Friday, 13 November 1987

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

ACTING PREMIER

The SPEAKER—Order! I advise the House that during the Premier's absence overseas, the Deputy Premier will be the Acting Premier.

QUESTIONS WITHOUT NOTICE

STATE TAXES

Mr STOCKDALE (Brighton)—In the absence of the Premier, I shall address my question to the Treasurer. I refer to the fact that State taxes this year amount to $1021 for every man, woman and child in Victoria, which is $140 more than the taxes in New South Wales! Will the Treasurer admit that his extravagant spending, waste, mismanagement, and irresponsible gambling on stock markets and foreign exchange markets have made Victorians the highest taxed people in Australia?

Mr JOLLY (Treasurer)—The one characteristic that I admire about the honourable member is his persistence, because he has no other characteristic that lends any quality to his character. The Cain government was the first government in Victoria to impose a restraint on taxation receipts; no other government was prepared to do that. The government said that taxation receipts will be limited to the increase in the consumer price index, plus economic growth.

The honourable member for Brighton and the Leader of the Opposition do not appreciate that fact. The strong economic growth experienced in Victoria has meant a strong growth in taxation receipts. That is why the government announced extremely good taxation initiatives in this year's Budget. In turn, those initiatives will further strengthen the long-term position of the Victorian economy. The Opposition carps about these matters because it is concerned and frustrated that the Victorian economy is performing so well.

No-one doubts that Victoria is the No.1 State. The government will continue to implement its policy of tight expenditure and at the same time limiting taxation receipts. In conjunction with the prices peg campaign, which was effected as a result of the initiatives of the Minister for Labour, the government will ensure that its fees and charges are kept down.

This year the guideline for government fees and charges has been set at 6 per cent, which is well below the increase in the consumer price index. The honourable member for Brighton appreciates that an examination of the government charges index and the consumer price index in the State shows that, since the Cain government has been in power, the government charges index has increased by less than any other State in Australia. Victoria has a better record than Queensland, which has the only conservative government in Australia.

An objective analysis of the performance of the States shows that Victoria has the strongest economy. That cannot be denied and is recognised by the Australian Chamber of Manufactures, which is not associated with the Labor government.

In summary, the government will continue to implement taxation initiatives that reduce the burden on Victorian taxpayers. It will continue to ensure that household charges are less than increases in the consumer price index, in aggregate, and that will mean an increase in household income. When the honourable member for Brighton tried to analyse
those figures he said that household incomes in Victoria under the Cain government had been decreased by $45 a week. He was found to be wrong, which he admitted, because the result was a real increase of $10 a week.

The government has a very good record and will continue its policies, which will assist the long-term growth of the Victorian economy.

POLICE FORCE EXPENDITURE

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Minister for Police and Emergency Services to the financial pressures affecting the Victoria Police Force at present and the alarming statements made by senior police officers which suggest that the degree of protection given to the Victorian people by the police will be reduced in the near future.

Will the Minister give an undertaking to the House that sufficient finance will be available to the Victoria Police Force in the coming months to ensure that the level of protection during that period will continue at the level to which the Victorian people have been accustomed in recent times?

Mr MATHEWS (Minister for Police and Emergency Services)—It is the aim of the government to ensure that the standard of service delivery by the police in Victoria is maintained and even enhanced. It is for that reason that the government has agreed to lift the effective strength of the Police Force by 430 in this financial year and to proceed, over the following two financial years, to make further additions of 300 sworn members in each year.

At the same time, the provision in this year's Budget for the operating expenses of the Police Force has been increased by 9.2 per cent. Let there be no suggestion, as has come from some quarters, that there have been cuts in the police budget; the opposite is the case. The evidence is clear and irrefutable in the Budget Papers: allocations for the Police Force have been increased.

The discussions which have gone on in recent days turn on an amount of $2.8 million in operating costs in an overall police budget of $444 million—so the figure of $2.8 million should be kept in perspective.

I have arranged for a team of financial analysts to work with police over the coming months to determine whether the Police Force is able to maintain its standard of service delivery and at the same time to operate within its allocated budget. If the work to be carried out by those analysts suggests that there has been an underestimation of the needs of the Police Force in maintaining that service delivery, I shall be the first to approach the Treasurer with that information.

EMPLOYMENT STATISTICS

Mr SIDIROPOULOS (Richmond)—Does the Treasurer have the latest figures from the Australian Bureau of Statistics on employment in Victoria? Have his officers examined those figures? If so, will the Treasurer inform the House of the results of that examination?

Mr JOLLY (Treasurer)—The latest figures issued by the Australian Statistician confirm that an economic miracle has taken place in Victoria—there is no doubt about that.

It is interesting to examine how that miracle occurred. For the benefit of members of the Opposition—who like to ignore such matters—the increase in the level of private investment in Victoria over the past four years has been 28 per cent as compared with 2 per cent for the rest of Australia. That is a huge difference.

The Leader of the Opposition finds economic matters a bore; it is no wonder, because he does not understand such matters. The only contribution the Leader of the Opposition has made to economic matters is the Saba advertisement for which he arranged for the
performance of Dave and Mabel. That is about the only contribution he has made to this State—he is a Dave and Mabel joke. And now, even they have disappeared from the scene.

With respect to private investment, there is no doubt that there has been a complete turnaround in the position since the Cain government came to office. Also, the increase in exports in real terms over the past four years has been 58 per cent in Victoria compared with 36 per cent for the rest of Australia. Again, it highlights the strength of the Victorian economy, how there has been a radical transformation in the structure of the economy, and how the private sector has been strengthened.

It pleases me even more to report on the unemployment figures in this State, released yesterday by the Australian Bureau of Statistics. I anticipated in debate yesterday that Victoria would be in the position of being the State with the lowest unemployment rate for 53 months in a row. That has occurred, and I ask Opposition members: how can you do better than that?

In the last 36 months of the Liberal Party's time in government—and I daresay that it will be a long time before they get in again—there were only eight occasions out of 36 months when they had the lowest unemployment rate.

Clearly, this is another part of the economic miracle that has occurred in this State—53 months in a row is a great record by anybody's standard.

Victoria's unemployment rate for October was 5.8 cent. For the rest of Australia it was 8.2 per cent. With respect to non-metropolitan unemployment, Victoria's rate was the lowest of any State. It was 7 per cent compared with 9.8 per cent for the rest for Australia.

In terms of employment growth in the non-metropolitan region, the figure for Victoria for the year to September is 2.5 per cent compared with 1.9 per cent for the rest of Australia, so the success is right across the State and there is no doubt that an economic miracle has been performed here in Victoria.

BUILDING INDUSTRY WAGE DEAL

Mr GUDE (Hawthorn)—I direct my question to the Premier but, in his regrettable absence overseas, to the Acting Premier. Are the Acting Premier and the government aware of the complaint by a senior member of the Australian Conciliation and Arbitration Commission that the Minister for Labour's building industry wage deal is outside the national wage guidelines? If so, what action will be taken against that Minister?

Mr FORDHAM (Acting Premier)—I have noted in the newspapers some of the comments to which the honourable member for Hawthorn refers, but what I have also noted is the extraordinary accord that has been developed in the Victorian building industry under the Minister for Labour.

The previous government needs only to think back to when it was in office to remember the chaos that surrounded the building industry in the State at that time. That situation has now been completely turned around to the point where building approvals and initiatives are occurring right across Victoria, and it is something in which the Parliament should be taking great pride.

Quite properly, there is recognition by both building unions, the Master Builders Association of Victoria, and the Australian Federation of Construction Contractors, of the initiatives taken by the government to make the building industry the great strength of the Victorian economy, which is now evident.

TEACHER STAFFING AGREEMENTS

Mr HANN (Rodney)—Will the Minister for Education advise the House what progress he is making in staffing agreements for the 1988 school year?

Mr CATHIE (Minister for Education)—Yesterday, when teachers were on strike, negotiations were still proceeding between leaders of the teacher unions and the Ministry
of Education. Those negotiations are proceeding on at least two bases, the first being the 
Budget targets that the government has identified, which were approved by Parliament.

The total Budget allocation for education increased by 2.8 per cent. The teacher unions 
have to meet budget targets in terms of the new programs that the Ministry is developing 
within education. Those programs include not only the assistance being provided to 
parents within the community by way of an education allowance to assist with the cost of 
education, particularly books and clothing, but also the extension of and increase in the 
maintenance allowance for low-income families.

For the first time, the education budget includes funds for teacher welfare and a whole 
range of educational and technology developments, including provision for additional 
training for mathematics and science teachers. It also includes funding for the new Victorian 
certificate of education. That is the first point: negotiations must proceed on the Budget 
savings that are targeted in education.

Secondly, negotiations are proceeding on the working conditions that will be established 
under what the government hopes will be an agreement to cover these working conditions 
in the schools of this State over the next two years.

The Ministers concerned have also indicated to the Teachers Federation of Victoria 
that the government is ready to enter into serious negotiations regarding the 4 per cent 
second tier wage claim. That would be under the government's terms and would be met 
on a cost neutral basis.

I am confident that we are making progress in those negotiations and that well before 
the end of the year we will have reached a two-year agreement on the conditions that will 
operate within government schools.

**NEIGHBOURHOOD WATCH**

Mr HARROWFIELD (Mitcham)—Is the Minister for Police and Emergency Services 
aware of any examples of misuse of a Neighbourhood Watch system for party political 
purposes; if so, will he indicate what steps he is taking to ensure that this extremely 
worthwhile community policing program is not abused in the future?

Mr MATHEWS (Minister for Police and Emergency Services)—I do not think anyone 
in this House would doubt that the introduction of Neighbourhood Watch in Victoria was 
one of the finest law enforcement initiatives ever undertaken in this country. By the end 
of this year 1.7 million Victorians will be protected by Neighbourhood Watch schemes 
and, by the end of the following year, that figure will have increased to 2 million.

As a result of those developments, the burglary rate this year is still lower than for 
1983-84, when the Neighbourhood Watch scheme first began to bite. In the last year alone 
for which figures are available, in areas covered by Neighbourhood Watch there was a 
reduction of 3.2 per cent in the burglary rate and 2.3 per cent in the rate for all other 
crimes.

I am sure all Victorians treasure Neighbourhood Watch and want it to be protected in 
every possible way. Therefore, I view with great concern developments such as that which 
the honourable member for Mitcham has directed to my attention, where Neighbourhood 
Watch newsletters and party political literature are delivered side by side in the same 
package to local letterboxes.

That can serve only to subvert all that Neighbourhood Watch is on about. I believe it is 
very much what the Chief Commissioner of Police had in mind when he said recently:

The integrity of the concept of Neighbourhood Watch must be protected and preserved and that responsibility 
rests with those who conduct Neighbourhood Watch on various levels from State Committee, through regional 
levels right down to grass roots. They must, as a matter of duty and responsibility, ensure that the concept is not 
degraded—that it does not become party political and that the mechanisms of Neighbourhood Watch are not 
used for party political purposes. They are to be used for the common good.
CONVENTION CENTRE

Mr PESCOTT (Bennettswood)—In the absence of the Premier, who is overseas, I direct a question without notice to the Acting Premier. Will he give details to the House as to why the government has approved a line of credit of $165 million for the new convention centre, given that the centre was budgeted only two years ago to cost $65 million?

Mr FORDHAM (Acting Premier)—I am not familiar with the figures mentioned by the honourable member for Bennettswood. I shall ask the Minister for Agriculture and Rural Affairs, who is the Minister responsible for the Major Projects Unit and who is handling the project, to comment.

The honourable member's record in coming up with figures on particular projects leaves a lot to be desired, of course. It may well be that his figures are wrong. He certainly had a couple of other tries; there is no doubt about that. He got very close once! I shall discuss the figures with the Minister responsible for the Major Projects Unit and ask him to take up the issue with the honourable member for Bennettswood.

WORLD VETERANS' GAMES

Mr GAVIN (Coburg)—Can the Minister for Sport and Recreation advise the House of plans being made by the government and sporting groups to conduct the forthcoming World Veterans' Games in Melbourne?

Mr TREZISE (Minister for Sport and Recreation)—It is appropriate that the question comes from the honourable member for Coburg. While he is not yet a veteran—forty years of age is the barrier—he is a fit man; recently he competed in the Melbourne marathon and finished under 4 hours. I am sure that if honourable members lined up this morning for a race from here to Frankston, he would almost certainly be one of the first across the line.

Honourable members interjecting.

Mr TREZISE—The forthcoming seventh World Veterans' Games to be held at Olympic Park from 28 November to 7 December will be the greatest international sporting event held in Melbourne since the 1956 Olympic Games. More than 50 countries will be taking part. Some 4817 competitors will take part in the veterans' games, including two Indians, one aged 94 and the other aged 92. The games will have the highest number of competitors who have ever taken part in an international veterans' event anywhere in the world.

It is a marvellous event, and a great deal of work has been carried out by the organisers. I congratulate them because the games will be a good thing for Melbourne and provide an example for more and more veterans to take up exercise. I look forward to the event and compliment the honourable member for Coburg for asking the question.

HOVERCRAFT VENTURE

Mr HAYWARD (Prahran)—I refer the Acting Premier to the takeover by the Victorian Economic Development Corporation of the failed hovercraft company. Has the corporation received any payments of interest or repayments of principal on its loan of $1·6 million to the failed company? Will the corporation pay the many small suppliers who are owed money by the failed company?

Mr FORDHAM (Acting Premier)—To the credit of the Victorian Economic Development Corporation, it has played an important role over recent years in economic development, especially tourism. A significant part of its portfolio has been directed outside the Melbourne metropolitan area.
The honourable member for Prahran referred to the attempt to develop a hovercraft service across the bay—an initiative that was strongly supported by honourable members on both sides of the bay; perhaps not surprisingly.

I understand that the corporation has full security in terms of its financial involvement. However, I will make further inquiries concerning both its liability and the additional aspect raised by the honourable member concerning funds owed to other creditors of the failed company.

**HOUSING IN COUNTRY AREAS**

Mr JASPER (Murray Valley)—Because of the increasing problems facing country people seeking housing, will the Minister for Housing advise what increased funds will be provided in country areas, including funds for cooperative housing, especially in this International Year of Shelter for the Homeless?

Mr WILKES (Minister for Housing)—The honourable member for Murray Valley would know that $30 million will be made available this year, as it was last year, for cooperative housing societies in country Victoria.

Mr Brown—We got more than that last year.

Mr WILKES—No, that was not the case. The government has a good record in respect of money spent on public housing in country Victoria. If one travels around country Victoria, one can see the public housing developments that have occurred, not only in the major provincial cities, but also in the smaller towns. One cannot help but admire the fact that the proportion of money allocated to public housing outside metropolitan Melbourne is greater now than it has been in the past ten years.

**SCHOOL DISCIPLINE**

Mr ERNST (Bellarine)—Will the Minister for Education inform the House of recent steps taken by the Ministry of Education to increase the disciplinary powers delegated to school principals and school councils?

Mr KENNETT (Leader of the Opposition)—On a point of order, I did not hear the question and I suggest, Mr Speaker, that you may not have heard it, either. The reason was not the noise level in the Chamber so much as that the honourable member was speaking in low tones. Members of the Opposition are entitled to hear the question.

The SPEAKER—Order! I heard the question, and I do not uphold the point of order.

Mr CATHIE (Minister for Education)—The Leader of the Opposition has failed significantly to discipline about half of his troops, but I assure the honourable member for Bellarine that the government views school discipline very seriously, indeed.

That is why I set up a Ministerial review of school discipline policy procedures in 1985 to examine this issue. As a result of that review school principals and school councils have been encouraged for the first time to develop school policies on discipline designed specifically to cater for particular problems in each individual school.

That policy has been warmly received by school councils, parents, and school communities because it allows them to have a say in what is an appropriate school discipline policy for their particular school. The government was concerned to extend powers to school principals and school councils. That has recently been done so that schools can deal with students who are being disruptive to the rest of the class. There are now powers to suspend those students and the powers of school councils have been increased to allow them to detain students who do not comply with those regulations.

Suspension is never regarded as an end in itself in education. When it occurs parents are notified and a meeting is called of the parents, the school principal, the president of
the school council, and the regional director of education. If that meeting does not resolve the disciplinary problem an inquiry can be instituted by the regional director. The inquiry may result in a recommendation that the student return to school under certain conditions, which may include transfer to another school or to a special setting. The inquiry may recommend the student's exclusion from the school. The student would then have the opportunity of continuing education in another setting, such as technical and further education or correspondence school.

Those procedures reflect how seriously the government takes the issue of school discipline. By far the majority of disciplinary problems are resolved through those procedures. Of the 500 000 students enrolled in government schools, only a minute percentage has been suspended. In many cases the suspension has occurred because of disciplinary problems that have affected the progress of other students in the class.

PETITIONS

Boat mooring fees
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 are concerned at the proposed scale of boat mooring fees.
Your petitioners therefore pray that the Legislative Assembly will call upon the Victorian government to reduce the suggested scale of boat mooring fees for the members of clubs who maintain their own moorings and harbour, and provide emergency facilities in storm conditions to visitors.
And your petitioners, as in duty bound, will ever pray.

By Dr Wells (300 signatures)

Southern Pensinsula Hospital
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 are concerned by reports that the casualty department of the Southern Peninsula Hospital, Rosebud, is about to close due to insufficient funding.
This will result in inadequate care of permanent residents in the area, and of the extra 100 000 summer visitors who have started to arrive. We are further concerned that the hospital is too small and ask that appropriate expansion be undertaken.
Your petitioners therefore pray that the Legislative Assembly will call up the Victorian government to correct these deficiencies by giving urgent attention to them, to avoid suffering and death.
And your petitioners, as in duty bound, will ever pray.

By Dr Wells (1567 signatures)

Medical examinations for preschool children
TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of the undersigned citizens of Victoria respectfully showeth:
Any proposal to reduce the number of medical examinations for preschool children is unacceptable to parents. The parents consider any reduction would be discriminatory against children not selected for medical examination.
The parents consider that all children have the right to a free preschool medical examination, if desired.
Your petitioners therefore humbly pray that the government:
Acts to ensure that all preschool children continue to have the right of a free medical examination.
Acts to ensure that these medical examinations are carried out for preschool children in 1987 and beyond.
And your petitioners, as in duty bound, will ever pray.
By Mr Richardson (78 signatures)

**Defence force personnel**

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

The petition of the undersigned respectfully showeth:

That we consider defence force members and their dependants should be exempt under regulation 201 (4) (a) (ii) of the Victorian Road Safety (Procedures) Regulations 1987 from being required to obtain Victorian drivers' licences if in continuous residence in Victoria for more than three months.

Your petitioners therefore pray that:

You support a policy which would enable defence force members and their dependants to drive in all Australian States and Territories if they hold current drivers' licences in any one of the Australian States or Territories, with no time limit imposed upon continual residency to obtain drivers' licences in the State in which they currently reside.

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

By Mr Wallace (82 signatures)

**Education standards**

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

The humble petition of the undersigned citizens of the State of Victoria showeth that we protest this government's cuts to the State education budget and consequent erosion of the quality of education offered to Victorian post-primary students.

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

By Mr Whiting (16 signatures)

**Tobacco restrictions**

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

The humble petition of the undersigned citizens of the State of Victoria, respectfully showeth:

That we most strongly support the government's proposed Tobacco Bill 1987.

And that we support the establishment of the Victorian Health Promotion Foundation to promote a healthier community and to provide replacement funding to sport and art groups, and for other purposes.

Your petitioners therefore humbly pray that the proposed legislation is given speedy passage through the Parliament.

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

By Mr Harrowfield (799 signatures)

**Toy products**

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

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

We, the undersigned, object to certain toy products, termed 'war toys'—a category which includes any product intended for play by and/or entertainment for child consumers, which, by means of its design and advertising, promotes the myth that violence/sexism/racism/murder/war, and/or any other forms of aggression are worthwhile, heroic, and glamorous examples of human behaviour.

We, the undersigned, consider war toys to be harmful to child consumers in the following ways:

(a) War toys are socially and ethically harmful in so far as they promote—and are intended by their manufacturers to promote—aggression and violence as virtuous, even heroic, forms of human self-expression. Violence in the forms of sexism, racism and brute force is irresponsibly glamorised by means of promotional advertising.
(b) War toys are psychologically harmful: through constant exposure to violence and war, glorified or rendered acceptable through the medium of toys—that is, fun and play—children become prepared to assent to these forms of aggression rather than seeking peaceful, cooperative means of self-expression.

Your petitioners therefore pray that:

The definition of ‘harmful’ operant in consideration of product safety under the Consumer Affairs Act be extended to include those products which are wilfully intended to promote aggressive and destructive attitudes in child consumers.

We, the undersigned, do recognize the difficulties of applying a definition of ‘harmful’ to include ethical, social, and psychological, as well as physical harm. Perhaps this will require an ethics committee, made up of people with relevant skills, to debate and decide on a given product. We urge that, in the same way as films are rated in accordance with content and, similarly, controls are imposed upon cigarette advertising, so war toys should at least carry mandatory warnings alerting consumers to the inherent dangers. The scope of the Consumer Affairs Act would thus be significantly extended to the protection of the youngest, and arguably the most vulnerable, group of consumers.

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

By Mrs Setches (387 signatures)

Surplus government land

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

The humble petition of the undersigned citizens of the State of Victoria showeth that we protest against the current policy of the State government which provides for land surplus to the requirements of government departments and instrumentalities to be sold by auction or tender.

Specifically in regard to the disposal of land surplus to the requirements of the railways, the policy is seen to unfairly prejudice the rights of existing leaseholders who have leased the land. In most cases, these leaseholders have leased the land for many years and have constructed significant improvements upon that land, at their cost, and at the encouragement of officers of government departments and instrumentalities.

The policy is seen to be disruptive to the communities of the towns and suburbs in which land is to be sold and could directly lead to the closure of many businesses and loss of the jobs that they provide. The policy is contrary to both the stated government attitudes on the encouragement of small business and the retail tenancies legislation it passed in the the last session of Parliament.

Your petitioners therefore pray that the government amend its policy on the sale of surplus lands which are subject to agreements with leaseholders who have constructed improvements on those lands to allow those leaseholders who have constructed improvements on those lands to allow those leaseholders first right of refusal on the purchase of the land at the valuation determined by the Valuer-General and one other independent valuer.

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

By Mr Hill (349 signatures)

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

COMMISSIONER FOR THE ENVIRONMENT

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

That there be presented to this House a copy of the report of the Commissioner for the Environment for the year 1986–87.

The motion was agreed to.

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

It was ordered that the report be laid on the table.
PORTLAND SMELTER UNIT TRUST AND SUMMARY OF VICTORIAN TAXATION

Mr JOLLY (Treasurer)—By leave, I move:

That there be presented to this House copies of the Portland Smelter Unit Trust Financial Statements 1986–87 and the Summary of Victorian Taxation.

The motion was agreed to.

Mr JOLLY (Treasurer) presented the report and the summary in compliance with the foregoing order.

It was ordered that they be laid on the table.

PUBLIC BODIES REVIEW COMMITTEE

Poultry Farmer Licensing Committee, Poultry Farmer Licensing Review Committee, and Victorian Egg Marketing Board

Mrs TONER (Greensborough) presented a report from the Public Bodies Review Committee on the Poultry Farmer Licensing Committee, the Poultry Farmer Licensing Review Committee, and the Victorian Egg Marketing Board, together with appendices, extracts from the proceedings of the committee, an attachment, minutes of evidence, and a minority report.

It was ordered that they be laid on the table, and that the reports, the appendices, extracts from the proceedings, the attachment, and the minority report be printed.

MORTUARY INDUSTRY AND CEMETERIES ADMINISTRATION COMMITTEE

Prepaid funerals

Mr KIRKWOOD (Preston) presented the eighth report from the Mortuary Industry and Cemeteries Administration Committee entitled “Prepaid Funerals”, together with appendices and minutes of evidence.

It was ordered that they be laid on the table.

Mr KIRKWOOD (Preston)—I move:

That the report and appendices be printed.

Mr KENNETT (Leader of the Opposition)—I am aware of the hard work and diligence of the committee. It would be unfortunate if its work went unnoticed. I note that the report has 27 photographs of the committee’s visits to different areas throughout Victoria.

I am concerned that in the past, and certainly from a copy of a report that I have seen, the quality of photographs has made their subject matter indistinguishable. I trust that the printer will have access to proper negatives so that the work of this diligent committee can be properly recorded.

The motion was agreed to.

PAPERS

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

Equal Opportunity—Reports of the commissioner and the board for the year 1986–87—Ordered to be printed.

Exhibition Trustees—Report for the year 1985–86.

Health Department Victoria—Report for the year 1986–87—Ordered to be printed.
Law Reform Commission—Report for the year ending September 1987—Ordered to be printed.
Office of Corrections—Report for the year 1986–87—Ordered to be printed.
State Insurance Office—Report and statement of accounts for the year 1986–87 together with reasons for the failure to submit the report to the Treasurer within three months of the end of the financial year.
Victorian Accident Rehabilitation Council—Report for the year 1986–87 together with reasons for the failure to submit the report to the Minister by 30 September.
Victorian Economic Development Corporation—Quantitative targets to be attained for the year 1987–88.

**APPROPRIATION MESSAGE**

The SPEAKER announced the presentation of a message from His Excellency the Governor recommending that a further appropriation be made from the Consolidated Fund for the purposes of the Firearms (Amendment) Bill.

**TEACHING SERVICE (AMENDMENT) BILL**

The debate (adjourned from September 16) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Ms SIBREE (Kew)—This is a small but important Bill. Honourable members should reflect on some of the comments included in the Minister's second-reading speech on 16 September this year. The Bill reflects the tip of the iceberg of the ineptitude in, and mismanagement of, education in Victorian schools, and the inability of the government to come to terms with many problems confronting the education system. The Victorian Teaching Service Conciliation and Arbitration Commission is just one of those problem areas.

The Minister for Education, in his second-reading speech, said:

During 1983, Cabinet considered the role of wage-fixing tribunals and agreed that there was a need to develop a centralised and integrated system of determining incomes and conditions in the State public sector and relevant areas of the private sector. It had become evident that a proliferation of wage-fixing authorities had occurred and there was an urgent need to rationalise their functions.

That was 1983. It is now November 1987 and Parliament is being requested to deal with the need to rationalise the proliferation of wage-fixing authorities that was considered urgent in 1983.

In introducing the Bill, the Minister has alerted the House to the fact that education, together with many other government responsibilities, is in a mess, and has been for four years. The Minister said that something urgent should have been done four years ago, but that it is necessary to do something urgent now.

Some two months after the Bill was introduced into this House, as the end of the sessional period is rapidly approaching, there is now little time to properly discuss the important issues confronting the Ministry. I place on record my concern that the House does not have the opportunity of debating some of the implications of what the Minister said were measures that should have been taken four years ago.

The fact that it has taken four years has been of enormous embarrassment to the Minister and a significant cost to the Victorian community, with several millions of dollars of salaries and fees paid to the president and commissioners of the commission. I suggest that it has taken four years because the Minister has not been able to obtain the agreement...
of various unions. The commission has represented the fulcrum of dissension and clashes of opinion between warring unions within the education area which each want their piece of the cake.

The reason the Minister has not brought in the urgent reforms which the government thought were urgent in 1983, and before he became the Minister, was because he was not able to obtain an agreement on what to do about the conflicting problems.

The fourth annual report of the Victorian Teaching Service Conciliation and Arbitration Commission reflects the problems that the commission has run into. We, in government, indicated that we wanted this type of commission, but problems have arisen because the current government limited some aspects of its parameters in hearing cases, and all the commission has been able to do in its nearly five years of existence is to deal with arguments about who should be representing whom in the education field. That has led to dissension and exclusion of important elements in the education field for those being represented before tribunals where they should be properly represented. I refer particularly to principals who have been disadvantaged by the current position.

I have already highlighted that the commission has been a waste of taxpayers' money to the tune of approximately $3 million since its inception. It reflects the tip of the iceberg of many of the problems and concerns in the education area. It is important that the House take note of these matters and reflect on them when we quickly pass through what seems to be an insignificant Bill.

State education is suffering from the persistent changes which have been imposed on it over the past five years by various Labor governments and Ministers. There are enormous feelings of uncertainty, of poor direction or no direction at all. When I speak with those involved in trying to put some order into chaos, I am told of the feelings of working in a black hole which is getting deeper and deeper, and they wonder whether there will be a light at the end of the tunnel in terms of where the restructure will be heading and who will be doing what, and what the employees of the Ministry of Education will end up doing and to whom they will be beholden.

They are in the position of knowing that the Minister is retiring, and the Minister has given valuable years of service. It places an element of uncertainty and there is little direction within the Ministry. Nevertheless, some positive things are happening within the education system despite the lack of direction and uncertainty.

I reflect on this briefly because the commission deals with the most important employees of the Ministry of Education, the teachers. The Opposition wishes to support them and to ensure that there is some direction and certainty about what the educational agenda is for them, what is expected of them and what pats on the back they will receive when they do a good job.

