister does need our consideration.
The National Party wants to ensure that there is proper government throughout the State, but honourable members are concerned about the way that the Minister for Police and Emergency Services has conducted himself in the Chamber tonight.

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

Progress was reported.

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.

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

Discussion was resumed, of clause 2.

Mr McNAMARA (Benalla)—Prior to the interruption, I was indicating to the Committee that the Minister for Police and Emergency Services is a person for whom many honourable members have a fond regard. Honourable members were disappointed to see his lapse. I hope the Minister receives proper professional advice to ensure that he is in a more relaxed fashion for the next sessional period.

The National Party believes the amendment put forward by the honourable member for Portland should be supported and that all amended clauses are subsequently proclaimed.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 3.

Clause 4

Mr CROZIER (Portland)—I seek leave of the Committee to alter the next amendment listed in my name. Accordingly, I move:

2. Clause 4, line 9, after "persons" insert "(not being more than 150)".

As I indicated during the second-reading debate, proposed new section 118b would allow the Governor in Council to appoint as many protective services officers as, from time to time, the Chief Commissioner may think should be appointed. The Opposition believes that is an open-ended provision, that there should be a statutory ceiling on the number of officers appointed and that the figure of 150 is reasonable.

In confirmation of that, I cite a document entitled "Relevant extracts from Police Assessment of the Proposal for the Appointment of Protective Services Officers" dated 27 October 1986 with which the Minister would be familiar. In that document I read that the proposal had, before that date, been taken to Cabinet and was accepted in principle by Cabinet. The document states that within the budgetary estimates the number can initially be 80. The proposal was taken to Cabinet with a target figure of 80, of which the law courts would require 19, the Department of the Premier and Cabinet would require 7 and Government House would require 7. Ministers and departmental heads, as required or as requested had the lions share of 37. The Opposition believes that there ought to be a ceiling on this figure in the light of what I have just said about the Cabinet deliberations and in light of the Opposition's concern that there should not be an open-ended commitment to the number of such officers who can be appointed.

The Opposition believes it is a reasonable ceiling to put on the clause.

Mr E. R. SMITH (Glen Waverley)—The types of people who will be considered for these positions will have the necessary qualifications for admission to the Police Academy, but because of various pressures, people are rejected by the academy on educational or other grounds. Many of these people, having initially been accepted on physical and psychological grounds, are lost to Government because they may not have lived up to
their academic expectations. These people would be ideal recruits for this new force. This proposal was put to me by senior officers of the Police Force.

The amendment was agreed to.

Mr CROZIER (Portland)—I move:

3. Clause 4, after line 15, insert—

"(4) A reference in sub-section (1) to places of public importance does not include a reference to Government House or the Shrine of Remembrance unless the Chief Commissioner otherwise declares."

The purport of this amendment should be self-evident to the Committee and it is simply this: as the Opposition endeavoured to explain during the second-reading debate, it believes the Shrine of Remembrance guards should be protected because they are part of our history and heritage. The Shrine guard has a distinctive uniform and is not only important in terms of the function he performs but is also important symbolically. The Shrine guard should have responsibility for the security of the Shrine of Remembrance and also of Government House.

The Opposition is suspicious of the Government and believes, if the clause is not amended as proposed, the protective services personnel, with a different uniform, will replace the traditional Shrine guard and that would be a most retrograde step and ought to be prevented by statute.

By the same token, the Opposition also concedes that there may be times when the security situation at either the Shrine of Remembrance or Government House may require an augmented force and it does not wish to prevent the Chief Commissioner of Police using his discretion in deploying the protective services personnel to augment the traditional Shrine guards who would already be deployed there.

In moving the amendment in this fashion, the Opposition is safeguarding the status and continuity of the Shrine guard but, at the same time, is not denying the operational flexibility that the Chief Commissioner should have.

Mr McNAMARA (Benalla)—The National Party supports the amendment to retain the Shrine guard at the Shrine of Remembrance and at Government House. The Shrine guard has traditional significance and a number of groups have indicated that the position should be retained. The National Party also believes the status quo should be maintained in those areas.

The amendment was agreed to.

Mr CROZIER (Portland)—The further comment I have is more a question to the Minister. Proposed new section 118D states:

An officer who has taken and subscribed the oath has and may exercise, in the execution of his or her duties, the same powers, authorities, advantages and immunities, and is liable to the same duties and responsibilities, as a constable appointed under this Act has and may exercise, or to which such a constable is liable, by virtue of the common law.

Does that mean that the protective services officer has the same powers—identical powers—as a police constable? In my view, that is what the clause means. If that is the case, it is at variance with the document I have quoted, namely, the police assessment of the proposal. In the section dealing with the duties and legal powers, the document states:

A special constable . . .

In spite of the Minister's sensitivity about nomenclature of an auxiliary police force—

... should not have the full powers of a constable but specific powers relating to offences such as assaults, trespass, besetting, etc.

That is a relevant question. It is germane to the other point the Opposition has made, that if that is a fair interpretation and if there is no real difference in the powers, duties,
responsibilities and immunities between those officers and members of the Police Force, although they will not be members of the force they can still be used in a police role.

The next point I make in this context is that those people, to fulfil the function as guards, will be armed when on duty or for some of the time. Has the Minister considered restricting the times and places where those officers can carry arms? Has he thought that they should be armed only when on duty and that they should not be armed when they are off guard duty and therefore should not be permitted to move from their place of duty while still armed?

The Opposition is concerned about both matters and I look forward to hearing what the Minister will say in reply.

Mr MATHEWS (Minister for Police and Emergency Services)—The answers to both questions raised by the honourable member lie in the fact that the new protective services officers will come within the body of the Police Force and will come under the chief commissioner's responsibility as superintendent of the force, as is emphasized in proposed section 118E.

The honourable member for Glen Waverley raised the question of what uniform will be provided for the new group within the Police Force. That is a decision for the Chief Commissioner of Police, who has warmly welcomed the establishment of the new group, as has the Victoria Police Association.

In reply to the earlier query raised by an honourable member, that is a matter for the Chief Commissioner of Police in whose force the new officers will be absorbed.

Mr E. R. SMITH (Glen Waverley)—Will the Minister for Police and Emergency Services tell the Committee what those officers will be wearing? The Minister has said that the Chief Commissioner of Police will make that decision but he must be telling the Minister what he is doing. I ask the Minister to give the Committee that information.

Mr MATHEWS (Minister for Police and Emergency Services)—A number of decisions are awaiting the attention of the chief commissioner and he will naturally attend to them subsequent to the passage of the Bill.

Mr MACLELLAN (Berwick)—The Minister for Police and Emergency Services was asked a direct question by the honourable member for Portland as to whether the officers of the protective services group would have the same powers as police constables. He may have been diverted by the question about uniforms but he neglected to advise the Committee on whether that will be the case.

The Committee is not asking the Minister to give it bland reassurances that the Chief Commissioner of Police will look after all the problems. The question relates to the proposed legislation and the work of the Committee. Is the Committee being asked to approve a clause that will create for the protective services officers the same powers as police constables. He may have been diverted by the question about uniforms but he neglected to advise the Committee on whether that will be the case.

I assure the Minister that the citizens of this State will be somewhat startled if an off-duty protective services officer starts exercising the same powers as a police officer, especially if he exercises those powers while not in uniform, not on duty and not apparently associated with any of the buildings or areas where that force is expected to operate. In other words, will the citizens of this State be interviewed by protective services officers who are no longer either on duty or on the site of their work or their ordinary duties, attempting to exercise, without adequate training and out of uniform, the powers that one would ordinarily associate with police constables? That is what the honourable member for Portland asked.
The Committee is entitled to an answer and the Minister owes a responsibility to the Committee to give that answer. I appreciate that the Minister has spoken twice on this matter and he can leave the Chamber if he wants to, but this is also a matter for members of the Government party. Are they supporting a proposal which provides that protective services officers should have the same powers as police officers, whether or not they are in uniform, on duty or at the place where they normally work? If so, does it not look as though that is the basis for the establishment of the very suggestions which were enumerated to the Minister and to which he took such offence?

I understand the Minister was offended by the description of this group being “on the cheap”, “a second-class force” or a “Mickey Mouse force”, but it appears those officers will have the same powers as police officers and, if that is the case, why should they not receive the same training as police officers and why will they not meet the same standards of selection as police officers?

The Minister must answer those questions to the satisfaction of the Committee because it is fundamental and basic to what the Committee is being asked to approve that he should provide that information. Even the Minister for Housing, who was previously upset at honourable members raising matters during the Committee stage of a Bill, would understand the significance and importance of the matter raised by the honourable member for Portland.

Mr MATHEWS (Minister for Police and Emergency Services)—I had hoped it would have been plain from the debate that three matters are relevant to the queries now raised by the honourable member for Berwick following those raised earlier by the honourable member for Portland.

First, the Bill provides for the recruitment of a special group of members of the Victoria Police for a restricted class of duties set out in the Bill. Second, the Bill provides for those persons—consequent upon the restrictive course of their duties—to require training of a restricted and specialised kind as compared with that of the general members of the force. Third in the terms of the clause the honourable member has just referred to, which provides for those people recruited into the Police Force to enjoy the common law powers of constables, these powers are to be exercised subject to the superintendence of the Chief Commissioner of Police. That is the answer to the concerns and fears the honourable member raised about such powers being the subject of abuse.

Mr CROZIER (Portland)—I have great difficulty in reconciling the answer of the Minister with the questions raised by the honourable member for Berwick. The Minister has just said that those officers will have restricted duties but proposed section 118D, which is contained in clause 4 of the Bill, indicates that those officers will be liable to the same duties and responsibilities as police constables.

I cannot possibly understand how the Minister can reconcile what he has just told the Committee with what is in the Bill. Precisely what are the differences between the powers, authorities, conditions and immunities to be enjoyed by protective service officers and members of the force?

Mr E. R. SMITH (Glen Waverley)—I should like to get through to the Minister that this issue is a tremendous morale factor in the force. Whenever one speaks to senior police officers and other members of the force they want to know what duties the protective services officers will be undertaking and what they will be wearing.

It is of no use the Minister saying that that will be worked out later. The Minister has had six months in which to do so and he should know what is to occur. It is ridiculous that such a morale factor within the Victoria Police Force should be treated in such a cavalier way by the Minister. I demand that the Minister tell the Committee what is going on and satisfy the police officers about the proposed differences and what those protective services officers will wear.
Mr MACLELLAN (Berwick)—I am unsatisfied with the Minister's response to this extent. The Minister says the powers to be granted by the Bill will be the same as those for police constables. He then suggests that somehow those powers will be cut down by the administrative action of the Chief Commissioner of Police, in which case he makes a nonsense of his earlier statement that those people will be officers of the Victoria Police Force.

They are either officers of the Victoria Police Force with the same powers as police officers, in which case my argument is that they ought to have the same training and the same standards and we should forget about the protective services group, or the Minister does not understand that the Chief Commissioner of Police does not purport to have power to tell police constables what they can and cannot do.

That is a significant admission from the Minister. He believes the Chief Commissioner of Police can tell police officers what they can and cannot do. That is not the status of police officers in this State. The police officers make the decisions. Certainly they look to their chief commissioner for advice and for policies and guidance, but it is the responsibility of the officer concerned, whether he does or does not prosecute, whether he arrests or does not arrest or whether he takes any action in circumstances that come to his attention.

It is not a question of the chief commissioner saying, "But when you are not at this site you cannot exercise your duties; Parliament says you can, but I say you cannot". It is not a question of saying, "If you see a bank robbery you have the powers of a police constable but you may not use them because you are not trained for it; you have had a cheap, short-term and inadequate training and therefore you are not that sort of police officer. You are a member of the Victoria Police Force, you are not an “A” class officer, you are a “B” class officer—and although Parliament says you have the same powers, you do not have them at all". They are to be the same powers only if the chief commissioner says so.

I suggest that as a way out of the impasse which the Minister has revealed and which I expected would be revealed by his answer to the question—that is why the Minister avoided answering the question of the honourable member for Portland in the first place—the Minister should consider an amendment to the clause which would provide that, subject to the Chief Commissioner of Police, the protective services officer shall have the same powers and so on. Then, perhaps, we shall give the Chief Commissioner of Police the power to cut back the general powers of police constables to some more specific group of powers appropriate to those officers and the duties they are performing.

What the Minister is asking the Committee to do is to pass a law which says, “Those officers have the same powers and immunities as full-bore police officers”. But, somehow, magically, the chief commissioner will say to those officers that they are “B” class officers and therefore are not allowed to exercise that power or have that immunity.

If they have immunity, and I do not think the Minister said they do not, the Minister should withdraw that immunity. However, if they have immunity, they have the power. What does one do if they exercise the power and they have the immunity? Do we sack those officers because they intercept a bank robbery when the chief commissioner said they were not trained to intercept and therefore should not intercept?

Will citizens be approached by protective services officers who are off duty, unidentified and out of uniform, seeking to exercise police powers? If that is what is proposed, those officers ought to be fully qualified and fully credentialled police officers and not members of any protective services group within the Police Force.

I suggest that without that amendment or an amendment like that made to the Bill while it is between here and another place, or without progress being reported at this stage, the ultimate danger is that we will create a force, according to the previous amendment, of up to 150 officers with short-term training and some uniform which is yet to be decided.

We already had 240 of these officers running around the transport system with their immunity and powers. Those officers were the subject of inquiry and some of them
presumably might be the subject of charges. The railway investigation officers have not been able to cope with that type of power and immunity. They had more power. Under the Act they had more powers on a train, tram or bus than other police officers.

I am scandalised that the Minister has not thought through the issue and had apparently not anticipated being asked the question asked by the honourable member for Portland.

Without the Committee taking some action by way of further amendment to the Bill, it is beyond doubt a most dangerous Bill and one which the Committee ought not to pass.

Mr KENNETT (Leader of the Opposition)—The honourable members for Portland and Berwick have raised questions which require, at best, clarification. The Minister is now coming to realise that he is not fully able to explain the provisions of the clause to the Committee. Honourable members on all sides of the House accept that Victoria has the best Police Force in Australia and they do not want to further diminish police numbers by risking morale problems.

I suggest that progress be reported so that the Minister can ascertain the answers. If he does not do so, the Committee could be passing legislation which the Minister cannot explain and which will be detrimental to the morale and integrity of the force. We owe it to those who have already volunteered to serve this community to provide an explanation of the duties and functions of the proposed new service, and how its powers will differ from those of police officers.

It is important for the Minister to explain how the qualifications of the protective services officers are to differ from police officers and whether the powers they have are likely to be the same—although those powers may vary according to the decision of the chief commissioner.

The Opposition is not deliberately trying to obstruct the proposed legislation. However, when the Minister introduces proposed legislation he owes it to Parliament and, in this case, to the Police Force to whom his first responsibility lies, to either fully acquaint the Committee of the meaning of the provision or to explain the differences.

The Minister has failed on both counts. The Minister has introduced proposed legislation which he cannot explain. In the event that the Minister cannot explain the provisions, I move:

That progress be reported.

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

Ayes 28
Noes 52

Majority against the motion 24

AYES
Mr Austin
Mr Brown
Mr Coleman
Mr Cooper
Mr Crozier
Mr Delzoppo
Mr Dickinson
Mr Gude
Mr Hayward
Mr Heffernan
Mr John
Mr Kenna
Mr Leigh
Mr Lieberman
Mr Maclellan
Mr Pescott

NOES
Mr Andrianopoulos
Mr Cain
Miss Callister
Mr Cathie
Dr Coghil
Mr Crabb
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Hann
Mr Harrowfield
Mrs Hill
Mr Hill
Mr FORDHAM (Minister for Industry, Technology and Resources)—The honourable member for Berwick raised the issue of whether an extra provision should be written into clause 4, which would make it clear that the Chief Commissioner of Police should be determining the powers to be exercised by the preventive services officers.

It is the understanding of the Government that the chief commissioner and, indeed, the force at large are very happy with the way the Bill is worded at present. However, I give an undertaking to the House that the matter will be taken up with the chief commissioner between this and the next sessional period and, if it is his desire that that additional provision should be inserted, an amendment will be introduced immediately upon the commencement of the next sessional period; and that, in between that time, the Minister will consult with the honourable member for Portland on this issue.

Mr CROZIER (Portland)—In the light of the Deputy Premier's assurance, the Opposition does not propose to continue the debate on this clause. The Opposition accepts the assurance of the Deputy Premier. If it had been given a little earlier, the last division would have been avoided.

Mr McNAMARA (Benalla)—With regard to the division, it is important to note the comments made by the Deputy Premier because it was made clear to me that the Chief Commissioner of Police was satisfied with the way in which the Bill was presented.
There were various other options for the new protective force; some options involved the chief commissioner not having control over it, as proposed in the Bill.

As late as yesterday I was advised by the Secretary of the Victoria Police Association, Inspector Tom Rippon, that he was satisfied with the Bill.

When the Bill was before the House during the last sessional period, Inspector Rippon made the point, "Okay, there are little bits and pieces in Bills that we would like to have amended", but he thought it was the best that was available. Obviously, the Leader of the Opposition was not aware of that when he called the division.

The National Party accepts the undertaking given by the Government and, because of the support of the chief commissioner and the Secretary of the Victoria Police Association it is prepared to accept the Bill on a trial basis. I take up the point that the Deputy Premier will ensure that, if there are difficulties, they will be speedily rectified.

Mr KENNETT (Leader of the Opposition)—So that the Committee is not misled, the Opposition was aware of the position of both the Chief Commissioner of Police and Inspector Tom Rippon. However, ultimately it is Parliament that must decide on the quality of legislation; it is Parliament which must make the final decision.

The lack of definition in the clause caused concern and, if there is concern, it is only right to seek an explanation.

As the honourable member for Portland said, perhaps if the assurance had been given earlier by the Deputy Premier the debate and the division would have been avoided. However, the division led to an undertaking being given by the Deputy Premier.

Parliament should never be in a position where it acts as the servant of those outside. Parliament must retain its rights and supremacy to make decisions on the quality of legislation.

The clause was agreed to, as was the remaining clause.

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

**PLANNING AND ENVIRONMENT BILL**

The message from the Council relating to the amendments in this Bill was taken into consideration.

_Council's amendments:_

1. Clause 1, line 5, omit "and development of land in Victoria" and insert "development and protection of land in Victoria in the present and long term interests of all Victorians".
2. Clause 2, line 7, omit "224" and insert "204".
3. Clause 3, after line 12, insert—

   "Administrative Appeals Tribunal" means the Administrative Appeals Tribunal established under the Administrative Appeals Tribunal Act 1984;—

4. Clause 4, page 2, line 3, after "position" insert "which is permanently moored or fixed to land".
5. Clause 3, page 3, after line 3 insert—

   "Conservation" includes preservation, maintenance, sustainable use, and restoration of the natural and cultural environment;—

6. Clause 3, page 2, line 35, before "street" insert "highway,".
7. Clause 3, page 3, lines 1 to 5, omit all words and expressions on these lines and insert—

   "Subdivision" means the division of land into two or more parts enabling any of the parts to be disposed of separately;—

*8. Clause 3, page 3, lines 12 and 13, omit all words and expressions on these lines.
9. Clause 4, line 17, omit "224" and insert "104".

10. Clause 5, omit this clause.

11. Clause 6, lines 32 to 36, omit sub-clause (1) and insert—

"(1) A planning scheme for an area—

(a) must seek to further the objectives of planning in Victoria within the area covered by the scheme; and

(b) may make any provision which relates to the use, development, protection or conservation of any land in the area."

12. Clause 6, page 4, line 3, after "regional planning authority" insert "or municipal council under this or".

13. Clause 6, page 4, lines 19 and 20, omit paragraph (j) and insert—

"( ) apply, adopt or incorporate any document which relates to the use, development or protection of land;"

14. Clause 6, page 4, after line 20 insert—

"( ) provide that any use or development of land is conditional on an agreement being entered into under section 187;"

15. Clause 6, page 4, in proposed new paragraph (k), omit "187" and insert "173".

16. Clause 6, page 4, after line 22 insert—

(3) Subject to sub-section (4), nothing in any planning scheme or amendment shall—

(a) prevent the continuance of the use of any land upon which no buildings or works are erected for the purposes for which it was being lawfully used before the coming into operation of the scheme or amendment (as the case may be); or

(b) prevent the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation; or

(c) prevent the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation; or

(d) prevent the use of any building or work for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation; or

(e) require the removal or alteration of any lawfully constructed building or works.

(4) Sub-section (3) does not apply to a use of land—

(a) which has stopped for a continuous period of two years; or

(b) which has stopped for two or more periods which together total two years in any period of three years; or

(c) in the case of a use which is seasonal in nature, if the use does not take place for two years in succession."

17. Clause 6, page 4, after line 29 insert—

"or

(d) if the affected municipal councils consent, any part of a municipal district or any adjoining parts of two or more municipal districts."

18. Clause 7, page 4, lines 40 and 41 and page 5, lines 1 to 4, omit sub-clause (2) and insert—

"(2) If there appears to be an inconsistency between different provisions of a planning scheme—

(a) the scheme shall, so far as practicable be read so as to resolve the inconsistency; and

(b) subject to paragraph (a)—

(i) the State section prevails over the regional section and the local section if the State section so provides; and

(ii) the regional section prevails over the local section if the regional section so provides".

19. Clause 8, line 12, after "local section" insert—

"and, with the consent of the Minister, to the State section".

20. Clause 8, line 15, after "section" insert—

"and, with the consent of the Minister, to the State section or the regional section".
21. Clause 12, line 23, omit "general objectives of planning schemes" and insert "objectives of planning in Victoria".

22. Clause 12, after line 29 insert—
"(e) prepare an explanatory report in respect of any proposed amendment to a planning scheme.".

23. Clause 12, line 34, omit "reasonably".

24. Clause 12, line 40, omit "and development" and insert—
"development and protection".

25. Clause 16, omit this clause.

26. Clause 17, line 15, after "planning scheme" insert "together with the explanatory report and any documents applied, adopted or incorporated in the amendment".

27. Clause 17, line 23, omit "18T" and insert "173".

28. Clause 18, line 28, omit "IT" and insert "17 (I) (a), (b) or (c)".

29. Clause 18, line 29, after "amendment" insert, "the explanatory report, any document applied, adopted or incorporated in the amendment".

30. Clause 18, line 31, after "charge" insert "until the amendment is approved or lapses".

31. Clause 19, lines 35 to 38, omit paragraphs (a) and (b) and insert—
"(a) to every Minister, public authority and municipal council that it believes may be naturally affected by the amendment; and

(b) to the owners and occupiers of land that it believes may be naturally affected by the amendment; and"

32. Clause 20, line 33, omit "The Minister" and insert—
"If the Minister, after consultation with the responsible authority, considers that compliance with any of those requirements is not warranted, or that the over-riding interests of Victoria necessitate exemption, the Minister".

33. Clause 20, page 10, line 9, after "prepares" insert—
"if the Minister, after consultation with the responsible authority, considers that compliance with any of those requirements is not warranted or that the over-riding interests of Victoria necessitate exemption".