The commission has been one of the failures that teachers have had to live with over the past five years. I place on record the Opposition's concern and the concern of the community on those issues.

The Bill makes a number of consequential changes to the Teaching Service Act. It also makes other changes that are consequential to the Industrial Relations Act and other Acts. It is complicated in many areas and there will be discussion in the Committee stage because of the complexity of those matters.

Although in 1983 there was an urgent need to change the tribunals, take care of some of the concerns and rationalise the wage fixing area, four years later we have to amend the Bill in the Committee stage. That is an indication of whether it was so urgent and whether people were addressing those issues urgently at all.

Mr Cathie interjected.

Ms SIBREE—The Minister indicates that it is a technical matter, and I accept that. If the Minister had not been sitting there looking at his navel and tried to do what he is
doing now four years ago he might have had the definitions right in the first place: that is not too much to ask.

While the Opposition supports the Bill, it places on record its strong concerns on behalf of the community that this issue represents the tip of the iceberg of the problems and mismanagement that have occurred in the education system.

The House will deal with another education Bill later, but recently honourable members may have seen some publicity in the newspapers about a poem being taught at the Yea High School. It was written by Roger McGough, an English poet, who is one of my favourite poets, and my family cares for his poetry, also.

In the lesson taught to those children in the classroom at Yea, one of the questions at the end of the lesson was, “What would you think was an appropriate revenge for the teachers?” The poem was supposed to be about corporal punishment in schools and it was written for people to think twice about it.

As this is the last day of the session before Christmas, and the Minister may not be back again if there is an early election; I thought I should dedicate a poem to the Minister, with apologies to Roger McGough. I hope the Minister will take the poem in the spirit in which it is delivered. The poem reads:

"THE MINISTRY" OR THE OPPOSITION'S REVENGE

Chaos ruled, OK, in the department
as bravely the teachers walked out.
Ignored by the Minister and government,
who ignore at their peril, their shouts.

The theme for today is incompetence
and homework was not set,
“I’m going to teach you a lesson
your jobs will all be upset”.

We’re picking the theme “restructure”
and we’ll throttle the system—you wait!
Just push the button—"destract ya”
throw open the schoolyard gate.

We’ll chop and change position,
let confusion hide the truth,
We’ve mucked up the State’s education,
golly, gosh—struth!

“I’m off” says Minister Cathie,
as he slammed the school room door,
Education is revolting
And I’ll not come back for more.

School teachers in the school system feel just like that.

Mr HANN (Rodney)—The National Party supports the Bill, which effectively transfers the industrial relations responsibility for the Teaching Service from the Victorian Teaching Service Conciliation and Arbitration Commission to the Industrial Relations Commission.
This has been a sorry saga and, in many respects, the opposition parties—and I have to say that at the time I, as spokesman for the National Party, bowed to the goodwill of the Minister, and I pay due regard to a former spokesman for education, Mr Walter Jona who, at the time, would probably have preferred to push ahead with the amendment that we were proposing at the time; it is easy to be wise in hindsight—we would probably have overcome many of the delays had those amendments been made to the legislation at that time.

We acted with goodwill and in good faith in accepting the response that we received from the former Minister, who was anxious that we did not include an amendment in the Act in 1984 which would effectively have granted principals the right to have their own separate unit and agents before the Victorian Teaching Service Conciliation and Arbitration Commission.

Incidentally, those amendments were inserted into the proposed legislation in this House and in the Legislative Council and, from recollection, the Bill came back in the very early hours of the morning for further debate. At that time the Minister indicated he simply could not accept a proposition whereby the commission would not have the right to determine units and agents. He submitted a forthright argument and asked that the National Party withdraw the amendment so that the commission could determine whether there would be units and agents.

It is interesting to reflect on the Minister's response. The Minister indicated that he would make a statement in the Parliament that, in his opinion, there ought to be separate units and agents. He proceeded to do that on 2 December 1983 as recorded at page 2680 of Hansard.

The Minister said that in his opinion the role of the principal was quite unique and that the Victorian Teaching Service Conciliation and Arbitration Commission should take that into account when determining the units and agents operating before the commission.

At the time I was also convinced by the chairman of the commission, Mr Bill Stelmach, who then said that, in his opinion, there would be separate units and agents. I did not disclose that remark at the time because it was said in confidence. Subsequently, Mr Stelmach supported the commission's decision to have a single unit and a single agent. I must say that man lost my confidence after making that decision. The government presented a submission to the commission saying that there should be one unit and one agent. The government was bowing to the wishes of the Teachers Federation of Victoria.

The National Party believes it is totally illogical to have principals represented by the same union that represents the bulk of the teachers. There are distinct differences in the responsibilities, both industrially and otherwise, of principals and teachers. The same applies to the professional officers, the senior education officers, and the professional administrators. They have separate tasks and roles that should be dealt with individually before the appropriate industrial body.

The decision of the commission was challenged in the Supreme Court, which held that it was the clear intent of the legislation, certainly the wish of the opposition parties and the stated intention of the Minister for Education, as reported in the Hansard debates, to have units and agents.

After the appeal was upheld the commission proceeded to make a strange decision, because it then determined that there would be units and agents, but it determined that the bulk of the professional principals would be lumped in with those units and that they would be represented by a single agent.

Mr Cathie—But not the deputy principals.

Mr HANN—It was a ridiculous proposition. They could have put the two positions together and had a separate unit and an agent representing them.

Mr Cathie—It was a numbers game.
Mr HANN—The Minister is probably right. It was an incredible situation. The decision of the commission held up the whole of the industrial relations function of the Victorian Teaching Service Conciliation and Arbitration Commission and caused considerable confusion and difficulties for the Minister over that period.

Finally, the government worked its way through the issues, but it has not been easy for anyone, certainly not for the government. Although the parties may not be happy with the ultimate decision, they appear to be reasonably satisfied. The National Party has not received any strong representations from the Teachers Federation of Victoria on the proposed legislation. No requests have been made to the National Party to oppose the Bill or to seek any alterations to it, so it does appear that there is an acceptance that the functions should transfer across to the Industrial Relations Commission of Victoria.

The National Party hopes in the future the transfer of the functions of the commission to the Industrial Relations Commission will mean a separate representation for principals and deputy principals, the teachers themselves, and for professional officers. It is not the desire of the National Party to see division created between teachers and principals, but they have separate responsibilities that need to be addressed. In industrial disputes principals are really representing the Ministry of Education and have a responsibility, at all times, to keep schools open but teachers may have a contrary view—that they wish to take strike action.

The National Party believes it is not realistic on industrial relations issues to have the two positions fixed together under the one unit. In hindsight, had the National Party maintained its firm determination at the time it may well have saved the government much money.

Ms Sibree—And the people of Victoria.

Mr HANN—Yes. I am aware that members of the commission were transferred to the Industrial Relations Commission recently, but certainly for a long period they were each paid salaries well in excess of $50 000 for doing literally very little.

If one examines the record of the meetings of that commission, one can see that very few meetings were held where serious determinations were made, and at many meetings the members simply noted the current state of play in the courts. The Minister interjects that those commissioners were busy during the nursing dispute and other disputes. One would hope that their methods are more effective in the future than they were during the nursing dispute.

The National Party supports the proposed legislation and congratulates the Minister for resolving a difficult issue that has continued over a long period. In hindsight it is a lesson for opposition parties. The National Party, in some respects, encouraged the Liberal Party, in good faith, to support the Minister in his desire not to change the legislation. If the National Party had insisted that the legislation be amended, it may well have saved much time, effort and money.

The issue highlights the fact that when legislation is introduced into Parliament with a specific intent—in that instance it was specifically spelt out that there should be units and agents—commissions or other bodies should respond to that specific intent rather than bowing to the wishes of a powerful union.

Mr LEA (Sandringham)—I comment briefly about the causes for the introduction of the Bill and its implications. I support the honourable member for Kew and congratulate her on her literary contribution to the debate. I also congratulate the honourable member for Rodney on his contribution.

The objects of the Victorian Teaching Service Conciliation and Arbitration Commission were to determine the agents and units that were to appear on disputes and awards. In the first annual report of the President of the Victorian Teaching Service Conciliation and Arbitration Commission for the year ended 30 June 1984, Mr Bill Stelmach said:
Whilst understanding the reasons for the delay in finalising the legislation governing this jurisdiction, the commission has nevertheless experienced extreme frustration in its inability to commence even its initial task of setting up the necessary unit-agent infrastructures within the two teaching services for so long.

The responsibility for the difficulties with that legislation must be laid at the door of the government.

In 1985 a further report said that, because of legal processes, the commission had not been able to proceed with the determination of the approved Act in the Teaching Service and in the determining of the units and agents in the Technical and Further Education Teaching Service and the implications of industrial relations. The sorry story continues because the commissioners were doing things other than the jobs for which they were chosen.

The members of that commission were a former President of the Victorian Teachers Union, Mr Lester Rootsey, a former Secretary of the Victorian Secondary Teachers Association, Mr Barry Conway, and a former Labor Federal member of Parliament and secondary school principal and vice-principal, Mr Max Oldmeadow. It was clear, with that type of membership, what decision the commission would make. In fact, the commissioners precipitated the outcome of the commission's decision because they were not prepared to make a decision that was fair and relevant to the whole of the Teaching Service.

In his general comments in the 1986 report, the president states:

However, now that this commission looks like becoming fully operational under its own Act, I recognise that the first priority of its members will have to be directed to the activities of the two teaching services.

Wonderful! After being appointed for three years the members of that commission would be able to do the job for which they were actually appointed. In fact, an article by Robin Dixon in the Age of 28 February 1986 was headlined:

Long rehearsal, but the curtain may soon rise on teacher commission.

What a wonderful state of affairs, Mr Speaker. Another Age headline of 22 May 1987 states:

$1.5 million payout for doing absolutely nothing.

That is stupendous. Nothing happened in the education arena but the government paid out $1.5 million. The government was frustrated by a legal process caused by the decisions of the commission which was loaded with former Labor Party troglodytes and union officials.

The 1987 report of the Victorian Teaching Service Conciliation and Arbitration Commission shows a little hope on the horizon. The government has in fact agreed on the establishment of four units: the first consisting of all officers managing schools and principals; the second consisting of deputy principals; the third consisting of all teachers; and the fourth consisting of administrators. The state of play after four years is that four units will be allocated to the people concerned.

What has now happened is that the Teachers Federation of Victoria has won the guernsey for units, 1, 3 and 4 and the Federation of Victorian School Administrators is to be an agent for unit 2. One wonders why the FVSA cannot use its own agents. The crux is that the commission has been a political body ever since it was appointed. That is why the system has floundered.

The Bill takes away all matters relating to industrial disputes and awards formerly handled by the Victorian Teaching Service Conciliation and Arbitration Commission. The Liberal Party supports the Bill in the hope that it will achieve what the commission has been unable to.

The first concern is that the Bill mentions the "relevant industrial association" for presenting cases to the Industrial Relations Commission. The key word is "relevant".
Who decides on the “relevant” association. The problem with the commission is that it is a Labor Party, union-official-dominated commission and has not been prepared to admit that either principals or the conservative teachers union, the Victorian Affiliated Teachers Federation should present cases. That is the crux of the matter. The government wants to hear only relevant industrial associations that support the government.

The Bill provides for considerable order making and award-making Ministerial power. One must examine the infrastructure of the Ministry of Education to know that the majority of its regulations, order-making powers and awards do not come under scrutiny. In fact, the documents that arrive on principals' desks giving instructions, changing awards, changing conditions and alterations to promotions come under the vast power of the Minister.

The Minister now has a special power. He can make an order on an industrial and salary award or a condition without consultation with Parliament. That is the real concern of the Opposition. The increase in Ministerial power in the Ministry of Education is already significant.

I am a member of the subordinate legislation subcommittee of the Legal and Constitutional Committee. That subcommittee sees no regulations that are made by the Ministry of Education. They do not cross the committee's table. Yet this Minister wants further power with industrial relations and awards. I am concerned about that situation.

Constant reference is made to the “relevant” industrial association in the Bill. One could hardly have complete confidence that the Industrial Relations Commission will be able to handle the matter in an arbitrary, fair and judicial manner.

The Teaching Service in Victoria has returned to the situation that existed in 1946 when the Teachers Tribunal was first set up. Because of the hard times of the depression, teachers fought to have a teaching service appeal mechanism that related solely to teachers and specialised in their needs.

Mr Andrew Spaull, who wrote the Politics of Schools in 1976, is well known to the Minister and is certainly not conservative in his political thinking. He wrote an article in the Age on 6 October 1987 headed, “Teachers in industrial limbo”. That article states:

This special quality will be lost if teachers are forced into a State Teachers Conciliation and Arbitration Board under the jurisdiction of the IRC.

Mr Cathie—What was the special quality?

Mr LEA—I shall pursue that matter if I am allowed the time. The special quality relates to knowledge of educational matters, conditions of teaching, what it is like to be a classroom teacher and what it is like to do everything involved with running schools. I do not have to go on unless the Minister presses me to do so.

Here is a situation where a Labor Party supporter, a left-wing unionist, a radical of the 1970s, is saying to this Minister and the government that concerns are held about the Industrial Relations Commission which deals with educational matters.

It is significant that two tribunals are outside the commission. This fact recognises the special nature of teaching. They are the Teaching Service Discipline Appeals Board and the Teaching Service Appeals Board. They have their own special statement and proclamation and, in fact, this Bill protects the chairmanship of one of those boards, Mr Barry Rimmer, a well-known Labor Party member and union official.

I assure the Minister that I would dearly have loved to have my position in the Teaching Service preserved by an Act of Parliament. The Minister is trying to tell the House today that, on the one hand, all these matters are in the hands of the commission but, on the other hand, there are two separate appeals boards outside the Industrial Relations Commission.
I conclude with the point that although the Opposition supports the Bill, it has concerns about it. I express my personal concern about outcomes in the future. One hopes that the matters that have taken four or five years to go nowhere will be resolved. I wish the Minister and his successor well in carrying out the difficult role of developing a proper system of awards and negotiating disputes in the Teaching Service.

Mr CATHIE (Minister for Education)—I thank the honourable member for Kew, the Deputy Leader of the National Party and the honourable member for Sandringham for their contributions to the debate.

Industrial relations always is a difficult and complex matter, as was noted yesterday when some teachers went on strike. Part of the complexity arises because of the competing different interests in the profession.

It has taken some years to achieve the progress made in industrial relations, through the establishment of and the experience in the Teaching Service Conciliation and Arbitration Commission. Throughout its life, the teaching service commission has been subject to challenges in the courts, and it has been stated that the commission has been prevented from working as well as was intended.

I shall not refer to the issue of restructuring raised by the honourable member for Kew because it is not relevant. It affects only employees of the Ministry of Education who work at the Rialto centre or in suburban centres. The restructuring does not in any way affect schools or classroom teachers. However, devolution will occur when support services are moved from the city centre to suburban centres, which will result in the availability of better support services to the practising classroom teacher. It is for this reason the government will establish about 43 education support centres.

I should have thought the Opposition would support that policy; certainly the Opposition when in government agreed with this concept, but did nothing about it. It is significant to the lack of credibility of the Opposition these days that, in five years in opposition, the Liberal Party has not announced a single policy.

The Deputy Leader of the National Party referred to the question of agents, which is an issue which has led to lengthy challenges and arguments before the courts. The point about placing teachers under the jurisdiction of the Industrial Relations Commission is that the government regards that body as the appropriate decision maker. The Industrial Relations Commission is competent to so decide and the government certainly has confidence in the independence of the commission to listen to and respond to argument.

The Bill will allow three possible levels of representation for any organisations which claim to represent different groups of teachers, principals or deputy principals. Any of these organisations will be able to argue before the commission for the right to place a member on a seat of the Conciliation and Arbitration Board. Any recognised organisation will be able to go before the appropriate board to present material and argument.

All meetings and deliberations of the Conciliation and Arbitration Boards will be public; there is open access to the argument and decisions of the boards. I have confidence in the commission; the commission has the background of precedents to ensure fairness.

The honourable member for Sandringham asked why it is necessary for the Bill to provide for the Minister or the Governor in Council to exercise certain powers. There are many matters in the day-to-day business of running education and schools in Victoria which are not covered specifically by any industrial award, and it is for this purpose only that the provision provides this power.

For example, travelling reimbursement rates will increase—in my experience, they have never decreased. There will be no need to return to the board to obtain a new order to update the rates consistent with the Public Service. It is an essential power, and that is why it is in the Bill.
The provision will cover procedures for making teachers permanent, or for awarding special duty allowances at the school level. These procedures can change from time to time depending on agreement, negotiation or consultation between the Ministry of Education and the various bodies involved, namely, the schools and the Teachers Federation of Victoria.

The government proposes to move a technical amendment in another place. It is simply that under the Act there is provision for an association of employees to be recognised as an association for the purposes of that Act and, honourable members will realise, neither the Teachers Federation of Victoria nor the Federation of Victorian School Administrators will come under that definition because they are a group of association of employees. The definition needs to be extended; otherwise those organisations will not be eligible bodies under the Act. The proposed amendment and consequential amendments will be moved in another place.

The motion was agreed to.

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

TOBACCO BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

**Council's amendments:**
1. Clause 2, line 10, omit “Section 6 (1) and (3) comes” and insert “Sections 6 (1) and (3), 13 and 15 come”.
2. Clause 2, line 12, omit “Section 6 (2) comes” and insert “Sections 6 (2), 9 and 10 come”.
3. Clause 3, lines 15 and 16, omit “and includes an acting chairperson”.
4. Clause 3, lines 19 and 20, omit “and includes an acting member”.
5. Clause 4, lines 21–23, omit sub-section (2) and insert—
   “(2) Nothing in this Act or the regulations applies to—
   \( (a) \) the labelling of packages of tobacco if the tobacco is packed for sale outside Victoria and is not sold in Victoria; or
   \( (b) \) anything which causes, permits, authorises or assists in the sale or promotion of the sale, purchase, use or consumption of a tobacco product if the sale, purchase, use or consumption occurs solely outside Victoria.”.
6. Clause 4, line 24, omit “6 (2) or”.
7. Clause 6, line 13, omit “or cinema”.
8. Clause 6, page 5, lines 5 and 6, omit paragraph (e) and insert—
   “(e) anything to which, by reason of section 10, this section does not apply.”.
9. Clause 6, page 5, line 6, after “10” insert “; or”.
10. Clause 6, page 5, after line 6 insert—
   “( ) an invoice, statement, order, letterhead, business card, cheque, manual or other document ordinarily used in the course of business.”.
11. Clause 8, line 37, after “8.” insert “(1)”.
12. Clause 8, page 6, after line 2 insert—
   “(2) Nothing in sub-section (1) applies to a gratuitous offer of a tobacco product to a person without any direct or indirect pecuniary benefit or inducement to purchase a tobacco product.”.
13. Clause 9, line 13, omit “reward,”.
14. Clause 9, line 19, omit “reward,”.
15. Clause 9, after line 24 insert—
   “(3) Nothing in sub-section (1) or (2) applies to the giving of, or an agreement to give, a scholarship by a manufacturer or distributor of a tobacco product to an employee or a member of the family of an employee, of the manufacturer or distributor.
(4) Nothing in this section applies to the annual festival known as the Myrtleford Tobacco and Hops Festival.

16. Clause 10, omit this clause.
17. Clause 12, line 24, omit "5" and insert "10".
18. Clause 12, line 25, omit "10" and insert "20".
19. Clause 12, line 23, omit "5" and insert "10".
20. Clause 12, line 29, omit "10" and insert "20".
21. Clause 12, line 33, omit "5" and insert "10".
22. Clause 12, line 34, omit "10" and insert "20".
23. Clause 13, lines 5-9, omit sub-clause (1) and insert—

"13. (1) A person must not place or cause or permit to be placed a vending machine for operation by members of the public in any premises unless the premises are—

(a) licensed premises within the meaning of the Liquor Control Act 1987; or
(b) a bingo centre within the meaning of section 6FB of the Lotteries Gaming and Betting Act 1966 in respect of which—

(i) the age limit prescribed under that Act is at least 16; or
(ii) a condition of the relevant bingo centre operator licence prohibits entry to the centre by persons under the age of 16; or
(c) premises set aside by an employer as a staff amenity area for the use of persons over the age of 16 years. Penalty: 10 penalty units."
24. Clause 13, line 12, omit "as to the general effect of section 12" and insert "in the prescribed form".
25. Clause 16, page 9, line 8, after "directs" insert "and".
26. Clause 16, page 9, line 11, omit "fixed" and insert "affixed".
27. Clause 17, line 14, omit "objectives" and insert "objects".
28. Clause 17, line 15, omit "and" and insert "; safety or".
29. Clause 18, line 27, omit "With the consent of the Minister".
30. Clause 18, lines 36 and 37, omit "Subject to and in accordance with the approval of the Minister,",
31. Clause 18, after line 39 insert—

"( ) to consult regularly with relevant Government Departments and agencies and to liaise with persons and organisations affected by the operation of this Act;"
32. Clause 19, lines 4 and 5, omit "with the consent of" and insert "following consultation with".
33. Clause 20, omit this clause.
34. Clause 21, omit this clause.
35. Clause 22, line 21, after "member" insert "appointed under section 21".
36. Clause 22, after line 27 insert—

"( ) A member elected under section 21 (1) (f) holds office, subject to this Part for three years but is eligible for re-election.";
37. Clause 23, line 31, after "member" insert "(other than a member referred to in section 21 (1) (f) )".
38. Clause 23, line 31, after "allowances" insert "(if any)".
39. Clause 24, omit this clause.
40. Clause 31, line 24, omit "with the approval of the Minister" and insert "following consultation with the Minister and the Minister administering the Sport and Recreation Act 1972".
41. Clause 31, line 26, omit "assist" and insert "assist".
42. Clause 32, line 31, after "Council" insert "on the recommendation of the Minister".
43. Clause 32, after line 33 insert—

"( ) Before making a recommendation for the purposes of sub-section (1), the Minister must seek the advice of the Foundation.".
44. Clause 33, omit the words and expressions on lines 30 to 32 and insert—
"( ) amounts, being not less than 30 per centum of the Victorian Health Promotion Levy, determined by the Foundation for payment to sporting bodies; and

( ) amounts, being not less than 30 per centum of the Victorian Health Promotion Levy, determined by the Foundation for payment to bodies for the purpose of health promotion; and

( ) other amounts by way of grant or loan or financial accommodation for payment in accordance with this Act to persons or bodies determined by the Foundation; and"

45. Clause 33, lines 35 and 36, omit "not exceeding in the aggregate ten per centum of the Victorian Health Promotion Levy".

46. Clause 33, page 15, after line 2 insert-

"( ) An amount paid to a body out of the Fund under sub-section (4) (except paragraph (d) ) must be presented or otherwise delivered to the body by the Chairperson or the chief executive officer or by a member of the Foundation (other than a member appointed under section 21 (1) (f) ) nominated by the Chairperson for that purpose and must be made only in the name of the Foundation."

47. Clause 34, line 8, omit "and contain such matters, as are".

48. Clause 34, line 10, after "Treasurer" insert "and the Minister administering the Sport and Recreation Act 1972".

49. Clause 34, line 13, after "may," insert "if requested to do so by the Foundation,".

50. Clause 36, page 16, line 33, omit paragraph (e) and insert—

"(e) must be audited as required by section 36".

51. Clause 36, page 16, lines 39–42 and page 17, lines 1–12, omit sub-sections (5), (6), (7) and (8).

52. Clause 37, line 17, omit "36" and insert "35".

53. Clause 39, page 19, line 12, omit "38" and insert "37".

54. Clause 40, line 15, omit "39" and insert "38".

55. Clause 40, line 17, omit "38" and insert "37".

56. Clause 44, omit this clause.

57. Clause 45, after line 24, insert—

"(3) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6 (2) of the Subordinate Legislation Act 1962 which disallowance is deemed disallowance by the Parliament for the purposes of that Act.".

58. Insert the following new clause to follow clause 9:

Exemptions.

"AA (1) Sections 6 (1) (c), 6 (2) and 9 do not apply to a person who, under a contract or agreement relating to a sports or arts function or event or series of functions or events, with another person, in exchange for a sponsorship, gift, prize or like benefit, displays only in connection with such a function or event—

(a) the whole or part of a trademark, or brand name of a tobacco product; or

(b) the name of the manufacturer or distributor of a tobacco product—

if the display of the trademark, brand name or name is restricted to—

(c) signs or objects on or within the site of such a function or event; or

(d) naming such a function, event or part of such a function or event, a scholarship, gift or prize; or

(e) any booklet, leaflet or handbill distributed to the public; or

(f) signs or objects on the outside of any road, sea or air vehicle used in any such function or event or on any participant in any such function or event.

(2) The Governor in Council, on the recommendation of the Minister, by Order published in the Government Gazette, may declare that section 6 (2) does not apply in respect of a specified tobacco advertisement or a specified class of tobacco advertisement placed or displayed before 1 July 1991 in accordance with an agreement entered into before 8 October 1987.

(3) In making a recommendation to the Governor in Council for the purposes of sub-section (2), the Minister must take into account—

(a) the desirability of the application of the prohibitions in section 6 (2) in stages; and
(b) the extent to which undue hardship will be suffered by compliance with section 6 (2) before 1 July 1991.”

59. Insert the following new clause to follow clause 19—

Foundation to be responsible to Minister.

“BB. (1) The Foundation shall perform its functions and exercise its powers subject to any guidelines or directions on any matter or class of matters declared by the Governor in Council on the recommendation of the Minister after consultation with the Minister administering the Sport and Recreation Act 1972 by notice published in the Government Gazette to be guidelines or directions for the purposes of this section.

(2) Sections 5, 6 and 6A of the Subordinate Legislation Act 1962 apply to a guideline published under sub-section (1) as if the guideline were a statutory rule within the meaning of that Act notice of which had been published in the Government Gazette on the day on which the notice under sub-section (1) was published.

(3) Guidelines under sub-section (1) may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6 (2) of the Subordinate Legislation Act 1962 which disallowance is deemed disallowance by the Parliament for the purposes of that Act.”

60. Insert the following new clause to follow clause 19:

Membership of Foundation.

“AAA. (1) The Foundation shall consist of—

(a) three persons with expertise in health and illness prevention, one of whom shall be chosen by the Minister from a panel of three names submitted by the Anti-Cancer Council; and

(b) four persons with expertise in sport or sports administration, one of whom shall be chosen by the Minister from a panel of three names submitted by the Sports Federation of Victoria or, if that body ceases to exist, another body representing amateur sport in Victoria and nominated by the Minister and one of whom shall be nominated by the Minister as representing country sport; and

(c) two persons with expertise in business, management, communications or law; and

(d) one person with expertise in the arts or arts administration; and

(e) one person with expertise in advertising; and

(f) three persons who are members of the Legislative Council or the Legislative Assembly elected by the Legislative Council and Legislative Assembly jointly.

(2) The Minister may appoint a Chairperson and a Deputy Chairperson from amongst the members referred to in sub-section (1) (other than paragraph (f)).

(3) The members (other than the members referred to in sub-section (1) (f))—

(a) shall be appointed by the Governor in Council; and

(b) are not, in respect of the office of member, subject to the Public Service Act 1974.

(4) The appointment of a member takes effect on the day on which notice of the appointment is published in the Government Gazette.

(5) The appointment of a member may be disallowed by resolution of either House of the Parliament.

(6) Notice of a resolution to disallow the appointment of a member must be given in the House in question on or before the fifth sitting day of the House after notice of the appointment is published in the Government Gazette and the resolution must be passed on or before the seventh day on which that House sits after notice of the resolution has been given in the House but the power of the House to pass the resolution is not affected by the prorogation or dissolution of the Parliament or of either House of the Parliament and for the purpose of this sub-section the calculation of days of which a House has sat shall be made as if there had been no such prorogation or dissolution.”

Mr ROPER (Minister for Transport)—I move:

That amendment No. 1 be agreed to.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:

That amendment No. 2 be disagreed with.

It had the unintended effect of deferring until January 1989 the commencement of even the most limited form of provision relating to sports sponsorship. The Liberal Party was
concerned that proposed sections 9 and 10 would not provide separate provisions. The wording of clause 2 makes that clear, and that has been agreed to by the other party.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:
That amendment Nos 3 to 14 be agreed to.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:
That amendment No. 15 be agreed to with the following amendment:
In sub-clause (4), omit “and Hops” and insert “, Hops and Timber”.

As I understand it, this technical amendment is necessary because a member of the National Party in another place, in an amendment, used the wrong name for the Myrtleford Tobacco, Hops and Timber Festival.

Mr LIEBERMAN (Benambra)—I am happy to support the amendment. As the local member for Myrtleford, I know that the festival referred to in the amendment brings the entire community together. It celebrates the harvest of tobacco grown in the area, and it is a most worthwhile community project. It is used to celebrate not only the harvest and the hard work and achievements of the people involved in tobacco growing but also to help other community organisations to raise funds and to get together in the spirit of a country community that is an example to the rest of Australia.

The amendment picks up the amendment the Liberal Party espoused from the beginning, which I am happy to note has been accepted by all parties. The original Bill proposed that tobacco sponsorship of functions such as the Myrtleford Tobacco, Hops and Timber Festival would be illegal unless they were exempted because they were of national or State significance. During the debate, along with many of my colleagues, I spoke strongly about the need for people to be equal before the law and about the danger of giving to a government and a Minister discretionary power to say that some functions, because they have national impact, can have sponsorship while others, because they do not have clout, cannot.

It was for that reason that the Liberal Party was successful in persuading the Minister, to his credit, that the prohibition of sponsorship by tobacco companies should be deleted from the Bill. That has been done. Under the Liberal Party amendment, the Myrtleford Tobacco, Hops and Timber Festival would have been able to continue, but it is appropriate that it should be included in the Bill. Tobacco growers were so worried about the Bill that they came to Parliament House.

The SPEAKER—Order! I am prepared to entertain some elaboration on the matter before the House, but I am not prepared to allow the honourable member for Benambra to go over a Bill which has been passed by this place and which has now been returned from the other place with amendments. If I allow the honourable member to widen the scope of the debate, I shall have to allow everyone else to do the same and the House will be debating this matter for a long time.

Mr LIEBERMAN—I appreciate that, Mr Speaker, and I do not intend to go beyond what is fair and reasonable.

The people involved in the Myrtleford Tobacco, Hops and Timber Festival are the people who grow tobacco, and they expressed concern about the Bill. Before the debate took place, they organised a rally in front of Parliament House. Unhappily, the honourable member for North Eastern Province in the other place, the Honourable Bill Baxter, incorrectly informed the other place that, when the tobacco growers involved in the festival attended Parliament House, no member of Parliament other than the Leader of the National Party was prepared to speak with them.
Mr Ross-Edwards—That is right.

Mr LIEBERMAN—That was a grave error on the part of Mr Baxter because I went to the rally and spoke with Mr David Pollock before it commenced. I was not asked at any time to speak to the gathering. Had I been asked to speak, I would have done so.

The SPEAKER—Order! This debate does not afford the opportunity of repeating the history of the Bill. The honourable member for Benambra is well aware of the procedure of dealing with amendments such as this from the other place. I ask him to confine his comments purely to the amendment before the Chair.

Mr LIEBERMAN—I was explaining that had I been invited to speak to the gathering, I would have done so. I would have been able to tell tobacco growers that the amendments proposed by the Liberal Party would enable, for example, sponsorship of the Myrtleford Tobacco, Hops and Timber Festival to continue. The National Party has supported the Liberal Party’s amendments, and that is what I would have told members of the rally had I been asked to speak. I regard it as a matter of courtesy not to speak unless one is asked.

The SPEAKER—Order! I shall take the opportunity offered by the honourable member for Benambra and ask him to cease defying the Chair and to round off his comments in respect of the amendment currently being dealt with.

Mr LIEBERMAN—I am happy to see that the name of the festival, which is important in the electorate I represent, is correctly recorded and enshrined in the Bill. I am sure the festival will continue to be successful and will continue to offer hospitality and friendship— even to the Leader of the National Party, who would be welcome to attend.

Mr Ross-Edwards—I have not been asked!

Mr LIEBERMAN—I have no doubt that if the Leader of the National Party asks to speak he will be allowed to do so.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:

That amendments Nos 16 to 57 be agreed to.

I do not wish to open debate on hops festivals or whatever, but I point out for the record that a number of the amendments moved by the Opposition in the other place weaken the Bill. However, as a result of detailed discussions, agreement has been reached that the amendments will remain in the Bill. The government will watch the situation carefully, and, as discussed with the other parties, it will introduce further measures if any problems arise.

Mr WEIDEMAN (Frankston South)—I thank the Minister for his comments. I am delighted that the Premier is overseas, because commonsense has been allowed to prevail. I am pleased that the government will introduce further amendments if they are necessary. Goodwill has prevailed in the debate between the industry and the people involved in the anti-cancer movement. That suggests that the agreements that have been reached will be honoured. If not, the Opposition will support any amendment that is necessary to ensure that the power of Parliament is exercised in the way all honourable members would expect.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:

That amendment No. 58 be agreed to with the following amendments:

1. In sub-clause (1) after “restricted” insert “in accordance with the regulations”.

2. After sub-clause (1) insert:

“( ) The Minister shall establish a review to report on the operation of sub-section (1) by March 1990 or, if there is evidence that the activities to which sub-section (1) applies are increasing, by an earlier date.”.

3. In sub-clause (3) omit “sub-section (2)” and insert “sub-section (3)”. 
The government wants to avoid the exploitation of loopholes. Its legal advice was that the amendments ensure that that will occur.

Mr WEIDEMAN (Frankston South)—The Opposition believes it is not necessary to insert these provisions. Bearing in mind the goodwill that has accompanied all negotiations on the introduction of regulations, the motion is not reasonable.

If people do not behave correctly, as would be expected under the provisions contained in the Bill, the Opposition would happily support an amending Bill to enforce the correct behaviour. Therefore, the Opposition will not support the amendments.

Mr W. D. McGrath (Lowan)—The amendments are in accordance with the regulations, which can be reviewed by both Houses of Parliament and, therefore, the National Party supports the motion.

Mr WEIDEMAN (Frankston South)—The Opposition will not force a division on the motion.

The SPEAKER—Order! The honourable member has exercised his right to speak to the motion. If he wishes to do so again he must speak by leave.

Mr WEIDEMAN (Frankston South) (By leave)—To assist the procedures of the House, the Opposition will not force a division on this issue because the National Party and the government have the numbers. The vote will be taken on the voices to aid the swift passage of the Bill.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:

That amendment No. 59 be agreed to.

The motion was agreed to.

Mr ROPER (Minister for Transport)—I move:

That amendment No. 60 be agreed to with the following amendments:

1. In sub-clause (3)(a) omit “Governor in Council” and insert “regulations”.
2. Omit sub-clause (4) and insert:

“(4) If the regulation appointing a member is disallowed, the appointment ceases to have effect.”.
3. Omit sub-clauses (5) and (6).

This matter has been the subject of discussion between the various parties and I understand agreement has been reached.

The amendments to the amendment ensure that the Bill contains a reserve power to allow for the rejection of an appointment. The amendments are in accordance with the wishes expressed by the two parties. I commend the amendments to the House.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

GEELONG MARKET SITE (AMENDMENT) BILL

The debate (adjourned from October 29) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

Mr Stockdale (Brighton)—The Bill amends the Geelong Market Site Act 1983 in a number of ways. Firstly, it provides for the establishment of a reserve fund into which the City of Geelong is required to pay revenue from the Geelong Market site project. The establishment of the reserve fund is designed to ensure that funds are available to meet
the commitment on borrowings on the Geelong Market site; for the construction of the Geelong Market site project; and for the residual rental payable to the State government on Crown land upon which the project was constructed.

The Act provides that the council may apply the revenue of the project to the repayment of commitments on the borrowings to meet the rental due to the State government and that any additional amount may be used under certain circumstances for town purposes. The Treasurer said that the purpose of the amendment is to provide additional security to the creditors of the project, that is the City of Geelong, to protect against the eventuality that a council might be tempted some time in the future to apply profits in one year for town purposes, even if in the subsequent year insufficient funds would be available to meet the servicing of the project.

The Bill requires the fund to build to $1 million and, thereafter, for the council to maintain a balance of $1 million in the reserve fund account. The Bill also extends the borrowing powers of the council to fund the project broadly along the lines set out in the Borrowing and Investment Powers Act. It subjects the council to control by the Treasurer, in that the consent of both the Treasurer and the Minister administering the Local Government Act is required before the council is entitled to exercise the borrowing powers.

The City of Geelong has made representations to the Liberal Party seeking two amendments to the Bill. The council has no objection to the requirement that it establish a reserve fund, which it regards as appropriate. However, it has two reservations: firstly, it is unreasonable and inappropriate to maintain the reserve fund limit for the period of borrowings made under the Act for the purposes of the project.

As I understand it, following consultation with the council and the Liberal Party, the Treasurer has no objection to that; accordingly, in the Committee stage of the Bill I shall move an amendment designed to limit the obligations imposed upon the council. I understand that the Treasurer will accept the proposed amendment.

The council seeks an amendment to clarify the ranking of the government's claim to the residual 20 per cent which represents rental on Crown land. There has been consultation between the government, the Liberal Party, and the council. There is some uncertainty as to what is being sought and what may be required or reasonable in that matter. The Treasurer proposed to have further consultations with the council about it. The Liberal Party will be happy to consult with either the council or the government to facilitate any reasonable amendment to meet the desired objective.

The council has expressed some uncertainty as to what would be achieved by the amendment. It expressed such concerns in a letter to the Treasurer, a copy of which has been furnished to the Liberal Party. The Liberal Party does not propose to move that amendment, pending further consultation. That is best dealt with in the next sessional period of Parliament, if it is to be dealt with at all.

I shall comment on the extension of the borrowing and investment powers. The Liberal Party has some reservations about the provisions in the Borrowing and Investment Powers Act. The Liberal Party expressed reservations about such matters when the principal Act was initiated. Certain amendments were made to that Bill upon the insistence of the opposition parties in this place and in the Legislative Council so as to narrow both the investment powers and borrowing powers of the statutory authorities subject to that Act.

In speaking about not only the City of Geelong in particular but also about local government in general, the Opposition believes there are difficulties in the extension of very wide investment powers to local government bodies. In many cases such borrowings are not guaranteed—they are guaranteed only by a charge over their rate revenue. The taxpayers of Victoria may have to assume the obligations of councils which find themselves in financial difficulty.
One way in which councils are likely to get into financial difficulty is by undertaking large development projects. The recent report on the activities of the Sale City Council demonstrated that in many cases local government does not have the expertise to handle the financial arrangements involved in either large-scale property development or large ventures involving substantial financial commitments.

Given the nature of local government, it is not reasonable to expect councils to have or to acquire that expertise. Many of the statutory authorities subject to the Borrowing and Investment Powers Act not only have a large degree of expertise but also have access to the resources of the public sector and can command resources in the private sector. They are, therefore, better equipped to deal with the exercise of those powers.

Mr Maclellan—Just like the SEC.

Mr STOCKDALE—I was coming to that qualification. Even when there is access to that expertise—or when there should be access to such expertise—the government is putting the interests of Victorian taxpayers at risk through such measures. This Bill extends that risk to local government, albeit on a limited basis.

The exercise of the powers of the Accident Compensation Commission to invest on the stock market has resulted in losses of more than $150 million in the first months of this financial year. The huge foreign exchange losses of the SEC—the biggest statutory authority in the State—shows that Parliament should proceed with caution in broadening the investment powers of statutory authorities and, in particular, in extending those powers to local government.

The Opposition has grave reservations about the extent to which the interests of ordinary Victorians are imperilled by statutory authorities and local government being empowered to undertake high risk ventures and to irresponsibly gamble on both the foreign exchange market and the stock exchange, which are both high risk investment activities.

The Liberal Party is concerned about the proposal in the Bill to extend the investment powers of the Geelong City Council concerning this project. The Liberal Party has discussed the matter with the Geelong City Council and has told the council of the Liberal Party’s reservation about the breadth of powers the council would acquire under the Bill.

It has been put to the Liberal Party that substantial issues are involved in the refinancing of the existing commitments of the council on the Geelong Market site project. For that reason, the Liberal Party does not propose to delete the investment and borrowing powers provisions—particularly the borrowing powers provision—in the Bill. The Treasurer has undertaken the responsibility to control the exercise of those powers.

The exercise of such powers provided by the Bill is to be under the control of both the Treasurer and the Minister for Local Government. The Liberal Party wishes the Treasurer to apply higher standards to the exercise of that control than he has applied to the SEC, to the MMBW, to State government authorities and to the government.

Victorians cannot afford a repeat of the $700 million loss on the foreign exchange market. They cannot afford a repeat of the loss of hundreds of millions of dollars on the foreign exchange market which has been the result of the irresponsibility of the Treasurer. I put the Treasurer on notice that the Liberal Party will hold him accountable for the consequences of the exercise of the powers given to him in this Bill.

The reserve funds proposal in the Bill is supported by the Geelong City Council. Such a proposal is appropriate but it should be limited to the purposes it is designed to serve: to limit the obligation to maintain the fund to the period during which payments or borrowings are owing under the arrangements designed to finance the Geelong Market site project.

Mr J. F. McGrath (Warrnambool)—The National Party supports the Bill. The National Party has had discussions with the Geelong City Council, the Geelong Regional Commission and the Geelong Chamber of Commerce, and those bodies support the Bill.
The honourable member for Brighton has already mentioned that the Geelong City Council sought two amendments. The National Party particularly supports the amendment relating to what may be called the flexibility of the fund and it will support the amendment the honourable member for Brighton proposes.

The purpose of the Bill is clear in relation to borrowing powers, particularly to the rights of creditors. It is important to provide for the protection of creditors in whatever way possible.

I am concerned about the loopholes in various Acts which make it difficult for business people to take the necessary precautions and have the necessary guarantees to ensure that their involvement in various projects is protected. There is a need for such protective mechanisms for business people not only in their dealings with the Geelong Market site in particular, but also in their dealings with statutory authorities and individuals in general.

There are enormous anomalies in the Act that allow people the refuge of bankruptcy; they then seem to be able to start up other businesses and run other risks. However, that is a little outside the debate.

The National Party supports the amendment and it wishes the Bill a speedy passage through Parliament.

Mr DICKINSON (South Barwon)—The purposes of the Bill are to clarify the rights of creditors of the City of Geelong to enforce their security, to widen the City of Geelong's borrowing powers, and to make other necessary amendments.

In consultation with the City of Geelong and with the Geelong Chamber of Commerce and other interested groups, I have undertaken to make known to the Treasurer that I received correspondence from the City of Geelong on 30 October in respect of the Bill, and the council commented as follows:

Clause 6 of the Bill amends section 10 (3) of the Act by obliging the council to establish a reserve fund to which it must pay “Any surplus of money standing to the credit of the Geelong Market Site Account at the end of the municipal financial year after the payments that are required to be made from the account for that year under this Act have been made.”

One of the payments that the council must make under the Act is the payment pursuant to section 9 of the Act to the Consolidated Fund of an amount equal to 20 per cent of the gross rent received by the council in any year after deduction of agent's commission and “the cost of servicing loans including interest in respect of money borrowed” under the Act.

The amount which the council is able to pay to the Reserve Fund is therefore reduced by the amount it is obliged to pay to the Consolidated Fund. The council's ability to create a reserve fund is correspondingly reduced.

If the government's intention is to compel the council to create a reserve fund of at least $1 million so that the interest of lenders to the council is made more secure, it is submitted that section 9 of the Act should be amended by adding the following—

“(c) Payments by the council to the reserve fund pursuant to section 10 of this Act.”

2. The Act presently provides that “profits standing to the credit of the Geelong Market Site Account at the end of each municipal financial year may be paid from the account to the town fund”. The Bill repeals this subsection and in effect only permits payment to the town fund of amounts in the reserve fund in excess of $1 million.

There is no date or even fixed or prescribed by which this limitation is removed. The council's obligation to maintain the reserve fund is by the amendment in perpetuity, notwithstanding that it may have repaid all borrowings or other obligations in connection with the Geelong Market site. The council does not believe that this is the Government's intention or that, if it is, it is a fair or reasonable restraint to place upon the council. We suggest that section 10 (4) be further amended by adding at its commencement the following:

“For so long as any moneys borrowed under this Act or interest thereon remains owing by the council.”

In short, the council has stated that it is in accord with the proposals for the principal Act of 1983 to be amended and it suggests that the first amendment relating to the provision to pay the 20 per cent of gross rental, less designated deductions, prior to payment into the reserve fund is self-evident.
The importance of the amendment is to ensure that payments to the reserve fund be required only while borrowings are in existence. This is one of those matters that one would have thought to be automatic, given that the purpose of the reserve is to secure a lender. The proposed sunset clause meets that situation.

As a member of Parliament in the Geelong area, I commend the Geelong City Council on its enterprise when it established the market square. I ask the Treasurer a number of questions: has the Geelong City Council lost money in the municipal financial year to 30 September 1986? However I do not know what happened in the immediate past financial year. Is it a case that these figures will not be available until the New Year when they are audited and published by the council?

I ask the Treasurer whether he has any up-to-date figures, or preliminary figures, on the financial results for the year ended 30 September 1987? Also, has he had any indication from the council that it may be concerned about the financial operation of the centre in the immediate past financial year?

There is some concern that the amendments have been initiated to facilitate lenders who are concerned about the financial viability of the Geelong Market Square Centre. There is also some concern in Geelong about the effect of the new Bay City Plaza on the Geelong Market Square Centre when the plaza opens later this year.

It is believed Geelong is overprovided with retail premises. I seek an assurance from the Treasurer that all is well with the Geelong Market Square Centre. Does he know of any problems, and has any pressure come from lenders arising from concern about the financial viability of the centre?

One can sometimes be suspicious about these types of Bills because often they are introduced in anticipation of some future trouble. Only this week, Victorian authorities were reported in the *Australian* of 11 November as losing $713 million. It was reported that the Auditor-General said that risk management strategies were developed only after borrowings were made and that insufficient consideration had been given to ensuring against a fall in the value of the Australian dollar. The article continued:

Although the Auditor-General noted the Government was now dealing with many of the problems, he called on it to improve risk management strategy and control overseas borrowings.

There is concern in Geelong that the project will remain viable and that it is under no threat. In my discussions with the Geelong Chamber of Commerce, it stated that it had no objection to the Bill. The City of Geelong has always said that pressure has been put on the council by mortgagees who were pushing for the proposed amendments because they believed they were not completely protected under the original Act if the Geelong Market Square Centre failed to be financially viable.

Again, I ask the Minister to give some assurances in the course of the debate to support what the lead speaker for the Opposition, the honourable member for Brighton, has already stated in respect of the Bill.

Mr SHELL (Geelong)—It is with pleasure that I join in the debate on the Bill about the Geelong Market site, commonly known as the Geelong Market Square Centre. The site has seen a lot of transition over time and the current redevelopment is a credit to the Geelong City Council, to the councillors and to the community of Geelong.

At one stage I worked at the Geelong Market Square Centre Post Office and, therefore, I am familiar with the site. Within the site there used to be the old Corio theatre, which was, in its time, one of the greatest attractions of the area. It also had an open market situation where one could buy fish, groceries and other products from stall holders on that site.

However, with time, this became out of date and there was a need for a redevelopment of the site. To its credit, the Geelong City Council arranged for early termination of some leases so that the redevelopment could take place in one piece. It asked the Cain government...
to assist with loan borrowing powers so that the State would become the guarantor for the redevelopment.

I must say that the Geelong Market site is now a thriving retail enterprise. On Fridays, in particular, the site is crowded, as it is on Saturdays.

On Melbourne Cup Day, when all the stalls were open at the site, business boomed. Credit is due to the Geelong City Council for what it has done. I make special mention also of some of the leading councillors who took part in the development: Cr Ian Ingles, Cr Haydon Spurling, and former councillor, Howard Glover.

With the cooperation of the Geelong Regional Commission, the council was able to develop the site into a modern, thriving retail establishment. The Bill will further assist in making available additional finance for the project, and the amendments that have been suggested by the Geelong City Council will be dealt with in Committee.

I have great pleasure in supporting the Bill.

Mr JOLLY (Treasurer)—I thank honourable members for their support of the Bill. I should like to comment briefly on some of the matters raised.

I refer, firstly, to the use of borrowing and investment powers. I agree with the remarks of the honourable member for Brighton about the financial expertise of local councils: they are clearly not in the same position as larger statutory authorities, which have full-time professional financial expertise. Therefore, when extending borrowing and investment powers in those areas, there is a need to treat the matter with considerable caution.

I also make brief reference to the City of Sale issue. As the honourable member for Brighton would be aware, the City of Sale arrangements commenced under a Liberal Party government and were subsequently supported by the Labor government. However, I resisted pressure to provide a Treasurer's guarantee to the City of Sale because I did not believe it was the appropriate course of action to take. I did, however, provide a letter of comfort, which clearly indicated that the government supported the activity but that the risk factor had to rest with the City of Sale.

As I understand the position, the Geelong Market site project is proceeding well. However, it is important for the Bill to be passed during this sessional period so that the refinancing arrangements can take place. Those arrangements have the effect of reducing the cost of finance to the Geelong City Council.

I should like also to comment briefly on the reserve fund and to indicate that I am willing to accept the amendment foreshadowed by the honourable member for Brighton, which is effectively a sunset clause relating to the period for the repayment of money borrowed for this activity. In my view, it really does not make much difference because it is a long-term loan; obviously, a long-term investment is being undertaken in Geelong.

With respect to the arrangements for the use of Crown land, it is appropriate that the Consolidated Fund receives priority. The land has been made available and the rental moneys should go to the Consolidated Fund first. That is the intention of the government, and that is why I have not been prepared to accept a change that was advocated by the Geelong City Council. However, I am willing to consider this issue further, and I shall contact the honourable member for Brighton about the matter before Parliament next meets.

Again, I thank honourable members for their support of the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.
Clause 5

Mr COOPER (Mornington)—I express my concern about the words that appear at line 19 of page 2 of the clause, which are: "the Minister administering the Local Government Act 1958". The use of those words intrigues me and, more particularly, it intrigues a number of people in local government circles to whose attention it has been directed.

Accordingly, I raise the matter to seek clarification from the Treasurer of the government's views about the future of local government. There has been much talk over the past two or three years about fears that the government has no commitment to local government continuing to be administered by a separate department or to having a separate Minister for Local Government. The phrasing within the clause appears to set up some kind of signal which I should like the Treasurer to address and to clarify.

The way I and most other people see it is that if part of an Act were to be administered by the Minister in charge of the Local Government Act he would be referred to as the Minister for Local Government, rather than as the "Minister administering the Local Government Act 1958". It appears to me to be a departure from tradition. As I said, I believe the wording of the provision is setting up some kind of signal, and the issue needs to be addressed.

I have spoken with people who have been in Parliament for a considerable period and have seen many Bills pass through this place and their view is that Parliamentary Counsel would never have inserted this form of words into the Bill, but that he would have used the phrase, "Minister for Local Government". In their view, it appears that the draftsman was instructed to insert this form of wording, that is, "the Minister administering the Local Government Act 1958".

It is important for local government throughout the State to know whether the government will stick by the commitment it has made at successive elections to continue to have a separate Minister for Local Government and that it does have a commitment towards local government being administered by a separate department.

In light of the fact that this sort of signal has been indicated by the government in this small Bill—in which one would not expect to find such a thing—it is now time for the government to declare publicly whether it has a secret agenda to lower its regard for the institution of local government in this State.

There is concern within local government because, as honourable members would be aware, before the 1985 election tremendous damage was done by the Premier when he took away so many functions from the Local Government Department and distributed them around other departments. At that time a suggestion was made that perhaps the next step would be for the whole of local government to come under the Treasurer's administration or for administration of the department to be given to the Minister for Public Works, as he appears to have little to do. Perhaps the government's view is that responsibility for local government should be returned to the Public Works Department and that it not be a separate entity.

I raise these suggestions so that the Treasurer can clarify the matter on behalf of the government. If he cannot, I should appreciate his taking up the matter with the Premier, the Deputy Premier, the Minister for Local Government, and whoever else has a finger in the pie. Hundreds of people in local government circles would be appreciative of that action, too. Can the Treasurer assure those people that there is no hidden agenda and that the government has no intention of taking the responsibility for local government away from the Local Government Department?

Mr JOLLY (Treasurer)—I assure the honourable member for Mornington that there is no hidden agenda in respect of the clause. The inclusion of the clause does not indicate any signal in respect of the Local Government Department. I am unaware of any discussion or of any rumour about the future of the Local Government Department. As I understand it, the clause is included purely as a drafting measure and nothing else.

The clause was agreed to.
Clause 6

Mr STOCKDALE (Brighton)—I move:

Clause 6, line 22, after "fund" insert "for so long as any moneys borrowed under this Act and any interest payable on those moneys is owing by the council".

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

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

MELBOURNE LANDS BILL

The debate (adjourned from October 28) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr BROWN (Gippsland West)—The intent of the Melbourne Lands Bill is clear: it is to widen Punt Road. The majority of Victorians and particularly motorists will welcome the measure. The Bill will revoke the reservations and Crown grants for Yarra Park and the Yarra Park Primary School, so that that land may be used in connection with the widening of Punt Road.

The Opposition will not be opposing the Bill. The provisions of the Bill are aligned with the policy of the Liberal Party in Victoria, that Punt Road needs to be upgraded and widened, and that has been the case for a long time.

To my knowledge, the only real opposition to the measure has come from some elements of the Melbourne City Council and the Honourable Clyde Holding. The Liberal Party almost reconsidered its stance because of Mr Holding's intervention, but then advice was received that Mr Holding was virtually never in Victoria and that he possibly found out about the matter only by telephone. There should not be too much credence given to his view. No doubt it was said in jest, but it was said that when Mr Holding was informed of the measure he asked, "Why would I be interested in what is going to happen in Melbourne, anyway?" I do not know how much Mr Holding keeps up with what happens in his electorate.

The Opposition is pleased to see a softening—no matter how minor—in the government's attitude to freeways. It had been totally anti-freeway and there was a story going around that the Premier would not allow his driver to use a freeway. I would not believe that could be true!

There was a definite bias against freeways among members of the Labor Party. It still exists, but the Bill is an indication of a softening of that bias.

The majority of people in Victoria use the motor vehicle as their means of transport. For trips in the State, only 15 per cent of people use public transport regularly and the other 85 per cent use private motor vehicles as their main conveyance. Road widening in an area such as this—the most heavily trafficked road in Victoria—makes sense.

The Opposition wants firm undertakings from the Minister for Transport that he will ensure that parkland will be provided on a replacement basis. The one concern members of the Opposition have about the Bill is that there will be a loss of parkland and of part of the Yarra Park Primary School site abutting the area in Punt Road. This is a matter of grave concern.

Victoria is still known as the Garden State and Victorians pride themselves on this. There is a large area of parkland in the City of Melbourne. It is a credit and speaks volumes for our forebears who set out the City of Melbourne that they set aside such a large area for parkland. All honourable members will agree it is necessary to ensure that that parkland is not chipped away at but is retained for its original purpose. The Opposition is concerned about the reduction in the area of parkland and requires specific undertakings in that regard.
The Minister for Transport indicated in his second-reading speech that areas of Metropolitan Transit Authority land will be made available. He will be in a position to know precisely which sites he has in mind. I ask him to identify those areas of Metropolitan Transit Authority land to be made available or to indicate that he is considering negotiating with the Melbourne City Council and the City of Richmond to provide replacement parkland.

I indicated to the House that the Opposition is concerned about undertakings of the government. I quote from the policy of the government as enunciated by the then Premier in 1955. The speech I quote referred to the Jolimont railway yards and a proposal to roof them. The then Premier was talking about the future, and he said:

The government views with great concern the conditions which have developed in the traffic of the City of Melbourne, and which are steadily becoming worse.

These traffic conditions are now an ordeal for all concerned. They are a misery to the thousands of people who travel on the trams.

They are a menace to business in the heart of the city, for approach to it is becoming more difficult in every way.

Every motorist, every truck driver, knows only too well the ordeal of having to make a trip through the streets of the area controlled by the Melbourne City Council.

The then Premier went on to say that one of the priorities of the government would be to roof the Jolimont railyards. He further stated that underground stations in the city would take a great burden off the city streets and Flinders Street station and make transport more efficient.

The sitting was suspended at 1 p.m. until 2.3 p.m.

Mr BROWN—Prior to the suspension of the sitting I was quoting the policies of the then Premier. I make the point that the quotes are a direct lift from the 1955 Australian Labor Party policy. Therefore, the undertakings I outlined were made 33 years ago. It is interesting to note that the undertaking about the roofing of the Jolimont railyards has yet to be achieved.

Mr Roper interjected.

Mr BROWN—The point is that the then Premier undertook to do it. The Minister for Transport, who is at the table, said he will provide certain undertakings in an exchange of Crown land to ensure that the parkland that will be lost to the residents of Melbourne and Victoria as a result of the widening of Punt Road will be replaced. I seek a definite assurance that that will be the case. It would be a tragic indictment of the Minister for Transport if in 33 years’ time a member of Parliament had to point out that the undertaking had not been met. I am sure the Minister and I would have retired from this House by that time!

The current Premier also gave undertakings about the National Tennis Centre. He undertook that the government would replace the public open space taken as a result of the building of the National Tennis Centre, which is nearing completion. The Premier said that replacement parkland would be made available. To the best of my knowledge that undertaking has not been met.