34. Clause 20, page 10, after line 9 insert—
"(5) The Minister may exercise the powers under sub-sections (2) and (4) without consultation with the responsible authority if, in the special circumstances of the case, consultation is not reasonably practicable.".

35. Clause 23, line 23, omit "Part 9" and insert "Part 8".

36. Clause 24, line 30, after "authority" insert "or municipal council".

37. Clause 30, page 12, after line 5 insert—
"(4) If any person asks the Minister or a planning authority a question as to whether an amendment or part of an amendment has lapsed under sub-section (1) (a), the Minister or planning authority must, without delay—

(a) tell the person—

(i) whether or not the amendment or part has lapsed; and

(ii) if relevant, of any longer period allowed under sub-section (1) (a) (ii), and

(b) confirm the information in writing if so required.".

38. Clause 34, line 29, omit "Part 9" and insert "Part 8".

39. Clause 34, after line 32 insert—
"(4) The panel may give any other person affected a reasonable opportunity to be heard".

40. Clause 38, line 36, after "revoked" insert "wholly or in part".

41. Clause 38, line 36, omit "each" and insert "either".

42. Clause 38, page 14, after line 9 insert—
"(4) The Minister must publish a notice of the revocation of an amendment or part of an amendment in the Government Gazette.

(5) The planning authority must give notice of the revocation of an amendment or part of an amendment in a manner satisfactory to the Minister".
43. Clause 39, lines 18 and 19, omit "Planning Appeals Board" and insert "Administrative Appeals Tribunal".
44. Clause 40, line 24, after "scheme" insert "and of the documents referred to in section 17".
45. Clause 41, line 37, after "copy" insert "and any documents lodged with it".
46. Clause 41, line 39, after "operation" insert "and after that period on payment of the prescribed fee".
47. Clause 42, line 4, after "amendments to it" insert "and of all documents lodged with those amendments under section 40".
48. Clause 44, line 38, omit "the Minister" and insert "a Minister".
49. Clause 44, page 16, line 6, omit "the Minister" and insert "a Minister".
50. Clause 47, omit this clause.
51. Heading to Part 4—page 17, omit this heading.
52. Clause 48, omit this clause.
53. Clause 49, omit this clause.
54. Clause 50, omit this clause.
55. Clause 51, omit this clause.
56. Clause 52, omit this clause.
57. Clause 53, omit this clause.
58. Clause 54, omit this clause.
59. Clause 55, omit this clause.
60. Clause 56, omit this clause.
61. Clause 57, omit this clause.
62. Clause 58, omit this clause.
63. Clause 59, omit this clause.
64. Clause 60, omit this clause.
65. Clause 61, omit this clause.
66. Clause 62, omit this clause.
67. Clause 63, omit this clause.
68. Clause 67, line 13, after "applicant" insert "and after giving notice to the owner".
69. Clause 67, line 16, omit "69" and insert "52".
70. Clause 67, after line 20 insert "(2) The responsible authority may require the applicant—
    (a) to notify the owner under sub-section (1); and
    (b) to make a declaration that that notice has been given."
71. Clause 68, line 24, after "application" insert "and the prescribed information supplied in respect of it".
72. Clause 69, lines 32 to 37, omit paragraphs (a) and (b) and insert "( ) to the owners and occupiers of allotments adjoining the land to which the application applies unless the planning scheme exempts it or the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person; and"
73. Clause 69, line 38, after "applies to" insert "or may materially affect".
74. Clause 69, page 22, line 4, omit "substantial" and insert "material".
75. Clause 69, page 22, line 6, omit "(1) (e)" and insert "(1) (d)".
76. Clause 70, line 19, omit "69 (1)" and insert "52 (1)".
77. Clause 70, line 24, omit "69" and insert "52".
78. Clause 70, line 25, omit "69 (1)" and insert "52 (1)".
79. Clause 71, line 36, omit "96" and insert "79".
80. Clause 73, line 27, omit "76 and insert "59".
81. Clause 74, line 36, omit "must" and insert "may".
82. Clause 74, page 24, line 2, omit "81 (1) and 82 (1)" and insert "64 (1) and 65 (1)".
83. Clause 76, line 27, omit "59 (1)" and insert "52 (1)".
84. Clause 76, line 19, omit "72" and insert "55".
85. Clause 76, line 24, omit "73" and insert "56".
86. Clause 76, line 26, omit "69 (1)" and insert "56 (1)".
87. Clause 76, line 30, omit "73" and insert "56".
88. Clause 76, line 32, omit "69" and insert "52".
89. Clause 77, page 25, line 2, omit "reasonably".
90. Clause 77, page 25, lines 4 to 11, omit all words and expressions on these lines and insert—
   "(b) if the circumstances appear to so require may consider—
   (i) any significant social and economic effects of the use or development for which the application is
   made; and
   (ii) any strategic plan, policy statement, code, guideline or amendment to the planning scheme which
   has been adopted by a planning authority and is in force but which does not yet form part of the
   planning scheme; and"
91. Clause 79, after line 40 insert—
   "(d) a condition that the development is to be carried out in stages over the periods specified in or under the
   permit; and"
*92. Clause 79, page 26, line 2, omit “Part 6” and insert “Part 5”.
*93. Clause 79, page 26, line 9, omit “187” and insert “173”.
94. Clause 81, page 27, line 6, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
*95. Clause 83, line 18, omit “81 or 82” and insert “64 or 65”.
96. Clause 84, line 23, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
97. Clause 84, line 24, omit “Board” and insert “Tribunal”.
98. Clause 85, page 28, line 1, omit “on” and insert “or”.
99. Clause 86, line 17, omit “development is to be started or the development” and insert “development or
   any stage of it is to be started or the development or any stage of it”.
100. Clause 87, line 24, omit “for not less than two years after it is issued”.
101. Clause 89, line 38, after “authority” insert “in writing”.
102. Clause 89, page 28 and 29, omit sub-clause (2).
103. Clause 90, line 9, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
104. Clause 90, line 10, omit paragraph (b) and insert —
   "(b) does not adversely affect the interests of a relevant referral authority, or is acceptable to the relevant referral
   authority; and"
105. Heading to Division 2, page 29, line 26, omit “Planning Appeals Board” and insert: “Administrative
   Appeals Tribunal”.
106. Clause 94, lines 28 and 29, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
107. Clause 95, line 32 and 33, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
108. Clause 95, line 35, omit “69 (1) (e)” and insert “52 (1) (d)’’.
109. Clause 95, page 30, line 2, omit “71” and insert “54”.
110. Clause 96, line 4 and 5, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
111. Clause 97, lines 8 and 9, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
112. Clause 98, line 12, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
113. Clause 99, line 20, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
114. Clause 99, lines 22 and 23, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
115. Clause 101, line 6, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
116. Clause 101, line 7, omit “Board”.
117. Clause 101, line 10, omit “Board”.
118. Clause 102, line 18, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
119. Clause 102, line 24, omit “69 (1) (e)” and insert “52 (1) (d)”.
120. Clause 102, line 28, omit “71” and insert “54”.
121. Clause 102, line 30, omit “64” and insert “47”.
122. Clause 102, page 32, line 1, after “permit” insert “should not or”.
123. Clause 102, page 32, line 3, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
124. Clause 102, page 32, line 4, omit “period for lodging” and insert “the prescribed period for the purpose of lodging”.
125. Clause 102, page 32, line 4, omit “96” omit “79”.
126. Clause 103, line 9, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
127. Clause 103, line 13, omit “arises” and insert “exists”.
128. Clause 103, after line 13 insert—
“(2) The owner or the user or developer of the land may refer a matter to the Administrative Appeals Tribunal for determination if—
(a) a planning scheme specifies or a permit contains a condition that the matter must be done to the satisfaction of the responsible authority or a referral; and
(b) the responsible authority or referral authority fails to make a decision on the matter within the prescribed time after the matter is referred to that authority.”
129. Clause 103, lines 15 and 16, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
130. Clause 104, line 19, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
131. Clause 104, line 29, omit “69” and insert “52”.
132. Clause 104, line 30, omit “72, 78 (2) or 79 (1)” and insert “55, 61 (2) or 62 (1)”.
133. Clause 104, line 31, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
134. Clause 104, line 36, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
135. Clause 104, line 39, omit “106” and insert “89”.
136. Clause 104, line, omit all words and expressions on this line and insert—
“(c) a referral authority; or
(d) the owner or occupier of the land concerned.”
137. Clause 106, line 14, after “Any person” insert “who objected or would have been entitled to object to the issue of a permit”.
138. Clause 106, line 14, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
139. Clause 106, line 15, omit “a” and insert “the”.
140. Clause 106, lines 27 to 31, omit sub-clause (2).
141. Clause 106, after line 33 insert—
“(4) The Tribunal may refuse to consider a request under this section or section 104 unless it is satisfied that the request has been made as soon as practicable after the person making it had notice of the facts relied upon in support of the request.”
142. Clause 106, in proposed new sub-section (4), omit “104” and insert “87”.
143. Clause 107, line 35, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
144. Clause 107, line 40, omit “104” and insert “87”.
145. Clause 107, page 34 after line 2 insert—
“(2) The Tribunal may give any other person who appears to it to have a material interest in the outcome of the request an opportunity to be heard at the hearing of the request.”
146. Clause 108, line 4, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
147. Clause 108, lines 7 and 8, omit “Planning Appeals Board” and insert “Directions of the Administrative Appeals Tribunal”.
148. Clause 108, line 9, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
149. Clause 108, line 10, omit “106” and insert “89”.
150. Clause 108, line 12, omit “106 (1) (a)” and insert “89 (1) (a)”.
151. Clause 108, line 17, omit “or” and insert “and”.
152. Clause 108, line 18, omit “106 (1) (b)” and insert “89 (1) (b)”.
153. Clause 108, line 20, after “request” insert—

“(c) it would be just and fair in the circumstances to do so.”.
154. Clause 109, lines 24 and 25, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
155. Clause 109, line 25, omit “107” and insert “90”.
156. Clause 110, omit this clause.
157. Clause 111, line 3, omit “110” and insert “93”.
158. Clause 111, line 4, omit “110” and insert “93”.
159. Clause 111, after line 30 insert—

“(c) on the ground of any material mistake in relation to the grant of a permit if the Administrative Appeals Tribunal considers that the mistake arose from any act or omission by or on behalf of the applicant for the permit; or
160. Clause 111, line 31, omit “104 (2)” and insert “87 (2)”.
161. Heading to Division 4, page 35, line 36, after “relating to” insert “Ministers, Government Departments and”.
162. Clause 112, page 36, line 1, after “obtain” insert “the consent of the responsible authority and”.
163. Clause 112, page 36, lines 6 to 9, omit sub-clause (3) and insert—

“(3) The consent of the responsible authority under sub-section (2) may be subject to any specified conditions to be included in the permit.”.
164. Clause 113, page 37, line 14, omit “96” and insert “79”.
165. Clause 114, line 30, omit “16” and insert “19”.
166. Clause 114, line 31, omit “129” and insert “113”.
167. Clause 114, lines 33 to 42, omit paragraphs (d), (e) and (f) and insert—

“(d) access to the land being restricted by the closure of a road by a planning scheme.”
168. Clause 114, page 38, after sub-clause (3) insert—

“(4) The responsible authority must inform any person who asks it to do so of the person or body from whom the first-mentioned person may claim compensation under this Part.”.
169. Clause 115, line 14, omit “114c (1) (a), (b) or (c)” and insert “98 (1) (a), (b) or (c)”.
170. Clause 115, line 18, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
171. Clause 115, line 23, omit “96” and insert “79”.
172. Clause 115, line 26, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
173. Clause 115, line 29, omit “114 (1) (a), (b) or (c)” and insert “98 (1) (a), (b) or (c)”.
174. Clause 115, line 30, omit “122” and insert “106”.
175. Clause 115, line 31, omit “(e) or (f)”.
176. Clause 115, line 34, omit “114 (2)” and insert “98 (2)”.
177. Clause 116, line 36, omit “114” and insert “98”.
178. Clause 116, line 40, omit “114” and insert “98”.
179. Clause 116, page 39, lines 1 to 3, omit sub-clause (2) and insert—

“(2) The amount paid under this section must not exceed 10 per cent of the amount of compensation which would have been payable except for this section.”
180. Clause 117, line 16, omit "114" and insert "98".
181. Clause 117, line 18, omit "professional" and insert "other".
182. Clause 119, line 34, omit "114 (1) or (2) or 123" and insert "98 (1) or (2) or 107".
183. Clause 120, line 36, omit "114" and insert "98".
184. Clause 120, page 40, line 3, omit "114 (1) or (2) or 123" and insert "98 (1) or (2) or 107".
185. Clause 122, line 11, omit "114" and insert "98".
186. Clause 123, line 34, omit "129" and insert "113".
187. Clause 123, after line 38 insert—
"(3) The time within which a claim must be made be extended—
   (a) by the Minister after consultation with the Minister administering the Land Acquisition and Compensation Act 1986; or
   (b) by agreement between the claimant and the planning authority.".
188. Clause 124, line 2, omit "cannot claim compensation" and insert "does not have a claim for compensation".
189. Clause 124, line 5, omit "cannot claim compensation" and insert "does not have a claim for compensation".
190. Clause 124, line 13, omit "129" and insert "113".
191. Clause 127, line 31, omit "126 (1)" and insert "110 (1)".
192. Clause 127, line 37, omit "129" and insert "113".
193. Clause 128, line 13, omit "126 (1)" and insert "110 (1)".
194. Clause 129, line 29, after "reserve" insert—
   "or which could lead to the reservation of".
195. Clause 130, omit this clause.
196. Clause 131, omit this clause.
197. Clause 132, omit this clause.
198. Clause 133, omit this clause.
199. Clause 134, omit this clause.
200. Clause 135, omit this clause.
201. Clause 136, omit this clause.
202. Clause 137, omit this clause.
203. Clause 138, line 16, omit "upon whom an enforcement order is served" and insert "against whom an enforcement order or interim enforcement order is made".
204. Clause 138, lines 33 and 34, omit "section 130, 132, 133 or 136" and insert "sections 130 to 136".
205. Clause 138, sub-clause (4) (a) omit proposed reference to "sections 130 to 136" and insert "section 114 to 120".
206. Clause 138, line 35, omit "130, 135" and insert "132, 133".
207. Clause 138, sub-clause (4) (b), omit proposed reference to "section 132, 133 or 136" and insert "section 116, 117 or 120".
208. Clause 138, line 36, after "order" insert "or interim enforcement order".
209. Clause 138, line 39, omit "187" and insert "173".
210. Clause 139, line 3, omit "Planning Appeals Board" and insert "Administrative Appeals Tribunal".
211. Clause 139, line 4, after "order" insert "or interim enforcement order".
212. Clause 140, line 14, after "enforcement order" insert "or interim enforcement order".
213. Clause 141, line 22, after "order" insert "or interim enforcement order".
214. Clause 142, line 27, omit "187" and insert "173".
215. Clause 142, line 30, omit "187" and insert "173".
216. Clause 142, line 32, omit "187" and insert "173".
217. Clause 142, line 36, omit "187" and insert "173".
*218. Clause 142, line 38, omit “187” and insert “173”.
*219. Clause 149, line 9, omit “187” and insert “173”.
*220. Clause 151, line 26, omit “187” and insert “173”.
*221. Clause 152, line 33, omit “149” and insert “133”.
222. Clause 156, line 35, omit “under section 39” and insert “or a responsible authority under section 42”.
223. Clause 156, line 37, after “Environment” insert “or the secretary of the responsible authority (as the case requires)”.
*224. Clause 158, line 5, omit “187” and insert “173”.
*225. Clause 158, line 10, omit “187” and insert “173”.
226. Clause 164, line 36, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.
227. Clause 164, line 38, omit “Planning Appeals Board” and insert “Tribunal”.
228. Clause 164, lines 40 and 41, omit “Planning Appeals Board” and insert “Tribunal”.
*229. Clause 164, page 57, line 1, omit “Part 5” and insert “Part 4”.
230. Clause 164, page 57, line 2, omit “section 221” and insert “Part 10”.
*231. Clause 164, page 57, line 2, omit proposed reference to “Part 10” and insert “Part 9”.
232. Clause 164, page 57, after line 3 insert—
“(4) If any proceedings are brought before the Administrative Appeals Tribunal under this Act and the Tribunal is satisfied that—
(a) the proceedings have been brought vexatiously or frivolously; and
(b) any other person has suffered loss or damage as a result of the proceedings—
the Tribunal may order the person who brought the proceedings to pay to that other person an amount assessed by the Tribunal as compensation for the loss or damage and an amount for costs.
(5) If the Tribunal is satisfied that a third party (being a person other than the person who brought proceedings to which sub-section (4) applies) sponsored the bringing of the proceedings, the Tribunal after giving the third party an opportunity to be heard, may order the third party to pay the whole or any part of the compensation and costs referred to in sub-section (1) either jointly with or in place of the person who brought the proceedings.”.
*233. Clause 166, line 23, omit “165” and insert “151”.
234. Clause 170, after line 9 insert—
“(3) The Minister must not direct a municipal council to pay the fees or allowances unless the Minister considers that they have been incurred because of an unreasonable action by the municipal council.”.
*235. Clause 174, page 59, line 2, omit “183” and insert “169”.
236. Clause 186, lines 35 to 37, omit sub-clause (1) and insert—
“(1) The Minister or the responsible authority may compulsorily acquire—
(a) any land which is required for the purposes of any planning scheme even if the scheme or an amendment to the scheme including the requirement has not been adopted by the relevant planning authority or approved by the Minister, or
(b) any land which—
(i) is used for any purpose not in conformity with, whether or not actually prohibited by, the planning scheme; or
(ii) is vacant and unoccupied—
if in the opinion of the Minister or the responsible authority to achieve the proper development of any area in accordance with the planning scheme it is desirable that the use should not be continued or (as the case requires) that the land should be put to appropriate use; or
(c) any land in an area in respect of which a declaration under sub-section (2) is in force.
(2) If the Governor in Council is satisfied that to enable the better use, development or planning of an area, it is desirable that the Minister or a responsible authority compulsorily acquire land in the area, the Governor in Council may, by notice published in the Government Gazette, declare the area to be an area to which sub-section (1) (c) applies.”.
*237. Clause 187, line 13, omit “195” and insert “181”.

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238. Clause 188, lines 28 to 30, omit all words and expressions on these lines and insert—

“(i) the objective of planning in Victoria; or

(ii) the objectives of the planning scheme or any amendment to the planning scheme of which notice has been given under section 19”.

239. Clause 189, page 63, line 9, omit “if” and insert “to the extent that”.

240. Clause 192, line 35, after “may” insert “, with the approval of the Minister,”.

241. Clause 192, pages 63 and 64, omit sub-clauses (2) and (3).

242.Clause 198, lines 10 and 11, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.

243. Clause 198, line 16, omit “Planning Appeals Board” and insert “Tribunal”.

244. Clause 199, omit this clause.

245. Clause 200, omit this clause.

246. Clause 201, omit this clause.

247. Clause 202, omit this clause.

248. Clause 203, omit this clause.

249. Clause 204, omit this clause.

250. Clause 205, omit this clause.

251. Clause 206, omit this clause.

*252. Clause 207, line 27, omit “185” and insert “172”.

*253. Clause 209, page 68, line 7, omit “212” and insert “191”.

*254. Clause 209, page 68, lines 8 and 9, omit “141, 185 (2) (a), (b), (c), (d), and (e), 186, 187, 192 and 212” and insert “125, 171 (2) (a), (b), (c), (d) and (e), 172, 173, 178, and 191”.

*255. Clause 210, line 20, omit “Part 5” and insert “Part 4”.

256. Clause 217, omit this clause.

*257. Clause 221, line 31, omit “218” and insert “198”.

258. Clause 221, lines 34 and 35, omit “and be accompanied by the prescribed fee”.

259. Clause 221, page 71, omit sub-clause (5) and insert—

“(5) No fee shall be charged for an application or declaration under this section.”

*260. Clause 221, page 71, line 5, omit “220” and insert “200”.

261. Clause 222, after line 19, insert—

“(c) prescribed any event after which or any time within which anything for the purposes of this Act must or may be done; and”.

*262. Clause 224, line 38, omit “125” and insert “131”.

*263. Clause 227, line 18, omit “125” and insert “131”.

*264. Clause 227, line 28, omit “224” and insert “204”.

*265. Clause 227, line 28, omit “125” and insert “131”.

*266. Clause 227, line 30, omit “125” and insert “131”.

*267. Clause 227, line 33, omit “224” and insert “204”.

268. Clause 227, page 74, lines 14 to 18, omit sub-clause (4).

*269. Clause 228, line 21, omit “125” and insert “131”.

*270. Clause 228, line 26, omit “125” and insert “131”.

*271. Clause 228, line 33, omit “86” and insert “69”.

*272. Clause 228, line 38, omit “125” and insert “131”.

273. Clause 228, page 75, line 1, omit “125” and insert “131”.

274. Clause 229, omit this clause.

*275. Clause 230, line 17, omit “125” and insert “131”.
276. Clause 230, line 18, omit “Planning Appeals Board” and insert “Administrative Appeals Tribunal”.

*277. Clause 230, line 19, omit “125” and insert “131”.

278. Clause 230, line 20, omit “Plannings Appeals Board” and insert “Tribunal”.

279. Insert the following new clause to follow clause 3.

Objectives.

“A. (1) The objectives of planning in Victoria are:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
(b) to provide for the protection of natural and man-made resources and the maintenance of ecological and genetic diversity;
(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
(g) to balance the present and future interests of all Victorians.

(2) The objectives of the planning framework established by this Act are:

(a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
(b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;
(c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
(d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
(e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;
(f) to provide for a single authority to issue permits for land use or development and related matters, and to co-ordinate the issue of permits with related approvals;
(g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;
(h) to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;
(i) to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice;
(j) to provide an accessible process for just and timely review of decisions without unnecessary formality;
(k) to provide for effective enforcement procedures to achieve complaints with planning schemes, permits and agreements;
(l) to provide compensation when land is set aside for public purposes and in other circumstances.”

280. Insert the following new clause to follow clause 15—

Application of planning scheme.

“C. A planning scheme is binding on every Minister, government department, public authority and municipal council except to the extent that the Governor in Council, on the recommendation of the Minister, directs by Order published in the Government Gazette.”.

281. Insert the following new clause to follow clause 109.

Order to stop development.

“E. (1) The Administrative Appeals Tribunal may, if it considers it appropriate, order that pending the hearing of a request no development other than that specified in the order is to be carried out or continued on the land.
(2) The responsible authority must give notice of the order without delay to the persons and in the manner the Tribunal directs or (if no direction is given) as are prescribed.

(3) Any person to whom the notice is given who fails to comply with the notice is guilty of an offence.

282. Insert the following new clause before clause 112.

Permits required by Ministers or government departments.

F. (1) Subject to sub-sections (2) and (3), an application for a permit by or on behalf of a Minister or government department must be made and dealt with in accordance with this Part.