It will take approximately $18 million to complete the Punt Road widening works. I welcome the fact that the works are to proceed. In recent months the Minister for Transport has been attacked regularly by organisations such as the Royal Automobile Club of Victoria and many others—certainly the State Opposition—about the lack of road funding made available by the State government and, to an even worse degree, by the Federal government. I seek leave to incorporate in Hansard a table outlining road funding allocations.
Leave was granted, and the table was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>State ($m)</th>
<th>Increase (%)</th>
<th>Federal ($m)</th>
<th>Increase (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983–84</td>
<td>266</td>
<td>229</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1984–85</td>
<td>305</td>
<td>14.7</td>
<td>248</td>
<td>8.3</td>
</tr>
<tr>
<td>1985–86</td>
<td>326</td>
<td>6.9</td>
<td>254</td>
<td>2.4</td>
</tr>
<tr>
<td>1986–87</td>
<td>348</td>
<td>6.7</td>
<td>254</td>
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</tr>
<tr>
<td>1987–88</td>
<td>371</td>
<td>6.6</td>
<td>254</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Source: Commonwealth and Victorian Government Budget Papers

Mr BROWN—The table sets out the increases in government expenditure on roads since 1983–84. It shows that the increase in State government expenditure in 1983–84 was fairly significant, and that for the past three financial years no increase in dollar terms has taken place. In 1983–84 the Federal government spent $229 million on Victorian roads. Five years later, in 1987–88 only $254 million was made available. The funding has fallen to such a degree that $4.5 million promised in the last financial year was not provided. It is an indictment of the Federal Labor government that it has such a disregard for Victoria.

The Honourable Clyde Holding, a Victorian Minister in the Federal government, has the audacity to criticise the much needed widening of Punt Road while the government of which he is a member imposes financial cutbacks for the State generally. That is an outrage. Mr Holding should be fighting for Victoria to ensure that it gets a better deal rather than saying that Victoria needs less funding and should not be upgrading its road network.

When in opposition, the Minister for Transport said that when Australia got rid of Malcolm Fraser, Victoria would be able to fix up the road funding and health problems. The Minister for Transport also has an interest in health matters. Since Labor has been in office, both State and Federally, a massive decline in real terms has taken place in the funds available for Victorian roadworks. The extent of the decline is astronomical.

As a percentage of the State Budget outlay, the amount of money made available by Victoria in 1983–84 was 9 per cent. That represents a fairly significant amount in terms of Budget percentage. In other words approximately one-tenth of the money spent in 1983–84 was allocated to the Ministry of Transport and available for road funding.

The following financial year the percentage of budgetary outlay on road funding fell to 8.6 per cent and, in 1985–86, it fell again to 5.9 per cent. During the last financial year it fell to only 5.3 per cent. This is the party that, when in opposition, said, “Give us a chance and we will do it better”. The government has twice as much money as it had five years ago.

In the last year of the Liberal government the State was run on a total Budget of $6 billion; it is costing the present government nearly twice that amount to run the State, and I say, without any equivocation, that it is running the same State in a much less efficient manner. Its expenditure is nearly double that of the former Liberal government but it has halved road funding in real terms.

The public relations blurb put out by the Minister for Transport claims that all is well in road funding. Only yesterday, yet again, he announced grandiose plans that he hopes to bring to fruition. Those plans were first made by the Premier’s father 33 years ago. They did not come to fruition because, as the Minister said yesterday in announcing the government’s approach, the upgrading of the Melbourne road network will cost hundreds of millions of dollars in the near future.
The Victorian and Federal governments have halved the amount of money available for this purpose. I do not want anyone to be misled about the widening of Punt Road—the allocation towards the widening of Punt Road, which this Bill will allow, is miniscule in the context of the overall State Budget. It is less than $20 million. The government loses $1000 million a year—it squanders $1000 million—on the public transport system. What an outrage! Only five years ago, under prudent Liberal government administration, the annual loss on the public transport system was just on $300 million. My party, as the government of the day, was concerned that the loss was so high but the Labor government has increased that loss from $300 million to more than $1000 million. Its policies are lunacy, and government members know it.

I am thankful that, at last, the community is starting to realise that fact. I seek leave of the House to incorporate in Hansard a table of the revenue collected by the State government from motorists over a period of four years and the expenditure on Victorian roads over a period of five years.

Leave was granted, and the table was as follows:

Revenue collected by the State from motorists for:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986-87</td>
<td>$608 million</td>
</tr>
<tr>
<td>1985-86</td>
<td>$584 million</td>
</tr>
<tr>
<td>1984-85</td>
<td>$549 million</td>
</tr>
<tr>
<td>1983-84</td>
<td>$477 million</td>
</tr>
</tbody>
</table>

Expenditure on roads:

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>$371 million</td>
</tr>
<tr>
<td>1986-87</td>
<td>$348 million</td>
</tr>
<tr>
<td>1985-86</td>
<td>$326 million</td>
</tr>
<tr>
<td>1984-85</td>
<td>$305 million</td>
</tr>
<tr>
<td>1983-84</td>
<td>$266 million</td>
</tr>
</tbody>
</table>

Mr BROWN—The table reveals that expenditure on roads has dramatically decreased in real terms and conversely that the revenue collected from motorists by the State of Victoria has increased by almost the same extent that expenditure on roads has decreased in real terms.

Income from motorists has increased from $477 million in 1983–84 to $608 million in 1986–87, a dramatic increase in real terms. Although the expenditure on roads has increased in dollar terms, it has been significantly cutback in real terms.

The Opposition will not oppose the provisions that the Bill imposes. The policy of the Liberal Party is that Punt Road should be widened, as the Bill proposes to do, but the policy of my party is that a much larger amount of State resources should be and should have been committed to upgrading the road network. When I release the policy that will return the Liberal Party to office next year, which I will be delighted to hand to the Minister, I will explain precisely what the increase in road funding should be and will be under the incoming Liberal government.

Under the next Liberal government, led by a man who will probably outstrip Sir Henry Bolte as Victoria's longest serving Premier—Jeff Kennett—expenditure on roads will be increased, not because of an increase in the overall amount of expenditure but as a result of savings that will be made in the transport budget.

In areas where the present government is squandering $3 million a day and $1000 million a year, the next government will make significant savings. It will use on roads some of the hundreds of millions of dollars it will save each year. The proposed expenditure is miniscule compared with what the present government is throwing away.

I seek an undertaking from the Minister for Transport that replacement parkland will be made available through negotiations with the cities of Melbourne and Richmond, and that he will advise the House which Metropolitan Transit Authority properties are being considered for exchange.
Mr W. D. McGrath (Lowan)—The Melbourne Lands Bill gives the government the right to carry out road widening and improvement works, principally to Punt Road, Swan Street and Bridge Road. It appears that the proposal has been on the drawing board for a considerable time.

I thank the Minister for Transport for, on Tuesday morning, making available officers of his Ministry for briefings, which were valuable in giving me a proper and full understanding of the details of the proposal. The project will cost approximately $17 million over three years. The expenditure will comprise $5 million in actual roadworks, another $5 million or $6 million in relocation services, and approximately $5 million to $6 million for the purchase of homes and other private land required.

The Deputy Leader of the Opposition has said the expenditure is only a miniscule amount in the context of the overall transport budget. I should love to be able to offer municipal councils $6 million or $7 million to carry out roadworks—I am sure they would appreciate that sort of allocation. It seems easy for the Labor government to allocate $17 million over three years for the extension of roadworks in the metropolitan area. However, I am not criticising the project.

This morning I took a bus ride down Punt Road to St Kilda Junction and back again to Bridge Road. The difference between the conditions of Punt Road at St Kilda Junction and between Swan Street and Bridge Road is significant. At the St Kilda Junction end, Punt Road is spacious and allows a good traffic flow but towards the Yarra River it becomes congested, and over the river towards Bridge Road the congestion becomes even worse. Between 8 a.m. and 8.30 a.m. today the traffic was heavily congested.

The statistics cited in the Minister's explanatory notes indicate that the traffic count in that area is extremely high. Approximately 19,000 passenger vehicles and approximately 6000 commercial vehicles travel along that road each day.

The plans have been on the drawing board for some time. The Minister's second-reading speech and newspaper reports indicate that the Road Construction Authority has been purchasing homes in that vicinity for a long time—nineteen homes have to be demolished. Only four or five houses are owner-occupied; the rest have been bought by the authority.

The Yarra Park Primary School is a magnificent building. I understand the school will close at the end of the year and the children will be relocated to schools of their choice.

This morning I spoke to the school traffic officer, who was about to begin his first period of duty. He told me that there had been a meeting at the school last night to examine proposals for the students. I also spoke to the president of the school council, Mr Shane Allen, who said that the council was concerned about the statistics, which show that the Minister for Education has closed four schools in the Richmond area in his time as Minister.

The population in Richmond fifteen or twenty years ago was approximately 70,000 but it would now be closer to approximately 127,000. Naturally, there would not be as many school-age children in that suburb but the people there were not impressed with what the government was proposing, which was that the children go to the schools of their choice.

The closest school in the area is large, with many hundreds of students, although only twelve students have English as their first language. Yarra Park Primary School students predominantly have English as their first language; this is one of the concerns of the people whose children attend the school. I understand approximately 84 students attend the school and placing them in comparable schools will be more difficult than the Minister and the government suggest.

The project will cost $17 million. Yesterday the honourable member for Mildura and I attended the release by the Minister for Transport of the strategy for the Victorian national roads program.
Melbourne Lands Bill 13 November 1987 ASSEMBLY 2461

I appreciate the need for a proper strategy and to involve the Federal government with further funding for roads, particularly those roads that are serving industry and the ports of Victoria.

Why should the road—Princes Highway west—that services the port of Portland and the highway to the north, not be included in the strategy plan for Victorian roads? Portland is the deep seaport of this State. The Minister for Transport missed a great opportunity of addressing that matter by including the roads that service Portland and carry the State’s imports and exports.

The National Party is not opposed to the proposed legislation but it is concerned, as is the Opposition, about the replacement of parkland. I understand the urgency of the Bill. I have spoken to officers from the Ministry of Transport and I have been told that attempts will be made to relocate trees that are growing in the parklands to be used for the new roadworks. That operation should be begun straight away, which is the reason for the urgency. The National Party does not want to hinder the measure; wherever possible those magnificent trees should be relocated.

It is important that the parkland that is excised for the purpose of the road network be replaced after consultation with the cities of Richmond and Melbourne. It is important that that be done so that a good relationship is maintained between those cities and the government.

The National Party does not oppose the Bill as the widening of the road at Swan Street will be of benefit to the magnificent National Tennis Centre, which is some distance along the road from that intersection. It is important to have traffic moving through those intersections quickly. Any pressure that can be relieved on those areas will help the traffic flow closer to the city. The National Party is happy to give the Minister and the government support for the proposed legislation.

Mr DICKINSON (South Barwon)—The Bill provides for a much needed widening of Punt Road. Anyone who has driven a motor car through that part of Melbourne would have seen the congestion that builds up along those road networks whether one is coming from the Maroondah Highway or from the freeways from outer Melbourne. One particularly notices the congestion that is caused by traffic from the West Gate Bridge converging on Melbourne.

When the House debated the National Tennis Centre Bill, I raised the concern of my constituents about its adverse impact on parklands in the inner city area of Melbourne. Those parklands are unique in the world and it would be a pity if the government did not heed the wishes of the people who benefit from them.

My electorate embraces one of the most beautiful coastal areas of the State, and constituents appreciate the beauty and magnificence of the Melbourne parklands. I have been told by them that when they come to Melbourne they are proud of the parklands in the Yarra River area.

It is time that an environment impact statement is put in place so that we do not continue down the track of encroaching on the parklands, which began when the Olympic Swimming Pool was built. The National Tennis Centre would have been better placed near the West Gate Bridge. I understand that pop concerts will be held at the centre.

Of course, those concerts affect people living nearby. The decision was taken to build the National Tennis Centre at the Yarra site. For many years the Premier had agreed to cover the unsightly Jolimont railway yards. A plan should be developed to cover the railway tracks to bring the area back into harmony with the lovely parklands near the Yarra River.

The Minister for Transport should be conscious of constituents not only in Melbourne but also across Victoria who, although wanting good roads to allow them to travel quickly...
from point A to point B, also want to hold onto the beautiful parklands that grace the Melbourne area.

Mr ROSS-EDWARDS (Leader of the National Party)—As the honourable member for Lowan said, the National Party supports the Bill. I shall not delay its passage, but I wish to make a few pertinent points.

It is interesting that the Labor Party has adopted a different attitude in government than it did when in opposition. I commend the government for what it is doing in Punt Road. From time to time roads must be widened because the needs of people change. When the Labor Party was in opposition, it never stopped screaming about freeways. However, it has now seen the light.

I do not believe I am giving away any secrets in saying that the government was nervous about the proposal to widen Punt Road. I assured the Premier that I could see no problems in introducing this sensible measure into the House. I commend the Premier for the proposition that he put to Cabinet that, if parkland is taken for specific purposes, every square metre must be replaced. If that proposition had been adopted over the years, Victoria would have a much more efficient road system and even better parklands.

The Minister for Transport should also be given credit for the way this Bill has been handled. I have inspected the Punt Road area, not on this occasion but in respect of proposals for the National Tennis Centre. The development of Punt Road is not specifically for the National Tennis Centre. It has come to the fore because the government decided to examine all the roads near Olympic Park, the Melbourne Cricket Ground and the National Tennis Centre, and this is the first stage of the overview of the total road system.

I am disappointed with the attitude taken by the Melbourne City Council. I recognise that the council is not against the proposed legislation but some councillors have thrown their hands in the air and put on a performance. Of course, that has been done partly to satisfy East Melbourne ratepayers whom they do not wish to upset. The Melbourne City Council should be delighted that it can take part in choosing alternative parkland. What was perhaps suitable 100 years ago is not suitable today. I agree with the government's plan to replace the parkland that will be used for the widening of Punt Road.

I shall make a few points about Yarra Park Primary School. That school is famous and I regret its closure because it is part of the history of that area of Melbourne. I understand that there is a memorial to Harvey Parsons, a champion motorcyclist, in that vicinity. I have no doubt that the Minister will take the necessary steps to ensure that the memorial is relocated to a prominent position, and that it will not suffer in any way because of the realignment of Punt Road.

Melbourne is fortunate to have a good road network and a beautiful park system. This scheme will improve the inner Melbourne road system and will not be detrimental to parkland.

The Bill has been introduced late in this sessional period but that is through no fault of the Minister. I am glad that the Leaders of the three parties have had the commonsense to deal quickly with the Bill so that the government can get on with the job. The project may take four or five years to complete, but the sooner it is commenced, the better for all Victorians.

Mr HEFFERNAN (Ivanhoe)—I support the government in its plan to widen the Punt Road area. However, that should not be done if the parklands that will be used are not replaced.

I refer the House to the Melbourne City Council's objections to the scheme. There is a genuine concern about the traffic flow in the inner city area, but the government should also be concerned about the amount of parkland that is slowly being removed from the central business district. Over the past five years the central business district has lost a significant amount of parkland, and the Minister for Planning and Environment is currently
proposing to increase the residential population in the inner city area. Unfortunately, that will place additional strain on the open space requirements of the central business district.

It is vital that parkland is used for this road widening, but additional parkland must be found to serve the central business district. At present the acquisition of potential parkland in the central business district is beyond the State's financial resources. I support the Minister in his plans to widen Punt Road, but he and the government should recognise that major problems will be created if passive open space is not provided in the central business district. Parklands have been slowly whittled away over the years. It is important that the government address that matter in an attempt to overcome the problem.

Mr ROPER (Minister for Transport)—I thank honourable members who have contributed to the debate and the Opposition and the National Party for their cooperation in dealing with the measure.

The major issue that has arisen for the debate is the parklands in the inner Melbourne area. I shall deal first with the matter raised by the honourable member for Ivanhoe and his concern about parkland in the central business district. If the honourable member was to travel slightly north of his electorate, he would discover that major works are being carried out in Epping, which are the first stage of the Jolimont railway yards decentralisation program. That program will not result in the roofing of the railway yards, as promised by the then Premier, John Cain senior, in 1955, but in the removal of the Jolimont railway yards so that significant open space will be available.

Mr Brown interjected.

Mr ROPER—It demonstrates that the Labor Party carries out its promises, even if it does take some time. The 27-year regimes of the Bolte, Hamer and Thompson governments were in the middle, and those governments also promised on numerous occasions to reroof the Jolimont railway yards. Some high quality open space will be available as a result of that Jolimont yards decentralisation, and at present the project is running to time.

Victorians may not see the results for two or three years until the Epping development and other stages are completed, but additional high quality parks will add to the amenity of the Yarra River area.

I turn now to the parkland that will replace the piece of land being taken for the Punt Road realignment. I have had discussions with the Richmond City Council and with individual Melbourne city councillors, as opposed to the Melbourne City Council as a formal body, and they have been satisfied with the approach taken by the government. The government intends to take a sliver of parkland in East Melbourne for the works; it will replace that land with parks in areas of both municipalities which currently have little access to parkland.

If one looks at the existing parkland in that area, any person from Richmond who uses it has to be either extremely fit or extremely lucky because it is somewhat difficult for a Richmond resident to take advantage of the hectares of parkland that is just across the other side of Punt Road.

What has been proposed is that the government will purchase pieces of land in Richmond. There is land owned by the Melbourne and Metropolitan Board of Works and the Uniting Church has land that it is willing to sell. There may well be other pieces of available land that can be acquired for parkland.

Referring to Melbourne, there are a number of parcels of land held by the Metropolitan Transit Authority which the Corporation of the City of Melbourne may be interested in acquiring for parkland. There is also some available land behind the National Tennis Centre, approximately 0.14 of a hectare, which is currently railway land that the government does not need and parkland could be established there. There is also railway land around Royal Park that potentially is available.
It may be that the end result will be that the Corporation of the City of Melbourne will want to do exactly what the Richmond City Council is doing, and, that is, obtaining parkland in areas where there are residents without access to parks. These will be small, family oriented parks in Flemington and Kensington.

As the government takes up each piece of parkland, it will replace the area taken and develop that area to the stage where the councils can be satisfied. No-one is suggesting that we will satisfy all of the City of Melbourne councillors. I have a suspicion, having dealt with the council over some period, that the idea of satisfying them is one of those issues that no-one in this House could achieve. One might say the same about my Federal colleague, the Honourable Clyde Holding, who came out and attacked this proposal. I would not go so far as the honourable member for Gippsland West, who suggested that he had heard about it over the telephone. He does visit his electorate and I am sure he knows where Punt Road is. There have been a few concerned people. I believe their concern about the parkland area will be addressed.

I am pleased that the honourable member for Lowan has raised with me the question of the memorial. That question will be addressed. In terms of the school, it was the government’s intention that the school remain open and to replace the playground space that the school would lose and also soundproof the eastern side of the school. It would have been a quieter school than it currently is because it is not sound protected at the moment, even though Punt Road is virtually just outside the windows. However, the Ministry of Education has made the decision to close the school on the basis that there are virtually no students. The honourable member for Lowan would be aware of that problem, representing the kind of area that he does! The government will examine the question of the memorial.

A number of honourable members raised the question of the NATROV—National Road Strategy of Victoria—material released yesterday. The government is endeavouring to maintain a sensible continuation of the national roads program so that we can receive what we are receiving at the moment and more so far as national road money is concerned.

An Honourable Member—So we should.

Mr ROPER—Certainly, we have already made a breakthrough with the Cameron report on arterial road funding and we hope to make a breakthrough on funds for our national road program.

What will occur if we obtain national road money for our major arterial roads is that the availability of State money that we are currently committing to these roads will be available for the type of arterial roadworks that the honourable member mentioned.

I am conscious of the needs of the Portland area. One of the government’s large railway expenditures is to totally upgrade the Mount Gambier to Heywood rail line. That is currently occurring and the government is conscious that we are about to turn what has been a loss-making port for the past 30 years into a profit-making port. I know the people of Portland are pleased about that.

We will be handling the parkland and environmental questions sensitively. We have been successful in replanting trees in the Malvern area as part of the C3 project, and large trees have been moved during the course of that program. Some of the trees we are talking about along Punt Road are somewhat larger than those moved in Malvern. One of the reasons for the urgency of the matter is that we need to take action with the trees next autumn. That has to be planned and has to be worked on between now and then in order that the tree roots can be prepared for transportation.

An Honourable Member—that is ridiculous.

Mr ROPER—Some people would say that the traditional English-type trees that we have along many of our boulevards happen to be one of the features of Melbourne. The trees have not died in Malvern and I do not put that down to the honourable member for
Malvern’s particular care and attention to the C3 project. Our expectation is that we can preserve a considerable number of trees.

I thank honourable members for their support of and cooperation on this Bill.

The motion was agreed to.

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

**RIVER MURRAY WATERS (AMENDMENT) BILL**

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

*Mr DELZOPPO* (Narracan)—The purpose of this Bill is to approve an agreement for the amendment of the agreement entered into between the Prime Minister of the Commonwealth of Australia and the Premiers of the States of New South Wales, Victoria and South Australia, with regard to the River Murray, the Menindee Lakes and other waters, to amend the River Murray Waters Act 1982 and to approve amendments to the River Murray Waters Agreement.

At a meeting of the Murray-Darling Basin Ministerial Council on 27 March 1987, it was agreed to establish new institutional arrangements for the coordination of water, land and environmental management throughout the basin.

The House should note that this is a concept that has been advanced and argued for over a long time. Too often in the past we have ignored the catchment area approach not only with respect to the saving of water but also to the other environmental aspects that go with it.

The Opposition believes that unless all governments look at catchment areas as an entity, we will not bring about the changes to the environment, and certainly not protect the environment in the widest sense of the word.

The statutory recognition of the Ministerial Council has up to three Ministers from each government with powers to direct the operations of the proposed Murray-Darling Basin Commission. The Commonwealth and the States are acting in concert, and it is interesting to note that Queensland, where the Darling River rises, is not represented at the moment. I understand the way has been left open for Queensland to become a party to the agreement. I am sure the responsible Minister will need no urging to ensure that every opportunity is taken to have Queensland become a party to the agreement and thus form a true partnership to look after this huge piece of the Australian mainland.

The Bill establishes a community advisory committee that will work directly with the Ministerial Council. It also establishes a standing committee, if and when required, that will also work directly with the Ministerial Council. Its membership will represent that of the Ministerial Council but it will not have statutory recognition.

It is one thing to enact legislation to establish these bodies, but ultimately it depends on the goodwill of all parties to ensure that the intent of the legislation is carried out. Unless there is a commitment from officers of the various government departments, both State and Federal, the local councils, the local conservation groups, and tourist groups—and they are satisfied that improvements can be made—the legislation will fail. I am sure the Minister for Water Resources recognises that.

Consultation has occurred with a number of groups concerned with the River Murray and I commend the Minister for that. When the Bill was first introduced I circulated copies of it widely among municipalities and other organisations with an interest in it. I was fortunate enough to receive a reply from Mr Theo Charles-Jones, the Executive Officer of the then Murray Valley Development League. The House is aware that the then Murray Valley Development League has played a significant part in sowing the seeds for the
creation of the proposed legislation. The league is pleased that it has come to fruition. Mr Charles-Jones says:

The Bill in question ratifies the Murray-Darling Basin Ministerial Council’s management structures and in particular the Murray-Darling Basin Commission. For many years the league had argued that the River Murray Commission’s responsibilities were too limited. The health of a river, as we have discussed, cannot be sustained by dealing with it in isolation from its catchment.

That is the point I made earlier: that until the government adopts a catchment approach in facing up to environmental problems it is doomed to failure. Mr Charles-Jones continues:

As I confirmed at our AGM in August, the league applauds the progress and achievement of the Murray-Darling Basin Ministerial Council in developing agreement and planning at government and administrative levels consistent with the principles of total, integrated, multi-disciplinary catchment management.

At the same time we are concerned that the new commission’s responsibilities are not as wide as they should be.

The Minister should note that comment, that the then Murray Valley Development League wants the commission to have wider powers:

On the other hand, as argued with the Ministerial Council’s secretariat, it is better to get the new commission up and running as planned by 1 January 1988. It must not, however, be set in concrete, it must have the flexibility to be adjusted later as the needs arise.

The Murray-Darling Basin Commission must be flexible enough to recognise the needs and demands of a wide range of people from irrigators, people using the water for domestic use, people like me who have an interest in fishing, the boating fraternity, and the tourist industry. The River Murray and its tributaries have played a significant part in the tourism industry in that part of the world and I know that the last time I visited the north-east of the State many tourists were upset because the lake was at a low level and could not be used satisfactorily for boating and other aquatic sports. The commission must allow all people reasonable access to the benefits of the river, and some attempt should be made to accommodate the tourist industry in the region.

The then Murray Valley Development League circulated a paper entitled, "Murray-Darling Catchment Integrated Management Plan”. One paragraph of that paper, headed, “Bridging State Sovereignty”, and subheaded, “State Sovereignty—a Barrier to Successful Coordination”, states:

No matter what management structure is planned for integrating management of land and water use in the Murray-Darling Basin, the issue of State sovereignty must be considered the major barrier to successful coordination. The people are becoming disenchanted with the lack of a multi-disciplinary, coordinated approach to solving the causes of land degradation and loss of productivity.

As I said earlier, the catchment area approach must be followed and that will require the attention and dedication of a number of government departments and the enthusiasm of a large number of professional people, be they engineers, wildlife officers, architects, soil conservationists, or others.

The league is right when it says that a multi-disciplinary approach is required. Some years ago I had the privilege of being the Chairman of the Western Port Catchment Coordination Group, which attempted to do similar things in the Western Port region. I know how difficult it is and how possessive some public servants can be of their domains.

One of the first tasks of the Ministerial Council and the commission will be to break down those barriers so that people can work together for the greater good of all Victorians. I continue reading from the “Murray–Darling Catchment Integrated Management Plan”:

Sooner or later they will more earnestly challenge parochial and vested interests, traditional State self-interest and Federal lack of interest by coordinating their own fragmented groups into a more powerful lobby which will have the representation necessary to demand change.

I hope when the representative bodies are being considered by the Ministerial Council, the Minister ensures that all interests are represented so that they have an input into the
decision-making process. I see that the Minister is making a note and I am sure that is what he is writing. The plan also states:

However, it must be said that there is now much more interest in coordination by the States especially in regard to regional participation. If this movement can be encouraged to gather strength then rural people will certainly have an opportunity to become involved in regional catchment management.

It is nevertheless important that regional catchment management be integrated within a national land management ethic and national conservation strategy guidelines.

Many people use the River Murray for a variety of interests. People do not realise the many problems that are encountered in a river system, particularly in this river system. Recently I had drawn to my attention a problem associated with fish hatcheries where trout are raised in ponds and then sold for the domestic table.

Trout has become popular on Australian tables and a large number of hatcheries are being established throughout the State. The problem with these establishments is that some have effluent running away from the hatchery that contains chemicals used to treat the diseases of fish. That effluent has a deleterious effect on water quality, especially downstream.

The same problem applies to ordinary farm operations. Water run-off from irrigation must be disposed of in a specific way. The old system on the River Murray allowed it to be used as a gigantic sewer into which everyone dumped unwanted and contaminated water. That time has long since passed.

The new initiatives should help improve the environment of the whole Murray–Darling system. Because of that, the Opposition supports the Bill.

Mr STEGGALL (Swan Hill)—I support the Bill but express my disappointment that it is being debated on the last afternoon of a Parliamentary sessional period. The Bill probably has far more significance to the people of Victoria than they realise. Victoria's share of the Murray–Darling Basin area covers 56 per cent of the total area of Victoria.

The River Murray Waters Agreement was first brought in in 1914 after years of bitter argument and discussion. After Federation, all Australian States were coming to grips with which State owned what water and what it was to be used for. Many of the arguments were between the navigation rights of paddle-steamers and the irrigation rights of settlers.

During the first world war the first River Murray Waters Agreement was introduced and the River Murray Commission was put in place in 1917. The role of the commission was to resolve disputes between the States and to establish a policy of management of the water and water sharing between New South Wales, Victoria and South Australia.

In the 1920s the River Murray Commission commenced the construction of the Hume reservoir. With the establishment of that reservoir, people started to come to grips with the dry continent in which they lived. For instance, at different times of the year, parts of South Australia literally ran out of water.

The commission set up a series of locks and weirs along the River Murray and began an irrigation program. This had the effect of decentralising many Victorians along the River Murray. This happened after the end of the first world war and this land fit for heroes was developed for soldier settlement. The same thing happened after the second world war when more land was developed for the homecoming troops.

Argument has taken place with this government over how costs for irrigation water should be met and shared and how many of those costs should be broken down. That is the subject of another Bill which will be debated in the autumn sessional period next year. In fact, that water Bill is on the Notice Paper now.