(2) The Governor in Council may by Order published in the Government Gazette declare that a responsible authority must refer all applications in a specified class of applications for permits by Ministers or government departments to the Minister.

(3) The Minister may direct the responsible authority to refer to the Minister an application for a permit by or on behalf of a Minister or government department if—

(a) not less than 21 days have elapsed since lodgment of the application; and
(b) the Minister has consulted with the responsible authority; and
(c) the Governor in Council considers that the over-riding interests of the State required that the application be so referred.

(4) The responsible authority must comply with an Order or direction and must not proceed further with the application.

(5) The Governor in Council may determine any application referred to the Minister under sub-section (2) or (3).

(6) A determination by the Governor in Council under sub-section (5) is final and is not subject to review or appeal except in the Supreme Court on a question of law.

(7) If the Governor in Council determines that a permit is to be granted, with or without conditions, the Minister is to be the responsible authority for the purpose of issuing, administering and enforcing the permit.

(8) The Governor in Council may by Order published in the Government Gazette change or revoke an Order under sub-section (2).

283. Insert the following new clauses to follow the heading to Division 1 on page 43, line 34:

Application for enforcement order.

AA. (1) A responsible authority or any person may apply to the Administrative Appeals Tribunal for an enforcement order against any person specified in sub-section (2) if a use or development of land contravenes, or, unless prevented by the enforcement order, will contravene this Act, a planning scheme, a condition of a permit or an agreement under section 187.

(a) contain the prescribed information; and
(b) set out the grounds for making the application; and
(c) be verified in the prescribed manner.

(2) An application must—

(a) contain the prescribed information; and
(b) set out the grounds for making the application; and
(c) be verified in the prescribed manner.

(3) An enforcement order may be made against one or more of the following persons:

(a) the owner of the land;
(b) the occupier of the land;
(c) any other person who has an interest in the land;
(d) any other person by whom or on whose behalf the use or development was, is being, or is to be carried out.

Notice of application.

BB. (1) On receiving an application under section 130, the Administrative Appeals Tribunal may—

(a) give notice of the application under sub-section (2); or
(b) reject the application.

(2) Notice of an application must be given to the following persons:

(a) the responsible authority;
(b) any person against whom the enforcement order is sought;
(c) the owner of the land;
(d) the occupier of the land;
(e) any other person whom it considers may be adversely affected by the enforcement order.

(3) The notice must—
(a) specify the land affected by the application; and
(b) set out the nature of the enforcement order applied for; and
(c) state that an enforcement order may be made after the period specified in the notice (being not less than 14 days after the date of the notice) if the Tribunal receives no objections within that period”.

Determination of Tribunal where no objections.

“CC. If the Administrative Appeals Tribunal receives no objections to an application within the period specified in the notice, the Tribunal may—
(a) make any enforcement order it thinks fit in accordance with section 135 in respect of the land; or
(b) reject the application.

Determination of Tribunal where objections are received.

“DD. (1) If the Administrative Appeals Tribunal receives an objection to the application within the period specified in the notice, the Tribunal must give the following persons a reasonable opportunity to be heard or to make written submissions in respect of the application:
(a) the responsible authority;
(b) any person against whom the enforcement order is sought;
(c) the owner of the land;
(d) the occupier of the land;
(e) the applicant for the enforcement order;
(f) any other person whom it considers may be adversely affected by the enforcement order;
(g) any person whom it considers has been or may be adversely affected by the contravention.

(2) After hearing any person under sub-section (1) and considering any written submissions made under that sub-section, the Tribunal may—
(a) make any enforcement order it thinks fit in accordance with section 135 in respect of the land; or
(b) reject the application”.

Notice of enforcement order.

“EE. (1) The Administrative Appeals Tribunal or, at the direction of the Tribunal, the responsible authority or a person specified by the Tribunal, must—
(a) serve a copy of the enforcement order personally or by registered post on—
(i) the person or persons against whom it is made; and
(ii) the owner of the land; and
(iii) the occupier of the land; and
(iv) any other person who has an interest in the land; and
(v) any other person by whom or on whose behalf the use or development concerned was, is being, or is to be carried out; and
(b) advise any other person whom the Tribunal specifies of the making of the enforcement order.

(2) If it is not readily possible to serve an order on a person in accordance with sub-section (1), it is sufficient service on that person for the purposes of that sub-section if a copy of the order is put up on a conspicuous part of the land.”

What can an enforcement order provide for?

“FF. An enforcement order made by the Administrative Appeals Tribunal—
(a) must specify—
(i) the use or development which contravenes or will contravene this Act or the planning scheme, permit condition or agreement; and
(ii) any other prescribed information; and
(b) may direct any person against whom it is made—
(i) to stop the use or development within a specified period;
(ii) not to start the use or development; or
(iii) to maintain a building in accordance with the order; or
(iv) to do specified things within a specified period—
(A) to restore the land as nearly as practicable to its condition immediately before the use or
development started or to any other condition acceptable to the responsible authority; or
(B) to otherwise ensure compliance with this Act, or the planning scheme, permit condition or
agreement under section 187."

Interim enforcement orders

"GG. (1) Any responsible authority or person who has applied under section 130 for an enforcement order
may apply to the Administrative Appeals Tribunal in an urgent case for an interim enforcement order against
any person or persons in relation to whom the application under section 130 was made.

(2) The Tribunal may consider an application under this section without notice to any person.

(3) Before making an interim enforcement order, the Tribunal must consider—
(a) what the effect of not making the interim enforcement order would be; and
(b) whether the applicant should give any undertaking as to damages; and
(c) whether it should hear any other person before the interim enforcement order is made.

(4) After complying with sub-section (4), the Tribunal may make an interim enforcement order directing any
person against whom the order is made—
(a) to stop the use or development immediately or within the period specified in the order; or
(b) not to start the use or development; or
(c) to do specified things to ensure compliance with this Act or a planning scheme, permit condition or
agreement under section 187.

(5) An interim enforcement order may be made subject to any other conditions that the Tribunal determines.

(6) An interim enforcement order does not have any operation after the earlier of—
(a) the date or the happening of an event specified in the order; or
(b) the determination of the application under section 130.

(7) At the direction of the Tribunal, the responsible authority or a person specified by the Tribunal must serve
a copy of the interim enforcement order personally or by registered post on the person or persons whom the
Tribunal specifies.

(8) If it is not readily possible to serve an interim enforcement order on a person in accordance with sub-
section (7), it is sufficient service on that person for the purposes of that sub-section if a copy of the order is put
upon a conspicuous part of the land.

(9) If an application for an interim enforcement order was made without notice to any person, the Tribunal
must give any person affected by the interim enforcement order a reasonable opportunity to be heard by it with
respect to the interim enforcement order within seven days after making the order.

(10) After hearing any person under sub-section (8) the Tribunal may continue, amend, or cancel the interim
enforcement order.

(11) The responsible authority must enforce any determination of the Tribunal under this section.".

Cancellation of enforcement order or interim enforcement order.

"HH. The Administrative Appeals Tribunal may cancel any enforcement order or interim enforcement
order".

*284. Proposed new section AA (1), omit "187" and insert "173".
*285. Proposed new section BB (1), omit "130" and insert "114".
*286. Proposed new section CC (1) (a), omit "135" and insert "119".
*287. Proposed new section DD (2) (a), omit "135" and insert "119".
*288. Proposed new section FF (b) (iv) (B), omit "187" and insert "173".
*289. Proposed new section GG (1), omit "section 130 for" and insert "section 114 for".
*290. Proposed new section GG (1), omit "section 130 was" and insert "section 114 was".
*291. Proposed new section GG (10) omit "(8)" and insert "(9)".
292. Insert the following new clauses to follow the heading to Division 5 on page 56, line 32—

Constitution of Administrative Appeals Tribunal

"II. The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Act shall be constituted—

(a) by—

(i) a member of the Planning division who is a legal practitioner; and

(ii) at least one member of the Planning division who has experience in town and country planning;

or

(b) if the President so determines in a particular case, by a member of the Planning division who has experience in town and country planning".

Provision of this Act to prevail

"JJ. If a provision of the Administrative Appeals Tribunal Act 1984 is inconsistent with a provision of this Act, the provision of this Act prevails.

293. Insert the following new clause to follow the heading to Division 3 on page 65—

Inquiry powers

"I (1) The provisions of section 161 of the Building Control Act 1981 with such changes as are necessary apply to and in respect of powers and duties conferred or imposed on any municipal council by or under this Act.

(2) Sub-section (1) does not affect any other proceeding or remedy against or liability of the municipal council or the municipality concerned.

294. Insert the following new clause to follow clause 216.

Fees and allowances

"J. (1) The planning authority or responsible authority may agree with a prospective member of a committee under this Division to pay reasonable fines and allowances in respect of that person’s services on the committee.

(2) Sub-section (1) does not apply—

(a) to a person who is an officer or full-time member of the planning authority or responsible authority;

or

(b) if the responsible authority is a municipal council, to a councillor of that municipal council.

295. Insert the following new Division to follow clause 217.

"Division 6—Time

K. Where the Minister or any responsible authority, planning authority, public authority, municipal council, panel, committee or officer is required to do any act, including making any decision or forming any opinion, that act must be done as promptly as is reasonably practicable, in any event within the time limits prescribed or any extension of those time limits allowed by or under this Act, so that loss or damage to any person from unreasonable or unnecessary delay is avoided.

296. Insert the following new clause to follow clause 228.

Applications for permits.

"M (1) Any application for a permit which was made under the Town and Country Planning Act 1961 but which has not been determined before the commencement of item 125 in the Schedule may be determined in accordance with that Act as if that item had not come into operation.

(2) Upon the determination of an application referred to in sub-section (1), this Act applies to the determination and anything arising from the determination as if it were a decision under Part 5.”.

*297. Proposed new section M, in sub-clause (1) omit “125” and insert “131”.

*298. Proposed new section M, in sub-clause (2) omit “Part 5” and insert “Part 4”.

*299. Schedule, page 76, item 2 in the proposed section 5 (1) (a) (i), omit “125” and insert “131”.

*300. Schedule, page 77, item 2 in paragraph (a), omit “112” and insert “96”.

301. Schedule, page 77, item 2, for paragraph (e) substitute—

*(e) for subsection (6) substitute—
"(6) A responsible authority under the Planning and Environment Act 1987 for any area within the Wodonga Area may by instrument delegate any of its powers, discretions and functions under that Act to the Corporation.

(f) sub-sections (7) and (8) are repealed.

302. Schedule, page 78, in item 5, after "23" insert "23A".

303. Schedule, page 88, for item 37, substitute—

"37.

304. Schedule, page 89, after item 40 insert—

'A

305. Schedule, page 89, item 'A' in proposed section 5 (5), omit "186 (2)" and insert "172 (2)".

306. Schedule, page 89, item 41, and "Part 6" and insert "Part 5".

307. Schedule, page 89, item 51, in proposed section 28 (2), omit "Part 9" and insert "Part 8".

308. Schedule, page 90, item 52, in proposed section 32 (8), omit "Part 9" and insert "Part 8".

309. Schedule, page 90, in item 34, omit "Section 40 is" and insert "Sections 40 and 41A are".

310. Schedule, page 93, item 77, in proposed section 861A (6), omit "220 and 221" and insert "200 and 201".

311. Schedule, page 94, item 77, in proposed section 28 (4), omit "218 (1)" and insert "198 (1)".

312. Schedule, page 94, after item 77 insert—

"AA Loddon-Campaspe Regional Planning Authority Act 1987

BB

*313. Schedule, page 94, item 81, in proposed paragraph (d) omit "146 and insert "130".
314. Schedule, page 95, item 89, omit paragraphs (a), (b) and (c) and insert—

(a) the definition of “Approved concept plan” is repealed; and

(b) for the definition of “Yarra region” substitute—

‘“Yarra region” means the area prescribed as the Yarra region in regulations made by the Governor in Council’.

315. Schedule, page 95, after item 89 insert—

In section 308—

(a) in sub-section (1) for “an approved concept plan” substitute “a planning scheme under the Planning and Environment Act 1986 applying to the region”; and

(b) in sub-sections (2), (3) and (5) for “an approved concept plan” substitute “a planning scheme”.

316. Schedule, page 98, item 98, omit “Planning Appeals Board” and insert “Planning Appeals”.

317. Schedule, page 98, in item 102 in proposed section 27 (b) for “general objectives of planning schemes” substitute “objectives of planning in Victoria”.

*318. Schedule, page 99, item 102, in paragraph (c), omit “187” and insert “173”.

*319. Schedule, page 99, item 103, in paragraph (c) (ii), omit “74 (3)” and insert “57 (4)”.

*320. Schedule, page 99, item 104, in paragraph (a), omit “69” and insert “52”.

*321. Schedule, page 99, item 105, in paragraph (a), omit “107” and insert “84”.

*322. Schedule page 100, item 106, in paragraph (c), omit “113” and insert “97”.

323. Schedule, page 100, item 108, omit “41 (1), (2), (3) and (4)” and insert “41”.

*324. Schedule, page 100, item 110, omit “69” and insert “52”.

325. Schedule, page 100, after item 111, insert—

In Schedule 1—

(a) after “Division 2 of Part IVA of the Mines Act 1958” insert “Planning and Environment Act 1987”;

(b) omit “Town and Country Planning Act 1961”;

(c) omit “Section 24 of the Upper Yarra and Dandenong Ranges Authority Act 1976”.

326. Schedule, page 100 to 102, omit items 112 to 114 and insert—

‘c Port Phillip Coastal Planning and Management Act 1966.’.

*327. Schedule, page 102, item 115, in paragraph (a), omit “125” and insert “131”.

*328. Schedule, page 102, item 115, after paragraph (b) insert—

‘(c) in paragraph (a) for “157” substitute “141”; and

(d) in paragraph (d) for “150” substitute “134”.’.

*329. Schedule, page 104, item 129, in paragraph (a), omit “150” and insert “134”.

*330. Schedule, page 105, item 138, in paragraph (c), omit “Part 9” and insert “Part 8”.

*Indicates consequential amendments made after third reading.

Mr WILKES (Minister for Housing)—I move:

That the amendments be agreed to.
Mr HEFFERNAN (Ivanhoe)—The Opposition supports the amendments and also wishes to express its gratitude for the Government accepting so many amendments put forward by the Opposition. The Bill is better now than when it originally came into the House.

The motion was agreed to.

CHATTEL SECURITIES BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 3, page 2, lines 21 to 23, omit the definition of “Inventory security interest” and insert—
   “Inventory security interest" means a security interest—
   (a) given by a dealer in or over goods of a kind in which the dealer deals in the course of the dealer's business; or
   (b) reserved in or over goods in the possession or control of a dealer, being goods of a kind in which the dealer deals in the course of the dealer's business."

2. Clause 7, page 7, line 1, after “interest” insert “, not being an inventory security interest,”

3. Clause 7 page 7, after line 9 insert—
   “; or
   (d) the goods are a motor vehicle within the meaning of the Road Safety Act 1986 or a trailer within the meaning of that Act, being a motor vehicle or trailer which is not registered under the Motor Car Act 1958 or the Road Safety Act 1986 but is registered under the law of another State or of a Territory and there is in force in that State or Territory a law declared under section 3 (8) to be a corresponding law for the purposes of this Act.”.

4. Clause 27, after line 33 insert—
   “; and
   (c) if the motor car is not registered under the Motor Car Act 1958 or the Road Safety Act 1986 but is registered under the law of another State or a Territory, any security interest in the motor car registered under the provisions of a law of that State or Territory corresponding to the provisions of this Act (whether or not those provisions are declared under section 3 (8) to be a corresponding law of that State or Territory for the purposes of this Act).”.

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

That the amendments be agreed to.

There was a request for clarity on the amendments. I recommend them to the House.

Mr PESCOTT (Bennettswood)—The Opposition accepts the amendments proposed by the Government. This has been a technical Bill from the start and, indeed, further technicalities have been added in another place.

The motion was agreed to.

INDUSTRIAL RELATIONS (MISCELLANEOUS AMENDMENTS) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 2, line 6, omit “28” and insert “27”.

2. Clause 2, line 8, omit “28” and insert “27”.

3. Clause 13, line 9, after “(7)” insert “of that Act”.


4. Clause 21, line 11, before "In" insert "(I)".
5. Clause 25, line 2, before "In" insert "(I)".

Mr CRABB (Minister for Labour)—I move:
That the amendments be agreed to.

These amendments are of a complex nature and add to the amendments made in the Legislative Assembly when the Bill was debated with the support of all parties. I would have thought that these were Clerk's amendments and that they should not have been made in the Legislative Council. I recommend their support in line with the support given by the Assembly in the debate on the original Bill.

Mr KENNETT (Leader of the Opposition)—I congratulate the Minister for making the longest speech in moving the acceptance of these amendments—when one considers that the speech of the Minister for Housing when moving 330 amendments took 30 seconds. The Opposition accepts the amendments.

The motion was agreed to.

HEALTH SERVICES (CONCILIATION AND REVIEW) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 10, line 26, after "users" insert "and providers".
2. Clause 13, page 9, line 4, omit "three or more members of the Council disagree" and insert "a member of the Council disagrees".
3. Clause 13, page 9, line 5, omit "they" and insert "the member".
4. Clause 13, page 9, line 7, omit "their" and insert "his or her".
5. Clause 13, page 9, line 8, omit "their" and insert "his or her".
6. Clause 20, line 39, after "(t)" insert "(b),".
7. Clause 20, page 13, after line 16, insert:
"( ) recommend that the Commissioner should investigate the matter; or
8. Clause 20, page 13, line 35, after "complaint" insert "or recommends that the Commissioner should investigate the matter"
9. Clause 22, page 16, line 7, omit "person" and insert "provider".
10. Clause 22, page 16, line 9, omit "person" and insert "provider".
11. Clause 22, page 16, line 10, omit "person" and insert "provider".
12. Clause 22, page 16, line 12, omit "person" and insert "provider".
13. Clause 22, page 16, line 13, omit "person" and insert "provider".
14. Clause 22, page 16, line 16, omit "person" and insert "provider".

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That the amendments be agreed to.

When the matter was before the Assembly it was undertaken that a number of issues would be considered in another place. Following discussions involving the parties in another place this series of fourteen amendments was agreed to. It is understood the amendments add to and improve this very important measure.

Mr WEIDEMAN (Frankston South)—The Opposition agrees with the amendments. They improve the Bill. I repeat the remarks I made earlier in debate on the Bill that it was introduced in haste—the reports to the Minister for Health on the boards and other bodies had not been presented. They should have been presented before the Bill was introduced.
The Council's amendments are mainly consequential to the membership provisions of the Bill and result from agreement reached while the Bill was between here and another place, as was another amendment to change "person" to "provider".

The motion was agreed to.

**EDUCATION ACTS (AMENDMENT) BILL**

The message from the Council relating to the amendments in this Bill was taken into consideration.

**Council's amendments:**

1. Clause 4, line 39, after "under" insert "section 5 or".
2. Clause 12, page 4, after line 35 insert "(iii) is removed from office; or".
3. Clause 12, page 5, after line 11, insert —

   "(3c) The Governor in Council may suspend the Chairperson from office but the Chairperson may only be removed from office in accordance with this section.

   (3b) The Minister must cause to be laid before both Houses of Parliament a full statement of the grounds of suspension of the Chairperson within seven sitting days after the suspension if Parliament is then sitting or if Parliament is not then sitting then within seven sitting days after the next meeting of Parliament.

   (3e) The Governor in Council must remove the suspended Chairperson from office if each House of Parliament by resolution declares within seven sitting days after the statement is laid before it that the Chairperson ought to be removed from office and unless each House within that time so declares the Governor in Council must remove the suspension and restore the Chairperson to office.

**Mr CATHIE (Minister for Education)—I move:**

That the amendments be agreed to.

When this Bill was previously before the House more time was spent debating clause 8 than debating clause 4. These amendments clarify the meaning of clause 4 and insert proposed sections concerning additional requirements for the removal for the Chairperson of the Teaching Service Appeals Board. The Government accepts the amendments.

In previous debate the Carmel Christian Community School in Sebastapol was referred to. I make the point that the school has registration.

It will be going on to go the first year of secondary education next year and provided that it has ten or more students for Year 7 it will fulfil the statutory requirements of this Bill for registration.

**Ms SIBREE (Kew)—The Opposition is pleased that the Government has accepted the suggestions made by the Opposition to elaborate on the provisions for the removal of the chairperson, if necessary—and one hopes it will not be necessary—of the new body now referred to in legislation rather than regulation, and welcomes those changes.

I point out that the Liberal Party in another place debated the question of definitions of schools and the Opposition expresses some disappointment with the National Party, which had expressed the same concern originally about freedom of choice for parents in small schools but was unable to give the Opposition support on those matters in the other place. The Opposition thanks the Minister for Education for at least adopting some of the Opposition's suggestions.

**Mr HANN (Rodney)—I must correct the record. The National Party supported the Government's amendments. The argument being put forward by the Liberal Party was irrelevant to the amendments being proposed by the Government as the honourable member for Kew is well aware. This is highlighted by the fact that in this House the honourable member for Kew did not force the vote to a division. I understand that several members of the Liberal Party are happy with the action that the National Party took.
The motion was agreed to.

CONSERVATION, FORESTS AND LANDS BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 55, lines 8 to 39, omit the words and expressions on these lines and insert—

"Law—and unless the instrument approving the Code of Practice has been ratified by a resolution passed by the Legislative Assembly and the Legislative Council.

(2) A resolution ratifying an instrument of approval of a Code of Practice may amend the Code of Practice and, if it does so, the instrument approving the Code of Practice is deemed to relate to the Code as so amended.”

2. Clause 72, lines 21 and 22, omit “Registrar of Titles must, on the application of the Director-General,” and insert “Director-General must as soon as practicable after entering into the agreement apply in writing to the Registrar of Titles to have a memorandum of the agreement entered in the register book and on receiving that application the Registrar of Titles must”.

3. Clause 72, line 25, at the end of the line insert “the Director-General as soon as practicable after entering into the agreement must lodge with the Registrar-General a memorial of the agreement and”.

4. Clause 103, omit this clause.

5. Schedule 4, page 56, omit item 11.3

6. Schedule 4, page 58, omit item 20.3.

On the motion of Mr CATHIE (Minister for Education), the amendments were agreed to.

PLANNING AND ENVIRONMENT BILL

A message was received from the Council transmitting a communication from the Clerk of the Parliaments calling attention to certain clerical errors in this Bill and acquainting the Assembly that the Council had corrected the errors.

The Assembly concurred with the Council in the correction of the errors.

ENVIRONMENT PROTECTION (AMENDMENT) BILL

The message from the Council relating to the amendment in this Bill was taken into consideration.

Council’s amendment:

Clause 11, line 8, omit “negligence or action” and insert, “negligent act or omission”.

On the motion of Mr WILKES (Minister for Housing), the amendment was agreed to.

COMPANIES AND SECURITIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

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

The sitting was suspended at 12.2 a.m. (Friday) until 12.33 a.m.

The debate (adjourned from April 14) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—This is a technical machinery Bill dealing with the administrative mechanism. It amends the National Companies and Securities Commission (State Provisions) Act 1981, the Securities Industry (Application of Laws) Act 1981, the

Over the years doubts have existed under the Australian Constitution as to the extent of the Commonwealth's power to legislate in this field to deal adequately with these matters. An agreement was entered into in 1978, which is called the Formal Agreement, between the Commonwealth and the States to ensure uniformity in the laws concerning companies and the capital and securities markets.

The Bill does several things: first, it makes changes to ensure that, when the National Companies and Securities Commission acts in each State, it operates according to the same rules and procedures and in the same manner. The Bill will ensure that, when conducting a hearing under any of the codes, the commission can act only when all members are physically present. The Stock Exchange of Melbourne Ltd has advised the Opposition that it supports the proposal.

Secondly, the Bill provides for the delegation of some of the commission's powers to an individual member of the commission. Without this change, every hearing required a quorum of three members, and that was sometimes inconvenient if a member was absent, ill or otherwise unable to perform his duties.

Thirdly, the Bill makes it an offence for those who administer companies and securities legislation to deal in futures contracts when they have information that is not generally available to the public; in other words, there are provisions to stem the tide of insider trading in futures. Insider trading has always been a problem in the securities industry generally. It is difficult to prevent, but it must be prevented if possible because investors rely heavily on the integrity and honesty of their advisers. The majority of advisers in the securities industry are honest, but one will always find some dishonest persons are involved: there are bad apples in every barrel. Nevertheless, the Bill makes an effort to ensure that high ethical standards are maintained, and that is a welcome move.

Fourthly, a major change is made to what is called the PERIN system for the collection of penalties. Honourable members will be aware that the PERIN system—which stands for penalty enforcement by registration of infringement notices—was introduced in respect of the Companies Act and is now to be extended into the futures industry area. The system has real problems. The theory was good; the ideas were sound; but there have been extreme difficulties in the administration of the system, and the elected Government must bear responsibility for any deficiencies in the administration of the PERIN system.

For instance, as at 9 April, 31,000 warrants had been issued to be executed by the Victoria Police, of which only 500 had been executed. The unexecuted warrants were packed in boxes at the police offices. The Government should closely examine this matter because the situation is quite unsatisfactory.

Only 10 per cent of criminal records are on computer, so that 90 per cent are not, with the result that clerks and officers must manually check records properly to execute these warrants. I urge the Government to divert resources from other areas of Public Service expenditure to ensure that fines and penalties are collected.

The big problem about fines that are uncollected because of the inadequacies of the administration of the PERIN system is that word gets around that the ultimate sanction is missing. People will start to believe that, under this Government, it is not necessary to pay one's fines. This ultimately penalises the law-abiding taxpayer.

In his second-reading speech the Minister said that the use of the PERIN system would enable the Corporate Affairs Office to deal quickly and efficiently with breaches of the futures industry legislation. This will not happen where 31,000 warrants have been issued and only 500 have been executed. That situation is far from impressive; some would say it is scandalous. I ask the Government to take cognisance of the fact and to act to correct the position.
The Opposition supports the Bill.

Mr MACLELLAN (Berwick)—I am delighted to support the remarks of the honourable member for Bendigo East concerning the complete failure of the Government to take control of the enforcement of the PERIN system. Those warrants, about $30 million worth of them, including $500 000 worth of on-the-spot fines issued by the Melbourne City Council, are sitting in cartons on the floor of the police complex in St Kilda Road.

Mrs Toner—It's like it was when you were administering the railways, isn't it?

Mr MACLELLAN—As the honourable member for Greensborough would know, the railways never had $30 million lying on the floor. It would have been a railways triumph to have had so much money. The railways ran at a loss, but what has happened under the Government of which the honourable member for Greensborough is a member? I shall not comment on her administration in the community welfare services portfolio.

Under the Government that the honourable member for Greensborough represents, a new system has been introduced and is about to be extended by the Bill to cover a whole new range of offences, but the warrants are not being enforced.

If anyone pays their on-the-spot fine at the moment, somebody has to go through 31 000 pieces of paper trying to find the name of the person who has paid, and then they send it back so they will not enforce it later; but the figure of 31 000 is being added to. Week by week more and more are tumbling in from the Elsternwick police station and the Government, without a word about the breakdown and failure of the existing administration, proposes to give additional responsibilities so that, instead of having 31 000 unserved warrants, they will probably be able to have 40 000 unserved warrants to lift the amount from an average of $30 million not collecting interest.

No interest is being charged on it; it is just $30 million sitting in cardboard boxes on the floor while citizens right around Victoria simply thumb their noses at the on-the-spot parking system.

That is just at one level. They thumb their noses at every on-the-spot system if it is not enforced and the Minister knows about it. He has been told of the difficulties; the Auditor-General has reported to Parliament on the difficulties but almost nothing has happened and, while the Minister makes almost nothing happen, two girls are now sitting down writing out by hand the information that is on the original sheets. At least that is a slight improvement on when I went in there; at that stage only one girl was doing it and one girl was going to copy 31 000 copies by hand, with a biro, onto a pro forma produced by the Minister's department.

It is a fine way of collecting money and managing the finances of the State and State instrumentalities. The other people who had been appointed to the job had walked out. They could not stand the job any longer; and if the Minister has been lucky enough to appoint a couple more girls—and of course, it is always "the girls" that cop these sort of jobs—he should consider himself fortunate because these are the public servants who are releasing the police so that the police can do their work. We heard about that in the debate on the previous Bill.

These public servants now face carton after carton containing 31 000 documents growing at a rate of about 500 a week but they are sent in from the Elsternwick court in batches of only about 5000. A recently appointed junior is asked to write out the details on a police pro forma because the computer programming has not been done—the tapes cannot be played. They are stacked up, but cannot be played on the computer because it has not been programmed to receive the information about the PERIN system.

Mr Kennedy interjected.

Mr MACLELLAN—It is somewhat of a scandal for the Government to have $30 million of unpaid fines sitting in cardboard boxes on the floor of a police establishment in St Kilda Road. Of course, up in Bendigo, that is probably standard procedure but I rather
imagined that the Government claimed to be efficient in its administration, that it was business-like, was on top of things and was getting efficiency out of the public sector. I thought it was demanding performance from the public sector. Well, it needs to start demanding performance from its Minister first.

That is where the breakdown has occurred because the Treasurer will not approve sufficient pay for the programmers to program the police computer. That is problem No. 1. Secondly, there are not sufficient clerks to catch up with the backlog and cope with the information as it comes in; and better still, there is not sufficient staff for his colleague the Attorney-General, to redesign the Law Department forms so that duplicates are produced and can be used by the police until they can catch up with it on a computer system.

I suggested to the Minister, in a private conversation, that perhaps instead of having the girls sitting down and hand copying with biros 31,000 names, addresses, initials and numbers, it might be better if they merely photocopied the lot. That might be a better way of providing the police with a record and, at the same time, having a Law Department document that could be sent out to the police stations to be completed. However, I hope honourable members realise that policemen will have to go out and knock on about 31,000 doors to ask for the money.

Honourable members were talking about police efficiency in a previous debate; perhaps the protective services officers might be able to undertake this duty on behalf of the Police Force; but the policemen who are not in the police stations of suburban Melbourne or in the police stations in the Berwick electorate, the policemen who are not there to do the job of protecting the people of Victoria are now about to receive a flood of 31,000 documents and they will have to go and search for the people. If they find them, they will have to collect them, take them down to the police station and lock them up!

The mind boggles at what will happen when the system is actually unravelled. Not only is there $30 million worth of fines unpaid—and the $30 million is represented by the unprocessed and unserviced documents that are lying in cartons on the floor—and the Auditor-General has reported on that scandal—but there will then be I would not like to guess how many thousands of people who, if they do not pay the money when the policeman knocks on the door, will have to spend the night in the police station lockup.

The honourable member for Bendigo West was scoffing about the rather scandalous gentlemen who might engage in insider trading and that sort of thing. Well, I do not know whether, under the PERIN system there will be on-the-spot fines, but I shall explain to honourable members how the system works. Suppose one had $1,500 worth of outstanding PERIN system fines that one had not paid—and let's face it, an evil operator in the commercial field could soon rattle up that amount—what does one do? One goes down to the police station at 5 minutes to midnight and is released at 9 o'clock in the morning and one has made up for the lot; one has just wiped off the whole lot! One would have to spend only a few hours in gaol with a policeman serving one breakfast in the morning delivered to one's cell before one was released.

A person merely has to take his or her great big generous heart and toothbrush and report down to the local police station in order to wipe off all the fines; they need not be paid at all! This is the sort of nonsense which, as the honourable member for Bendigo East put it, looks good and operates appallingly.

The Government is a classic at making a good idea into a disaster and then trying to cover it up. That is what has happened in this case and the Government proposes, under the Bill, to extend it to yet another year so that yet another series of PERIN documents will not be processed, will not be serviced, the fines will not be collected and the amount of money sitting on the floor in the police complex down at St Kilda Road will be greater and greater as Parliament passes more and more legislation to extend the PERIN system because the Government is too miserable to provide the police with the money and the resources necessary to unstick the problem.
The Government, the Minister and his colleagues, the Treasurer and the Attorney-General ought to be remembered as the Ministers responsible for $30 million sitting on the floor rather than being collected from the people who ought to have paid the fines that have been imposed on them as the result of their refusal to pay the on-the-spot notices that have been given to them.

I am not satisfied that the House now, or at a later stage when in Committee, ought to extend the PERIN system but I suppose, out of regard to the apparent sense of the system if it were working properly, we ought to put the Government on notice and give it a chance to extend it in this area. However, in all sense, one is cautious about extending a system that the Government and the Minister are incapable of managing. It has become a public scandal and, as a public scandal involving the police, is causing the misrepresentation that the police administration does not have the high standards expected of it.

It is not the fault of the police; it is the fault of the Government and the Minister in not providing the necessary money and resources to enable the Penalty Enforcement by Registration of Infringement Notice system to work properly before it is extended any further and the disaster becomes worse.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill, which incorporates a series of unrelated amendments. I do not wish to delay the House except to say that some serious accusations have been made about the Penalty Enforcement by Registration of Infringement Notice system, and the Bill extends that system. In theory, the PERIN system is good, but it is not working at this stage. The Government cannot blame the former Liberal Government.

Mr Jasper—Why not; it usually does!

Mr ROSS-EDWARDS—That is right, and with little justification. The blame for this lies fairly and squarely with the Minister handling the Bill. It is his responsibility and serious accusations have been made by previous speakers.

I do not want the debate to conclude before the Minister for the Arts explains the inefficiencies that have occurred and what will be done to ensure that the PERIN system is made to operate in a practical way. It is pointless to extend its operation if the Minister has no idea on how it will be enforced. I appeal to the Minister to give an adequate explanation.

Mr MATHEWS (Minister for the Arts)—I thank honourable members for their constructive and interesting comments. On the matter of the Penalty Enforcement by Registration of Infringement Notice system, the situation is quite plain. Previously, the Police Force had a totally inadequate computer installation at its disposal. So great was its inadequacy that every time the summer temperature passed a certain point, the entire installation went down and police were deprived of not only the computer's capacity for dealing with on-the-spot fines but also the other operational requirements that the computer serviced.

At the request of the Police Force, the Government undertook to install a major new mainframe computer with a capacity identified by the police as being adequate to meet all their contemporary requirements.

Mr Maclellan—With an air-conditioner?

Mr MATHEWS—In an air-conditioned environment. The large task of bringing the computer on stream, putting on it all the police records—which as the honourable member for Bendigo East correctly pointed out, currently extends to only 10 per cent of the records—and of fully programming it for all the functions required of it is currently under way.

It is completely erroneous to claim, as the honourable member for Berwick has done, that there has been any denial on the part of the Government to the Police Force of
resources for programmers. Every stop has been pulled out to ensure that the maximum programming resources are put at the disposal of the police.

Mr Maclellan—Six months later!

Mr MATHEWS—The backlog in processing warrants has been tackled for the past five weeks by a task force specially organised by the relevant assistant commissioner. He has advised me as recently as yesterday that substantial progress was being made.

The motion was agreed to.

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

**PUBLIC BODIES REVIEW COMMITTEE**

**Victorian Broiler Industry Negotiation Committee and Tomato Processing Industry Negotiating Committee**

Mrs TONER (Greensborough) presented a report from the Public Bodies Review Committee on the Victorian Broiler Industry Negotiation Committee and the Tomato Processing Industry Negotiating Committee, together with an appendix and minutes of evidence.

It was ordered that they be laid on the table, and that the reports and appendix be printed.

**PAPERS**

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

- Grocery Prices Act 1987—Declaration of certain basic grocery items under section 4 of the Act.
- Members of Parliament (Register of Interests) Act 1978—Summary of variations notified to 30 April 1987—ordered to be printed.

**SALE OF GOODS (VIENNA CONVENTION) BILL**

The debate (adjourned from April 14) on the motion of Mr Mathews (Minister for the Arts) was resumed.

Mr JOHN (Bendigo East)—What underpins this Bill is that Australia has decided to accede to the Vienna Convention, which is a United Nations convention on contracts for the sale of international goods. In order to achieve uniformity, the Bill attempts to bring six laws into line and make certain amendments to Victoria's laws contained in the Goods Act 1958 and the Instruments Act 1958.

The Bill will give effect within Victoria to the Vienna Convention. Without an adequate set of uniform laws and international rules, we are left to the complexity and uncertainty of private international law. I am informed that most of Australia's trading partners have either acceded to the convention or intend to do so. This being the case, it is important that Australia and this State follow suit. As a result, the Opposition does not oppose the Bill.

Australia will be giving a lead to its neighbours in South-East Asia and the South Pacific region. The main feature of the Bill is that, when passed and when Australia has acceded to the convention, new international rules will become part of the law of Victoria. The provisions of the convention will override any laws of Victoria wherever an inconsistency exists. The Bill also purports to bind the Crown.
The Bill retains the requirement in the Instruments Act that guarantees and contracts for the sale of land be in writing. The Opposition in the other place insisted on an amendment to the original Bill because the Law Institute of Victoria was concerned that if the Bill was passed in its original form it would create uncertainties in the law relating to conveyancing, sale of land and so on.

The Law Institute expressed concern that the Bill may inadvertently change the Victorian conveyancing law, and that would give rise to uncertainties that are not there at present.

The Bill is intended to deal with the sale of goods and the Opposition is pleased that the Government has taken up its suggestion made in the other place and incorporated these provisions in the Bill. The Opposition does not oppose the measure.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Sale of Goods (Vienna Convention) Bill. The measure affects the sale of goods on an international basis and, as is the tradition, it is complementary legislation to that enacted by all States and the Commonwealth Parliament. In the time that I have been a member of this Chamber the commonsense approach has been taken by the States of Australia of passing similar or the same legislation on certain matters, while keeping their rights and sovereignty.

It is a safeguard but to the initiated it may appear to be a silly way of conducting business. People may ask why the State Parliament passes legislation that is exactly the same as that passed by other States, but it is because it protects the rights of the States. Each State is free to amend legislation from time to time. That would happen only in the rarest of cases on Bills such as this, but the right is there for that action to occur.

Laws in respect of the sale of goods have changed significantly because of the way goods are sold and changes to international communications. The National Party supports this commonsense measure.

Mr MATHEWS (Minister for the Arts)—I thank the honourable member for Bendigo East and the Leader of the National Party for their support for the Bill. The passage of this measure should be of particular interest to the honourable member for Benalla, who recently in this House raised a related matter on behalf of one of his constituents who had a problem for which this Bill may well provide a solution.

The motion was agreed to.

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

JURISDICTION OF COURTS (CROSS-VESTING) BILL

The debate (adjourned from April 15) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition supports the Jurisdiction of Courts (Cross-vesting) Bill. When the Federal Court and the Family Court were established in the mid-1970s, problems arose over certain jurisdictional matters.

The Family Law Act gave jurisdiction to the Family Court and the Trade Practices Act gave jurisdiction to the Federal Court. As time passed it became apparent that there were uncertainties about whether cases should be heard in the State Supreme Court or in one of the two Federal courts. It was a case of which court had jurisdiction.

In cases involving a husband and wife before the Family Court a matter might arise that was not directly concerned with family law and perhaps would be better dealt with in the State Supreme Court. In the Federal Court a case might involve trade practices and the defendant might wish to rely on his or her common law rights, which perhaps ought to be dealt with in the State Supreme Court.
In a number of cases the two Commonwealth courts—the Federal Court and the Family Court—could not come to a decision and the parties could not obtain justice. That caused long delays and uncertainties; on many occasions it caused increased costs when constitutional points were argued before the courts; inconvenience to the parties who on occasions had to start proceedings again in another court, with all the associated problems; and provided a defendant with the opportunity of taking a technical defence on the ground of lack of jurisdiction.

The simple solution would be to abolish the Family Court and the Federal Court and to revert back to having all matters dealt with by the State Supreme Court, with appeals to the High Court. If that were done, the High Court could again go on circuit rather than remaining in the expensive High Court building in Canberra. That would also provide cheaper justice to litigants. However, that is history and one cannot turn back the clock.

I am certain the Commonwealth would not wish to relinquish the control now vested in it. However, it serves as a timely warning to honourable members that, when they deal with law reform, they should carefully examine which path to take. It is easy to make legislative changes but it is difficult to make worthwhile law reform.

The committee of the Constitutional Convention that examined these jurisdictional problems was chaired by my colleague in the other place, the Honourable Haddon Storey, who has made a significant contribution in the law reform area and, indeed, with this Bill. The recommendations of the committee chaired by the Honourable Haddon Storey are contained in the Bill.

The committee recommended cross-vesting of jurisdiction between the different court systems, and the Bill will implement those recommendations. In future the Family Court, the Federal Court and the Supreme Court will have jurisdiction in all matters previously covered by the other courts. Any court will be able to hear the whole case despite the fact that normally it would not have had jurisdiction over certain elements of the case.

In order to prevent what is know as “forum-shopping”, which is prevalent in the United States of America, the Bill provides for a party in a case to institute proceedings in the court where the case has most relevance.

The Law Institute of Victoria supports the Bill. However, it has raised a matter of concern about the admission of barristers and solicitors. The Bill provides that barristers and solicitors shall have temporary admission to these various courts if a problem exists with cross-vesting. The Law Institute of Victoria has suggested that the Victorian Parliament and the Parliaments of the other States of Australia and the Commonwealth get together to consider procedures whereby barristers and solicitors who are admitted to practice in one State of Australia or in the Commonwealth can be automatically admitted to practice in other States. This is another matter, but it is worthy of consideration by the Government for the future. The Opposition is pleased to support the Bill.

The SPEAKER—Order! I am of the opinion that the second reading of this Bill is required to be passed by an absolute majority.

As there is not an absolute majority of the House present, I ask the Clerk to ring the bells.

The required number of members having assembled in the Chamber—

The motion for the second reading of the Bill was agreed to by an absolute majority of the whole number of the members of the House.

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

The motion for the third reading of the Bill having been carried by an absolute majority of the whole number of the members of the House, the Bill was read a third time.
FIRE AUTHORITIES BILL

This Bill was returned from the Council with a message relating to an amendment.

Council's amendment:
Clause 10, page 8, omit "(c) In section 110 (1), paragraph (h) is repealed." and insert "(2) In section 110 (1) of the Country Fire Authority Act 1958, paragraph (h) is repealed."

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That the amendment be agreed to.

This is an amendment consequential on those adopted earlier by the House and also by the other place. It simply clarifies the reference made in clause 10 to the Country Fire Authority.

The motion was agreed to.

BUSINESS OF THE HOUSE

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

This is because the honourable members at the table are the honourable members who will be handling Order of the Day, Government Business, No. 21. There is also an amendment, of which honourable members are aware, that needs to go to the Legislative Council.

The motion was agreed to.

CO-OPERATION (AMENDMENT) BILL

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

Mr JOHN (Bendigo East)—The Opposition does not oppose the Bill, which makes amendments to the Co-operation Act dealing with credit societies of different types.

The credit societies industry has undergone considerable and rapid change in recent times in order to cope with the deregulation of the financial markets. Many of the credit societies have amalgamated and a rationalisation in the industry has occurred. The number of societies has fallen by 40, although there has been an increase in the membership by more than 40 per cent. The industry is expanding in toto.

The Bill makes amendments to reflect the changes that have occurred. The main features of the Bill include giving the registrar power to divulge information and to produce documents in any criminal proceedings or to divulge information to the Minister or to the Commissioner for Corporate Affairs. These powers are for the protection of members and investors generally.

The Bill empowers the registrar and the Credit Cooperative Reserve Board to investigate or inspect the books of subsidiaries or credit societies. Honourable members may be aware that subsidiaries of credit societies in this State may include travel agencies, agencies providing insurance services and licensed supermarkets.

The Government obviously considers it important to have these powers to isolate any problems early to avoid any collapse or difficulty with credit societies. As honourable members would be aware, a collapse of a credit society is extremely damaging to the industry as it destroys confidence in credit societies.

Concerns have been raised about the extension of the powers of investigators. For example, on 28 April a letter was written to my colleague, the honourable member for Western Province in another place, by a Mr Michael J. Heffernan, the chief lawyer and
chief economist of the Australian Stock Exchange (Melbourne) Ltd. I refer briefly to points made by Mr Heffernan in that letter:

I have some reservations about the proposed increased powers for the Registrar and the Reserve Board, which actually is opposite in effect to the removal of the merger restraint, under the guise of providing for investor protection.

Mr Heffernan goes on to say:

If the subsidiaries of credit unions and cooperatives are already governed by the provisions of the Companies (Victoria) Code then the additional inspection powers as provided in this amendment Bill would seem to be unnecessary.

The inherent danger in providing bureaucracies with additional powers is that one can be assured that they will use the additional powers to achieve more than what appears to be the spirit of the legislation or regulation.

He also said:

One cannot emphasise enough the importance of the need to avoid wherever possible duplication and expansion in regulation, particularly in an environment where the thrust is towards removing regulations.

I do not think any honourable member would have any argument with the last statement.

The Bill ensures that the registrar has the same powers of investigation of foreign societies as he has with Victorian societies. Foreign societies, as mentioned in the Bill, are not foreign in the sense of being from foreign lands but foreign in the sense of being from other States.

The Bill also gives the registrar the power to impose conditions on future registration of credit societies and provides for smaller cooperatives to merge into larger ones. In the past the Act has allowed mergers only to provide a new entity and this has made it unattractive for smaller cooperatives to merge with larger ones, so it stopped rationalisation and, in some cases, may have caused hardship.

The Opposition believes it is important for Parliament to provide the legislative framework to allow credit societies to prosper and to remain viable. They are a valuable part of the finance industry and, as honourable members would be aware, there has always been a fine balance between governmental interference into the finance industry caused by excessive or overregulation as compared with sensible rules for the protection of those who invest or participate in the industry.

The Opposition does not oppose the Bill.