The River Murray Waters Agreement was significantly changed in 1982. Apart from the sharing of irrigation and navigation responsibility, the commission was also given responsibility for water quality and recreational and environmental aspects of the river.
At that stage, northern Victoria, New South Wales and South Australia had spent ten years of bitter debate about the river.

The honourable member for Narracan has already mentioned the Murray Valley Development League, as it was then known. People from South Australia right through to Walwa–Jingellic in the north-east of Victoria spent ten years in bitter debate. As a Swan Hill councillor, I was involved in that debate. The league was seeking a solution to the problems involved with water flowing through two States into a third State and fitting in with the overall Federal system. Bitter debate also raged over the Chowilla dam in South Australia and it was with delight to Victorians that that venture was defeated.

The concept of the Murray–Darling Basin Agreement has been around, to my knowledge, for eighteen years. It was discussed and tested in theory by many organisations but, more particularly, by the then Murray Valley Development League, the councils represented in that league and the interest groups associated with areas of the River Murray.

The input by local government has been important for the future of the Murray–Darling area. Victoria is going through a period of weakening local government. It is having trouble funding the types of projects that the River Murray Commission and the Ministerial Council are suggesting. We must find a way to allow local government to successfully participate in the Murray–Darling Basin Agreement.

The River Murray Commission is based in Canberra so it will not be easily influenced by local pressure groups and State pressure groups. In that way, the commission can make decisions without much political pressure from the States.

The significance is that the Bill establishes a Ministerial Council, and I applaud that. I wish the old term River Murray Commission had been retained, but it has changed to the Murray–Darling Basin Commission. That commission will be answerable to a Ministerial Council which is representative of Ministers from each State government of Victoria, New South Wales, and South Australia, and from the Federal government; and the Queensland government will also be involved.

Although the basin occupies 56 per cent of Victoria, it also occupies 75 per cent of New South Wales, 15 per cent of Queensland and 8 per cent of South Australia. It extends from Mount Macedon in Victoria to Roma in Queensland, and from Armidale in New South Wales to Burra in South Australia.

Under the agreement, no State will have the power to force another State to take part in works or bear costs if that State does not wish to be involved. Consensus must be reached between the States. Under the Federal–State system that is the only way the Murray–Darling Basin Commission can operate.

The establishment of the new commission does not mean that any changes will be made to the water arrangements existing under the old River Murray Commission. The only addition is that the Darling River area in New South Wales is brought into the River Murray Basin. The Murray–Darling Basin Commission will be able to advise the Ministerial Council on water, land and environmental aspects in its management of the total basin. People in the river basin area have been requesting that for a long time, and they are pleased with the provision.

I turn briefly to the problems associated with the mineral reserve basins, which are pertinent to the Bill. The Minister for Water Resources is aware of the bitterness that exists in the Swan Hill–Kerang area over the mineral reserve basins scheme. The attempts made to effect the scheme resulted in a very expensive court case between landowners and the government. The government eventually won the case; but it withdrew from its intention to implement the scheme and has postponed implementation indefinitely.

That is an example of governments and outside engineers coming to an area, which had been done ever since early this century, and telling local people what was best for them without any regard being paid to local points of view. During this century, governments
have had a bad record of causing devastation to some very beautiful areas in north-western Victoria, particularly in the vast lakes area of Swan Hill-Kerang. The mineral reserve basins scheme was regarded as an extension of that devastation.

The scheme was meant to be a weapon in the battle against salinity—for good reasons—but it was based on very poor environmental advice and would have cost millions of dollars.

Progress has been made in other methods of salinity control in the area. The progress has been satisfactory. People in that area want a system of salinity control which they can understand and to which they can lend support; also, they consider it essential that salinity control policies and measures should not be vulnerable to change as a result of change in government. We are slowly getting there! I am sure that neither the present Minister for Water Resources, nor future Ministers will advocate bureaucratic force as a means of resolving these environmental problems.

A comparison can be made with the land protection Bill recently introduced by the Minister for Conservation, Forests and Lands in another place. The Bill was partly debated, but now it has been abandoned. The Flora and Fauna Guarantee Bill deals with difficult issues—but it has the big stick behind it. The National Party insists that that is the wrong approach to take to solve the very delicate problems in the Murray-Darling Basin and in other catchment areas.

I hope both Bills will be withdrawn and rewritten in order to reflect an understanding of the problem, and to provide an educative and coordinating ability for the people the Bills will affect. Understanding the Murray-Darling Basin would be an education for people; it is too large for politics. It should not be the subject of a party political debate.

More knowledge and understanding of the very fine ecology in the Murray-Darling Basin is necessary. It is important to balance the competing interests of tourism, recreation and environmental factors, and the irrigation and natural functional purposes of the basin. The Murray and Darling rivers are natural drains for a large area and storages of good water.

The basin has a double function, and the Parliaments of the eastern States have an interesting challenge ahead of them to ensure that the ecosystems of the area are not destroyed. The steps being taken in this Parliament and in the Parliaments of South Australia, New South Wales and the Commonwealth in the next few days will help to secure the proper understanding of the fine balance that exists in the river system of the Murray-Darling Basin.

The National Party supports the Bill, and it looks forward to playing a positive role in the future of the development and understanding of the Murray-Darling Basin.

Mr LIEBERMAN (Benambra)—I support the Bill, which marks the historic agreement that has been made between the governments of New South Wales, Victoria, South Australia and the Commonwealth. It recognises the importance of the great asset of the River Murray.

The Murray-Darling Basin is regarded as the heartland of the nation; it takes in one-seventh of this continent. The waters of the River Murray and its tributaries, including the Murrumbidgee and the Darling rivers, are a lifeline for 1·6 million Australians, and indirectly sustain many more. The basin supports one-quarter of the nation's cattle and dairy herds and half of its sheep and crop lands. If one considers the enormous amount of wheat produced in Australia, one appreciates the dimensions of that statement. The Murray-Darling Basin supports nearly three-quarters of Australia's irrigated land, the annual rural production of which is valued at some $10 billion. Therefore, the basin is a valuable asset and resource for our nation.

As one would imagine with a system based on Federalism and local government, the responsibility for the Murray-Darling Basin vests in five Parliaments, the Queensland
Parliament being added to the Parliaments I have already mentioned. A total of 33 State departments or authorities have some responsibility for certain aspects of basic management of the basin. Some 10 intergovernmental organisations have interests in it and, in addition, 256 local government authorities have a direct stake in the region.

When one considers the value of the resource to Australia, one understands the need to bring the relevant Ministers together on a regular basis in the form of the Ministerial Council proposed in the Bill. Since I became a member of Parliament about twelve years ago, I have noticed that some things do not happen quickly enough and some things never happen. I have worked with many other honourable members, including my colleagues who represent areas along the River Murray, to achieve the agreement contained in the Bill.

In 1983 I had the honour of representing the Victorian Opposition in a week-long study of the River Murray. The study involved representatives of the National and Liberal parties from the Commonwealth Parliament and the State Parliaments of New South Wales and Victoria. We spent a week on the study under the chairmanship of the then shadow Minister for Environment, David Connolly. After consulting with the relevant organisations, the approval of the Parliamentary parties was obtained to make a joint statement calling for a Ministerial Council and the development of a total management plan for this valuable resource. We also offered to our so-called political opponents on the other side of politics our assurance that we would work with whatever government was in power in the future to ensure that the agreement would be put in place and supported.

I pay tribute to the River Murray Commission and the work it has performed over many years. Often it has been criticised because of its apparent narrow view on the River Murray. However, its charter has been limited and it has been unable to expand it.

The then Murray Valley Development League was the organisation that inspired me to make the agreements contained in the Bill one of my objectives as a member of Parliament. The league, under the present leadership of Mr Theo Charles-Jones, should be commended for the contribution it has made and will continue to make.

The Minister for Water Resources has been diligent in achieving the agreement. I wish him well in this exercise because it will not be easy; it will require the wisdom of Solomon from all present Ministers and those in the future, regardless of political flavour, to make certain that the agreement survives. I wish them well, and I am sure all honourable members will work to help them overcome the many problems they will undoubtedly confront.

Mr JASPER (Murray Valley)—I support the comments made by the honourable member for Swan Hill in supporting the Bill, and I recognise the enormous significance of it. I join the debate because the northern boundary of the Murray Valley electorate comprises 200 miles of the River Murray. The Murray-Darling river system is one of the most important systems in the world. It is claimed to cover approximately one-seventh of this continent. The importance of the system to the economy should not be underestimated. It services the enormous Murray-Darling Basin which is one of the most fertile areas in Australia. The region produces a large proportion of the food products consumed in Australia and exported to world markets.

When I entered Parliament in 1976, extensive representations were made to me by people concerned about the River Murray system. During my early days in this place, I made some significant speeches about the developments that had taken place and the importance of extending the authority of the River Murray Commission so that it could consider other areas of concern.

The original agreement of 1914 between the Commonwealth, Victorian, New South Wales and South Australian governments gave narrow responsibilities to the River Murray Commission. The commission was responsible to the four governments and it was to provide irrigation water for Victoria and New South Wales and navigation in South
Australia. Over the years, the commission's responsibility has been restricted to those matters.

In the early days, the River Murray Commission had no control over the water once it left the Hume dam. This was of concern to those who lived along the northern boundary of the Murray Valley electorate, especially to those who lived between the Hume dam and the northern tributaries of the River Murray. I received representations on problems resulting from erosion of the river banks and the quality of water.

At the time the representations also suggested that the charter of the River Murray Commission be extended to allow it to examine a wider range of areas. In 1976, when I debated the matter in this House, I said that if major changes were not made to the charter of the commission and if greater cooperation between the three governments and the authorities was not achieved, the River Murray would become an unmaintained sewer. If the degeneration of the water quality is allowed to continue, that will happen.

In 1982 the River Murray Waters Agreement was changed and the charter of the commission was extended to give it more responsibility to ensure the quality of the water was maintained at a certain level. The extension did not go far enough. The new agreement will allow a broader examination of the total control of the Murray-Darling Basin and surrounding areas. This will be a challenge to the four governments involved and the River Murray Commission.

The commission will now have the responsibility of overseeing the collection of water in the high country, down through the water system to the dams. The commission should be given the responsibility of controlling the amount of water to be made available for irrigation purposes.

The honourable member for Swan Hill outlined the problems experienced along the River Murray with erosion, caused by salinity, and the need for proper salinity control. Perhaps the commission could be given responsibility in that area. The commission is currently undertaking de-snagging work between the Hume dam and the Yarrawonga weir. Varying opinions have been given on how the de-snagging should be undertaken, whether trees should be removed and how many should be removed. The commission should examine how to maintain the river banks and how to combat the erosion. The de-snagging work will result in a higher quality of water further downstream.

The honourable member for Swan Hill was to propose an amendment to the Bill to provide that reports from the commission be made available to Parliament. The government has indicated its support for the amendment so that the National Party will move the amendment in another place. The result will be that Parliament will receive annual reports detailing what action is being taken by the commission to control the supply and quality of water and to develop this vital Murray-Darling river system.

The River Murray Commission has been given a challenge. I look forward to greater cooperation between the three States and the Commonwealth government to further develop the River Murray system. Further development of this system will be to the benefit of the three States involved and to the benefit of the economy generally.

Mr McCUTCHEON (Minister for Water Resources)—I thank the honourable members for Narracan, Benambra, Swan Hill, and Murray Valley for their contributions. The House is united in its support for the Bill, which has been acknowledged as historic. It is difficult to achieve cooperation and change between four governments, but it has been achieved and the Bill reflects that cooperation.

The honourable member for Benambra said that the Ministers involved would need the wisdom of Solomon. I suggest that they also need the patience of Job. This matter has been aired for a long time and many people have been keen to achieve an agreement between the three States and the Federal government.
The Murray–Darling Basin Agreement is the result of tremendous determination. The importance of consultation has been mentioned. The history of the Murray–Darling Basin Ministerial Council has been one of consultation. Its first meeting was held in Adelaide in late 1985. The various Ministers involved heard detailed presentations from an extraordinarily wide range of people who were given the chance to help confirm the views of the four governments that the move was backed by the community.

A community advisory committee has been built into the institutional arrangements so that the consultative process can continue. The advisory committee will ensure that communication with the governments, through the Ministers who will sit on the council, will continue.

There is agreement on the amendment to be proposed by the National Party in another place; it will provide for the reports of the commission to be tabled in Parliament.

The motion was agreed to.

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

**LA TROBE UNIVERSITY (AMENDMENT) BILL**

The debate (adjourned from October 15) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr WHITING (Mildura)—Although I have been a member of the La Trobe University Council for the past seventeen years, I assure the House that I have no pecuniary interest in this matter.

When the Bill was last debated the honourable member for Kew indicated the support of the opposition parties for the Bill. She mentioned the concern expressed by the School of Physiotherapy within the Lincoln Institute of Health Sciences. Those concerns have been largely overcome in subsequent discussions.

The Bill is basically a machinery Bill to allow for the amalgamation of the Lincoln Institute of Health Sciences with La Trobe University. The Bill does not detail the future of the School of Health Sciences—as it will become when this Bill is passed.

There are still areas of some concern to both members of staff and students in those areas. There will need to be goodwill on both sides in the discussions that will have to take place before a satisfactory amalgamation occurs.

One of the reasons for the passing of the Bill in this sessional period of Parliament is because of the tabling of the second volume of the Commonwealth Tertiary Education Commission's report in the Federal Parliament, which indicates that steps have already been undertaken to fund the new School of Health Sciences at La Trobe University. If the Bill were held over until the autumn sessional period of Parliament, Orders in Council and other such legal measures would need to be undertaken to cope with the period of hiatus between 1 January 1988 and whenever the Bill became law.

The Australian Physiotherapy Association has expressed concerns about the standard of the academic content in courses run by the Lincoln Institute. The Australian Physiotherapy Association has had discussions with all parties involved in the amalgamation. With certain provisos the association is satisfied with the undertaking given by the Minister for Education to set up a review committee.

On 7 October the Deputy Leader of the National Party asked the Minister for Education a question about the deputation from the Australian Physiotherapy Association about such a review being set up. In his reply the Minister stated:

The issue of the best place for anatomy to be taught after the amalgamation of the Lincoln Institute of Health Sciences and the La Trobe University has been raised by the Australian Physiotherapy Association (Victorian Branch). I have asked the Victorian Post-Secondary Education Commission to undertake a review into that
matter. Shortly I shall receive its advice on who will conduct the review, what will be the terms of reference, and the time limits involved.

I advise the House that the proposed amalgamation of the institute and the university in the near future will not have any effect on this issue. There will be plenty of time to satisfactorily work through this exercise.

The Minister seems to be adhering to the assurances he gave.

The terms of reference of the review committee have been gradually amended. The present terms of reference appear to be satisfactory. The Australian Physiotherapy Association has a meeting with the Victorian Post-Secondary Education Commission next Wednesday to try to reach final agreement on the terms of reference. The association is concerned that if the Bill is passed through Parliament the review committee will not have any say in where the School of Physiotherapy should be situated, where the teaching of anatomy should take place, and so on.

When the Minister responds to the second-reading speech, I hope he will give an undertaking that the passage of the Bill will not prejudice the recommendations of the review committee as to the future siting of physiotherapy education. Such an assurance would go a long way towards smoothing both the path of amalgamation and the review committee's activities. I hope the Minister will give such an undertaking.

The Australian Physiotherapy Association is also concerned about the time allowed for the review committee to undertake its tasks. I believe until the end of June 1988 would be a suitable time to allow; although it would not be in the interests of all concerned if such a process dragged on for a lengthy period. Providing all the necessary information can be obtained so that recommendations can be made within that period, June 1988 would seem an appropriate date.

There has been concern about the lowering of academic standards in the Lincoln Institute of Health Sciences. Although La Trobe University may have had a cloud over its academic performance in its early days, that is no longer the case. The university has developed a good reputation and it will continue to improve in the years ahead. A large percentage of the research work carried out at the university has been recognised as world standard; I hope that high standard will continue.

The indication is that, of the 2200 students at the Lincoln Institute of Health Sciences, approximately 500 are physiotherapy students. Therefore, they are a reasonably large part of that institute and their contribution to that amalgamation, should that be final as a result of the situation, is vital.

The Amalgamation Implementation Committee, the La Trobe University Council and also the council of the Lincoln Institute of Health Sciences, has taken the matter seriously and it has been thoroughly discussed on a number of occasions. Professor Day, who is the president of the Lincoln council, has been a member of the La Trobe University Council for approximately twelve months or more and that is a significant point. There has been a reasonably close relationship between the two organisations over that period. Although it has not been without problems, the problems have largely been resolved.

On 7 September the La Trobe University Council unanimously resolved to adopt the report of the Amalgamation Implementation Committee, subject to the provisions set out in the report and including the Acting Vice-Chancellor's recommendations, and further resolved that amalgamation between La Trobe University and the Lincoln Institute of Health Sciences should proceed on 1 January 1988. Those remarks were taken from the minutes of the council meeting on 7 September.

That decision was not taken lightly; it was thoroughly researched and presented to the council. A similar resolution was carried at the council meeting of the Lincoln Institute of Health Sciences a few days prior to this meeting and, hopefully, with goodwill on all sides, the amalgamation—and it is probably the first voluntary amalgamation—of the academic institutions can take place without any great harm to either group involved in it.
I trust that the Minister will indicate that this will be the case, and I wish the Bill a rapid passage through Parliament.

Mr LEA (Sandringham)—I support the Bill and I support the comments made by the honourable member for Kew. I declare an interest as a member of the La Trobe University Council—it is not a pecuniary interest—and I should like to make a few comments.

The agreement between the two institutions was made on 25 September 1986, to be confirmed on 1 January 1988 following the passing of the proposed legislation. It is interesting to note that a letter arrived at my office on 8 October 1987 indicating the joint acceptance of the proposition by the Acting Vice-Chancellor of La Trobe University, Elwyn Davies, and the Director of the Lincoln Institute of Health Sciences, Bernard Rechter.

The respective councils have supported this amalgamation because it provides a unique, exciting opportunity to enter into a new era of teaching, research and inter-disciplinary studies in health sciences. The amalgamation offers a number of sound advantages, educationally and financially, for the two institutions. It will provide better opportunities for higher education studies in the northern suburbs of Melbourne for people in the area of health services where this has been lacking.

It will make tertiary education available to some people who are disadvantaged in terms of entering into studies in tertiary institutions. It will also broaden La Trobe University's academic horizons. It is a humanities and social sciences university, and the advent of the health sciences is seen by the La Trobe University Council and academic staff as an important step.

The Amalgamation Implementation Committee has dealt with a number of administrative changes. A few appointments are currently being made. Mr David Nielson has been appointed vice-principal of the university—a change brought about by the amalgamation. A whole series of appointments will have to be made to meet the needs of the amalgamation.

In the staff area, boards of study will have to be set up to determine curriculum and academic standards as well as study for masters and preliminary masters degree; arrangements will have to be made with the University of Melbourne regarding the physiotherapy school.

I should like to make reference to the student welfare services, as chairman of that committee at La Trobe University. The committee was given a brief by the council to determine the impact of the additional 2200 students. Considerable finance needs to be provided through the Commonwealth Tertiary Education Commission—CTEC—to fund the increased welfare services for students.

Accommodation and child-care facilities need to be upgraded. Good things coming out of the amalgamation are cost savings through library integration, an increase in student services, staff relocation, allowances and transfer of salary scales, capital developments at Bundoora, and planned increases in research and post-graduate equipment funding.

The honourable member for Mildura has asked the Minister for assurances that physiotherapy students will not be prejudiced by the passage of the Bill.

In conclusion, the Liberal Party totally supports the Bill. As the honourable member for Mildura pointed out, this is a unique occasion. It is the first voluntary amalgamation between two tertiary institutions, and I am sure all honourable members would wish it well.

Mr WILLIAMS (Doncaster)—I sincerely dislike having to hold up the House, but I happen to be a member of the Social Development Committee and I am conscious of the neglect of education in the field of what is called alternative medicine.
So far as I am concerned anything that can be done to improve the standard of education in the field of alternative medicine deserves support, because I am concerned at the low educational standards of people who are allowed to practise fringe medicine in this State.

Mr CATHIE (Minister for Education)—I thank the honourable members for Mildura, Sandringham, and Doncaster for their support of and contributions to the Bill. The Bill is the last act, really, in the amalgamation process. Discussions have been going on for two years or more. In fact, the agreement was signed some fifteen months ago.

The Amalgamation Implementation Committee has subsequently reported to each council and to the academic boards so that 1 January becomes a key date. I understand that some dispute has arisen about the fact that the Commonwealth is proceeding with its legislation and there are clauses setting out all the transitional arrangements, the legal responsibility, the transfer of debts, the staff, the safeguards in those transitional arrangements for existing staff and so on.

It is important for Victorian legislation to complement the Commonwealth Bill and financial arrangements set out in the CTEC—Commonwealth Tertiary Education Commission—report.

Most of the debate has revolved around the provision of physiotherapy programs, and that is a matter about which I have given previous assurances.

There will be a working party. I understand draft terms of reference have been prepared and, although a further meeting is to take place on Wednesday next week, I believe agreement will be reached between the association and the Victorian Post-Secondary Education Commission concerning the terms of reference for the inquiry.

The honourable member for Mildura sought an assurance that the passage of the Bill would in no way prejudice the review or the outcome of the review. I am happy to give that assurance. He also sought an assurance in relation to the length of the review. I imagine it will be about six months, but that will, no doubt, depend on how the review proceeds and the progress it makes in examining the relevant issues.

Most honourable members who made contributions to the debate also mentioned that this is a voluntary amalgamation. That is unusual. In the past, people have referred to shotgun marriages when speaking about the way in which post-secondary institutions have been joined together. As the honourable member for Kew says, by interjection, some are still not happy.

Nevertheless, the government looks forward with a great deal of interest to examining the Commonwealth government's Green Paper on the future shape of higher education, which I understand will be released prior to Christmas. Both the Commonwealth and Victorian governments are very supportive of the direction towards a more viable and perhaps more flexible system of higher education, and I believe this amalgamation will lead the way.

The ACTING SPEAKER (Mr Kirkwood)—Order! Before putting the question, being a member of the La Trobe University Council, I place on the record that I am pleased that the House is supporting the Bill.

The motion was agreed to.

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

FIREARMS (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.
Council’s amendments:
1. Clause 1, line 4, after “firearms” insert “, to protect the public from criminal or irresponsible misuse of firearms and to foster education in the safe use and handling of firearms.”.
2. Clause 2, line 6, omit “or days”.
3. Clause 4, omit this clause.
4. Clause 8, page 3, lines 10 to 16, omit paragraph (c).
5. Clause 9, line 22, omit “may” and insert “must”.
6. Clause 9, line 24, omit all words and expressions on this line and insert—
“(a) is a person engaged in primary production within the meaning of Part IIIA, is a member of a sporting or recreational shooting organisation approved by the Firearms Consultative Committee or has another good reason to possess that firearm; and”.
7. Clause 11, page 5, after line 36, insert—
“(ii) after paragraph (c) insert—
“(ca) upon obtaining a permit under section 22AB, purchase in Victoria a firearm of the type which the person is so authorised to possess and carry; and”; and”.
8. Clause 11, page 6, line 4, insert the following paragraph to follow paragraph (b)—
“(c) after sub-section (1B) insert—
“(1C) Despite section 22AB (4), a person to whom sub-section (1) applies who applies for a permit under section 22AB is not required to pay a fee for that permit.”.
9. Clause 12, lines 15 and 16, omit “$2000 or imprisonment for not more than six months” and insert “$500 or imprisonment for not more than one month”.
10. Clause 12, line 21, after ‘permit’ insert—
‘; and’
11. Clause 13, line 23, after “13.” insert “(1)”.
12. Clause 13, after line 34, insert—
“(2) In section 24 of the Principal Act, for sub-section (3) substitute—
“(3) Any person who sells a firearm or imitation pistol in contravention of sub-section (1) is guilty of an offence and liable to a penalty of $500 or imprisonment for a term of not more than six months”.
13. Clause 14, page 7, lines 3 and 4, omit “$2000 or imprisonment for a term of not more than six months” and insert “$500 or imprisonment for a term of not more than one month”.
14. Clause 14, page 7, line 4, after this line insert—
“(3) Sub-section (2) does not apply to—
(a) a person who is engaged in primary production within the meaning of Part IIIA; or
(b) a person employed by or authorised by or under the control of a person engaged in primary production—
who is shooting on the land of the person engaged in primary production.”.
15. Clause 14, page 7, line 5, omit “(3)” and insert “(4)”.
16. Clause 14, page 7, line 9, omit “(4)” and insert “(5)”.
17. Clause 15, page 7, lines 28 to 37 and page 8, lines 1 to 6, omit all words and expressions on these lines.
18. Clause 16, omit this clause.
19. Clause 17, omit this clause.
20. Clause 18, line 22, omit “$2000 or six months imprisonment” and insert “$500 or one month’s imprisonment”.
21. Clause 18, lines 25 and 26, omit “sell or otherwise dispose of firearms so forfeited” and insert “dispose of firearms so forfeited in the prescribed manner”.
22. Clause 19, line 28, after “19.” insert “(1)”.

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23. Clause 19, lines 38 and 39, omit all words and expressions on these lines.
24. Clause 19, after line 39, insert the following sub-clause—
   "(2) In section 49 of the Principal Act, after sub-section (1) insert—
   "(1A) Regulations made under sub-section (1) may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the Subordinate Legislation Act 1962.

   (1B) Disallowance of a regulation under sub-section (1A) is deemed to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962.".

25. Clause 20, lines 23, 24 and 25, omit—
   "; and
   (c) in sub-sections (11) and (12) for "chairman" (wherever occurring) substitute "chairperson".
26. Clause 21, line 27, omit "for paragraph (b) substitute" and insert "after paragraph (b) insert".
27. Clause 21, line 28, omit "(b)" and insert "(c)".
28. Clause 21, line 29, after 'courses.' insert—
   "; and
   (d) to approve sporting and recreational shooting organisations for the purposes of this Act.".
29. Clause 22, omit this clause.
30. Clause 23, page 10, line 3, omit "sample set of his or her fingerprints and".
31. Clause 24, omit this clause.
32. Insert the following new clause to follow clause 3:
   Amendment of definitions.
   'AA. In the definition of "Authorised officer of police" in section 3 (1) of the Principal Act—
   (a) in paragraph (b) after "22AA" insert ", 22AB"; and
   (b) in paragraph (c) after "shooter's licence" insert "or a permit to purchase a firearm under section 22AB".
33. Insert the following new clause to follow clause 24:
   Insertion of new section to follow section 22AG.
   'AAA. After section 22AG of the Principal Act, insert—
   Actions to be taken where person charged with an indictable offence.
   "22AH. (1) An authorised officer of police may seize any firearm, licence, permit or other authority which is in the possession of or held by a person who has been charged with an indictable offence and any such licence, permit or other authority may be suspended by the Registrar or any authorised officer of police.
   (2) If the person charged with the indictable offence is acquitted of that offence or the charge is withdrawn, the Registrar or authorised officer of police must return to that person—
   (a) any firearm so seized which that person is authorised by this Act to carry possess or use; and
   (b) any licence, permit or other authority so seized—
and the suspension of such licence permit or other authority shall be revoked.
   (3) If the person charged with the indictable offence is found guilty of that offence—
   (a) any firearm seized under sub-section (1) is forfeited to the Registrar to be disposed of in the prescribed manner; and
   (b) any licence, permit or other authority seized under sub-section (1) is cancelled.".

Council's suggested amendment:
Clause 20, lines 3 to 22, omit paragraph (a) and insert—
   "(a) in sub-section (2)—
   (i) for "nine" substitute "eleven";
   (ii) in paragraph (a), for "two" substitute "three"; and
   (iii) in paragraph (b), for "two" substitute "three"; and'.
The ACTING SPEAKER (Mr Kirkwood)—Order! As the House has before it amendments from another place and also a suggested amendment, it is quite in order and, in fact, very appropriate to deal first with the suggested amendment.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That the amendment suggested by the Council be agreed to.

The purpose of this amendment suggested by the Council is to add to the membership of the Firearms Consultative Committee an additional police member and an additional member drawn from the legal profession, so that the volume of appeals passing through the Firearms Consultative Committee can be dealt with as expeditiously as possible.

I believe that will be achieved by the suggested amendment, which should have the support of the House.

Mr CROZIER (Portland)—The Opposition is happy to support the amendment because it is a radical departure from the government’s original intention for the appellate functions of the Firearms Consultative Committee to be terminated and for the committee to be reconstituted. The Opposition accepts the need for enlargement of the committee by two members, as described by the Minister, for the reasons he has put to the House.

The amendment will enable the appellate function of the Firearms Consultative Committee to be dealt with more adequately by providing the committee with the capacity to form an extra division for appeal. The Opposition is happy to support the amendment.

The motion was agreed to.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That amendments Nos 1 to 5 be agreed to.