Mr J. F. McGrath (Warrnambool)—On behalf of the National Party I lend my support to the proposed legislation. As the honourable member for Bendigo East has said, the amendment to the Co-operation Act deals in principle with credit unions in Victoria, of which there are 124. It also deals with some of the issues that have created difficulties and one such issue is the amalgamations of credit unions that have resulted from a change in and deregulation of the financial market.

There was a need to review the operation of credit unions and the importance of their role in the community. Members of credit unions are best served by amalgamations or mergers and the Bill supports that at a time when it is fairly important to recognise that the number of societies registered in Victoria has fallen significantly. The Bill merely puts in place a procedure that will facilitate those mergers.

The Bill also addresses the 21 foreign credit societies that operate in the State and the need to have them operating under the same guidelines and conditions as those established in Victoria. Among the other components of the Bill are the increased powers to the registrar and to the reserve board and the important role it plays in the overall registration of credit unions.

As a person who has had a long involvement with credit unions, both as a member and as a member of a credit union board, I believe the Bill will be very beneficial to the credit union movement.
The Bill contains other minor amendments to the Co-operation Act that will further assist the credit union movement in Victoria. Those in the industry are known as the people helping people and the proposed legislation will go a long way to facilitating growth in overall membership, and also deposit and loan funds. That is important.

On behalf of the National Party, I wish the Bill a speedy passage through Parliament.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 12 were agreed to.

**Clause 13**

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

Clause 13, page 10, after line 19 insert—

'( ) for section 198 (8), substitute—

"(8) If, as a result of an agent ceasing to be an agent, a foreign society has less than two agents, the foreign society must, within 21 days after the day the agent ceases to be an agent—

(a) appoint another agent who lives in Victoria; and

(b) lodge with the registrar a copy of the memorandum of appointment or power of attorney, under the seal of the foreign society—

(i) stating the new agent's name and address; and

(ii) authorising the new agent to accept on its behalf service of process and any notices required to be served on the foreign society."; and'.

The amendment is consequential on the replacement of sections 198 (1) to (4) with new provisions that were in the Bill as originally discussed in this place. Those provisions made it necessary to make a further change to section 198 (8), to which the amendment gives effect.

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

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

**HUMAN TISSUE (AMENDMENT) BILL**

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

Mr WEIDEMAN (Frankston South)—The House would be aware of the sensitive issues that were raised when the Human Tissue Bill was debated at length in this Chamber and in another place in 1982, but since that time it has been discovered that certain tissues require quick transportation to be used effectively. This is particularly so with eye surgery and corneal replacements.

Problems have occurred where surgeons and ophthalmologists have required this tissue. About 150 corneal transplants are performed in this State each year to restore the sight of people with diseased or damaged eyes. I am aware that from 300 to 400 people are waiting for this important tissue.

It is a traumatic decision for people who offer their tissue in the course of making their wills or where families decide to take this course. It must also be a traumatic decision for families who make a decision in the case of accident victims. The Opposition acknowledges that there is a need to obtain the tissue, particularly corneal tissue, which must be used within a maximum period of 48 hours, as quickly as possible. In certain regions of the State a qualified practitioner of five years, standing may not be available to excise the tissue and have it transported to the appropriate hospital and, therefore, it is the intention
to have other practitioners who are duly qualified to carry out this procedure. The Opposition does not disagree with that provision.

The manner in which that occurs is important and so long as the operation is under the jurisdiction of a qualified person there should not be any problems. Some ophthalmologists have expressed a wish that they be involved in the transportation of the tissue because it is so delicate and it is necessary to obtain the right type of tissue for the person being operated on. Ophthalmologists and surgeons want to ensure that the tissue is in perfect order and is successfully removed from a body.

I refer honourable members to the debate that took place in the other Chamber. It is a shame that the House cannot spend more time on this important debate because the issue needs to be aired so that people understand that replacement tissue is a concession to life from one human being to another and the people who make those decisions are to be commended, as are the people who conduct the operations.

It is the intention of the medical profession and the Government that the Bill should proceed as drafted and, therefore, the Opposition does not oppose the Bill.

Mr WHITING (Mildura)—The National Party supports the Bill, although, I admit that when the Bill was first introduced there was some concern that provisions in the Bill would be the first leg in the door for persons other than qualified medical practitioners to perform operations and take tissue from bodies.

The Australian Medical Association has written to my colleague in another place, the honourable member for North Western Province, Mr Wright, regarding this issue and in the letter dated 18 March the association stated:

On balance, we do not find anything objectionable in it, but will certainly remain interested while the matter is under debate in case of any unforeseen changes developing. We will also carefully monitor the implementation of the Bill after it is enacted—as we assume it will be.

There is room for some careful monitoring regarding this procedure and in another place the original Bill was amended to provide in proposed new section 25 (b):

For a prescribed person or class of person to remove skin or ocular tissue or both from the body of a deceased person in accordance with section 26.

The Executive Director of the Victorian Hospitals Association Ltd has indicated that it may be possible and more appropriate for a resident medical officer or a registrar to undertake corneal removal. While that may be expressing some fear of the situation that may develop from widescale use of technical persons other than medically qualified persons, it does not allow for the remote areas of the State which may not have a registered medical officer or registrar available. My understanding is that qualified nursing sisters or people of similar qualifications will become the prescribed persons under that clause.

The other provision is to provide a protection for those medical practitioners who are required to undertake a blood transfusion or a blood sample for a child where parental permission has not been obtained. Occasionally this does occur for religious or some other reason and the Bill will legally protect those persons against future legal action should that be undertaken by the parent or guardian or whoever it may be.

The National Party supports these two important provisions and believes they will, with care, improve the medical activity in the State and the health of the public.

Mr ROPER (Minister for Health)—I thank the honourable members for Frankston South and Mildura for their contributions to the debate. When the original Human Tissue Bill was introduced in 1982, it was made clear that there would be an ongoing program of monitoring the way the legislation worked. The honourable member for Mildura has pointed to the need to continue to do that and the Government believes that is required. The availability of human tissues has assisted many tens of thousands of Victorians over recent years and the proposed legislation will assist that further.
I agree with both honourable members who spoke during the debate that the Government needs to monitor this area carefully to ensure that the requirements of the medical profession, the patients and the families of those who are donating the tissue, are properly looked after.

The motion was agreed to.

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

**DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL**

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

**Mr WEIDEMAN (Frankston South)**—As this is a small Bill 1.40 a.m. may seem a suitable time to debate it but I point out that it involves an area of concern to all honourable members—acquired immune deficiency syndrome. AIDS is a great threat to our community and the worldwide community. It is the health problem of the 20th and 21st centuries.

The principal Act seeks to protect the public against the illicit trafficking of drugs and controls drugs listed in the schedules. Those involved in pharmacy and poisons are aware of those controls. I have a well-known pecuniary interest in this area, being a pharmacist, and I am very much involved with the Pharmacy Board of Victoria and the policing and control of drugs and poisons under the Act.

The Bill proposes to allow the sale of hypodermic syringes and needles to drug addicts and people who use them for intravenous drug admission to the bloodstream. It has previously been a moral principle and the law of the State to control the sale of syringes to make it more difficult for people who obtain drugs to use them in that way. Pharmacists have been very much aware of their responsibilities in controlling the misuse of drugs.

The sale of syringes and needles through pharmacies has been mainly for diabetics who would purchase a supply of perhaps 100 syringes at a time. Some years ago such a person would purchase a hypodermic needle which they would boil to sterilise and use on many occasions but in recent years disposable syringes have been more prevalent, a mark of the era in which items become obsolete.

Honourable members will be aware of disposable syringes that are available for many antibiotics and penicillin. A doctor who injects an adult or child may leave the syringe behind, particularly for the child to use as a water pistol or a popgun.

Professor Penington of the National AIDS Task Force has examined the problem of AIDS on a worldwide basis. When the Health (Blood Donations) Bill was debated in this House in September 1985 it was indicated that 41 people in Australia had died of AIDS out of a total of 96 cases. It is too late at this hour to go over the issues that were raised in that debate but I refer honourable members who are interested to Hansard.

As I said, 41 of the 96 people diagnosed with AIDS at the time had died, which was approximately 45 per cent of cases. One has only to examine the number of people who have contracted the disease in the United States of America to recognise that a similar percentage of the 10 000 people then with AIDS had died.

As at 26 March 1987 there were 442 known cases of AIDS in Australia and 238 deaths, of whom 426 were male and 16 were female. Of that number 385 were homosexual men or bisexual men, of whom 198 have died. In the one known case involving intravenous drug abuse the person has died. Of the bisexual intravenous drug abusers, who numbered 13, 6 have died. Of the 32 cases of blood transfusion recipients, 26 have died. Of the 5 known haemophiliac cases, 4 have died. Of the 4 cases of infection by heterosexual contact, 3 have died.
It is projected that in 1988 there will be 1200 cases of AIDS and by 1990, 3000 cases. In the United States of America as at 16 March 1987 there were 32 825 known cases of AIDS, of which 19 021 have died. In Europe there are 4451 known cases, of which 230 have died. In the United Kingdom there are 586 cases, of which 365 have died.

Honourable members may have recognised the death of a well-known producer of television programs, particularly *The Sullivans*, who died of AIDS-related cancer today. It is known that 4 per cent of the population has homosexual tendencies.

There are hundreds of Parliamentarians in Australia. If four in every hundred are affected, it would be possible for a Parliamentarian in Australia to be infected with AIDS. In a short time one may see the death of a Parliamentarian, in addition to that of a well-known producer.

The effect of the proposed legislation is that pharmacies and hospital outpatient departments will be required to supply intravenous drug users with disposable syringes. Professor Penington has advised that, because of the advertisements and the approach adopted by the Government in allocating funds, the important message about the transmission of AIDS has been conveyed to the homosexual community. Because of the tests associated with the checking of blood, that area is also under control. Therefore, the two most "at risk" groups—namely, homosexuals and people who require blood transfusions—are covered.

The other group at risk is known drug users, especially those who use needles more than once. It is well known in the drug community that addicts use needles many times over and share them between groups of addicts. This provides a bridge between the intravenous drug users and the homosexual and heterosexual communities and is a serious problem. Two years ago, 3000 people in the intravenous drug user group were tested and only 3 were found to have AIDS antibodies in their systems. Following recent tests, the statistics have risen to 15 people in 3000. Therefore, it can be seen that the number of people with AIDS antibodies in their systems has increased by five times in that period. That does not seem to be a huge number of people for Victoria, but it is suggested that more than half of those people will be dead within a year.

Tests carried out in South Australia revealed a much higher percentage because, in that State, there is a restriction on the supply of disposable syringes and needles. It is anticipated that more people will share their syringes and needles and the higher percentage of 20 per cent in that State means that intravenous drug users will be affected.

The committee, together with the Australian Medical Association and pharmacy societies throughout Australia have suggested that syringes and needles be readily available through pharmacies and outpatient departments. This will cause problems for the 1400 retail pharmacies in this State. Any pharmacist who keeps drugs of addiction on his premises is aware of the numbers of hold-ups that are carried out by drug affected people and the threats posed. Three areas must be examined; namely, the security required, the protection for people working in the pharmacies and the distribution of syringes and needles.

At this stage no communication on those matters has been forthcoming from the Government and the pharmacy guild, which represents proprietors of pharmacies in this State. Discussions have taken place between the pharmacy societies and the hospital pharmacies. I suggest that the Minister arrange for meetings to be held so that guidelines can be set up for the protection and safety of Victorian pharmacists.

It is not a pleasant experience to have one or two drug-affected people in one's pharmacy when one is trying to dispense drugs and serve other customers who have problems. Honourable members are aware that, to feed their habit, drug addicts require approximately $1000 a day. When drug addicts enter a pharmacy, one knows that they might consider helping themselves to one's goods while they are ostensibly obtaining supplies of syringes and needles. I point out this matter for the consideration of the Government. I hope the Minister will convey this problem to the appropriate authorities, such as the police and
Health Department Victoria, who can take up the matter with the pharmacy guild in Victoria. I hope a collection system for the used syringes and needles will be forthcoming. Addicts will be able to receive a pack of five syringes at a cost of $3.50. That is based on the wholesale cost of the items. The service will be provided by pharmacies.

Recently it came to my attention that a drug addict in Bendigo presented himself to the hospital to obtain syringes. He was not just affected by drugs of addiction; he was a multi-user of drugs. Apparently the drug addict became quite distressed when he could not obtain the drugs he wanted and produced a knife and threatened hospital staff.

People who have to supply this service to drug addicts are concerned about such threats. I ask that the Government take action to ensure adequate security arrangements for hospitals and pharmacies so that people's fears may be dispelled.

Only disposable syringes and needles should be provided. It is important for the Government to consider how the disposable syringes are to be destroyed after use. Honourable members will recall, if they have kept abreast of the problems of AIDS, that the AIDS virus is not like other viruses. If it were, the problem would be considerably worse. The AIDS virus does not live for long periods once it is outside its comfortable home of the body serums or blood. It can be transmitted only by the sexual act and by the transfer of blood via syringes.

Containers and special disposal units should be provided adjacent to areas where addicts may be known to inject themselves so that syringes and needles can be collected and destroyed. The Government should provide support in this area.

The Government may have to consider, after talking to pharmacists, that some form of compensation may be required for someone who finds himself in a difficulty, such as being robbed or facing any other sort of life-threatening situation.

In conclusion, I should like to make one or two further comments about what I believe are areas in which the Government ought to act.

Professor Penington has made very clear what he believes to be the necessary action. He believes that at present the message has clearly been given to the homosexual community, and those likely to have blood transfusions have been well served by receiving that information.

It is not desirable to allow people who have AIDS to come to this country, and blood tests should be a requirement so that the only people who are permitted to enter this country are those who do not have AIDS. Perhaps in future compulsory testing can be carried out.

The SPEAKER—Order! The honourable member has been allowed a fair deal of latitude in his dissertation on the Bill, which is a fairly simple, straightforward measure that has been fully debated in another place.

The honourable member is now stretching his contribution into a debate on a medical subject, of which there is no mention in the Bill, and I am not prepared to allow him to wander away from the substance of the Bill.

Mr WEIDEMAN—I bow to your great wisdom, Sir, and I shall return to the Bill, but I shall also mention that the second-reading speech certainly went into great detail on the AIDS virus and its transmission. It stated:

The AIDS virus is transmitted by blood passing directly from one person to another...

The SPEAKER—Order! I am aware of what is contained in the second-reading speech.

Mr Kennett interjected.

The SPEAKER—Order! The honourable member does not have the right. He has been speaking for some time and has been stretching the debate into a discussion on the subject of AIDS, and I ask him to return to the Bill that is before the House.
Mr WEIDEMAN—Thank you, Mr Speaker. The Bill is a simple measure, and I commenced my remarks by explaining that. However, it is certainly before this House because it deals with the AIDS virus and its transmission. That is the only reason why the pharmaceutical community, the Australian Medical Association and other groups have agreed to allow disposable syringes to be provided to the community.

I am trying to highlight that the security of those people is in jeopardy somewhat if proper controls are not in place. Obviously, other areas of controls need to be addressed—which I have done—and I am sure proposed legislation will be forthcoming that will deal with those other areas of concern.

This is probably a major concern in the health area, particularly when one considers—and I shall conclude on this point—that 40 million people were killed in the second world war, and it is estimated that 40 million people will die from the AIDS virus. However, when all the hostilities ceased after the second world war, people stopped dying, but I assure the House that with the AIDS virus the deaths will continue for many years to come.

On that note, I wish the Bill a speedy passage through this House.

Mr WHITING (Mildura)—As has been pointed out, the Bill contains one proposed subsection to be inserted into the Drugs, Poisons and Controlled Substances Act. The whole purpose of the proposed new subsection is to regulate as well as possible the provision of hypodermic needles and syringes so that the transmission of diseases, viruses and the like will not be extended; in fact, it is hoped the transmission of diseases will be reduced by the controls that will be placed on the distribution of this material.

In his second-reading speech, the Minister stated:

However, I take this opportunity to emphasise that no authorisations will be recommended to the Governor in Council without full consultation with relevant professional associations and unless such an authorisation will be in the public interest.

Because of that restriction or control that will be implemented, I believe the proposed subsection will be of benefit to the medical health of people in this State, and the National Party is therefore prepared to support it.

The motion was agreed to.

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

EVIDENCE (NEIGHBOURHOOD MEDIATION CENTRES) BILL

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

Mr JOHN (Bendigo East)—The Bill proposes amendments to the Evidence Act to facilitate the more efficient operation of neighbourhood mediation centres in Victoria.

The Legal Aid Commission proposes to spend $1.4 million to open four mediation centres, two in the city and two in the country, including one in my home town, the City of Bendigo.

The Opposition supports the Bill, although I have a number of reservations and concerns about both the general concept of the Bill and the drafting of the amendments. I believe the drafting of some of the amendments—to which I shall refer a little later—is far from perfect.

This Bill seeks to facilitate the solving of disputes between neighbours as quickly and as cheaply as possible. These motives are commendable, and the Opposition supports them. I presume that the sorts of disputes that the Bill envisages are many and varied.
During my twenty years of practice as a solicitor in a rural city before entering Parliament, I dealt with many of these sorts of disputes between neighbours. The disputes fell into several categories, but the most common included: allegations of defamation by one neighbour against someone else in the community; and people who claimed that others were saying nasty or untrue things, thereby bringing them into disrepute.

There were fencing disputes between neighbours about the contributions that parties ought to make to fencing, the type of fencing and whether the fence was on the correct boundary. There were disputes about noise, about domestic arguments that caused noise, children's voices, machinery, chainsaws, lawnmowers and stereophonic sounds.

There were arguments about trees that blocked light; the roots that blocked drains, or branches that overhung onto the neighbour's property. There were also disputes about sprinklers and hoses being left on and the water flowing downhill onto another person's property. Disputes occurred about animals, pets and, in some cases, allegations were made that a neighbour was keeping a mini zoo, or too many cats.

In my experience as a solicitor, a great number of those disputes were able to be solved quite quickly and cheaply in one interview and perhaps a letter expressing one person's complaint to the other.

Often it was a case of listening to the complaints and offering a little counselling in the legal interview to ensure that perhaps the complainant confronted the person who was causing the problem—a face-to-face situation—so that they could arrive at satisfactory results.

In other cases where the warring parties wanted to prove a point and go to court, it was easy to point out the high cost of litigation. That is a marvellous aid in forcing the parties to find a solution to their problem.

The Opposition supports the mediation centres. However, there is always the danger, because of the ease of giving advice, that mediation centres will encourage disputes rather than prevent them, and encourage certain people to waste the mediator's time, money and energy.

Although I support the Government's best motives, the cost of $1·4 million, which the Legal Aid Commission proposes to spend on the four mediation centres, should be considered. One may question whether this justice will be as cheap as it is hoped. The Government should closely monitor the situation to ensure that there is good value for the dollar in these four mediation centres.

The Bill provides that the protection clauses terminate in 1990. That will give the community the opportunity of reviewing the situation.

The Bill is short; it has five clauses and provides that evidence or admissions given or made at mediation sessions and documents prepared for mediation sessions cannot be admitted in any legal proceedings.

It requires that mediators or employees of mediation centres do not disclose any information or divulge documents acquired during the mediation session, unless the parties agree disclosure is needed to preserve property or prevent damage to property or injury to a person or where disclosure is needed to evaluate the performance of each centre during a three-year period.

The Bill exonerates mediators or employees of mediation centres, who act in good faith, from liability for any action they take during a mediation session.

I direct the attention of honourable members to the three clauses in the Bill which, I believe, are imperfectly drafted; in fact, I would go so far as to say they are sloppily drafted.

I refer firstly to clause 4 which inserts proposed section 21t. It states:
Evidence of anything said or of any admission or agreement made at, or of any document prepared for the purpose of, a conference with a neighbourhood mediator in connection with a neighbourhood mediation centre is not admissible in any court or legal proceeding, except with the consent of all persons who were present at that conference.

In the phrase “the consent of all persons who were present at that conference”, does the term “persons” include neighbourhood mediators, because I would not have thought that a mediator’s consent would be necessary. Surely it would only be necessary to have the consent of the two parties in the dispute.

The Government should look at that proposed new section. I would not have thought that it was intended that the mediator’s consent would be necessary. If it is a drafting error, it should be corrected. If it is a policy matter, it is unnecessary that the consent of the mediator should be necessary.

The second matter I refer to is proposed section 21N in the same clause. This relates to the exoneration from liability of a mediator who acts in good faith.

Although I refer to the whole clause, I shall not waste the time of honourable members by reading it. If honourable members care to read that clause they will see that the exemption is given for the best motives. The Government obviously wishes to protect the mediator who acts in good faith, without fear of redress or action or liability accruing.

This is a dangerous clause. It is too wide; it exempts the mediator from the ordinary rules of negligences. One would think that if a mediator left a box of banana skins on the front path of the centre, that that clause would exempt him from an action of negligence. There are a host of other exemptions that the clause provides which I should have thought it was not meant to cover. It is a blanket immunity which rarely exists in any other area of legal activity.

The third matter to which I refer relates to confidentiality and is encompassed in proposed section 21M. It provides that a person who is involved in a mediation centre and is employed by the centre should not communicate to any other person material acquired by reason of being such a mediator or divulge that mediation activity.

One fault in that clause is that there is no prohibition against publication. I should have thought that, in this day and age with the all powerful monopolistic media, it would be important to have that provision included. With the use of photocopying machines and facsimile machines it is easy for confidential material to be obtained and then be reported on the front page of a newspaper.

Those are the three points I should like to direct to the attention of the House. They are important and should be considered by the Attorney-General.

The Opposition supports the Bill. I have raised these concerns relating to concept and the inadequacy of the drafting of the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill with reservations. When I say with reservations, it would be more accurate to say that it does not oppose it, which is an old neighbourhood phrase.

The best clause in the Bill for me as a cynic is the sunset clause, which comes into effect in three and a half years time.

The Bill is an attempt to do something about a real problem in our community. However, it will cost a lot of money and, as something of a cynic, I have grave doubts as to its success. Like the honourable member for Bendigo East, I practised for many years as a country solicitor. Like all solicitors I took on the impossible and tried to mediate between a couple of clients. It was always a failure so far as I was concerned.

I cannot remember many of my partners nor opposition solicitors who believed that they achieved anything else. Unless one has the right to impose one’s decision on people, I do not believe one has much chance of success because intelligent people solve their
difficulties, or agree to disagree and go about their business. However, with the sorts of persons who will turn up at mediation centres, one will have little chance of satisfying.

Four areas have been chosen for the centres and, fortunately, my electorate has not been chosen. I do not often say that when I see a Bill. The mediation centres will be in Bendigo, Geelong, the Ringwood-Croydon area, and the Preston and Heidelberg area. It would be interesting to know why those places were chosen; whether they were the worst trouble spots in the State, I do not know. It is a brave new world. It is a wonderful idealist attempt to do something. It is fraught with danger.

If I may make a judgment, in three and a half years time—I will not be here—it will be said, "Let us have enough of this nonsense; our judgment was bad".

The motion was agreed to.

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

CRIMES (FAMILY VIOLENCE) BILL

The debate (adjourned from April 29) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr E. R. SMITH (Glen Waverley)—The Bill has the support of the Opposition. It introduces a new concept. The House should know what domestic violence is and I shall quote from a publication of the Commission on the Status of Women. The figures will startle honourable members who have not taken a particular interest in this aspect of the law. The publication states:

Domestic violence is physical, mental or sexual assault or economic oppression by spouses—married or unmarried—against their partners, causing physical and/or emotional harm.

Physical assault is a criminal offence carried out on the powerless behind closed doors.

The vast majority—over 90%—of these assaults are carried out by men against women.

The extent of the problem.

It is not possible to obtain precise statistics because shame, guilt and fear are formidable obstacles to obtaining the truth. There is enough evidence, however, to determine that there is a very high incidence of this kind of violence, that it occurs in all types of families and that its victims are almost always women.

The startling statistics are that violence occurs in almost three out of ten households. This is the view of the Australian Broadcasting Commission 1985 report, "Pressure Point". It is also the view of Linda McLeod, a member of the Canadian Commission on Status of Women, who was recently in Australia.

The objectives of the Bill are clear. The major objective is the provision of an intervention order in cases of family violence. This is an innovation. The orders are intended to complement rather than replace existing criminal law remedies. An intervention order is a civil remedy in the form of an injunction designed to provide ongoing protection to victims of violence in the home. It is quite separate from criminal proceedings, which may and should be taken if there is sufficient evidence to secure a conviction. The new procedure is necessary because existing criminal law remedies cannot properly cope with family violence.

The Attorney-General's second-reading notes say that family violence is a serious problem in our community and that his legislative and administrative proposals are designed comprehensively to address this problem by providing protection for the victims of family violence and by seeking to reduce the incidence of violent homes—the emphasis is mine.

Two points need to be made concerning these assertions. First, assuming that family violence is a serious problem in our community, we need to know what is causing it and take positive steps to heal the causes of this social illness. The Government's administrative proposals appear to be a largely negative approach to family violence, designed to facilitate
the break up of families, rather than to address the causes of family violence and to seek resolution wherever possible by counselling and other measures short of break up. One is tempted to ask whether the Catholic Church has contributed to the debate concerning this problem.

Second, the basic thrust of the legislative approach—namely, the introduction of a civil remedy to deal with continuing family violence, called an intervention order—is commendable. However, I believe the grounds for intervention by the courts are stated too broadly in the proposed legislation. What do the words "harassed", "molested" and "behaved in an offensive manner towards a family member" in clause 4(1)(c) mean, and what are the circumstances to which they apply? These words obviously extend the circumstances justifying court intervention well beyond family violence, which appears to be the social evil against which this Bill is said to be directed. Is clause 4(1)(c) intended to take Victoria towards the Swedish position where parents can be taken to court for behaviour deemed to be insulting or demeaning to their children? In my opinion clause 4(1)(c) could open up scrutiny of family life by the courts in situations far removed from any reasonable concept of family violence.

Disagreements concerning the upbringing of children often cause serious problems between parents. It is not difficult to foresee potential abuse of intervention orders based upon the circumstances set out in clause 4(1)(c), particularly where there is already a degree of hostility existing between spouses and in situations where there is not the slightest indication of family violence. An example will suffice to make the point. A parent may feel a legitimate concern about the company his or her teenage child is keeping, or about some other behaviour of teenagers that frequently causes disputes between parents. If there is already a degree of hostility between the parents, it is quite conceivable that an attempt by the concerned parent to control the teenager's behaviour could be frustrated by an intervention order—secured with the vindictive connivance of the other parent—alleging "harassment" or "molestation" of the child. The words used in clause 4(1)(c) are wide enough to be used to frustrate firm but legitimate parental control over a child's behaviour, and it needs to be remembered that the complaint need only be established on the balance of probabilities.

In my opinion clause 4(1)(c) is open to abuse and could be used to undermine firm parental control over children. The terms used—for example, "harass", "molest" and "offensive manner"—are capable of covering a wide range of behaviour that has nothing to do with violence and are likely to cause great difficulties for the magistrate, who will have to determine whether particular behaviour falls within such broad descriptions. Would a tendency to give a pompous or overbearing spouse "the raspberry" constitute "behaving in an offensive manner"? It will probably all depend on the values of the magistrate called upon to interpret this clause of the Bill.

The assaults referred to in clause 4(1) of the Bill should be clearly defined in the Bill itself, and not by reference to the Crimes Act. In view of the sweeping intrusion into family life permitted by clause 4(1)(c), it should also be made quite clear in the definition of assault that reasonable parental chastisement of children will continue to be lawful.

One of the major defects of the Bill is its failure to provide immediate protection to a victim of threatened violence. Two problems are still likely to confront police faced with an allegation of threatened family violence. First, if the threatening situation occurs at night, the police will not be able to seek an intervention order until the following day when a courthouse is open.

Secondly, if a complaint not of actual violence but of threatening behaviour is made by telephone, the police who arrive in response to the telephone call may be confronted with a closed front door, and glib assurances by the person alleged to have made the threat, that all is now well within. In that situation, the police may have limited power to take the matter further. At present the police cannot enter, locate and speak to the person who made the telephone call unless:
(a) they believe that entry is necessary to prevent a breach of the peace occurring—and unless screams or other indications of violence, or apprehended violence, are coming from the premises police may well be reluctant to undertake the risk of personal liability associated with forcible entry; or

(b) they intend to arrest a person for a serious indictable offence—see Crimes Act section 259A (1).

If denied access to the premises and to the person who made the complaint, the police may well have insufficient grounds to justify forcible entry to the premises.

The SPEAKER—Order! The honourable member for Glen Waverley is reading from a document. I am not aware of whether he has identified it or whether he is prepared to make it available to the House. Will the honourable member advise the Chair?

Mr E. R. SMITH—Certainly. It is the document that I have prepared for my speech. It is my own document and I shall make it available to Hansard.

A magistrate may grant an intervention order for a period of up to twelve months when satisfied on the balance of probabilities that a person is likely to engage in violence, or further violence, towards the person or property of a family member, or likely to engage in further harassment, molestation or offensive behaviour towards a family member. This is set out very well in clause 4 and I shall not elaborate.

The media have recently given publicity to the issue. The Sun of 10 February reported that:

Deputy Chairman of the Law Reform Commission, Dr Jocelyne Scutt, told the preview audience: “In seven of 10 attacks on women the assailants are their spouses.”

One myth was that it only happened at the bottom level of society.

“For too long the blame has been placed on the victim, and not the perpetrator,” Dr Scutt said. “He alone is responsible for his actions. Nobody deserves this violence.

The most damaging myth about domestic violence was, “Women provoke men into it,” like the same excuse given for raping women.

Another myth was, “The family that stays together is better than one that breaks up, no matter what.”

The solution is usually for the woman to move out with the children, or sometimes without them,” Dr Scutt said.

“But why should the woman leave her house, her neighbourhood, and the children, their school?”

This could also result in a daughter being abused instead.

In Melbourne there are about 34000 domestic assault calls to the central police switchboard.

Many men were brought up to believe to be masculine was to be dominant, to be powerful, to think a man had the right to be violent to women.

To say such people should remain together, Dr Scutt said, was simply programming them for worse violence, very serious assaults, and sometimes marital murder.

These aspects of the Bill justify the Opposition’s support of the measure. I have spoken at length to numerous people who have been caught up in this area. In the Age of 21 April a story of Robin Dixom mentions a Mr Reg Brand who operates a group counselling service for violent males. I rang him in South Australia and asked him what suggestions he would give. His four main points were that one should always take women seriously when complaints of violence are received.

The Leader of the National Party may laugh, but the issue is serious.

Mr Brand’s next point was that the violence itself is the issue to be addressed, not the side issues such as alcoholism, stress, lack of finance and so on. His third point was that violence is a man’s responsibility and that he must make a conscious effort to cease and to allow no amount of provocation to stir him to violence.

Mr Brand’s fourth point is that, underlying all causes of violence is the need for men to have control and power in relationships with women. Unfortunately, this is an article of faith in Australian society, according to Mr Brand.
I could continue but I shall not take up the time of the House with the matter. However,
one aspect should be mentioned: the Leader of the Opposition in another place had
intended to move amendments but did not do so and they are not included in the *Hansard*
record of the debate in the other place.

**Mr Ross-Edwards**—Why not?

**Mr E. R. SMITH**—He had an agreement not to delay the Bill any more than was
necessary.

**Mr Ross-Edwards**—That is a pretty weak old explanation. He had a chance to move
his amendments and did not do so, and now you are having a grizzle.

**The SPEAKER**—Order! The honourable member for Glen Waverley should ignore
interjections.

**Mr E. R. SMITH**—Part 3 of the Bill deals with powers of intervention. The Opposition
supports police intervention. As the Attorney-General indicated that he would consider
the amendments that were proposed to be moved in another place, I should like to ensure
that those amendments go into the record of the debate in this place because it would be a
travesty if they did not.

**Mr Fordham** interjected.

**Mr E. R. SMITH**—Would the Deputy Premier agree to their incorporation?

**Mr Fordham**—Yes.

**The SPEAKER**—Order! The material that is proposed to be incorporated has not been
presented for me to assess its suitability. Until such time as it is, I am not prepared to
accept that it can be incorporated in *Hansard*.

**Mr E. R. SMITH**—Criticisms of the Bill are very necessary, and one of my big criticisms
of it is that, for the first time, the Government has addressed the question of voluntary
organisations. I have spoken at length in this House on the importance of the Government
recognising and giving moral support to voluntary organisations.

**The SPEAKER**—Order! The honourable member has now presented me with a two­
page document which is a series of amendments headed “Crimes (Family Violence) Bill—
Amendments and new clause to be proposed in Committee by the Honourable B. A.
Chamberlain”. I am not prepared to accept it as suitable to be incorporated in *Hansard*.

**Mr Ross-Edwards**—It was the most stupid request I have ever heard. Move them
yourself now.

**The SPEAKER**—If the honourable member wishes to move amendments to the Bill,
he should do it in the Committee stage. The honourable member is aware of the practice
because this is the second occasion on which he has attempted this manoeuvre here. If the
honourable member wishes to move amendments, I ask that he do so in the correct form.

**Mr Maclellan**—Foreshadow them.

**Mr E. R. SMITH**—I foreshadow the amendments by reading them through at this
stage.

**The SPEAKER**—The honourable member is out of order and does not understand the
procedures of the House. The honourable member cannot read them into the record.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—On a point of
order, Mr Speaker, it may assist if I point out that, in discussions, the honourable member
for Glen Waverley indicated that, if possible, he desired to have incorporated in *Hansard*
the amendments that were to be moved in the other place so that the record here would
simply show that these were the amendments that were to have been moved; not that he
was moving them as individual amendments, but to demonstrate the activity that had
gone on in another place. Perhaps you, Mr Speaker, could give the matter further thought while the honourable member continues his speech.

The SPEAKER—I am prepared to rule immediately on the point of order. I do not uphold the point of order. The honourable member is aware from the previous occasion when he attempted to undertake this practice that it was an unusual practice and was not to be accepted as a general rule. He is proposing to incorporate in *Hansard* amendments that were circulated in another place. They are not available to the House. The document comprises a list of amendments that it was intended to introduce in another place but they were not introduced, and I am not prepared to accept that they should be incorporated in this form.

Mr E. R. SMITH (Glen Waverley)—I accept your ruling, Mr Speaker. I am sure the Government takes on board the spirit in which it was intended to move the amendments. I am prepared to accept the assurances of the Leader of the House that this will be so. The reasoning is that the substance of the amendments would have strengthened Part 3 of the Bill. I am sure the Attorney-General wants the Bill to be passed quickly and he has given an assurance, as has the Leader of the House, that these amendments can be brought back at another time if the Bill does not work; and I am happy with that.

I was speaking about criticisms of the Bill and the fact that this must be a break in socialist ideology in that voluntary organisations are being recognised for the first time, and I am pleased to see that. I recently mentioned People Against Child Exploitation—PACE—not receiving any assistance. That has since been fixed by raising money by voluntary subscription in the area, but the mention of these voluntary organisations in the Minister's second-reading speech indicates that at long last the Government is taking cognisance of the good work done by these people.

It speaks for itself when a Trades Hall Council poet laureate receives $25 000 and a miserable $1000 cannot be found for a worthwhile organisation. The Opposition supports the way in which the principle of this problem has been treated. Why should a woman have to leave a violent home? Why is the philosophy that an offender should be removed from the home not highlighted more in the Bill? Why is the offender not removed and given shock treatment by making him an example in the community? I suggest that the offenders be removed by the police. One persistent offender could be made a public example.

To get the message across to the community there must be a large community education program. It is talked about but not very well addressed. I know from talking to voluntary organisations—I am sure the Minister would be aware of this—that voluntary organisations are being advised to set up library resources centres. Where will they get the money? The Government is withdrawing money from library services. That is hypocritical. The socialists are mouthing words but are not putting into practice what they are preaching.

In supporting the Bill I conclude by advising the Government to stop wasting taxpayers' money and to use the Government Media Unit to highlight the problems of family violence instead of trying to hide the inadequacies of the Government and trying to prop up the Government. Family violence could be highlighted to the general public by the media unit. One of the omissions of the second-reading speech was the failure to address the cause of family violence and the failure to indicate any Government agency that would be activated to address the cause of this major social evil. It is indeed a serious problem.

I do not believe the Bill has the teeth even to start to address it, but at least it is an attempt to try to combat the problem. On the figures available, there are fifteen to eighteen wife bashers in this House. It makes one think, does it not? The Bill is a serious attempt to deal with the problem. I am pleased that the Government has indicated that it may be prepared to amend the legislation if it is found necessary to give it more teeth. At this late hour prolonging the debate any further would lose the attention of honourable members and I therefore wish the Bill a speedy passage and hope the Government is serious about its implementation.
Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. I have heard some extraordinary speeches in my time, but the contribution I have just heard from the honourable member for Glen Waverley would outdo any other speech I have heard. He said the Bill does not have enough teeth, that the Opposition had amendments prepared in another place but for some reason—he does not know why—they were not introduced. He said he had the amendments here but would not move them, but would love to have them recorded in Hansard. He said the Leader of the Opposition in another place had particular amendments prepared but that they were not put on the table at the right time. However, that is enough of that!

Domestic violence is one of the great tragedies of our time. We must recognise that in the past 200 years domestic relations have gone backwards rather than improving. The situation is worse now than it was 200 years ago; I sincerely believe that. I believe that man and woman lived more happily together then than they do now. The reason why domestic violence has increased is the pressures of modern life and the need for both husbands and wives to work, which increases tensions. It also means that children are left on their own, which also produces strains and stresses on marriage.

It is not generally accepted in the community but I make the point that it is not only men who bash up people; women also commit violence. When wives do the bashing it is not reported to the same degree, but it does happen. The damage is not always as great because the assault is not as damaging but, nevertheless, it occurs. I do not think the male is any worse than the female when it comes to viciousness in marriage.

As a solicitor who practised for many years I realise that the chances of resolving domestic problems are slim. I would talk my head off trying to resolve a domestic dispute but end up the enemy of both parties—and they would walk away arm in arm, for the time being, until a week later when they resumed the contest.

An Honourable Member—Did they pay you?

Mr ROSS-EDWARDS—A solicitor always gets paid.

The reason for the introduction of the Bill is that the police are at their wits' end to know what to do. They are called out thousands of times a year to domestic violence situations but do not have the training—goodness knows who would—to cope with those situations. I wish the Bill well but I am sceptical as to how much use it will be because it is attempting to tackle a problem that is caused by the pressures being brought about by the strain of living in the 1980s.

Mrs HIRSH (Wantirna)—I shall speak briefly in strongly supporting the Bill, which provides for the use of intervention orders so that a violent spouse or de facto partner may be prevented from approaching a family home for up to a year. It is preferable that a woman and her children are able to stay in their home rather than having to seek housing elsewhere, such as going into a refuge or looking for scarce housing.

This important Bill is likely to be effective. I dispute the claim of the honourable member for Glen Waverley that the Bill does not have any teeth. It is well thought through and will help in resolving the problems faced by women and children who are victims of domestic violence.

I commend the Bill to the House.

Mr MACLELLAN (Berwick)—The honourable member for Wantirna has set a good example to the House in brevity, which is obviously required at 2.50 a.m. However, it is regrettable that the House is dealing with the Bill at this time. It would have been better if it had been given more thorough consideration. I do not imagine that any honourable member who has visited a women's refuge could be unimpressed with the need for action to prevent domestic violence. Seeing the victims of domestic violence makes one appreciate the need for an answer to it.
I am delighted that the honourable member for Wantirna is confident that the Bill will help to solve the problem. The Bill may need strengthening and it may be necessary to take other action. I dare say it will be reviewed in due course; but it has the welcome support of all sides of the House and all political parties.

However, we must realise that when the honourable member for Glen Waverley quotes Dr Jocelyne Scutt, he is quoting a feminist point of view and, in a sense, the feminist point of view divides the community rather than allows the community to see it as a whole and together.

If women's refuges exclude men, men do not become educated on the roles that women's refuges are playing and the urgency of the need for action. When it is reported by police figures that approximately 30,000 reports a year are made of domestic violence, one must understand that that is merely the tip of the iceberg. For every one of those incidents reported, many others go unreported.

There is a real and urgent social problem; it is intensifying and the public is becoming increasingly aware of it and Parliament is becoming more aware of it, but Parliament should not be dealing with this measure at 10 minutes to three o'clock in the morning. The pressures of not debating it and not having contributions from a wider cross section of members simply reinforce the feminist argument that Parliament is another male dominated institution, which is incapable of appreciating the needs of women.

That is a regrettable feature and I do not doubt that if Dr Scutt were to read the records of Parliament, another feminist article would be written saying that the measure was pushed through the House at an unseemly time in the morning in the dying moments of the sessional period. It really was not given proper consideration and there was not a real commitment by members of Parliament to the principles of the Bill.

I want to put it clearly on record that all parties are committed to the principles of the Bill and are anxious that it should work and work well. They are anxious that it should be reviewed and, if necessary, strengthened so that we can provide an effective answer to the problem of, in general terms, 30,000 women who are bashed by their husbands in most cases or their de facto spouses and who, with their children, are most likely either to have to put up with further bashings or to leave the house and seek refuge in another place.

Whether that is a women's refuge or other accommodation does not really matter. What matters is that the victims of the violence are treated as being the guilty parties. They are the ones sent wandering in our society and that is wrong. It should be recognised as being wrong by the whole of Parliament.

Parliament should be seen to speak with a united voice on the subject so as to convince the community and the feminist movement, which gives great insights into the problems that are seen by women to be intense. The males of our community are seen by them to lack understanding, first of all, and sympathy in the second instance.

It is important that Parliament have the vigour to seek a solution and to offer to improve that situation if it is found to be inadequate.

The message is from all sides of Parliament and I am glad that the honourable member for Glen Waverley made the view clear on behalf of the Liberal Party and I am proud to be associated with that view.

Mrs SETCHES (Ringwood)—I am pleased to be speaking, even at this late hour, in support of this important measure that has been through the other place tonight. The Bill is the result of long consultation in Victoria beginning with the Rape Study Committee in 1980.

The large work on “Criminal assault in the home—Social and legal responses to domestic violence” was done by the Department of the Premier and Cabinet and particularly by the Women’s Policy Co-ordination Unit. The Bill is based on major recommendations of that report.

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The Bill introduces a different approach. It introduces a legal remedy of an intervention order that women may be able to take out in the Magistrates Court if they feel they are in danger from criminal assault or from other hardships from men such as mental cruelty.

The good thing about the Bill is that an intervention order can be granted on the probability of domestic violence being perpetrated. I have heard the contributions from honourable members opposite from my room downstairs, and I still feel there is a great job to be done in education of all people in our society on domestic violence.

I have been here six years and measures of this type that come before the House are mainly needed to protect women. All studies have shown that domestic violence and criminal assault in the home are perpetrated by men on women and some quite substantial studies have shown that.

I will quote from statistics that are mostly a result of anecdotal research, but one fairly reliable study was conducted by the police in New South Wales on homicides between 1968 and 1981. It indicated that 42·5 per cent of all homicides occurred within families or de facto relationships; that is, almost half of all murders and manslaughters occurred within family relationships. Of these, 55 per cent were spouse killings. To bear out what I was saying about the victims of violence being predominantly women, I point out that half of these—26·7 per cent of the victims were male and 73·3 per cent of the victims were female. It was considered, on investigation, that when men were murdered by their spouses it was usually in retaliation for the longstanding cruel and inhumane behaviour, physical as well as mental, that the spouses had received. Therefore, the figures showed that of spouse killings, 73 per cent were women murdered by their husbands.

This is an important Bill because it is designed not only to intervene within families to reduce the evidence of domestic violence and criminal assault in the home but also to lower the murder rate in Victoria.

My association with women's movements goes back many years—more than a decade. I worked for eighteen months in a women's refuge in Victoria, from 1976 to 1978. During that time I had contact with a couple of hundred battered women and their children.

The women feel fear and shame at having their bodies absolutely invaded, being beaten up and unable to defend themselves. The fact that the law has been unable to defend them is a shameful thing for society and for us to face. Those women would come in with injuries and have to be built up again, not only by medical practitioners but also by the other women in the refuge, who would help them by speaking of their shared experiences and make them speak about being beaten, sometimes severely and in the most ignominious, degrading manner, such as having earrings pulled out of their ears and the skin being torn downwards. In some cases their clothing was pulled off and they were beaten over the head with items from the kitchen. For a woman to sit and have her meal with a gun lying on the table beside her and a man attempting and threatening to use that gun if the meal is not good enough must be very degrading. If the meal that was being prepared was not good enough it would be thrown at the walls night after night, but those women stay in the home situation because they are economically dependent and because they are ashamed to say they are under such pressure and that their bodies are being invaded by being beaten. That is often the reason they stay, because they are unable to admit to society that they have so little worth that they are being beaten. I support the proposed legislation.

I have worked very hard within the Government in various capacities to make certain that this Bill is the far-reaching measure that it now is, and one has to understand also that there are non-legislative provisions that would also make the Bill work very well.

The Police Department requires further money so that it can purchase or tap into computer equipment through the Missing Persons' Bureau to allow it to check very quickly the status of any intervention order so they can be sure that it is one issue and it is a live one and they can enter a premises.
There is also the community education area of the non-legislative provisions that are attached to the Bill so that the community understands what is required of it to meet the needs of these women.

When I was overseas last year I visited the San Francisco domestic violence project and was told that it has similar statistics in that up to 40 per cent of killings are spouse killings, and of that figure the highest number—in the vicinity of 70 per cent, similar to Victoria—are women who are being killed by their husbands. It is not happening just in Victoria; it is a worldwide phenomenon—men beat women all over the world. It does not matter whether it is Russia, Nigeria, Guatemala, the United States, Iceland or India—men beat women in domestic violence as a power and as a frustration measure.

I am pleased that the Government sees the Bill as being important enough to make certain that it stays on the Notice Paper, and in front of both Houses until it is enacted. I support it and hope honourable members on both sides of the House will not be short-sighted and will not use their prejudices but look at the measure for what it is—a forward-thinking measure—and support it.