I should say at the outset that, since the Bill was first introduced in the House, I have had the opportunity of attending public meetings on its substance at Springvale and Warrnambool; I have had the opportunity of discussing the measure with a deputation from the Sporting Shooters Association, at the association’s request. I have also had a number of discussions with shooters and firearm owners, including some on the occasion when I presented trophies at the recent national championships of the Field and Game Association.

Very careful consideration has been given to the points raised at those meetings and discussions and also to the thrust of arguments advanced both in this House and in another place during the second-reading and Committee stages.

It has been the aim of the government throughout to accommodate, so far as possible, the concerns that have been voiced, to the extent that that is compatible with allowing the measure to meet its objective of making our State a safer place for people to live.

I hope it will assist discussion this afternoon to begin on an appropriate basis when I advise honourable members that the government accepts the Council’s amendments Nos 1 to 5.

Mr CROZIER (Portland)—It is pleasing that the Minister has accepted the amendments of the Council for the reasons that he outlined. I point out that those amendments encompass two significant changes to the Bill.

The first change relates to the amendments to clause 1 of the Bill, which qualifies and expands specifically the purpose of the measure. The Minister has just told the House that the government’s main aim is to make Victoria a safer place in which to live. I am sure no-one would dispute that as a laudable objective.

That was not precisely the objective as spelt out in clause 1 of the Bill. I am pleased that the amended clause 1 will encompass at least in part the qualification and the extended purpose as put to the Committee when the debate commenced in the Committee stage.
When the debate was truncated by the use of the guillotine motion, the amendment put forward was the amendment of the honourable member for Benalla to alter the purposes of the Bill so that clause 1 would now read:

1. The purpose of this Act is to strengthen controls over the availability of firearms, to protect the public from criminal or irresponsible misuse of firearms and to foster education in the safe use and handling of firearms.

The Opposition has no quarrel with those objectives except with the retention of the original wording which now seems somewhat superfluous. It does qualify the rationale of the legislation in a way which is not only acceptable but also commendable and will have a bearing on the subsequent debate in the Committee stage.

The other aspect deserving of passing mention is the agreement of the government to delete the contentious requirement that it be a requisite that all holders of a shooter's licence be fingerprinted. As members of the Opposition and National parties have pointed out here and in another place, there are clear reservations about that procedure. However, we were prepared to accept it provided that the government gave the Police Force the power to take fingerprints of persons who were suspected of criminal offences. It is a power the Police Force does not have and that members on this side of the House believe the police should have. The government has now elected to do away with that clause altogether, and we are pleased that that is the case.

Mr McNAMARA (Benalla)—I thank the Minister for Police and Emergency Services for accepting the proposals put forward by the National Party on the purpose of the Bill. As has been stated in the debate, the strengthening of controls over the availability of firearms should not be the purpose of the legislation. The purpose should include other matters such as protecting the public from criminal and irresponsible misuse of firearms, and fostering education. That proposal was drafted for that purpose.

It is interesting to note that a similar philosophy has been espoused by the Registrar of Firearms in suggesting objectives of the Bill. I thank the Minister for accepting that amendment.

The government accepts the amendment relating to the commencement provision, dealing with day or days. This issue has been debated several times in respect of several Bills. The Liberal and National parties are concerned about selective proclamation of legislation. We wish to ensure that legislation passed in this Chamber and another place is fully proclaimed and that the government does not use the method of not proclaiming clauses which perhaps have been amended to circumvent the wishes of Parliament. That is straightforward.

The third amendment omits clause 4, which deals with claims to the Administrative Appeals Tribunal. As the Minister has stated, it has become clear from meetings he had attended on this proposed legislation that the wish of the public, particularly the sporting fraternity, is to have the Firearms Consultative Committee continue in its present form, to act in an area where its members can handle appeals under the legislation. It is desired that the composition of the committee remain as it is. We shall deal with that later.

I take this opportunity of thanking the Minister for Police and Emergency Services for attending a number of rallies. My colleague, Mr Hallam, was involved with the honourable member for Portland in a debate at Springvale which the Minister attended. The honourable member for Portland and I were involved in a debate at Warrnambool with the Minister. He is at least one Minister who—although we criticise him from time to time—has not squibbed the issue. He has at least gone out and faced the public. The fact that he faced 2000 fairly irate shooters at Springvale is of some credit to the Minister, and it is fair for me to acknowledge that. His logic, is, however, erroneous on some areas of the proposed legislation.

The fourth amendment the government will accept deletes the provision in respect of fingerprinting. This is a logical acceptance. The legislation as originally proposed would have resulted in law-abiding shooters being treated worse than common criminals. Even
if all the recommendations of the Coldrey report were accepted tomorrow, the legislation would have been harsher in the treatment of law-abiding citizens of our State holding shooter's licences than it would have been if they happened to be involved in some criminal activity.

The other amendment was put forward by the honourable member for Portland and dealt with the permit to purchase. The National Party is totally opposed to the permit-to-purchase system. Members of the National Party have supported the Opposition in respect of the attempt to reduce the impact of that system, but I reiterate the objection of the National Party to any extension of the registration system.

I reiterate that we should be aiming at a similar system to the one in New Zealand, with an emphasis not on control and bureaucratic regulation but rather on education and safe handling of firearms. The emphasis should be on the issuing of shooter's licences rather than on registration, permit to purchase, fingerprinting and licences being required to be produced for the purchase of ammunition, and so on. I thank the Minister for accepting those first five amendments.

The motion was agreed to.

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

That amendment No. 6 be agreed to with the following amendment:

Omit "is a member of a sporting or recreational shooting organisation approved by the Firearms Consultative Committee".

As I said at the outset, the object of the Bill can be summarised as public safety. To the extent that points of objection to the Bill can be reconciled with the objective of public safety, the government has been prepared to give careful consideration to those objections and wherever possible accommodate them.

The exemptions proposed in this amendment cannot be so reconciled with the interests of public safety. The legislation in its original form proposed the introduction of a permit-to-purchase system under which a person seeking to acquire ownership of a firearm or an additional firearm would be obliged first to go to his or her local police station and satisfy the police officer there that there was a legitimate requirement for that particular firearm and that the applicant was a person of sufficiently responsible character to appropriately have possession of the firearm.

The amendment adopted in the other place creates two exemptions to that broad category of people required to obtain permits to purchase in respect of firearms. On the one hand it proposes a blanket exemption for all primary producer holders of shooter's licences and, on the other hand, it proposes a blanket exemption for all members of shooter organisations accredited by the Firearms Consultative Committee.

The government is prepared to accept the exemption where primary producers are concerned. However, it seems to the government that the exemption for members of shooting organisations is, at least at this stage, premature and impractical.

However, the government would be prepared, subject to the acceptance of the amendment that I have now moved, to make a reference to the question of exemption for members of shooter organisations to the Firearms Consultative Committee. In the event of the Firearms Consultative Committee being able to come up with a practical system for such an exemption, the government would then introduce further amending legislation, I would hope, in the context of the overall revision of the Firearms Act, which I expect to be able to introduce into the House early next year.

However, for the present while the government accepts the proposed exemption for primary producer holders of shooter's licences, it is unable to accept the exemption proposed for members of shooting organisations and it, therefore, disagrees with the amendment that has been adopted in the other place.
Mr CROZIER (Portland)—Before I speak about my amendment, I wish to say that I am pleased that the government has at least come halfway in this measure and accepted that there is reason for exempting primary producers as described in Part IIIA of the principal Act.

The Opposition has considerable reservations about the efficiency of the permit system anyway. Those reservations have been heightened during the debate in this place, following the Minister’s introduction of the Bill, by the revelation of the honourable member for Benalla when he introduced the conclusions of the Newgreen report. The report has been well canvassed both in this place, the other place and outside this place since that time.

Chief Inspector Newgreen is saying in his report that the whole system of registration is not cost effective. He said it is “costly, ineffective, and achieves little”. It is proposed that there be superimposed on a system which is non-cost effective and which is clearly not working a further bureaucratic procedure which will tie up further valuable police time at a period when the police budget itself is under attack and, indeed, has been subject to further restrictions in recent days—there has been an arbitrary restriction of $2.8 million on the operational police budget.

Here we have an example of a bureaucratic procedure which will clearly involve a number of trained police as well as other public servants who will have to be paid out of the police budget. In the view of the police it will not be at all cost effective and will not assist except in a minimal way in the now-stated objectives of the Bill.

Although the Opposition is prepared, with some reluctance, to accept the procedure of permits for purchase—I might qualify that by saying that the Act itself is in the view of the Opposition unsatisfactory—deficiencies which exist in the Act will not be properly addressed until the sort of detailed review that the Minister, to his credit, had initiated, has been completed and, more pertinently, the questions of the Minister’s own experts are acted upon.

I foreshadow that it would be a priority of an incoming Liberal government—I hope to be observing this procedure; obviously not from this standpoint, but I still hope to be around in the State to observe it when it happens—to review the entire Firearms Act.

In short, although the Opposition is prepared, with reluctance, to accept the permit-to-purchase system, it is strongly of the view that there should be exemptions.

The Opposition is pleased that the government is prepared to go along with the first exemption. The Opposition believes that bona fide members of recreational sporting shooting organisations should also enjoy the same exemption. I shall make one concession in this regard. The principal objection to this exemption is that it could be argued that those who were simply concerned with circumventing the permit procedures—cumbersome though they are—would be tempted to join an approved sporting shooter organisation just for that purpose.

To take on board and address that particular objection, which the Opposition finds has some validity, I am prepared to move the amendment circulated in my name which would mean that no member would enjoy such an exemption until he or she had been a member of that approved body for not less than twelve months. Therefore, I move:

That the following words be added to the amendments:

"and insert 'has been a member for not less than twelve months of a sporting or recreational shooting organisation approved by the Firearms Consultative Committee'.”

If the amendment to the motion is agreed to, it would totally address that objection, and that objection is the main objection.

I remind the House that a similar time limit applies to those who join a pistol club. It is not possible for a member of a pistol club to automatically gain a pistol licence. A probationary period of six months has to be served. The amendment that I moved will
double that period, and that is an extra safeguard. In short, the Opposition is strongly of the view that there should be exemptions and that both categories of people are worthy of those exemptions.

I remind the House of what the Minister himself had to say in his message, in the introductory part of the firearms safety code. It states:

I urge you to join a shooting club where you can improve your knowledge, understanding and enjoyment of firearms.

The shooting clubs clearly have a role to play in enhancing an appreciation of the safe handling of firearms, firearms laws and, undoubtedly, will have a role to play in providing the instructors and examiners who will be needed to translate the new requirement in clause 8 of the Bill.

On the one hand we are saying that these are responsible people and that we rely on them to play a significant role in better educating those hundreds and thousands of Victorians who enjoy and will enjoy the sport of shooting, either as hunters or competitive target shooters. On the other hand, people are still required to present themselves and be asked why they want firearms.

I am pleased the Minister has accepted that there is strong reason for giving primary producers an automatic exemption from having to explain why they want to purchase firearms. I believe that argument flows through with comparable force to exempt those responsible, bona fide members of what will become, by virtue of the amendments moved by the Opposition—if accepted by the government—approved sporting and recreational shooting organisations.

Mr McNAMARA (Benalla)—The National Party is totally opposed to the permit-to-purchase system. The proposal was introduced into the legislation in 1983 when the firearm registration system was amended. At that stage, the permit-to-purchase system was opposed by both the Liberal Party and the National Party. The permit-to-purchase system is now being further extended because of the hysteria that followed the Hoddle Street shootings. The proposal is building on the failed system of registration that has developed over the past four years.

It is obvious from practitioners in the field, the police who administer the registration system, and sporting shooters, that, as the honourable member for Portland has said in quoting the Newgreen report prepared by the Registry of Firearms, the permit-to-purchase system is a failed system that achieves little. The system should be aimed at achieving effective protection for the public rather than merely building up a register of numbers. The public demanded that protection in the months following the Hoddle Street disaster.

The National Party strongly and earnestly believes the system should be based on the New Zealand system. New Zealand had a system of registration and permits to purchase from 1920 to 1983. After 63 years’ operation of that scheme, it was realised that a more effective system was required, not a system of long lists that took up bureaucratic and police time but one with more emphasis on educating people on the safe handling of firearms and their responsibilities under the law. The system New Zealand has now is based on that emphasis.

I acknowledge that the Bill would substantially improve education on firearms, which is well and truly overdue, but I question the need to go further down the path of building on the registration system and the permit-to-purchase system. The National Party’s policy is to remove the registration system and the permit-to-purchase system and to place more emphasis on education and minimising the criminal misuse of firearms.

The honourable member for Portland has moved an amendment to the Minister’s amendment. The Council’s amendment seeks to exempt primary producers and members of sporting and recreational shooting organisations from the requirements of the permit to purchase. The Minister has sought to amend the Council’s amendment so that the exemption from the permit to purchase would apply only to primary producers. The
honourable member for Portland has moved an amendment to that so that the provision would apply to persons who have been members of sporting or recreational organisations for more than twelve months.

The National Party cannot accept either proposal. It does not intend to support any move to weaken provisions that have already been amended in another place. The National Party would like to go further and remove the permit-to-purchase system entirely. The Minister should pay more heed to bodies such as the review team operating under the chairmanship of the deputy head of his own department, the Registrar of Firearms, and the Firearms Consultative Committee.

If there were time to sit down and rationally consider the proposed legislation, I am sure the government would ultimately arrive at a system based on the New Zealand system. It is unfortunate that there has been an hysterical overreaction to the violent event at Clifton Hill. The matter should be examined more realistically. The government should not be taking cheap political advantage of the unfortunate situation that occurred in Clifton Hill. The National Party will oppose any weakening of provisions amended in another place.

Mr MATHEWS (Minister for Police and Emergency Services)—The name of Chief Inspector Newgreen has featured frequently in this debate. In justice to him I put on record advice I have received to the effect that he believes the combination of registration of firearms and the permit-to-purchase system constitutes an effective mechanism for gun control and, as such, has his support.

If a permit-to-purchase system had been operative prior to the Hoddle Street tragedy, the person responsible for that tragedy would have had to present himself to the police on no fewer than six occasions subsequently to that on which he qualified for the issuing of his shooter's licence. To that extent, it would have been possible for a variety of people with police training and experience to back up their judgments in assessing his suitability to be in possession of those firearms and to continue being the holder of a shooter's licence. If those arrangements had been in place it may be that the Hoddle Street tragedy would have been averted, although there can be no certainty of that.

Mr Hann interjected.

The DEPUTY SPEAKER (Mr Fogarty)—Order! We are approaching the end of the sessional period and we are all at the end of our tethers. I ask the honourable member for Rodney to behave himself.

Mr MATHEWS—That option—

Mr Hann—It is stretching—

The DEPUTY SPEAKER—Order! The honourable member is stretching my patience!

Mr MATHEWS—That option would have been available to the police. Where the safety of the community is concerned, we can do no less than leave no stone unturned. I suggest to both the honourable members for Portland and Benalla a compromise that may overcome the difficulty with this clause, namely, that the specific wording of the amendment moved by the honourable member for Portland, along with the general reference that I have foreshadowed of an exemption for members of shooter organisations, should be referred to the Firearms Consultative Committee on the basis of an assurance that I now give to the House that, subject to that course being adopted and the Firearms Consultative Committee being able to bring forward a system of exemption for members of shooter organisations, which it certifies as being effective, that system will be incorporated in the provisions of the Firearms Act, which I expect to introduce into the House early next year and pass into operation at that stage.

That will provide the safeguards that the Opposition seeks to achieve through its amendment, but it will do so on the basis of avoiding the administrative difficulties that are likely to arise and the abuses that are likely to be perpetrated if that amendment is adopted at this time.
Mr CROZIER (Portland) (By leave)—The Minister's argument is predicated on the assumption that there will be abuses. I do not deny that there will be some administrative difficulties but I point out that the cumbersome procedure of registration that now exists, on which will be superimposed this further procedure, lies fairly and squarely at the government's feet.

In the event that the system is evaluated—which undoubtedly it will be—and if it is adopted by the Firearms Consultative Committee and in the event the committee comes to the Minister and through him to the Parliament with a clear recommendation for modification or for the deletion of the system of exemption or for some other changes to the registration or permit system, of course, the Opposition will be cognisant of the authority of those recommendations and it would seriously take them on board when the Firearms Act is next under review.

Because of the reservations that the Opposition has about the proposed legislation, and clearly that is the view of our colleagues in the National Party, there will be ongoing pressure on the government not only from members on this side of the House but also from members of sporting shooting organisations to review it entirely or to continue with a sensible and objective review of the Act—a process that was interrupted by the grandstanding that followed the Hoddle Street tragedy.

We, on this side of the House, are not prepared to accept that compromise. I foreshadow that we will be amenable to any evaluation by the Firearms Consultative Committee which might come back to Parliament by way of recommendation from that committee after the system has been put into practice and has had a fair time for trial and evaluation.

Mr McNAMARA (Benalla) (By leave)—The National Party does not find the Minister's proposal acceptable. My colleague, the honourable member for Rodney, advises me that the comments made by the Minister are different from those the Minister made at Springvale when he said that any changes would not have solved the disaster that occurred in Clifton Hill.

It is interesting to note that Chief Inspector Newgreen also stated that if that individual had applied for a shooter's licence he would have been forced to grant him one. When one considers that the individual involved had been accepted at the Royal Military College, Duntroon, one would suppose that, as with more than 99 per cent of applicants for a shooters licence, those in authority would have deemed him an acceptable person. He would have gone through far more stringent psychological tests to enter Duntroon than others who apply to obtain a shooter's licence in Victoria.

The National Party believes the permit-to-purchase system is a farce. It builds on an already discredited system, namely, the registration system. I do not propose at this stage to back away from what our colleagues have achieved by amendment in another place, although the National Party does not believe they went far enough to remedy the situation.

Logical assessment has to be made, as the honourable member for Portland has said, and the hysteria about the Hoddle Street shootings has to be put aside; the Firearms Act should be considered in a sensible and logical fashion.

We did have an orderly process by which these matters were being addressed. There was a review team, under the capable chairmanship of Mr Bob Emerslie—for whom people have a high regard—that included Chief Superintendent Brian Fennessy and representatives of the shooting fraternity. Its recommendations were detailed and it said that the proposed legislation should be tabled in this sessional period to be held over until the autumn sessional period in 1988. That would have been an orderly process and the public would have been given ample opportunity of commenting on the issue.

Because of events we now have the Bill before us. There is no way that the sporting fraternity or the National Party can accept the proposal put forward by the Minister.

The House divided on Mr Crozier's amendment (the Hon. C. T. Edmunds in the chair).
The SPEAKER—Order! I am advised that the Minister has moved a motion in relation to amendment No. 6.

The motion was agreed to.

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

That amendments Nos. 7 and 8 be agreed to.
The motion was agreed to.

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

That amendment No. 9 be agreed to with the following amendments:

1. Omit "$500" and insert "$1000".
2. Omit "one month" and insert "three months".

When the original Bill was introduced into this House, it stipulated fines of up to $2000, or imprisonment for up to six months. After being amended in the other place, the Bill was returned to this House with $500 substituted for $2000, and one month substituted for six months.

In circumstances where the government has given careful consideration to arguments put forward in the other place, in public meetings and by deputations, it is believed a reasonable compromise which would still provide adequate protection to the safety of the public would be a fine of up to $1000, or up to three months' imprisonment. I hope in the spirit of compromise it will be possible for that to be accepted in all quarters of the House.

Mr CROZIER (Portland)—While the Minister has conceded that he is prepared to give ground on this, the Opposition believes the proposed penalty is still unrealistic and that it does not conform with the recommended penalty for this particular offence as put forward by the Minister's expert review body, the Firearms Act Review Team under the chairmanship of Mr Bob Emslie. Reference has already been made to that in the debate today by the honourable member for Benalla. I refer to that schedule of proposed offences and penalties under the Firearms Act, which is now incorporated into Hansard of 4 October 1987 as part of my speech during the second-reading debate on this measure.

That clearly prescribes the penalty for this offence and it is identical with the revised penalty which is the subject of the amendment made by the Legislative Council.

The Opposition is unable to accept the compromise and will hold with the amendment which is before us from the other place; that the penalty should be reduced from $2000 or imprisonment for six months to $500 or imprisonment for not more than one month.

Mr McNAMARA (Benalla)—The National Party also cannot accept the proposal put forward by the Minister. The National Party originally proposed that the penalties be basically in line with those proposed by the review team where in most cases the figure was $100 whereas in other cases in the proposed legislation the government proposed a penalty of $2000 or six months' imprisonment.

The National Party has reached agreement with the Opposition in another place to introduce amendments based on $500 and one months' imprisonment and to increase those, as the Minister suggests, to $1000 and three months' imprisonment is not acceptable to the National Party.

The motion was agreed to.

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

That amendments Nos 10 and 11 be agreed to.

The motion was agreed to.

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

That amendment No. 12 be agreed to with the following amendments:

1. Omit "$500" and insert "$1000".
2. Omit "one month" and insert "three months".

This is one of a series of amendments bringing the level of penalty into conformity with a compromise which I have suggested. In moving these amendments I point out that the committee charged with the revision of the Firearms Act did not have the advantage,
when it made its recommendations on penalty levels, of data brought into being through
the recent firearms amnesty. In the course of that amnesty, no fewer than 50 000 firearms
were submitted for registration, indicating conclusively the extent of the problem of non-
compliance with the 1983 legislation which is present in the community.

Mr CROZIER (Portland)—In relation to this proposed offence, the Bill was defective
because originally in the Bill there was no provision for increasing the penalty for the
offence of selling a firearm or imitation pistol in contravention of section 24 of the
principal Act. I understand the deficiency was picked up and alluded to in debate in the
other place by Mr Long and, appropriately, it comes back into this Bill but, inappropriately,
the Minister has now determined that the penalty should be as high as he suggests.

We have the same reservations, and I put forward the same argument, as presented a
few months ago when the House was discussing an appropriate penalty for the previous
offence in the previous clause.

For those reasons the appropriate penalty should be that listed in the amendment which
comes to us from the Legislative Council.

Mr McNAMARA (Benalla)—The National Party again cannot accept the proposal put
forward by the Minister. It is interesting to note that the review team’s recommendation
on this penalty suggested a fine of $100. In the original Bill it was proposed to be $2000 or
six months’ gaol. To come to the alternative that the Minister is proposing of $1000 or
three months’ gaol to increase what is now in the amendment of $500 or one months’ gaol
is not acceptable to the National Party.

The motion was agreed to.

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

That amendment No. 13 be agreed to with the following amendments:
1. Omit “$500” and insert “$1000”.
2. Omit “one month” and insert “three months”.

This is a further amendment in this series dealing with penalties.

Mr CROZIER (Portland)—This offence is that of failing to produce a licence on demand.
Originally in the Bill the failure to do so by anyone in any circumstance was to be a fine of
$2000 or six months’ gaol. One can imagine that technically there would be people at, say,
duck opening who naturally would not necessarily have with them the licence and could
be subject to this particular penalty.

I am pleased that the Minister is prepared to accept exemptions for primary producers
and those under the control of primary producers. The view of the Opposition is that the
penalty for the offence of failing to produce a licence on demand is still too high with the
revised figure the Minister has put forward. The figure should come back to $500 or imprisonment for not more than six months.

Mr McNAMARA (Benalla)—The National Party cannot agree to the amendment
proposed by the Minister.

The motion was agreed to.

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

That amendments Nos 14 to 16 be agreed to.

The motion was agreed to.

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

That amendment No. 17 be disagreed with but the following amendments be made in the Bill:
1. Clause 15, page 7, line 29, after “purchase” insert “fixed”.
2. Clause 15, page 7, line 36, after “sell” insert “fixed”.

This is a further amendment in this series dealing with penalties.
3. Clause 15, page 8, after line 6 insert—

“(3) Sub-sections (1) and (2) do not apply to the sale of fixed ammunition to a person who is not the holder of a shooter’s licence, if the seller reasonably believes that the purchaser is acting on behalf of a person who is engaged in primary production within the meaning of Part IIA and who holds a shooter’s licence”.

These amendments reinstate in the Bill the requirement that the purchase of ammunition involves production of a shooter’s licence. Again, the government has taken note of contributions to the debate in the other place and elsewhere and is prepared to incorporate in this clause an exemption for primary producers who are holders of a shooter’s licence.

Mr CROZIER (Portland)—While the exemption is an improvement, the Opposition has serious reservations about the efficacy of the provision. We know that it would cause confusion and ill will among shooters and the suppliers of ammunition for very little, if any, real benefit. The idea that criminal misuse of firearms will be seriously addressed by even this amended provision is highly questionable. There are other valid objections to this particular requirement and one is that many shooters, instead of purchasing ammunition, load their own.

I note that the Minister has taken cognisance of this argument in part by his preparedness to insert the word “fixed” which, of course, is the same as the definition for ammunition in the Act. In the Act it is “fixed ammunition”.

The idea that this will make Victoria a safer place by this cumbersome provision is not substantiated, and having agreed that primary producers have reasons for purchasing ammunition, or by others on their behalf, which would not require them to produce their own shooter’s licence the provision would be such as to be of even less validity.

The Liberal Party does not agree with the concept behind the clause. Many of these shooters reload their ammunition and take great pride and care in doing it. Some serious shooters would not use any other ammunition.

The Bill would technically bar probationary members of pistol clubs from obtaining pistol ammunition. The Minister for Police and Emergency Services may say that they would be exempt, but so many people and categories would have to be exempted from a provision like this that the original prohibition would be significantly qualified. That would raise doubts about its conceptual validity.

The Opposition does not agree with the government’s argument that the measure would achieve any worthwhile result and considers that it should be rejected outright.

Mr McNAMARA (Benalla)—The National Party does not accept the proposal put forward by the Minister for Police and Emergency Services. As was stated during an earlier debate in this Chamber and by the National Party spokesman in the Upper House, the Honourable R. M. Hallam, an honourable member for Western Province, it is not necessary for people who purchase ammunition to hold a shooter’s licence.

The National Party will be consistent and oppose the amendments to the Council’s amendment.

The motion was agreed to.

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

That amendments Nos 18 and 19 be agreed to.

The motion was agreed to.

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

That amendment No. 20 be agreed to with the following amendments:

1. Omit “$500” and insert “$1000”.

2. Omit “one month’s imprisonment” and insert “imprisonment for a term of not more than three months”.

The proposed amendments deal with the penalty issue.
Mr CROZIER (Portland)—The Opposition does not accept the revised amendment. There is a greater discrepancy between what is now proposed and the penalty proposed by the review team, which was $100, than there was between the review team's recommendation and what the government originally proposed.

The Act, and the Bill, provide the power to seize and confiscate an unregistered firearm. The penalty is severe. Any person who takes pride in the possession of a firearm, and the vast majority of shooters do, would regard that as a sufficient penalty in itself.

The Opposition believes there is stronger reason to oppose the amended penalty provisions than earlier provisions.

Mr McNAMARA (Benalla)—The National Party opposes the proposal put forward by the Minister and believes the Bill should remain as amended in the other place.

The motion was agreed to.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That amendments Nos 21 to 26 to be agreed to.

The motion was agreed to.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That amendment No. 27 be agreed to with the following amendment:
Omit “(c)” and insert “; and
(c)”

The motion was agreed to.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That amendment No. 28 be disagreed with.

The motion removes the amendment adopted in the other place.

Mr CROZIER (Portland)—Amendment No. 28 is redundant only if the other place, when the Bill is returned to it, accepts the arguments put forward by the Minister and the government, that members of approved recreational and sporting organisations should enjoy an exemption from the permit requirements comparable to that applicable to primary producers, as set out in Part IIIA of the Act. To be consistent, and because the Opposition still adheres to its original view, it will oppose the motion. It believes the Firearms Consultative Committee should be empowered with the additional responsibility of determining which such organisations should meet with its accreditation.

The motion was agreed to.

Mr MATHEWS (Minister for Police and Emergency Services)—I move:
That amendments Nos 29 to 33 be agreed to.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

LIQUOR CONTROL BILL (No. 2)

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 3, page 2, line 27, after “licence” insert “or a general licence”.
2. Clause 3, page 2, after line 34 insert—
3. Clause 46, page 21, lines 23 to 35, omit all words and expressions on these lines and insert—

"(a) at any time to a resident of the licensed premises or a guest of such a resident for consumption on the licensed premises; and

(b) if the Commission so determines and specifies in the licence, to any person—

(i) during ordinary trading hours; and

(ii) at any other times in accordance with any extended hours permit held by the licensee in respect of the licensed premises—

for consumption on or off the licensed premises—".

4. Clause 48, page 23, line 7, after “comply” insert—

"; and

(c) that, in the case of a restricted club licence, supplies of liquor for the club will be purchased only from a person who holds a general licence or a packaged liquor licence.”

5. Clause 49, line 20, omit “or bottled”.

6. Clause 49, line 43, after “cider” insert “, brandy”.

7. Clause 49, page 24, line 4, after “licensee” insert—

"; and

(c) in the case of brandy, is to the extent of at least 70 per centum made from wine distilled by the licensee.”.