Mr KENNETT (Leader of the Opposition)—As the honourable member on my left has already said, the Opposition supports the proposed legislation. I congratulate the honourable member for Ringwood on her contribution. She has been involved in this area for a long time and obviously speaks with a great deal of knowledge and compassion, and I think it is the worth of this place that it attracts people with a wide range of experiences that are not always used in debate on every piece of legislation, but are used on some pieces more than others. This is one of those examples where the honourable member for Ringwood's personal commitment of the past and present experiences has come into play.

Although we all feel concerned about this area of violence and abuse, it is important that we do not allow our prejudices to overcome the reality and destroy public perceptions by making generalisations.

I remember the honourable member for Ringwood saying towards the conclusion of her speech that all over the world men beat women, and that is a fact, but it is also a fact that unfortunately women also beat men. The proportions may not be the same; I accept that, and I think I am right in saying that only this week or last week a woman was convicted of having stabbed her husband to death. Every case is different, but I am saying that if one is genuine about this issue, one has to recognise, even though the proportions clearly indicate that there are more reported cases of males abusing females, that it works both ways.

The other concept I wish to address in relation to this Bill—because we are talking about family violence—is the other side of the proposed legislation. It really deals with the individual after he or she has been attacked. The honourable member for Ringwood referred to the fact that we should all be more caring and asked what environment we live in that leads to an increasing amount of family violence. What do we have to do as citizens and Parliamentarians to identify the causes that have led to family violence and do something about reducing it?

The provision of money to assist those who have been attacked, be they male or female, and the children of those people, is not the answer in terms of the long-term future. It certainly assists those who have been attacked today, as does giving money to the unemployed.

If the honourable member for Ringwood is genuine, she will also recognise that a lot of people are breaking up at the moment because of financial pressures on families, and there has been a massive reduction over the past six or seven years in the ability of family units to stay together. As those economic pressures build up, in many cases it leads to violence, and that is a proven fact anywhere around the world.

If any honourable member had a look this morning at one of the publications of the Age called the “Good Weekend”, one would see there is a very interesting but sad story of two...
mature men who both lost their jobs after many years of experience and work, and through no fault of their own they find themselves incredibly depressed, isolated and lonely. It is that sort of depression, caused by economic pressure or the removal of security from employment, that so often leads to violence.

I will not use this time of the night to be overpolitical, because we all support the Bill. We should be concentrating on the economic environment in which we live so that families can stay together more than they are at present and can be assisted with the many economic problems facing them.

Another important point that I refer to the attention of the honourable member for Ringwood—and I do not set myself up as a judge—concerns de facto relationships. The honourable member would be aware that in many cases today violence in the home is being committed where there are de facto relationships.

Dr Coghill—Not only.

Mr KENNETT—I did not say “only”. I am saying that there is an increasing incidence of family violence within de facto relationships and it is obvious——

Mrs Hirsh interjected.

Mr KENNETT—Wait a minute, listen to what I am saying. That is the trouble with members of the Government; they will not listen, even for 5 minutes. In recent years there has been a redefinition in society of the basic traditional family unit. More people are now living in de facto relationships and, because there is an increased number of people living in those relationships, it is not surprising that there is an increase in family violence within de facto relationships. However, the natural progression in the relationship between violence in de facto households and the number of de facto relationships is further added to by the fact that in many de facto relationships there is not the same overall commitment to a unit, a family, or to self and to others. That is another additive to this problem.

Mrs Setches interjected.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Ringwood was heard attentively by the House and I seek the same for the Leader of the Opposition.

Mr KENNETT—Mr Acting Speaker, the honourable member was being constructive in her interjection. She said that it happens more in married households and I have not said that is untrue. However, it is of concern to me that there is an increase in family violence in de facto relationships; violence in all areas concerns me. If honourable members do not want to be forced to introduce proposed legislation such as the measure now before the House, they must identify the cause and attempt to eradicate it.

That can be done in two major areas. The first is to get the economic balance right so that husbands and wives are not both working in order to maintain a standard of living, so that they can educate their children as they see fit and pay the basic cost of living charges. The main reason for family breakdown and domestic violence is economic pressure.

The second action that can be taken is to improve the position and standing of what we call the family unit. If the Labor Party wants to ridicule the concept of a family unit, as has been done by the honourable member for Wantirna, it shows a different philosophy from honourable members on this side of the House. If the Government wants to do something about preventing the need to introduce measures such as the one now before the House, it should assist in giving values back to the concept of a family. That is a significant and relevant point and it is all that I am seeking.

If people choose to live in other relationships, that is their business, but society, with all its experiences over the past few years, should not continue to encourage or make it easy for people to walk away from their responsibilities.
I have been called to a number of incidents involving family violence where the husband and wife have broken up—the wife invariably having been left with the children—and the husband returns on an intermittent basis and abuses the wife. Those problems all emanate from the economic environment in which we live and the pressures exerted on us. Society should not make it easier for spouses to leave the family home and to ignore their responsibilities.

I refer the House to the fact that last year's Federal Budget allocated $1.4 billion towards what is called the family allowance. It also allocated $1.38 billion towards the supporting parents' benefit. Many people in the community say that the recipients of that benefit are young girls who have chosen to get themselves pregnant, but that is not the case. Some 73 per cent of that $1.38 billion is paid to people who have been deserted by their spouses. In other words, the recipients are mainly wives whose marriages have broken up and who have the responsibility of looking after the children.

I am pointing out to the House that our society encourages marriages to break up by applying pressure rather than encouraging people to stay together and live as a family unit. A significant number of broken marriages lead to violence and that creates the need for refuges and measures such as the one being debated this morning.

The Opposition supports the proposed legislation and wishes it well. It hopes the Bill will achieve the result desired by of the Government, the Parliament and the community, but it is only one part of the equation. If the honourable member for Ringwood is serious—and I believe she is—and if the Government is serious about improving conditions for members of the community, they should carefully consider the other side of the equation and attempt to do something about the cause of the problem.

Two major factors involved with the measure are the economic environment in which we live, which is putting pressure on the family and the family unit. I do not want to be extreme right wing or left wing on this matter, but the institution of the family unit and what we mean by it is particularly important. People should be encouraged to meet their responsibilities before they are allowed to demand rights from each other.

Dr COGHILL (Werribee)—I am delighted to join the debate and wish to congratulate the honourable member for Ringwood for her excellent contribution and for her longstanding and deep interest in this issue and Government education programs that have been, and will be, introduced to deal with violence in the community.

I also congratulate the Leader of the Opposition for a number of points he made, although I do not agree with everything he said.

The Bill must be viewed in the context of it being one of a number of measures that have been taken by the Government in attempting to cope with the problems faced by people as a result of family violence. These matters were well summarised in the Minister's second-reading speech delivered in this House on 29 April.

The first point concerns the additional training that will be provided for members of the Police Force to assist them in dealing with family violence. Police reports and research will also undergo certain changes.

The next point referred to in the Minister's second-reading speech goes to the heart of some of the matters raised by the Leader of the Opposition when he referred to the attitudes of members of the community towards this problem. A community education program will be developed, but it, like the Bill, is not the complete solution. However, it is one of the steps to be taken in an attempt to overcome this serious community problem.

Professional education must also occur so that professional people can assist in the community education program and can train people for other programs that will be introduced into the community.

An advocacy centre will be established to assist people in finding accommodation and coping with financial and legal problems.
The economic dependence of victims is one of the major points that was made by the Leader of the Opposition in his contribution.

The first subheading refers to income security and the second relates to housing. Housing can become a key factor in resolving a specific matter such as one that was brought to my attention recently by a constituent.

The second-reading speech records that the Government has decided that priority will be given to providing housing for people who are victims of domestic violence. Several weeks ago a constituent came to my electorate office. On outward appearances she was healthy and well-dressed and one would not have known that she was in any difficulty. She brought with her some photographs that had been taken of her by her sister shortly after she had been bashed by her de facto spouse. Those photographs dramatically illustrated the intimidation and violent treatment she had received in her own household.

She was a young woman with small children and she was obviously in a desperate situation. The incident recorded on the photographs was not the first time she had been subjected to this violence. She had been living in this situation for some time, but she had finally been persuaded to approach her local member of Parliament for assistance. She made an appointment and came to see me.

Yesterday I was pleased to discover that the Minister for Housing had recognised her case as a priority case for public housing. Literally within days she will be living by herself with her children in a new, secure environment where she will no longer be subjected to the violence she has suffered in the past. She will be able to live in some harmony and put her life back together again.

That case contrasts with another case of which I have personal knowledge. It shows the other type of situation to which the Leader of the Opposition referred, the de facto relationship. This case involves a couple I have known for some time without knowing of the problem between them. They appear to be a stable, married couple of about my own age with children slightly older than my own children. The man of the household appears to be having personal problems which lead him, or has on past occasions led him, to bash his wife when he has felt that she was not behaving in the way he wanted her to behave.

I am sure that most of that couple's friends do not know that the husband has bashed his wife. On outward appearances, they have a normal, married relationship, are comfortable in economic terms, live in a nice house and have a relatively new car. The children are well dressed, as are the couple. Yet this man has severe personal problems. I do not pretend to understand what those problems are in psychological terms.

The problem has been brought to my attention indirectly through a mutual friend but I made it clear that if I heard any more evidence of the problem I might feel obliged to report it. That is the last I have heard of it so I cannot be sure that the problem has ended.

The wife in that situation has been reluctant to do anything about the problem. She will not leave the matrimonial home because she believes she would jeopardise her rights to that property. She regards it as her home and feels that if she were to take any step, even seeking temporary accommodation in a refuge or elsewhere to get away from the violence to which she has been subjected, that she would lose all rights to the major investment to which she has contributed. She is not economically disadvantaged by staying there, but she would be if she left.

Family violence occurs in a range of circumstances and needs an integrated range of solutions to be developed and implemented by the Government to help people in this sort of situation. The steps taken by the Government, as explained in the second-reading speech, signify a promising development.

As we learn from the experience of the operation of the proposed legislation and the other measures that are being taken by the Government, we will find additional things
that can be done and maybe should already have been done. We may find inadequacies in the proposed legislation but we can only learn by experience.

I believe the measure and the complementary policies and programs introduced by the Government are an excellent start in helping people cope with this problem. I commend the Bill and the other steps being taken by the Government.

The ACTING SPEAKER (Mr Kirkwood)—Order! Before I call the honourable member for Rodney, I apologise to him. I had not realised that four Government members had spoken on the Bill.

Mr HANN (Rodney)—Thank you, Mr Acting Speaker. The reasons why violence is occurring is one of the most important aspects of this matter. I raise some concerns that I have had for some time, especially some statistics that were directed to my attention from the Australian Children's Television Foundation that show that by the time a child reaches eighteen years of age in Australia he or she will have the opportunity of witnessing 18,000 television murders.

In the past 10, 12 or 14 years a significant increase in violence has occurred, especially among young people. In my early days in Parliament I visited Pentridge Prison on a Parliamentary tour. At that time the prison was relatively empty, with approximately 900 prisoners. Many of the cells were empty. These days Victoria's prisons are overflowing.

It is obvious that a conditioning process within our society has occurred, brought about largely by television which has conditioned people to violence. It is not only children who are affected. Many people watch a whole range of soap operas, especially American soap operas, and various other violent programs on a regular basis. Many of the police films on television, especially the American programs, show an amazing degree of violence. I have no doubt that a conditioning process is going on in our society.

This is not something that Victorians can do a lot about because the Federal Government controls regulations and legislation on what is shown on television. However, we must come to grips with that. In fact, I would like to see a national Royal Commission to consider this whole question of the impact of violence on television upon the growing incidence of violence within our community.

Another area that has caused me concern for some time is the increasing influence of alcohol on violence, especially in a married situation where the male partner is an alcoholic. That is a problem that society is not tackling. In fact, the Liquor Control Bill has been introduced into Parliament in the current sessional period and, if enacted, it will aggravate the situation further because it will provide more opportunities for people to obtain and consume alcohol. Rather than introducing such a measure, Parliament should be considering the extent of the alcohol problem.

The disease of alcoholism is also not considered, and alcoholics who inflict violence are not always aware of their actions. Alcoholism is a form of insanity. No doubt, a significant degree of domestic violence can be directly attributed to this disease. This problem was not really dealt with in the Minister's second-reading speech.

Over the years we, as legislators, have gradually eased the laws on the sale and use of alcohol and, in doing so, have encouraged more people to depend upon it for their social and recreational activities. That can lead to an increase in the number of alcoholics.

I am amazed at the number of young people, some in their teens, who attend Alcoholics Anonymous, which I regularly attend as part of my Parliamentary duty. As they are addicted to alcohol, in later years their disease might lead them to violence in the domestic environment.

I am well aware of the difficulties faced by the police in trying to come to grips with alcoholism. It is not easy for them to enter a home to try to intervene in a domestic violence complaint. They have been reluctant in this area because it is most unpleasant.
The Leader of the Opposition raised the matter of changes that were made to the Family Law Act in 1976 and the impact that those changes had on domestic violence. The changes included provisions for no-fault divorces. Changes were also made to cases of adultery and little by little responsibility was taken out of marriage.

It was virtually said that if partners did not get on in a relationship or if one of the partners wanted to live with someone else, the couple could separate for twelve months and then that arrangement would be legal. The implication of that change was that many partners became extremely angry if they did not want to end their relationships and often this would lead to domestic violence.

This problem is difficult to cope with but the Government is taking a positive step by introducing the Crimes (Family Violence) Bill. It is attempting to tackle the problem from a legal point of view by providing additional protection for partners who are being assaulted.

The proposed legislation allows magistrates to grant intervention orders and provides for an educational program, especially for training the police. Another difficulty that adds to domestic violence is income insecurity.

The Leader of the Opposition mentioned the increase in the number of de facto relationships. He said that this had been aggravated by family breakdowns which may be a direct consequence of changes that were made to the Family Law Act. Many of the ills in the domestic environment can be directly attributable to that Act.

The late Justice Murphy was the architect of that Act, which has inflicted tragedy upon thousands of people throughout the country. More than half a million children have been affected by divorce since 1976 when the Act was introduced. That legislation is in urgent need of review.

We should closely examine the need for education about relationships and the need for a greater understanding between men and women, especially young men and women. This can be taught in our schools.

Today enormous pressure is placed on couples. The stress can come with the buying of a home and the payment of high interest rates as young people try to raise their families at a time of high inflation. As a father of three young children, I am amazed at the enormous costs involved.

Mr Kennett—Just try it with four!

Mr HANN—I know there are people with larger families and that raising children is a very expensive exercise. That places considerable stress on partners in a relationship; some families break down and domestic violence ensues. This is a sad aspect of our society and we need to come to grips with it.

One way of tackling the problem is to examine the influence of the increase in violence in our society and the impact of television upon that. One must especially consider the impact it has on young children.

American statistics show that children of the tender age of six or seven years who are exposed to violence on television can become conditioned to it. It may promote violent tendencies in them which manifest themselves in later life. If they do not get their own way, it may become automatic for them to revert to violent acts in the family and against their fellow man.

My eyes were opened recently to this possibility when my two-year-old son, who did not get his own way, pointed his finger at me and said, “Pow, pow!” Fortunately, he is not old enough to hold a gun. That attitude is being adopted by young children. I shall get him out of that habit very smartly, but it is an illustration of the sort of conditioning that television imposes.

In answer to the honourable member for Werribee, who interjected, the reason my son does this is possibly that he has an older brother. Although the honourable member’s son
may not do the same thing, he might if he had an older brother. The point was that it was a real eye-opener to think that a little boy of two years knew that if he did not get his own way he could point his finger and say, "Pow, pow!" He will have to be disciplined to understand that that is not the way to act because in a few years' time he could be holding a gun and saying, "Bang, bang!" It is a matter of real concern.

We should consider carefully what programs children should be permitted to watch on television. They watch the cartoons, which can be violent. Children are often exposed to violent programs shown on television.

Often I think about the time when I was growing up and the fact that, as a child, I was not influenced by television, and access to the movies was restricted. It was not until one was in one's teens that one started to see violence. One probably heard it on the radio but there was no television.

Cowboy and Indian movies were often shown but it was explained to us that the Indians did not really die. Young children constantly watch violent programs that show people being killed and bashed. This is all part of the conditioning process. Television has a lot to answer for in this country.

We should be much more aware of the impact of television on society and I should like to see a national inquiry into the impact of television on violence in the family, on young people and on criminals with violent tendencies.

The National Party strongly supports the proposed legislation and wishes the Government well in its endeavours to deal with this problem.

Mrs TONER (Greensborough)—The Bill has taken a long time to be drafted. The Domestic Violence Committee was established in 1981 before the Cain Labor Government came to office and since that time there have been a range of discussions involving the Women's Policy Coordination Unit, but it is still difficult to come to grips with the opinions expressed in this Chamber about the causes of domestic violence. It is an indication that the community does have different views about this issue. The perception seems to be that, if mum is safe at home and dad is out earning the money and there is plenty of money to go around, violence will not occur. That is not the case.

The issue is about the unevenness of power relationships and the unwillingness to share that leads to violence. Inadequate persons feel they have to exert power over other human beings by demonstrating their superiority. It shows a lack of control and a lack of sensitivity to the feelings of other persons, which often leads to disastrous situations.

I am pleased with the provisions relating to houses. The Minister's second-reading speech referred to a major change in housing policy. I commend the Minister for Housing for being instrumental in changing that policy.

The change of policy still provides for equity of access to public housing and that is important, but it does recognise that the victims of family violence do have a special case. Family violence is now recognised as one of the important criteria for determining eligibility for priority housing, because it may well be that a person is economically comfortable, such as the person described by the honourable member for Werribee, yet still does not have the capacity to escape the violence that is vented on her and her children. That criterion is important and I am glad the Minister for Housing has worked with his officers and on a regional level to work through this process. At the same time, it should not mean that automatic access to a refuge means that that person will move on to public housing. The divisions have been sorted out and, in addition, assistance is provided in other circumstances for women who need to escape that household violence and retreat with their children to a place of safety.

Of course, the major object of the Bill relates to the provision of intervention orders in the case of family violence. All honourable members have been concerned when they have heard of instances of horrendous family violence. Honourable members are aware that
the police do not like to intervene because it is simply another domestic. Indeed, neighbours are frequently loathe to intervene.

Many horrendous cases occur of violence being inflicted on women and the community seems to subscribe to the notion that the battered woman is the property of her partner and that it would be inappropriate to intervene in any way. That is a reflection of a medieval type society and I am glad that we have moved beyond that.

An important provision in the Bill relates to education and training. That does not simply mean education and training to improve marriage relationships. It is most important that women have the capacity to earn sufficient money and have the skills so that they can move out from an inappropriate relationship. It is little use "hanging in" because of necessity and it is important that women have access to the appropriate training to allow them to maintain a relationship if they wish to do so, with their partner, but not that they are forced to remain in an inappropriate relationship where they are subject to violence. That is degrading for them and can lead, in some instances, to severe physical maltreatment, even death.

I am pleased that the Government has recently established a Women's Employment Strategy Unit within the Department of Labour, which recognises the needs of women to have skills and to be able to earn income in their own right. Between 30 and 40 per cent of married women are in the work force and it becomes even more necessary to understand that the nature of relationships has changed and that women are less likely to be dependent spouses at home.

The child-bearing years of women are shorter than they were a generation or more ago. Not so long ago women worked in the fields and still participated in the labour of the house. The pattern increasingly is that women go out to work and they should be equipped to do the best possible work that their skills will allow.

The economic dependence of the victims is a matter of real concern and I commend the Federal Labor Government, which over the years has attempted to improve the lot of women, single women in particular, so that they are not thrust into an inappropriate and violent relationship with a partner or de facto spouse. It is hideous to imagine women having to "hang in" in a household because there is no other alternative. I also commend the Federal Government for its efforts in allowing appropriate social security payments. Survival is difficult and the Government, in framing a Budget this year, must not forget those women who are dependent on social security payments and who are the victims of domestic violence. That applies at both the State and Federal levels, because it is the economic dependency that leaves women in a situation of danger and exposes them to family violence, which is a matter of concern to our community and about which all honourable members have indicated considerable concern.

Mr MATTHEWS (Minister for the Arts)—I thank members from all three parties in the House for their support for the proposed legislation which has been expressed in their contributions to what has been a far-reaching, well-informed and impressive debate. There is now no risk of the intention of the House being misunderstood, as was suggested might be the case earlier by the honourable member for Berwick. Instead, the debate and the proposed legislation will be seen not only as providing the community with practical measures against domestic violence, in the form of intervention orders and the compellability of witnesses, but also as a significant resounding declaration that such behaviour is unacceptable in a contemporary community.

I was asked to correct one misconception that was evident in the debate. It was stated on a number of occasions—and implied on others—that men were as much at risk of violence from women as women were at risk from violence from men.

Mr Kennett—No-one said that. The Opposition said it affected both.
Mr MATHEWS—It is interesting to note that in New South Wales between 2000 and 3000 intervention orders are issued every year. Virtually no intervention orders have been sought by women requiring protection against men.

Mr Kennett interjected.

Mr MATHEWS—There have been virtually no intervention orders by men seeking protection against women.

Mr Kennett—That is not what you said the first time; you said it the wrong way around!

Mr MATHEWS—There has been no demand for the establishment of refuges for men forced out of the household by women.

This has been an historic debate and it will be warmly welcomed by all sections of the community. It clearly signals the unacceptability of domestic violence in this State today.

The motion was agreed to.

**HOUSE CONTRACTS GUARANTEE BILL**

This Bill was returned from the Council with a message relating to amendments.

*Council's amendments:*

1. Clause 7, after sub-clause (4) insert—

   "( ) The approved guarantor is not liable under a guarantee for loss or damage of $100 or less arising out of a single defect unless—

   (a) the claim is for loss or damage arising out of the work of constructing a dwelling-house and the defect is notified in accordance with section 14 (2) within three months of the dwelling-house first being occupied; or

   (b) the claim is for loss or damage arising out of the work of improving a building and the defect is notified in accordance with section 14 (2) within three months of the work being completed."

2. Clause 7, sub-clause (5), after “damage of” insert “more than $100 but”.
3. Clause 7, sub-clause (9), omit “(7) or (8)” and insert “(8) or (9)”.
4. Clause 18, sub-clause (1), in paragraph (b), omit “(5)” and insert “(4)”.
5. Clause 18, sub-clause (1), omit paragraph (c).
6. Clause 18, sub-clause (2), omit “(d), (e) or (f)” and insert “(c), (d) or (e)”.
7. Clause 18, sub-clause (2), at the end of paragraph (b), omit “and”.
8. Clause 18, sub-clause (2), omit paragraph (c).
9. Clause 18, sub-clause (3), omit “or (c)”.
11. Clause 18, sub-clause (5), omit “or the Minister in a notice under sub-section (4)”.
12. Clause 18, sub-clause (5), omit “or the notice (as the case requires)”.
13. Clause 18, sub-clause (8), omit “(6) or (7)” and insert “(5) or (6)”.
14. Clause 33 (3), after this sub-clause insert—

   "( ) Any regulation made under this Act may be disallowed by resolution passed by either House of Parliament within 20 sitting days after tabling of the regulation in that House."