8. Clause 51, line 27, omit “I p.m.” and insert “5 p.m.”.

9. Clause 51, page 25, lines 41 and 42, omit “the business to be carried on on” and insert “business to be carried on in the area set aside as”.

10. Clause 52, after line 4, insert—

“( ) If the Commission is satisfied that a limited licence is required for the purposes of a club (other than a club for which a club licence is held), the Commission must include in the conditions to which the limited licence is subject a condition that liquor sold or disposed of under the licence must be purchased from the holder of a general licence or a packaged liquor licence.”.

11. Clause 53, line 12, after “53.” insert “(1)”.

12. Clause 53, lines 15 to 17, omit the expression commencing “such terms” and ending “the permit.” on these lines and insert—

“—

(a) a condition that the licensee does not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates during or immediately after the hours to which the permit relates; and

(b) such other terms and conditions, including conditions relating to entertainment, as the Commission determines and specifies in the permit.

(2) If a licensee or permittee contravenes any condition of an extended hours permit imposed by or under sub-section (1) in relation to the use of the premises, the contravention shall be deemed also to be a use of the premises that contravenes the relevant planning scheme and Division 1 of Part 6 of the Planning and Environment Act 1987 applies accordingly except with respect to enforcement orders.”.

13. Clause 54, line 19, after “54.” insert “(1)”.

14. Clause 54, lines 21 and 22, omit the expression commencing “such term” and ending “the permit.” on these lines and insert—

“—

(a) a condition that the permittee does not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates during or immediately after the hours to which the permit relates; and

(b) such other terms and conditions, including conditions relating to entertainment, as the Commission determines and specifies in the permit.

(2) If a permittee contravenes any condition of a BYO restaurant permit imposed by or under sub-section (1) in relation to the use of the premises, the contravention shall be deemed also to be a use of the premises that
contravenes the relevant planning scheme and Division 1 of Part 6 of the Planning and Environment Act 1987 applies accordingly except with respect to enforcement orders.”.

15. Clause 55, line 28, after “consumed on” insert “or removed from”.

16. Clause 58, page 28, after line 17, insert—
“(5) This section does not apply to a club licence if a post-secondary education institution is the licensee.”.

17. Clause 64, page 33, omit all words on lines 4 and 5 and the words and expression on line 6 concluding with “but,”.

18. Clause 72, page 37, after line 25, insert—
“(6) A notice under this section must contain—
(a) the name of the applicant; and
(b) the address of the premises to which the application relates or to which the licensed premises are sought to be removed; and
(c) if the application relates to a licence or permit, the type of licence or permit to which it relates or, if the application relates to an extended hours permit, a statement to that effect; and
(d) any terms or conditions sought in relation to the grant, variation, transfer or removal of the licence, permit or extended hours permit.”.

19. Clause 73, omit this clause.

20. Clause 74, line 40, after “person” insert “, including the Council of the municipality in which premises to which a licence, permit or application relates are, or are proposed to be, situated,”.

21. Clause 74, page 38, line 27, after “(6)” insert “(a)”.  
22. Clause 74, page 38, after line 29, insert—
“(b) The Commission shall give particular consideration to the opinion of the Council of a municipality on any matter relating to the amenity of an area under its control.”

23. Clause 77, page 41, after line 4, insert—
“(iii) that the Council of the municipality in which the premises to which the application relates are, or are proposed to be, situated has made no representations under section 74 that the grant of the application is not in the interest of the community; and”.

24. Clause 78, line 18, after “community” insert “; or”.

25. Clause 78, after line 18, insert—
“(c) that the Council of the municipality in which the premises to which the application relates are, or are proposed to be, situated has made representations under Section 74 that the grant of the application is not in the interest of the community—”.

26. Clause 105, omit this clause.

27. Clause 111, line 32, after “111” insert “(1)”.

28. Clause 111, after line 36, insert—
“(2) The Commission must, on the application of a body corporate that is a licensee or permittee, approve or refuse to approve the proposed appointment of a person as a director (by whatever name called) of the body corporate.

(3) If—
(a) a person is appointed as a director (by whatever name called) of a body corporate that is a licensee or permittee; and
(b) the appointment was not approved by the Commission under sub-section (2)—
the Commission may cancel or suspend the licence or permit.”.

29. Clause 127, page 62, line 31, omit “Sub-section (4) does” and insert “Sub-sections (1) and (4) do”.

30. Clause 127, page 62, line 32, omit “an employee if the” and insert “a licensee or permittee or an employee of a licensee or permittee if the licensee, permittee or”.

31. Clause 144, omit this clause.

32. Clause 161, line 41, after “Act” insert “and any such regulation may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6 (2) of the
Subordinate Legislation Act 1962, which disallowance shall be deemed disallowance by Parliament for the purposes of that Act”.

33. Clause 164, line 13, omit “transferred,”.
34. Clause 167, line 4, after “167” insert “(1)”.
35. Clause 167, after line 17, insert—
“and if, immediately before that commencement, the holder of the licence or permit was authorised under any licence or permit in force under the repealed Act relating to the licensed premises to sell and dispose of liquor at any times not authorised under a club licence under this Act, any such licence or permit has effect in relation to those times as if it were an extended hours permit.

(2) A tertiary institution licence in force immediately before the commencement of this section in respect of which a post-secondary education institution is the licensee has effect as a club licence in accordance with this section for a club of which the members are persons employed by the institution and students at the institution.”.

36. Clause 168, lines 40–42, omit all words on these lines and insert—
“a producer’s or distributor’s licence, or on any other premises, the licence or permit has effect—

(i) in relation to those times as if it were an extended hours permit; and

(ii) in relation to those other premises in the same manner as it had effect before that commencement—

subject to the terms and conditions to which the licence was subject immediately before the commencement of this Part, whether imposed by the repealed Act or the licence or permit.”.

37. Clause 169, lines 25–31, omit all words on these lines and insert—
“sell and dispose of liquor at any times not authorised under an on-premises licence under this Act or on any other premises, any such licence or permit has effect—

(i) in relation to those times as if it were an extended hours permit; and

(ii) in relation to those other premises in the same manner as it had effect before that commencement—

subject to the terms and conditions to which the licence or permit was subject immediately before the commencement of this Part, whether imposed by the repealed Act or the licence or permit.”.

38. Clause 173, lines 29 to 33, omit all words commencing “during the period” and ending “under this Act”, on these lines and insert “except in accordance with sub-section (2)”.

39. Clause 173, line 33, after this line insert—
“( ) The following provisions have effect for the purposes of the grant of a licence or permit in respect of premises in a district referred to in sub-section (1):

(a) Before, a new licence is granted in or an existing licence is removed to any part of that district, the Commission shall in the case of a general licence, a residential licence, an on-premises licence or a club licence and may if it thinks proper in the case of any other licence or a permit order a vote of electors to be taken in the neighbourhood surrounding the proposed site of the premises in respect of which a licence or permit has been applied for or to which a licence or permit is sought to be removed (as the case may be);

(b) The neighbourhood shall be delineated by the Commission after consultation with the Chief Electoral Officer;

(c) The resolution to be submitted at the vote of electors shall be—

That a licence or permit (nature of licence or permit to be stated) be granted in [or removed to] the neighbourhood (neighbourhood to be sufficiently indicated);

(d) If a majority of the electors voting formally vote against the resolution, the Commission shall not grant the application for the licence or for the removal of the licence (as the case may be) nor shall it grant any application for a licence in or the removal of a licence to that neighbourhood within three years after the taking of such vote;

(e) When the Commission orders a vote to be taken under this section, the Chief Electoral Officer shall take a vote of electors accordingly and for that purpose—

(i) he or she may make all proper arrangements for the taking of the vote;

(ii) every elector within the neighbourhood delineated who is entitled to be enrolled on an electoral roll for the Legislative Assembly on the sixtieth day before the taking of the vote shall be qualified to vote but may vote once only;

(iii) the manner of voting shall be similar to that followed in the election of members to serve in the Legislative Assembly but the voting paper shall be marked as prescribed thereon;
(iv) subject to and for the purposes of this section the provisions of any law relating to rolls, electors and elections for the Legislative Assembly (including the provisions relating to compulsory voting and voting by post and the provisions relating to offences in connection with such elections but not including the provisions relating to absent voting) shall with such adaptations as are necessary as so far as the provisions can be made applicable by the regulations, apply to the taking of a vote under this section:

Provided that every application for a postal ballot-paper in relation to the vote of electors shall, where the postal ballot-paper is to be forwarded to the applicant, require that it be posted addressed to him or her at his or her place of living at the time when it would be delivered in the ordinary course of post (which place shall be specified in the application), and every postal ballot-paper posted to an applicant shall be addressed accordingly;

(v) the result of the voting shall be notified by the Chief Electoral Officer in the Government Gazette;

(vi) the Governor in Council may make regulations prescribing the form of voting paper and all matters and things authorised to be prescribed or necessary or convenient to be prescribed for the carrying out and giving effect to the provisions of this section."

40. Insert the following new clause to follow clause 72:

Exemptions for limited licences.

"A. (1) The Commission may, in writing, exempt the applicant for the grant, variation, transfer or removal of a limited licence from the requirements of any of the provisions of section 63 (5) (a) (b) (c) (d) (e) or (f), 65 (2) (f), 67 (2) (a), 69 (3) (b) or 72.

(2) The Commission may, in writing, declare that the Registrar is not required to comply with section 70 in respect of a specified application for a limited licence."

41. Insert the following new clause to follow clause 104:

Review by Full Commission.

"AA. The applicant for a licence or a permit or the licensee or permittee or the Council of the municipality in which premises to which a licence, permit or application relates are, or are proposed to be, situated may apply for a review by the full bench of the Commission of any determination of the Commission made by a commissioner sitting alone which determines any question relating to the interest of the community."

42. Schedule 3, page 95, omit item 31 and insert—

"31 45B (11) and (12) Particular function or occasion permit Limited licence"

Mr FORDHAM (Minister for Industry, Technology and Resources)—Honourable members will note that extensive amendments have been made to the Bill by the other place. Many of them were of a machinery nature, but others, perhaps, were of a slightly more contentious nature. The government has had the opportunity since the debate on this Bill in the Council to discuss the matter with the representatives from the other parties, the honourable members for Prahran and Murray Valley, and an accord has been reached on the best way forward.

I shall comment on a number of the amendments that have been made by the Council, but, as will be evident, the government is prepared to accept those amendments, but with some amendments.

Some additional amendments will be required as a result of initiatives taken by the Council. However, this Bill has a considerable degree of consensus around the Chamber. I move:

That amendments Nos 1 to 22 be agreed to.

Mr JASPER (Murray Valley)—I need some further explanation from the Minister. This is the first time I have seen the detailed amendments that are about to be discussed. Although I am aware of what has taken place in the Council, I would like to be certain of the contents of the amendments.

The SPEAKER—Order! I advise the honourable member for Murray Valley that he has the amendments in his hand.

Mr JASPER—I am seeking from the Minister for Industry, Technology and Resources a brief explanation of the amendments. I can see that the amendments are detailed and I
know they were discussed by the three parties at an earlier stage. However, a brief explanation would be helpful to the House.

Mr FORDHAM (Minister for Industry, Technology and Resources) (By leave)—The 22 amendments relate to separate items. Those amendments were all made by the Council on the initiative of either the National Party or the Liberal Party and agreed to by the government.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendment No. 23 be agreed to with the following amendment:

In paragraph (a) (iii), omit "the Council of the municipality in which the premises to which the application relates are, or are proposed to be, situated has made no representations" and insert "no representation has been made".

Amendment No. 23 is a new matter that will need to be passed back to the Council. It arises from amendments made by the Council to clause 77 to ensure there is consistency of drafting.

I understand that some of the amendments brought from the Council were done on the run and the consequential repercussions have not been considered. This amendment now clarifies clause 77. I understand it has been supported by all persons interested in the matter.

Mr HAYWARD (Prahran)—The Opposition supports the amendment.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendment No. 24 be agreed to.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendment No. 25 be agreed to with the following amendment:

In paragraph (c), omit "the Council of the municipality in which the premises to which the application relates are, or are proposed to be, situated has made representations" and insert "a representation has been made".

Amendment No. 25 is similar to amendment No. 23 except that the correction of drafting relates to clause 78. Both these amendments relate to the role of municipalities. I make the passing comment that, as a result of the Bill, municipal bodies will have an enhanced role in the liquor control area. That matter was raised by all corners of the House both here and in another place. The Bill certainly provides for that increased role.

It is a recognition of the impact of liquor licensing control amenity on local communities and it is understandable that local government is concerned about playing a role in conjunction with the new Liquor Licensing Commission. I am sure that councils would have preferred an even greater role but I believe this provides a balance that is satisfactory from everyone's point of view.

Mr HAYWARD (Prahran)—The Opposition supports the amendment.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendments Nos 26 to 32 be agreed to.

This is simply accepting the amendments that have been made by the Council. I comment on amendment No. 30 relating to clause 127. That was an initiative taken by the Assembly to provide a defence for employees of licensees and refers to the issue of reasonable efforts
being made in terms of under-age drinking. A decision was made to extend that defence to the licensee, also.

I have no reservations about extending that provision to the licensees because I believe licensees carry a heavier responsibility than employees. One of the stringent requirements that should be carried out by the Liquor Licensing Commission will ensure that licensees are aware of their responsibilities in relation to under-age drinking because this is an area of tremendous concern in our community.

The amendment moved in another place provides this mechanism for licensees. However, I reiterate that licensees have more resources, opportunities and obligations to ensure that young people are not in breach of the Liquor Act on licensed premises. The government, the police and the community will expect that breaches of this provision do not occur. Licensees will be expected to make special efforts to search and demand inquiries to ensure that this provision is complied with.

I repeat that licensees have an important responsibility in this area and that is recognised by bodies such as the Australian Hotels Association which has made efforts to ensure its members are aware of their strong obligations.

Mr JASPER (Murray Valley)—Amendment No. 26 omits clause 105. That clause provided for appeals to the Administrative Appeals Tribunal by applicants for licences or permits. The National Party believes if this clause is included in the Bill, everyone should have the opportunity of appealing to the Administrative Appeals Tribunal, if desired. It should be a situation of one in all in or one out all out.

However, we believe the Liquor Licensing Commission should have the ultimate say in the issuing of permits and licences. I take up the points made by the Minister for Industry, Technology and Resources that the Bill will provide for greater involvement by local government. From discussions we have had with local government, I believe local government wanted to be included in clause 105 and have the right to appeal to the Administrative Appeals Tribunal against an adverse decision made about a particular application for a licence or permit. The current Bill provides protection for local government and adequate appeal mechanisms to the commission.

As the Bill stands, there is no appeal beyond the full Liquor Licensing Commission. It provides a balance for all people involved in the liquor industry who may be party to an appeal mechanism. The Bill provides additional mechanisms for local government concerns.

The discussions that have taken place have resulted in a satisfactory conclusion for all parties.

Mr HAYWARD (Prahran)—This matter concerns later amendments but, because it has been raised by the honourable member for Murray Valley, I shall make preliminary reference to it. It has been the objective of the Liberal Party to provide local government the right to appeal to the Administrative Appeals Tribunal against a decision of the Liquor Licensing Commission.

A rather unusual set of circumstances occurred in another place in connection with clause 105. The National Party was good enough to support the Liberal Party's amendment in another place, which provided a right of appeal by local government to the Administrative Appeals Tribunal, and the amendment was passed. The government, in the other place, moved to negative the clause, as amended and—amazingly—the National Party combined with the government party to effect the aim of the government! Subsequently, a new clause provided for the right of appeal against a decision by a commissioner of the Liquor Licensing Commission to be heard by the full commission.

The Liberal Party is concerned that local government does not have a right of appeal to the Administrative Appeals Tribunal. However, the formula which has been arrived at
through discussions between the parties and with the Minister, is the best that can be
achieved in the circumstances.

Mr MACLELLAN (Berwick)—I shall comment briefly on the remarks made by the
Acting Premier, the Minister responsible for this group of clauses. When a company owns
licensed premises it has neither body nor soul, and must act through people who are
employees or agents of the company. In the case of an incorporated body checking under-age
drinkers places a responsibility into the hands of employees. If an incorporated body
owns the hotel or premises, all employees are exempt, as distinct from a person who owns
premises. Consistency has been introduced.

There are very practical and earthy limits on the extent to which checking of under-age
drinking can be effected. That is not to say that it should be encouraged but those who run
licensed premises face a near impossible task in distinguishing young people by determining
their ages.

Drivers' licences with photographs will continue to render assistance in that regard but
I remind the Acting Premier that in some States of the United States of America non-
drivers' licences are issued. I do not wish to become involved in an Australia Card debate
but because a number of young people, including a large number of young women, do not
obtain driving licences they feel discriminated against with respect to the use that is made
of the photographed drivers' licences. The Acting Premier should consult with the Minister
for Transport; a system could be devised whereby one could seek to have exactly the same
as the driver's licence but in a non-driver's licence form, including the photograph, and
subject to the same checks. It would make the disciplining of the industry and the under-age
drinking problem immensely easier. It means that young people either apply for and
receive drivers' licences or they acquire the other card.

It would make life a lot easier for publicans and those who control licensed premises as
well as young people who face the embarrassment of being checked when they are over
eighteen years but do not happen to have identification with them.

Life should be made easier for the people who bear the onerous responsibility of
enforcing the legislation passed by Parliament.

Mr COLEMAN (Syndal)—Since August the Matthew Flinders Hotel has been operating
an alcohol-free disco specifically for young people on each Saturday afternoon. However,
the police have served notice on the licensees that, as of tomorrow's disco, that facility
will be discontinued because the police intend to close it. The alcohol-free disco was a
genuine attempt by an hotel operator to provide entertainment facilities to young people
where they could enjoy themselves without any encouragement towards alcohol
consumption. No substantial complaints were made which would have triggered the police
action to close the disco that I am able to ascertain.

The Australian Hotels Association should examine that there are other methods of
overcoming the under-age drinking problem.

The SPEAKER—Order! I point out to the honourable member for Syndal that the
House is in the complicated process of dealing with amendments to the Bill made by the
Legislative Council. This does not provide honourable members with the opportunity of
canvassing all issues related to the Bill. Honourable members should address their remarks
specifically to the amendments. The honourable member for Berwick strayed a little in his
contribution but I shall not allow that to continue.

Mr COLEMAN—Had the amendments been dealt with in sequential order each would
have been dealt with separately and the opportunity provided in the Committee
stage—

The SPEAKER—Order! I advise the honourable member for Syndal that the Bill is not
in the Committee stage. The amendments made to the Bill in the other place are being
dealt with by the House. The problem of the Chair is not to truncate debate but to contain it to the amendments before the Chair.

Mr COLEMAN—I shall endeavour to truncate my remarks rather than place that onus on you, Mr Speaker.

The Australian Hotels Association is a close knit organisation and has demonstrated previously its ability to gain unanimity in decision making.

I believe individual hotels could issue identity cards to young people after they have presented some form of identification to hotel proprietors.

These cards could then be produced on request when young people attend functions at hotels rather than have the confrontation with the "bouncer" which now occurs.

Mr JASPER (Murray Valley)—I refer briefly to amendment No. 28, in relation to clause 111. I raised this matter during debate when the Bill was previously before the House. At the time I said there would need to be additional clarification to ensure that protection was provided.

The SPEAKER—Order! I have transgressed the rules in allowing the honourable member for Murray Valley to speak, because he had already spoken on these amendments. If he wishes to speak again, he must obtain leave of the House. It will make a farce of the proceedings if honourable members wish to speak twice on the amendments. I remind honourable members that they are not in Committee; they are in a meeting of the whole House. If the honourable member for Murray Valley seeks leave to speak again, I shall put that to the House.

Mr JASPER (Murray Valley) (By leave)—It is difficult when there are a large number of amendments and one is trying to find them quickly—

The SPEAKER—Order! I ask the honourable member for Murray Valley to get to the subject matter he wishes to address.

Mr JASPER—The National Party raised the matter of clause 111 with the Minister. It contains a tightening in the method by which directors are appointed and the way the Minister can assure that the directors are appropriate.

Amendments were included in the second Bill introduced to the House, and they assisted in clarifying the clause. I strongly support the further actions taken by the government in tightening the operation of clause 111, which was strongly supported by the Australian Hotels Association in earlier representations to the National Party and me.

The motion was agreed to.

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

That amendment No. 33 be agreed to and that the following amendments be made in the Bill:

1. Clause 164, line 19, after "to the" insert "transfer, ".
2. Clause 164, line 20, omit "transfer or".
3. Clause 164, line 25, after "so" insert "transferred, ".

Amendment No. 33 requires additional amendments to make it workable. The amendment deals with one of the controversial clauses of the Bill—clause 164. The Upper House amended clause 164 (1), but, in the spirit of endeavouring to assist and work with the parties, I point out that, for that to be successful, amendments are required to clause 164 (2). The government has proposed the further amendments to clarify the situation.

Mr HAYWARD (Prahran)—This is a machinery matter to implement the amendment made in the other place. The issue involved is important to the hotel industry, and the Opposition is pleased that the government has seen fit to agree to it. The further amendments will make the clause more effective.
Mr JASPER (Murray Valley)—I am delighted that the government has accepted the amendment. The National Party spoke strongly about this matter when it was debated. I am interested that the honourable member for Prahran has taken up this issue because he was not prepared to do so in the earlier discussions that took place. The amendment requires that the licence stays with the premises and not with the transferee. The Australian Hotels Association believed the original provision would cause enormous difficulties in the transition period for a possible transfer or sale of licence from one owner to another. The National Party supports the amendments proposed by the government. I am sure they will better serve the interests of the hotel industry.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendments Nos 34 to 38 be agreed to.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendment No. 39 be agreed to with the following amendments:
1. In paragraph (a), omit "or a permit".
2. In paragraph (a), omit "or permit".
3. In paragraph (c), omit "or permit".

The government has reluctantly gone along with the initiatives taken in the other place with regard to so-called dry area provisions. It is an anomaly that such provisions exist in the State. I shall not go over the debate that occurred in this place some time ago. I suspect that many members on the other side of the House share my views. However, we are well past that point.

Members of the Opposition obviously did not realise that the way the amendments were moved in the other place meant that there could not be BYO restaurants in the dry areas. Despite the desire within that section of the eastern suburbs not to have the "dreaded" liquor available except in homes, BYO restaurants have a legitimate role to play. In discussion, the other parties immediately agreed to ensure that that would be the case. The amendment before the House makes it clear that that can be facilitated.

Mr HAYWARD (Prahran)—This is a drafting matter. The Opposition is pleased that the government has seen fit to accept the amendment made by the other place because it is important to the communities involved. The amendment involves an important democratic principle. When Victorians had the opportunity of voting on this matter some time ago, the communities covered by the amendment voted to remain dry areas. The communities wish to retain the right of local option, and the amendment continues that democratic right. The amendments proposed by the Minister to the amendment made by the other place will make provision more effective.

Mr JASPER (Murray Valley)—It is interesting to hear the honourable member for Prahran describe this as a "minor drafting error" when a number of amendments are required to deal with what occurred in the other place.

I ask the Minister whether the amendments to the Council's amendment cover club licences operating in the relevant areas. It has been put to me that the further amendments may cover the operation of such licences.

Mr FORDHAM (Minister for Industry, Technology and Resources) (By leave)—Your concerns were addressed.

The motion was agreed to.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:
That amendment No. 40 be agreed to.
The motion was agreed to.

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

That amendment No. 41 be disagreed with but the following amendments be made in the Bill:

1. Clause 3, page 2, after line 16, insert—
   "'Deputy Commissioner' means the Deputy Commissioner appointed under this Act.'".

2. Clause 8, after line 12, insert—
   "(b) a Deputy Commissioner; and".

3. Heading preceding clause 10, after "Commissioner" insert", Deputy Commissioner".

4. Clause 10, line 3, after "Commissioner" insert "Deputy Commissioner".

5. Clause 10, after line 6, insert—
   "( ) The Deputy Commissioner may be appointed as a full-time or part-time Deputy Commissioner.".

6. Clause 10, line 9, after "Commissioner" insert "Deputy Commissioner".

7. Clause 10, line 10, after "Commissioner" (where secondly occurring) insert "Deputy Commissioner".

8. Clause 11, line 14, after "Commissioner" insert "or Deputy Commissioner".

9. Clause 12, line 17, after "Commissioner" insert "Deputy Commissioner".

10. Clause 12, line 22, after "Commissioner" (where secondly occurring) insert "Deputy Commissioner".

11. Clause 12, line 25, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

12. Clause 12, line 27, after "Commissioner" insert ", Deputy Commissioner".

13. Clause 13, after line 32, insert—
   "( ) The Deputy Commissioner shall be paid such remuneration and allowances as are determined by the Governor in Council.".

14. Clause 14, line 36, after "Commissioner" insert "or Deputy Commissioner".

15. Clause 14, page 10, line 2, after "Commissioner" insert "or Deputy Commissioner".

16. Clause 15, after line 9, insert—
   "( ) The Governor in Council may appoint a person who is a legal practitioner of not less than five years' standing to act as Deputy Commissioner during any period, or during all periods, when the Deputy Commissioner is absent from duty or during a vacancy in the office of Deputy Commissioner.".

17. Clause 15, line 14, after "Commissioner" (where first occurring) insert ", Deputy Commissioner".

18. Clause 15, line 15, after "Commissioner" insert ", Deputy Commissioner".

19. Clause 15, line 16, after "Commissioner" (where secondly occurring) insert ", Deputy Commissioner".

20. Clause 15, line 26, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

21. Clause 15, line 29, after "Commissioner" insert ", Deputy Commissioner".

22. Clause 15, line 32, after "Commissioner" insert ", Deputy Commissioner".

23. Clause 15, line 35, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

24. Clause 15, line 38, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

25. Clause 15, line 39, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

26. Clause 16, line 16, after "delegate to" insert "the Deputy Commissioner or".

27. Clause 17, line 20, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

28. Clause 17, line 22, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

29. Clause 18, line 25, after "Commissioner" insert "or Deputy Commissioner".

30. Clause 19, line 29, after "Commissioner" insert ", Deputy Commissioner".

31. Clause 19, line 31, after "Commissioner" insert ", Deputy Commissioner".

32. Clause 19, line 38, after "Commissioner" insert ", Deputy Commissioner".

33. Clause 20, line 2, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".

34. Clause 21, line 6, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".
35. Clause 21, line 8, after "Commissioner" insert ", Deputy Commissioner".
36. Clause 21, line 10, after "Commissioner" (where first occurring) insert ", Deputy Commissioner".
37. Clause 21, line 14, after "Commissioner" insert "or Deputy Commissioner".
38. Clause 22, line 20, after "Commissioner" insert ", Deputy Commissioner".
39. Clause 22, line 22, after "Commissioner" insert ", Deputy Commissioner".
40. Clause 23, line 26, after "23." insert "(1)".
41. Clause 23, line 27, after "Commissioner" insert "or the Deputy Commissioner".
42. Clause 23, after line 28, insert—
"( ) The Full Commission shall be constituted by three members, being the Commissioner or the Deputy 
Commissioner and two other members.".
43. Clause 25, line 11, after "Commissioner" (where first occurring) insert ", Deputy Commissioner".
44. Clause 25, line 16, after "Commissioner" (where first occurring) insert "or Deputy Commissioner".
45. Clause 25, line 39, after "Commissioner" (where first occurring) insert " or Deputy Commissioner".
46. Clause 25, line 41, after "Commissioner" (where first occurring) insert " or Deputy Commissioner".
47. Clause 28, line 15, after "Commissioner" (where first occurring) insert ", Deputy Commissioner".
48. Clause 30, line 22, after "Commissioner" (where first occurring) insert ", Deputy Commissioner".
49. Clause 31, line 30, after "Commissioner" insert "or the Deputy Commissioner".
50. Clause 31, line 32, after "Commissioner" (where first occurring) insert " or Deputy Commissioner".
51. Insert the following new clause to follow Division heading on page 50, line 26—
Review by Full Commission.
"AA. (1) A person aggrieved by a decision of the Commission constituted by a single member in a proceeding 
to which the person was a party may apply in writing to the Commission not later than the 28th day after the 
decision for a review of the decision by the Full Commission.
(2) A member of the Commission is not eligible to be a member of the Full Commission for the purposes of a 
review of a decision of the Commission constituted by that member.
(3) The Full Commission may exercise all the powers and discretions of the Commission and shall make a 
decision—
(a) affirming the decision under review; or
(b) varying the decision under review; or
(c) setting aside the decision under review and making a decision in substitution for the decision set aside.".
52. Clause 155, line 2, after "Commissioner" insert "the Deputy Commissioner".