15. Clause 36, proposed sub-clause (1A), after “sale of land” insert “on which there is a residence”.

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

That the amendments be agreed to.

Contributions have been made by the honourable members for Bennettswood and Gippsland South and I think the House will be happy with those amendments.
Mr PESCOTT (Bennettswood)—Yesterday, when the Bill was being discussed, severe criticisms were made of the fact that so many amendments had to be introduced. Some of them were not ready before the Bill went to another place and some of them in the other place seemed to be mucked up, to some extent.

The Bill, having been badly drafted, has meant that both the Opposition and the Government in another place had some difficulty dealing with it. None the less, most of the amendments have been in the direction that we wished the Bill to go, given that the original legislation was quite draconian in certain measures against what should be in the best interests of consumers in Victoria.

There were four divisions in another place and it was of interest that the National Party was voting with the Government on those divisions.

The Liberal Party hopes that the consumers of Victoria will continue to fare well under the fund and I think it is also time that we farewelled!

Mr WALLACE (Gippsland South)—I should just like to state that the National Party has supported the Bill and, if it had not supported the Bill, the Bill would not have reached the stage it has.

Many achievements have been made and it will be to the benefit of the public.

The motion was agreed to.

ADJOURNMENT


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

That the House, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, which time of meeting shall be notified to each member of the House by telegram or letter.

The motion was agreed to.

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

That the House do now adjourn.

The SPEAKER—Order! With the indulgence of the House, I should like to pay tribute to Mr Vic Sladden, who, this evening, is serving Parliament for the last time before he retires in the near future.

Vic Sladden has contributed both in the Armed Forces and to this Parliament a lifetime of dedication to service. I commend him on behalf of the House and all honourable members for his competence and ability in providing over many years, to hundreds of honourable members, his mature wisdom and courteous assistance.

Mr PERRIN (Bulleen)—I raise a matter for the Minister for Labour relating to the Industrial Training Commission of Victoria and the situation of a constituent of mine in Bulleen, a Mr Guiliano Pase.

Mr Pase is a young man who obtained his higher school certificate from Marcellin College and has since obtained an apprenticeship as a carpenter and joiner. He is registered with the Industrial Training Commission of Victoria and his registration number is 4232836.

The commission has advised Mr Pase that it cannot provide any immediate training facilities for him. I contacted the Box Hill College of Technical and Further Education
about the matter and was advised that the college has no places for apprentices undertaking carpentry and joining.

Representatives of the college claim that there is a carryover of people in those apprenticeships and the next intake is already fully subscribed. It was claimed that funding cuts have been made.

I do not wish to labour the point except to say that the alternative offered to Mr Pase was for him to attend a country TAFE college and undertake a training course involving one week in every five. His family is reluctant to allow him to do that and they want him to have training in the metropolitan area, preferably in the eastern suburbs.

I want the Minister for Labour to discuss the matter with the Minister for Education. I understand that both Ministers have had discussions about the lack of TAFE training facilities, and I ask them to do something to ensure that my constituent receives the urgently needed training necessary for completion of his apprenticeship.

Mr NORRIS (Dandenong)—I direct my remarks to the Minister for Industry, Technology and Resources and ask him to direct them to the Minister for Police and Emergency Services. I refer to the difficulties encountered by many young people who frequent hotels and discos which, unfortunately, are one of the few places of entertainment in electorates such as the one I represent, especially on Saturday nights.

I realise that a driver's licence has a photograph attached to it, and that is a handy means of identification. However, not all young people over the age of eighteen years have a driver's licence. It has been suggested that the Australian Hotels Association or organisations running large discos provide plastic identification cards, similar to a driver's licence, complete with a photograph.

That may sound difficult to carry out, but I have spoken to local police and people involved in the liquor industry, and I believe the matter should be given serious consideration. It would be a good public relations exercise on the part of the Australian Hotels Association and it would help young people who do not look their age but who are eligible to drink at hotels and who are continually challenged about their age.

The onus of establishing whether a customer is old enough to be served is on the person serving liquor. Recently, a constituent was placed in the invidious position of having to decide whether to serve a customer because there was some doubt whether the customer was more than eighteen years of age. The constituent took the punt and he was then charged with selling liquor to an under-age person.

I ask that consideration be given to the provision by the Australian Hotels Association or similar liquor control groups of identification cards complete with photographs for those who wish to use them. It would make life a lot easier for people in the liquor trade and for police officers who often have the odious task of wandering through large hotels and discos and asking young people to prove that they are eighteen years of age or more. I ask the Minister for Industry, Technology and Resources to convey my remarks to the appropriate Minister.

Mr WEIDEMAN (Frankston South)—I direct a matter to the attention of the Minister for Industry, Technology and Resources on behalf of the City of Frankston. The Minister would be aware of a $120 million proposal for a development in the Frankston central business district which has been supported by the Minister for Local Government. The council has experienced difficulties in meeting with the appropriate Ministers to discuss the development.

I understand that the heads of agreement have been presented to the appropriate department. The problem is that the council wants to retain a 66 per cent interest in the project and the Department of Management and Budget wants the interest share to be 49 per cent.
Representatives of the council want to meet with the Treasurer to discuss the problem. They have been telephoning the honourable gentleman on a daily basis and have experienced difficulties in getting an answer to the problem. Approximately $1 million a month is added to the cost of the project as time passes.

Today I had discussions with the Minister for Transport who has a similar problem with the Frankston City Council with regard to a ring-road, and he has undertaken to provide an answer as quickly as possible. I have made every effort to contact the Treasurer during the day but have been unable to do so. As this is the last day of the sessional period, I ask the Minister for Industry, Technology and Resources to urgently contact the Treasurer to ascertain whether he will meet with the council or make a decision quickly so that the problems with the Department of Management and Budget do not interfere with the progress of the project.

Mrs HIRSH (Wantirna)—I direct to the attention of the Minister for Consumer Affairs a company known as Ausmark Advertising Pty Ltd run by a Queensland man called Stephen Downes. The company appears to have been involved in selling a number of items of promotional material, such as match books, business cards, stubby holders and so on, to small businesses in Victoria.

Many allegations have been made of fraudulent dealings by the company and by Mr Downes, including failure to supply goods that have been ordered and paid for, non-payment of motel and hire car bills and moneys owed to employees of the company.

The company has made a number of false claims about the sponsorship and affiliation of its products; continuing to sell goods after the sponsorship ceases; falsely representing employment conditions of its sales representatives, and generally behaving in extremely suspicious and fraudulent ways.

It seems that a new company has been set up by Mr Downes, who is perhaps an undischarged bankrupt. He has been running advertisements in the *Age* over the past week or two seeking representatives to sell his goods.

It seems very important that people beware of these advertisements and these sorts of fraudulent dealings. Prospective employees answering any newspaper advertisements should be very careful to check out the authenticity of the people placing the advertisements. Of course, any companies and businesses wanting to buy promotional material should always ensure that the material is being produced by properly qualified people, that it is in place and delivered prior to payment.

I ask the Minister for Consumer Affairs to investigate this matter and to determine what sort of action is necessary from his Ministry in order to protect the public, small business and prospective employees of this company against the apparent fraudulent nature of the dealings of Mr Stephen Downes.

Mr WILLIAMS (Doncaster)—I raise a matter for the attention of the Premier, who is the representative in this place of the Attorney-General. On 19 January 1985, a Mr David Wilson, an *Age* reporter, published an article that stated that Mr Don Saltmarsh—the former honourable member for Wantirna—and I had achieved the embarrassing distinction of being recorded in the unpublished volumes of the report by Mr Frank Costigan, QC, the Royal Commissioner who investigated the Ship Painters and Dockers Union.

The article stated:

Mr Costigan used the two State MPs as examples of how an organised crime identity can lobby Parliamentarians.

Subsequently, the Melbourne *Sun* of 27 March 1987 contained a front page article headed, "Packer Cleared—Blast for Costigan", which stated:

Millionaire businessman Kerry Packer has been cleared of any involvement in criminal activity over the "Goanna" allegations.
A number of these reports from the unpublished volumes were apparently made available—I do not know how—to the Fairfax organisation and a number were published in the then National Times.

Unfortunately, Mr Saltmarsh and I were the victims of the Age having gained access to those papers relative to an organised crime figure who is now in Pentridge Prison—with whom I have admitted having been associated, solely for the purpose of obtaining information about organised crime, particularly concerning organised illegal gambling, land deals and all the rest of it.

I have nothing to hide. I know that the Premier has said that when various court cases have been finished with he will look favourably upon making these unpublished volumes available. In the interests of justice, I ask him to ensure that at least some of those papers can be tabled in the House.

If justice can be given to Kerry Packer, I do not see why justice cannot be given to me.

Mr SHELL (Geelong)—The matter I raise for the attention of the Minister for Sport and Recreation relates to a locality known as Hamlyn Heights, which is in the Geelong electorate. The residents in that area are desirous of having a public swimming pool complex.

On Sunday last a public meeting was held at the Vines Road community centre, which some 800 people attended. Hamlyn Heights encompasses the area south of Ballarat Road, north of Church Street and extends to the Moorabool River.

The Shire of Corio, in which this locality falls, is supportive of the project and has prepared three or four options for consideration.

The people of Hamlyn Heights are desirous of having this complex in the Shire of Corio. They have two other swimming pool complexes, one at Lara that was constructed in about 1966 and one at Norlane, which is a major tourist attraction. There is also such a complex in Geelong.

I ask the Minister to give some consideration to providing assistance to the Shire of Corio and the residents of Hamlyn Heights towards the construction of the swimming pool complex.

Mr GUDE (Hawthorn)—The matter I raise for the attention of the Minister for Industry, Technology and Resources relates specifically to the State Electricity Commission apprentice school at 658 Church Street, Richmond.

It has come to my attention that the intake figure has declined tremendously over recent years at that apprentice training school. That is a matter of concern for young people who would seek an opportunity for the specialist training that has been made available over many years—indeed, I have some figures dating back to 1955, to which I shall refer in a moment—and which has been very valuable training. It concerns not only young people but also the lecturers who are conducting the school.

I ask the Minister to examine closely what is occurring there and to give some assurances to the staff and to the young people who have an interest.

The intake at the school this year is down to six. The school has a capacity of 50. In 1960, 50 apprentices were trained there; in 1961, there were 60; in 1982, there were 40; in 1983, there were 36; in 1984, there were 23; in 1985, there were 16; in 1986, there were also 16; and this year the intake has declined to six students. There has been a progressive decline, and it is of concern, particularly when one examines the range of apprentice training available in that school over a considerable period.

The courses available are: turning and fitting or machinist; electrical fitting; mechanical fitting; motor mechanic; sheet metal trade; boilermaking; radio trade; electrical fitter and armature winder auto; instrument maker and repairer; meter mechanic; electrical mechanic;
watch and clock maker-repairer; refrigeration mechanic; electrical fitter and armature winder; blacksmith; pattern maker; automotive electrician; and spray painter.

I take up the time of the House to read out that list because it demonstrates the valuable role this school has played in training young people to work for the State Electricity Commission. No doubt, many of those people have made their way into the business world and played an important role in that area.

I ask the Minister to examine what is occurring and, if it is possible to give assurances quickly to the staff and the young people, it would be a very valuable contribution.

Miss CALLISTER (Morwell)—The matter I raise for the attention of the Minister for Education relates to the future availability of mathematics and science teachers for schools in the Latrobe Valley. As the Minister is aware, this year and in past years I have had cause to make representations to him about the Churchill post-primary, Morwell post-primary and the Traralgon high schools because of difficulties being faced in filling all the available vacancies in those schools, particularly for mathematics and science.

The Government has made consistent and far-reaching efforts to ensure that it can meet the needs of our schools. For instance, last year it instituted a primary retaining scheme to upgrade the qualifications of primary trained teachers to enable them to teach mathematics and science at secondary schools. An example of that in the Latrobe Valley exists at the Traralgon Technical School. The Traralgon High School and Maryvale Post-Primary School have also benefited from the implementation of that scheme.

Far-reaching and wide inquiries have been made outside Australia to seek applicants for vacancies that exist in the teaching profession in the mathematics and science areas. However, in spite of the intense efforts of the Government, there are still problems in the Latrobe Valley.

In the Government’s publication released yesterday, *Victoria Leading Australia into the Next Decade*, special mention was made of the efforts that the Government will be undertaking to address the need for the skilled professionals within the education sector.

On pages 87 and 88 it specifies the three thrusts that have been undertaken to attract mathematics and science teachers to the schools. For example, it refers to the training of existing teaching staff. It also mentions the 50 special half-time study leave places a year that will be offered for a period of three years to enable up to 150 existing teachers to convert to mathematics and physical science teaching.

The document also refers to the further retraining of primary teachers as secondary mathematics teachers in that an additional 25 places are to be funded in this program to enable primary teachers not currently employed in teaching positions to be retrained as secondary mathematics teachers.

It also outlines that 50 technology studentships will be provided in certain areas of mathematics and science teaching, such as with computer science, with a view to get more graduates involved in teaching in schools.

I ask the Minister in implementing this promise to pay specific attention to the needs of the Latrobe Valley and to ensure that it is targeted in the application of these policies so that the problems faced by those in the Latrobe Valley in the past will be overcome and that the maximum opportunities will be offered to students in its schools, particularly as the Latrobe Valley is dependent on having trained and highly skilled workers.

Mr REYNOLDS (Gisborne)—I raise a matter for the attention of the Minister for Sport and Recreation. Honourable members would be aware that all the bookmakers fielding at race meetings have levied on their turnover tax at the rate of 2·25 per cent in the city and 1·75 per cent in the country.
For the three codes of racing, that is harness racing, thoroughbred racing and greyhound racing, some of that is returned to the clubs as their share. In the country it is approximately 1 per cent and in the city it is 0·75 per cent.

It has been brought to my attention by the Stawell Athletic Club that the bookmakers' turnover tax that is paid to the Government for that particular meeting, and also other professional athletic meetings, is not returned to the clubs.

The Stawell Athletic Club is the Mecca of professional athletics and it is growing every year. It is probably one of Victoria's major tourist attractions. I ask that the Minister consider returning 1 per cent of that 1·75 per cent of the bookmakers' turnover tax that is taken at that meeting. At the meeting this year there was a turnover of $250 000 and if 1 per cent of that was returned to the athletic club it would help to promote athletics, which is always struggling for sponsorship to make its events more attractive. It would also assist in attracting runners, particularly overseas runners who demand payment before they enter a race.

I ask the Minister to give special consideration to the Stawell Athletic Club and perhaps even the Plumpton racing club, which does not get this privilege, so that the turnover tax percentage is returned to these clubs as it is with the galloping codes.

Mr SHEEHAN (Ballarat South)—I direct to the attention of the Minister for Transport, and in his absence the Minister for Industry, Technology and Resources, a matter relating to a reclassification of a road—it has been discussed in my electorate for some time—which runs between the township of Buninyong and the Borough of Sebastopol.

This road is used by people travelling from Geelong along the Midland Highway and it is sometimes used as a short cut to the Western District of Victoria as well as to the north-west district towards Mildura.

The difficulty arises in that the road reclassification is necessary to provide for development at a particular intersection in the township of Buninyong, which intersection is becoming a traffic hazard. In fact, there was a fatality there only two months ago which was traumatic for the family concerned because a lad of only eighteen years was killed.

The difficulty with the reclassification of the road is that the Midland Highway diverts from Buninyong to Ballarat by the quickly growing residential area of Mount Helen and Mount Clear. That particular road is narrow and prone to accidents. It is narrow because of its topography; it is hilly and is tree lined and therefore difficult to develop from an engineering point of view.

It is important that the road between Buninyong and Sebastopol, which is a wide unclassified road, be developed to become the highway. It has ramifications for the Borough of Sebastopol and it is important that the road be given consideration for reclassification.

I have had discussions with the municipalities in my electorate—six municipalities are involved—and they are all concerned, but none seems to have any answer to the problem. The roundabout suggestion for Buninyong seems to be the most plausible of all the suggestions put forward, although currently the Road Construction Authority proposes to develop a T-intersection there.

At a meeting at my office it was indicated that there was possibly some financial assistance available from the municipalities, but I believe it would need the reclassification from within the Ministry, possibly through the Road Construction Authority, for the matter to have proper attention.

Mr CAIN (Premier)—The matter raised by the honourable member for Doncaster I will have examined. I cannot say that I recollect in detail what the understandings and undertakings were between Governments in respect of the costing and report volumes, but I will have the matter examined and communicate that to the honourable member.
Mr FORDHAM (Minister for Industry, Technology and Resources)—One matter was raised directly with me by the honourable member for Hawthorn on the future of the State Electricity Commission apprentice training centre in Richmond. He outlined something of the significant background and record of the staff and the apprentices who have been trained at the centre. I will be pleased to make inquiries on the matter he has raised and will contact him again.

Several honourable members raised matters for referral to other Ministers, which I shall do: the honourable member for Bulleen for the Minister for Labour; the honourable member for Dandenong for the Minister for Police and Emergency Services; and the honourable member for Frankston South for the Treasurer. I can say to the honourable member for Frankston South that there will in fact be a deputation arranged—I understand on 13 May—on the issue. The Minister for Local Government has taken the lead on the matter and will be a party to that course.

The honourable member for Ballarat South raised a matter concerning road classification that will be taken up with the Minister for Transport.

Mr SPYKER (Minister for Consumer Affairs)—The honourable member for Wantirna raised a matter concerning exploitation of small businesses and individuals. Although I have often spoken about consumer problems affecting individuals, in this matter small businesses in particular are being ripped off by Ausmark Advertising Pty Ltd and Mr Stephen Downes, who comes from Queensland and who has left behind a trail of destruction wherever he has been. My Ministry and Ministries throughout Australia have been advised of his activities. Therefore, I am aware of the serious problems relating to the operations of Ausmark Advertising Pty Ltd and to the business practices of Stephen Downes.

I understand more than 60 complaints have been received by consumer affairs agencies around Australia regarding the non-supply of goods to companies that had made large prepayments to Ausmark—in some cases of up to $1000, which is a large amount of money for a small business. A large proportion of these complaints remain unresolved.

Complaints have also been received relating to false claims by Ausmark about the sponsorship and affiliation of its products. For example, Hanna Matches were promoted for some months after an agreement between Ausmark and Hanna matches was terminated.

I am further informed that part of that trail of destruction has been motel bills left unpaid and workers left unpaid because of dishonoured cheques and so on. Extensive non-payment of moneys owed to Telecom, hire car companies and others led to Downes being declared bankrupt in Queensland on 30 June 1986. The bankruptcy has not been discharged.

Jobwatch has advised my Ministry of a substantial number of complaints received by it from former workers alleging non-payment of wages, commissions and incurred expenses. My Ministry has worked with the Trade Practices Commission and Jobwatch to try to stamp out the activities of Stephen Downes and his company in Victoria.

Of course, mainly young people are attracted to these schemes—mostly it is as a first job to try to earn money. They get caught up in many dishonest schemes after they have outlaid heavy expenditure. They are ripped off and it is disheartening for them. My Ministry has worked hard to deter these unscrupulous operators.

The Trade Practices Commission has taken legal action against Downes in the past and is investigating complaints at present about non-supply of goods and non-payment of staff. The Victorian Ministry is investigating how he can be prosecuted under the fair trading legislation because he obviously is misleading many people.

I am most concerned that Downes is an undischarged bankrupt who has managed to set up new companies. Recently he launched a new firm called Budget Marketing through a man called Liam Tier, a director and sales manager of the Ausmark company. This firm
is involved in the same type of business as Ausmark, offering special promotional goods to the business community.

Budget Marketing placed an advertisement in the *Age* on Tuesday this week and again today seeking representatives to sell its products through Victoria, New South Wales and Queensland.

I suggest to all prospective applicants that the known activities of Downes and Tier make it most unlikely that the promised earnings and conditions will ever eventuate. As well, businesses will face the same risk in dealing with this company as they faced with Ausmark. I wish to warn the House, prospective employees and businesses in Victoria not to have any dealings with Budget Marketing. The *Age* newspaper has agreed to cooperate by refusing any future advertising from this firm.

I have been informed that a Budget Marketing sales team is hoping to operate in Benalla and other parts of northern Victoria from early next month. I warn businesses in this area to be fully aware of the practices of Budget Marketing and Ausmark and not to have anything to do with either of those companies.

My Ministry will be vigilant in the areas of Benalla and northern Victoria over the next few months. The Ministry is taking as many steps as possible to keep the public fully aware of unscrupulous operators.

**Mr TREZISE (Minister for Sport and Recreation)**—The honourable member for Gisborne referred to the bookmakers' turnover tax and the difference in distribution of moneys between the athletics and racing worlds. The Stawell Gift has been run, I think, for 114 years and presumably bookmakers have always been there. I assume the distribution has always been about the same. The honourable member has raised a point that I had not thought of. I am pleased the honourable member has raised it and I shall take up the matter in consultation with the Treasurer.

The honourable member for Geelong referred to the desire of residents of Hamlyn Heights for a public swimming pool complex. He said that a public meeting that was attended by 800 people had been held. I recall reading about this matter in the local newspaper last week.

The number of major complexes of this type that the Government can provide around the State is very limited. I assume that the application has been lodged appropriately—the lodging date was at the end of March. All applications will be examined and decisions about major grants around Victoria will be made on the basis of priority and needs in different areas. The decision will be made later in the year.

**Mr CATHIE (Minister for Education)**—The honourable member for Morwell raised with me the shortage of mathematics and science teachers, particularly in the Latrobe Valley. I am aware of the shortages throughout the State. The Government's economic strategy has developed many opportunities and devised specific proposals to overcome these problems. I shall certainly be paying particular attention to the development of those projects in the Latrobe Valley.

The motion was agreed to.

*The House adjourned at 4.39 a.m. (Friday).*
The following answer to a question on notice was circulated—

ETHNIC AFFAIRS COMMISSION ANNUAL REPORTS
(Question No. 12)

Mr PERRIN (Bulleen) asked the Minister for Ethnic Affairs:

1. Which departments, authorities and agencies within his administration are required to present annual reports to Parliament?

2. Whether any of these bodies had not lodged its 1985–86 annual report by 31 December 1986; if so—(a) what is the name of each body; (b) what was the reason for those annual reports not being lodged in accordance with the appropriate Act; and (c) what action is being taken to ensure that bodies comply with the Act?

Mr SPYKER (Minister for Ethnic Affairs)—The answer is:

The Ethnic Affairs Commission is the only body under this portfolio required to present an annual report to Parliament. The commission's 1985–86 annual report was presented to Parliament prior to 31 December 1986.
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| Eth Affs |
| Hsg |
| I, T & R |
| Loc Govt |
| P & ES |
| Prem |
| Prop & Servs |
| Pub Wks |
| S & R |
| Trans |
| Treas |
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