This is the appeal matter to which the honourable member for Prahran and Murray Valley 
referred earlier, in a slightly different context. The concept of a full commission was 
included in the Bill in the other place, but the machinery to provide that was, 
understandably, left to the government. To meet the structure developed in the amendment, 
the Council has inserted a provision to cover appeals to the full commission, which 
comprises three members, being the commissioner or the deputy commissioner and two 
other members, both of whom will be persons with legal standing and experience, as 
outlined in the Bill. A member of the commission whose decision is under appeal is not 
eligible to be a member of the full commission for the purposes of that review. This 
structure is preferable to the earlier structure proposed in the other place for the reasons 
mentioned by the honourable member for Murray Valley. It is best that licensing is held 
within the structure of the Liquor Licensing Commission. As a result of discussions 
involving the parties—and I thank honourable members for their constructive role in this 
matter—a sensible and workable solution has been achieved to what was an impasse.

Mr HAYWARD (Prahran)—This is a second-best solution, which arose from an 
extraordinary set of circumstances. The National Party voted with the Liberal Party in 
another place to provide local government with the right of appeal to the Administrative 
Appeals Tribunal and then in the next breath voted with the government to abolish totally
all appeals as contained in clause 105. On the run, as it were, a verbal amendment was proposed in another place to allow an appeal to the full commission against a determination by a commissioner.

The commission comprises three members. The commissioner being appealed against obviously should not serve on the full commission hearing the appeal. Rightly, the government has now provided for a deputy commissioner, who will be able to serve on a full bench hearing of the commission. This requires a series of drafting measures which are embodied in the amendments to the amendment. They are all consequential to the implementation of the concept of a deputy commissioner. As I said, it is a second-best arrangement but it is the best that can be achieved under the circumstances. The Opposition supports the amendments.

Mr JASPER (Murray Valley)—I take issue with the comments made by the honourable member for Prahran, who criticised the National Party. The difficulty confronted in Committee in the other place was that the National Party opposed clause 105: the amendments to clause 105 were dealt with first and then the National Party voted against the clause. That was the method that had to be adopted.

The National Party supported the appeal mechanism contained in the amendments proposed by the Liberal Party in another place but, effectively, the cost of operating the Liquor Licensing Commission will probably increase by $60,000 or $70,000 a year with the employment of a deputy commissioner.

In the proposed legislation the chief executive officer makes the decision on applications for licences or permits. An appeal against the decision must go before a commissioner or an assistant commissioner. The appeal mechanism was already in place and the National Party wanted to ensure that that mechanism was available to everyone.

Extensive discussions were held with the Municipal Association of Victoria which accepted the view of the National Party and was supported by the government. If the applicant is still not happy with the decision of the first appeal, he can further appeal to the full commission. How many appeals does an applicant want?

Under the circumstances, the government has taken a logical way out. The National Party accepts the government's decision but the amendments made by the Liberal Party in another place will add to the cost of the operation of the commission, especially when a mechanism for protecting all parties had already been included in the proposed legislation.

The motion was agreed to.

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

That amendment No. 42 be agreed to.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

ROAD SAFETY (AMENDMENT) BILL

The message from the Council relating to the amendment in this Bill was taken into consideration.

Council's amendment:
Clause 17, lines 2 and 3, omit 'the prescribed amount' and insert 'the amount, not exceeding $50, that is prescribed'.

Mr ROPER (Minister for Transport)—I move:

That the amendment be agreed to.
Mr W. D. McGrath (Lowan)—The amendment sets a $50 ceiling on the fine a municipality may fix for parking infringements. That is a sensible ceiling and the National Party is pleased that the government has accepted the amendment.

The motion was agreed to.

METROPOLITAN FIRE BRIGADES SUPERANNUATION (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 4, omit this clause.
2. Insert the following new clause to follow clause 3:

   Amendments to section 3.

   'AA. Section 3 of the Principal Act is amended as follows:
   (a) in sub-section (3)(c), for “contributors” substitute “pensioners and contributors”;
   (b) sub-sections (4) and (6) are repealed;
   (c) in sub-section (5), the proviso is repealed;
   (d) in sub-section (7), for “contributors” substitute “pensioners and contributors”;
   (e) in sub-section (8), for “contributors” substitute “pensioners and contributors”;
   (f) in sub-section (10)—
      (i) for “contributors” (wherever occurring) substitute “pensioners and contributors”; and
      (ii) omit “a contributor”;
   (g) in sub-section (11), for “contributors” substitute “pensioners and contributors”.

Mr Jolly (Treasurer)—I move:

That the amendments be agreed to.

Even though the amendments are unnecessary, reluctantly I am prepared to accept them. I note in particular that the omission of clause 4 requires an election. It appears that much unnecessary work will follow as a result. Nevertheless, the government is willing to accept the amendment, under the circumstances.

The motion was agreed to.

ACCIDENT COMPENSATION (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:
1. Clause 2, line 8, omit “Sections 1, 2 and 3 come” and insert “Subject to this section, this Act comes”.
2. Clause 2, line 10, omit “Sections 6 (2), 71, 72, 77 and 110 (1)” and insert “Section 6 (2)”.
3. Clause 2, line 12, omit “a day to be proclaimed” and insert “1 January 1988”.
4. Clause 2, lines 13 and 14, omit sub-clause (4).
5. Clause 5, line 15, omit “Divisions 6, 6A, 6B and 6C” and insert “Division 6”.
6. Clause 5, line 20, omit “Divisions 6, 6A, 6B and 6C” and insert “Division 6”.
7. Clause 5, line 29, omit “Divisions 6, 6A, 6B and 6C of Part IV apply” and insert “Division 6 of Part IV applies”.
8. Clause 9, line 9, omit “Divisions 6, 6A or 6B” and insert “Division 6”.
9. Clause 9, line 13, omit “Divisions 6, 6A or 6B” and insert “Division 6”.

By the end of the day, everyone was exhausted.
Mr JOLLY (Treasurer)—I move:

That the amendments be agreed to.

The government accepts all the amendments with the exception of the amendment that relates to the omission of clause 72 of the original Bill introduced in this place.

In another place the Opposition supported the government’s reform proposals, and a number of other amendments have been suggested by the Opposition but they are relatively
minor and contribute to the reporting mechanisms to this place. The government considers clause 72 to be an important element of its reform proposals because it deals with the recovery provisions.

Clause 72 was designed to ensure that insurers under the pre-WorkCare system made a fair and equitable contribution to the costs associated with the injuries and diseases which spanned the pre-WorkCare and post-WorkCare periods.

The government is willing to accept this amendment because there is an understanding between all parties that it is a matter which will be dealt with by the joint committee which will report in March next year.

The honourable member for Hawthorn has indicated that he will ensure that the issue is examined thoroughly. I believe clause 72 ensures that there is a fair and equitable sharing of costs between insurers under the old system of workers compensation and insurers under the new WorkCare system. It involves a significant cost factor, as has been pointed out in previous debates. If this matter is not satisfactorily resolved, it effectively means that future employers are bearing the burden of insurers under the old system.

I stress that it is the intention of the government to ensure that there is a fair distribution of the costs associated with injuries and diseases that span the pre-WorkCare and the post-WorkCare periods.

Mr Gude (Hawthorn)—The Opposition differs from the government on clause 72 in this sense: although the opposition parties are not opposing the Bill, that should not be taken as an embracing of the legislation by the Opposition. It is a product of the government alone. The Opposition believes the original legislation is flawed. It was rushed through Parliament and has been amended on a number of occasions.

The provision in contention—clause 72 of the Bill—amends section 129 of the original Act. That provision was amended in the year after the introduction of that Bill.

The Speaker—Order! I again advise honourable members, that the amendments before the House have been made by the Legislative Council. This is not an opportunity to canvass the subject of the Bill again. I ask honourable members for their cooperation because it is very difficult to stay within the ambit of the amendments before the House. I ask honourable members to restrict their comments to the amendments proposed by the other place.

Mr Gude—The point I was making about previous amendments relates specifically to the clause. I was not endeavouring to stray from the clause in question. The clause has been a point of issue with the government, the insurers and the Opposition.

The evidence presented to the Opposition shows that it is the intention of the Bill to widen the relevant definition; and to propose to apply it retrospectively is neither fair nor just. The Treasurer takes a different view and I respect his right to do so.

It is because there is doubt in the matter that the Opposition has decided to make a major effort in the initial stages of the inquiry to deal with this particular provision.

I remind honourable members that when the Opposition moved in the Legislative Council to establish its own committee of review—that is, in the Legislative Council with its own terms of reference—the Legislative Council made specific mention of the particular matter to which the Treasurer has referred.

The Opposition is on all fours with the government in this matter. The Opposition is waiting for the Treasurer to give notice of the establishment of the joint Committee. I make the point that the Opposition will not be disbanding that Legislative Council committee because the Opposition wants to ensure that matters which need to be reviewed are reviewed.

The clause has created a great deal of concern in the community. The financial aspects of WorkCare are of major concern and all honourable members would be derelict in their
duty if they did not take the opportunity of bringing about necessary changes to the principal Act.

The motion was agreed to.

LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council’s amendments:

1. Clause 22, line 16, omit “; and”.
2. Clause 22, lines 17 to 30, omit all words and expressions on these lines.
3. Clause 23, page 15, line 38, after “warrant” insert “any machine which the member reasonably suspects is”.
4. Clause 23, page 16, after line 7 insert—

   “(9) If a member of the police force seizes a machine under sub-section (7), the owner of the machine may apply within 28 days of the seizure to a court for the return of the machine.
   
   (10) On an application under sub-section (9), if the court is satisfied that the machine is not—
   
   (a) a machine for gaming; or
   
   (b) a restricted machine found in a place described in sub-section (4)—

   the court must order that the machine be returned to the owner.

   (11) On an application under sub-section (9), if the court is satisfied that the machine is—

   (a) a machine for gaming; or
   
   (b) a restricted machine found in a place described in sub-section (4)—

   the court must order that the whole of the machine be forfeited to the Crown.

   (12) If the owner of a machine seized under sub-section (7) does not apply for the return of the machine within 28 days of the seizure, the machine is forfeited to the Crown.”.

5. Clause 23, page 16, line 8, omit “(9)” and insert “(13)”.
6. Clause 23, page 16, line 14, omit “(10)” and insert “(14)”.
7. Clause 23, page 16, line 18, omit “(11)” and insert “(15)”.

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

That the amendments be agreed to.

The amendments are put forward to overcome the claim that undue pressure will be put on a shopkeeper to reveal the real owner of a machine on his premises which was the subject of a query by police or inspectors. I believe the amendments redress that situation and still achieve the aim of allowing the seizure of alleged illegal machines.

Mr REYNOLDS (Gisborne)—I thank the Minister for accepting the amendments of the Opposition, which occurred as a result of consultation when this Bill was between this House and the other place. That arose from an undertaking given by the Minister that he would consult with the Opposition on the matter.

This is the fourth in a series of amendments since the Bill was first before the House. The amendments are savage because the owner of a machine is expected to own up after the machine has been seized from a particular establishment, rather than requiring the shopkeeper to disclose the owner’s name—and often the shopkeeper does not know.

I seek one undertaking from the Minister. I hope the Minister will undertake to include in the regulations concerning one particular clause—

The SPEAKER—Order! I advise the honourable member for Gisborne that the House is not in Committee. The Minister has exhausted his right to speak on the amendments before the House unless it is by leave. Although I am attempting to maintain a level of
quality in the debate I shall not entertain wide-ranging questions on material that has come from the other place.

The honourable member may not understand the processes of this House, but the House is not in Committee. This is a meeting of the House and there is some difficulty in what the honourable member is proposing.

Mr REYNOLDS—I was suggesting to the Minister that there is a pitfall in this amendment. It is that police or gaming inspectors can seize a machine whether it has the registration label of the operator or owner on it or not.

The SPEAKER—Order! The honourable member should clarify the amendment to which he is opposed and I will then advise him of his entitlement to speak. The Minister moved amendments Nos 1 to 7.

Mr REYNOLDS—I was speaking to amendment No. 4. The machine can be seized according to that amendment and if the owner does not apply within 28 days for the return of the machine, the machine is forfeited to the Crown.

The problem is that some of the machines in remote areas are not serviced often. The owner may go around to his machine locations less frequently than at 28-day intervals and, if the shopkeeper or the location owner does not tell the machine owner that his machine has been seized—it could be a perfectly legitimate machine and be seized by an overzealous policeman or someone who does not quite understand the rules—the owner may not be able to recover the machine.

I ask the Minister to consider that, where a machine has a valid registration sticker on it, which makes it readily identifiable and is seized under this provision, the Raffles and Bingo Permits Board that is charged with the right of administering the Act advise the owner or the operator that the machine has been seized. That is all I ask the Minister to take into consideration.

Mr W. D. McGrath (Lowan)—It is pleasing to see these amendments put forward in Parliament. It was an interesting exercise agreeing on these amendments in consultation with the honourable members for Berwick and Gisborne, along with departmental officers and officers of the Police Force.

The honourable member for Gisborne has zeroed right in on the point that caused so much concern and, that is, getting to the person who is the culprit in providing gaming machines at various locations around Victoria. I hope these amendments and now the Bill, which will become the Act, will be effective in coming to terms with illegal gaming machines operated in this State so that those who wish to run the risk of being the owners of such machines are caught and pay the full and proper penalty under the proposed legislation.

Mr MacLellan (Berwick)—The Bill is vastly improved by the amendments made in another place, and now in this House. The Minister has realised the opportunity that he has in government of consulting, from time to time, with police advisers. Perhaps if that consultation had been more timely, a lot of time in Parliament would have been saved.

We seem to have achieved, in about 45 minutes around a table, what it was not possible to achieve in about 3 hours of debate in the House, and that seems a pity. The Minister ought to give a clear undertaking regarding advice to the board of any numbered machine that is seized, so as to alert owners to the fact that their machine has been seized, which will deal particularly with any problems that might arise in remote areas of the State with a seizure of a machine.

The Bill is put in better perspective and in better order by cutting down on the hours of police time in court, which the amendment will achieve, and by relieving ordinary citizens of the need to be fined if they do not give information to police.
No longer do we have that civil liberties problem that was of concern to myself and others. The onus of proof has not been reversed so that the ordinary citizens of Victoria have not been burdened with the requirement of establishing a case, as opposed to proper police authorities and prosecutors needing to prove their case where it goes to court.

We have cut down on the amount of court work—where the owners of machines are not prepared to come forward and claim them, but simply allow them to be forfeited after 28 days—with a practical undertaking by the Minister that owners will be notified where the machines do have numbers on them, through the board, which involves the police notifying the board that they have seized a numbered machine, and the board notifying the appropriate person and also noting it in their records so that when it comes to considering the licence of that person to be a proper person to operate machines, that matter can be followed up.

We have a means of supporting legitimate operators in the industry and a real and effective means of ridding some of the illegitimate operators from the industry. In future, it may be necessary to bring in further amendments; I anticipate that it will be, and I put the Minister on notice to that effect because we have not finally resolved the issue. Under the pressure of Parliamentary time limits, it has not been possible to have all of the necessary consultation. I suggest to the Minister that we reconvene the group that looked at the Bill with a view of going over a couple of other issues that were not appropriate to be explored fully, but which ought to be explored with the view of a further amendment to clearly establish the consequences for the owner of an illegal gambling machine claiming back the machine and then finding that the court case has established that it is an illegal machine and he is the owner of it by his own claim. Therefore, certain consequences need to be established such as penalties for being the owner of an illegal machine after a proper court case has been proved by the police.

We can make the Bill work and solve the problem that has bedevilled the Minister and the government for some time. I hope the Minister will see fit to reconvene the group that met, this time under less pressure, so that suggestions can be made for further amendments that may further strengthen the Bill.

I thank the Minister for making the police available and I thank the Acting Premier for intervening to give that assurance. We disturbed the leave of one particular policeman; he came back from leave to be of assistance to honourable members at that meeting. I thank him for his work and I thank him for the quickness of his mind and his capacity to talk on the subject at short notice and with little assistance.

I say gently and kindly to the Minister that that assistance would have been available to him between June and September of this year, and, had that assistance been used during that period, the Bill probably would have been introduced in the form now proposed with the amendments. The amendments are welcomed and it is a matter of some personal pride that I was able to contribute to it.

The motion was agreed to.

HEALTH (CHILDREN'S SERVICES) BILL

The debate (adjourned from September 16) on the motion of Mr Spyker (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The Bill was first dealt with earlier in this sessional period by the other House, and its purpose is to regulate the conduct of children's health services in this State. It is interesting to review where those services have come from over a considerable period.

The effect of the Bill is to rewrite the regulations that govern the services that we all know as childminding services and preschools, the educational component of those, and a range of other services that are offered by the community to young people.
When one starts to go through the implications of the Bill, one can only be drawn by the fact that many of the recommendations have some substance and some reason for being prepared in this way. It follows from a report that was prepared. No doubt there has been considerable community input into the eventual decision-making process.

The new regulation-making process of this State will mean that many of those services will come under a different aegis. People who use those services will have a different expectation. People who operate the services themselves will experience a period of hiatus as they come to terms with the proposed changes.

In a recent address to the Australian Child Care Association by Mr Alan Moran, who is the Director of the Business Regulation Review Unit in Canberra, the question of the impact of the new regulations was raised. During his address, Mr Moran quoted an extract from an address delivered by the Prime Minister to the Business Council of Australia in September 1984. In his address, the Prime Minister put tremendous emphasis on the way his government proposed to reduce the impact of regulations on the community. Mr Moran quoted the following extract from the Prime Minister's address:

'We will examine critically the whole range of business regulation, most importantly with a view to assessing its contribution to long-term growth performance. We will maintain regulation which, upon careful analysis, clearly promotes economic efficiency or which is clearly an effective means of achieving more equitable income distribution.'

That is the basis on which Mr Moran made his comments. Mr Moran also said:

The remit given to the BRRU was to review new proposals for business regulations, require, if necessary, the marshalling of additional information on these proposals and provide advice on them to the government. In addition eleven areas were nominated by the government as having particular priority. For rather obscure reasons, elements of child-care were included in this list and when the Victorian government announced a review of their child-care arrangements the BRRU made a submission; the notions in that submission were drawn from in subsequent submissions to NSW, Western Australia and the ACT.

The issues in child-care are:
- what regulation should be prescribed?
- who should pay the cost of the centres?
- should they be publicly or privately provided?

In view of the announcement made earlier this week about funding arrangements for preschools in this State, those issues are fairly pertinent. Mr Moran went further to say:

The Victorian paper in fact started from a premise of a socially determined model of the appropriate regime; it gave little recognition of the rights of parents to decide, in full knowledge of their own resources and preferences, the nature and standard of child-care appropriate to their families.

The paper listed 102 proposed regulations (many of which covered a considerable number of subsidiary regulations).

The first seven proposed regulations specified standards which, while reasonable, may well be higher than is common in many average family home situations. For example, they prescribed qualifications for the staff at a level much higher than would be held by a great many capable persons. Specifying high levels of qualifications is likely to rebound particularly harshly on capable staff who are non-English speaking migrants and Aboriginals. It would therefore deny job opportunities to people with the necessary skills, people who are often excluded from activities where other skills are needed.

In the case of users, higher qualified staff can demand higher wages which must be factored into the price the centres charge.

That is a crucial comment, given that there has been a considerable reduction in available funding for child-care centres. Mr Moran continued:

In the recent exchanges between Dr David Clark and Ms Eva Cox, the former has suggested that the regulatory push is largely at the behest of the employees. He argues that employees see an opportunity for advancement but recognise that their remuneration would be considerably less if the matter is left to the normal processes of the marketplace; hence he suggests that those with the qualifications seek to inveigle the State to make mandatory their own employment.
Mr Moran's comments continued in that vein throughout the address. They highlight the fact that the system we have enjoyed in this State for a considerable period has met most of the requirements.

There have been cases where the normal expectations of operators have been transgressed but, by and large, people who have operated the centres have done so at the whim of the market. They have provided a range of choices and, in doing so, they have had to consider whether parents wish to make use of the facilities provided.

The Bill provides that no fewer than three separate categories of services will be available. Although the Opposition has no objection to the way the three services have been constructed, it hopes those three broad services will address all the issues raised during the implementation period.

As the impact of funding is brought to bear on children's services, as they will now be known, many organisations that have traditionally provided such services will be placed under increasing financial pressure and will have to determine whether they are able to continue. That applies particularly to preschools.

In recent times many applications and appeals for four-year-old groups next year have been resolved. I have not heard the government retract from its previous position; it has made quite clear its policy that every four-year-old in this State will gain access to preschool services. It is apparent that, because of the present circumstances, many four-year-olds will be denied access to such services.

In the metropolitan area it is possible for parents to choose some other service to provide preschooling for four-year-olds. However, in many country areas there is no alternative. Many country towns do not meet the funding requirement of having 21 preschoolers. As a result, the subsidised preschool experience will not be available to children in those towns, particularly in view of the reduced level of funding provided by the State government. It is a tragic situation which the government ought to address with some haste.

In many instances, the appeals have been heard. There is little doubt that the community generally and those people who are intimately involved with the conduct of preschool services are concerned that the future of those services is in jeopardy. Operators are having to review their fee structure to ensure that they are able to recoup the full cost of the services they provide and, in some instances, their charges are increasing from approximately $20 to some $100 a week. That is the magnitude of the impact that the government's decision will have on preschooling for four-year-olds.

Clearly many parents will not be able to afford preschooling at the rate proposed and they will deny their children access to preschooling because of this method of meeting costs.

The sitting was suspended at 6.31 p.m. until 8.5 p.m.

Mr COLEMAN—Mr Alan Moran, the Director of the Business Regulation Review Unit in Canberra, has been extremely critical of the submission prepared by Community Services Victoria in relation to a business review conference conducted in Canberra.

In the area I represent the process by which a determination of funded services would be achieved has been tested. As it stands at the present time, each group of 21 children registered with a preschool is able to be funded through the government processes. A number of preschools in my electorate and adjacent to it have made it quite clear that their services are being curtailed simply because their application, under appeal, has been refused.

The preschool at Glen Waverley South has had its services reduced from two sessions to one session. St Paul's preschool has been reduced from two to one; Glen Waverley has been reduced from two to one; Jordanville North has been reduced from two to one; Nara has been reduced from two to one; the Jubilee preschool has had its services withdrawn
completely; and Mulgrave Park, which is in a growing area, has had its services reduced from three to two. The one preschool in my electorate which has had an increase in its services is Pinewood, where the services have been increased from one to two sessions. So, there has been a significant reduction of services in one area.

One can only assume because of the statements made by Mr Moran in his criticism of the Victorian submission to the business review conference that the Federal government has reduced the amount of money available. A number of other preschools in electorates of honourable members would have suffered the same reduction in services. I understand that a reduction of 42 preschool teachers is required in order that the funding ambit may be met.

In the area that I represent, there is a history of late enrollees for preschool services. At the Glen Waverley preschool, the appeal was based on 38 enrollees. They needed 42 to receive funding. Any review would show that in each of the years since 1980 enough students have been enrolled over the Christmas period to ensure that the requirement is met. This year the preschool's application under appeal has been refused. It is faced with the dilemma of having one funded program and another sixteen children who are in the unenviable position of not receiving funding. The preschool must determine whether the parents are to bear the full cost of preschooling or whether it is to be borne by some other preschool that is able to accommodate the children.

The same thing applies at Nara, which is in an area where a considerable number of homes have been bought by the Ministry of Housing. It is an area where house prices have fallen within the bracket for spot purchase. Many families in the area meet the requirements of the Ministry of Housing as they are on a limited income. At Nara there were 33 enrollees booked in for the commencement of the 1988 year, and the same number of enrollees are available for the 1989 year. That appeal was also refused. It has traditionally been an area that has taken late enrolments up to the required 42 needed to run two groups. That is the experience in the area I represent, and I understand it is repeated across the State.

Many parents of four-year-olds who, under the policy of the government would expect to have access to preschool at a subsidised cost, now find they are exposed to the market vagaries and will have to pay considerably more to gain access to preschools. Three categories are proposed in the Bill: class 1 includes long-term day care services; class 2 covers child-care services that provide overnight accommodation; and class 3 covers occasional care where the child is at the centre for two and a half hours, three days a week.

Clearly confusion will arise as adjustment to the three categories is undertaken. The Minister is to be congratulated for recognising that there will be additional groups outside those categories for whom special arrangements will be required.

The Opposition supports the Bill. It is cognisant of the real dilemmas and hopes that as the Bill is put into place and the full impact is understood amendments will be forthcoming at an early stage to enable the issues to be addressed.

Mr HANN (Rodney)—The National Party supports the proposed legislation which amends Part XIA of the Health Act 1958 to provide a legislative base for the development of a single set of statutory requirements for all preschool situations where children are away from their parents.

The Bill was introduced following a number of inquiries on child-care, one of which was controversial. It concerned regulations which were, in the view of the National Party, too tough.

Ultimately the Minister acknowledged that, and the proposed legislation certainly has not gone as far as that. My colleague in another place, Mr Hallam, dealt with the Bill in detail on behalf of the National Party. He clearly defined the reasons why the National Party supports the proposed legislation, and expressed some concerns.
Mr SPYKER (Minister for Consumer Affairs)—I thank honourable members for their contributions. The Minister for Community Services should be congratulated for introducing the Bill; it was a controversial topic from the beginning. A huge demand for child-care exists in the community and the Bill demonstrates that child-care places in the public sector can come together to ensure that proper conditions are set down so that working parents can be reassured that their children are cared for appropriately.

The motion was agreed to.

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

ADOPTION (AMENDMENT) BILL

The debate (adjourned from September 16) on the motion of Mr Spyker (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—The Bill has also been debated in the Legislative Council. In the process of solving some of the operational problems arising out of the comprehensive review of the Adoption Act—a measure that was supported in the other place—some time ago additional amendments were introduced into this place.

The Bill makes a number of qualifications, none of which are opposed by the Opposition. The Bill addresses a number of difficulties, one of which was the age of adoptive parents. The minimum age for adoptive parents must be no more than 40 years for one parent and 47 years for the other.

Agreement has been reached with the community services Ministers in all States about the acceptance of that guideline. I hope the Bill addresses some of the problems that have arisen previously when a rigid view was taken on the age of adoptive parents and a number of potential adoptive parents were excluded because of the interpretation of the age ruling.

A further concern has been the issuing of passports for children. The Adoptive Parents Association of Victoria Inc. has referred to situations where relinquishing parents have access orders and the Department of Foreign Affairs and Trade has required that not only should adoptive parents accede to requests for passports, but so should relinquishing parents in the cases where they have access orders.

On 29 October 1987 the association wrote to my colleague in another place, Mr Knowles, about the problem and the concerns of adoptive families in access adoptions who require passports. The letter stated that the association had written to the Department of Foreign Affairs and Trade. The department replied to the association on 23 September 1987 and stated:

The factor which has caused problems in the past has been the lack of detail shown on birth certificates relating to adopted persons. You will be aware that prior to 16 December 1985, when section 79 of the Victorian Adoption Act 1984 was amended, sixth schedule birth certificates issued to adoptees in Victoria did not show place of birth and therefore could not be accepted as evidence of birth in Australia. In these instances the applicant was advised to apply to the Registrar of Births, Deaths and Marriages, 295 Queen Street, Melbourne for an amended certificate showing place of birth . . .

In respect of unmarried minors who have been adopted it will be necessary for them to obtain the consent of each person who, under a law of the Commonwealth or of a State or Territory, is entitled to custody or guardianship of or access to the child. This requirement is the same for all unmarried minors who apply for a passport.

Adoptive parents who wish to apply for passports are constrained by the access order and, although the Minister has undertaken to rectify the dilemma that has arisen, to this day a satisfactory response has not been received. I hope the Minister for Consumer Affairs will keep the matter before the department to ensure that the problem is addressed in the interests of all parties involved in adoption.
As I have indicated, the Bill has the support of the Opposition. It addresses some of the problems arising out of the implementation of the Adoption Act, which was prepared with a bipartisan approach, and I hope it will rectify those problems.

Mr HANN (Rodney)—The main purpose of the Adoption (Amendment) Bill is to amend the Adoption Act in relation to the issuing of birth certificates to adoptive parents, intercountry adoptions and access to information for all parties to adoption. In other words, it tidies up a number of provisions of the Act as a result of a major review of the legislation in practice.

One of the major concerns is the long delays people experience in obtaining access to their records. This is because of the insufficient number of counsellors available for that purpose. My colleague in another place, the Honourable R. M. Hallam, dealt with the Bill in more detail. There is no reason why I should go through that detail again at this stage. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time.

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

Mr SPYKER (Minister for Consumer Affairs)—Leave is refused.

The Bill was committed.

Clauses 1 to 6 were agreed to.

Clause 7

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

1. Clause 7, line 2, omit all words and expressions on this line and insert the following:

'7. (1) In section 35 (1) (c) of the Principal Act, omit “before an adoption order is made”.

(2) After section 74 (3) of the Principal Act, insert—'

Mr COLEMAN (Syndal)—Mr Chairman, I do not know whether you were present in the House at the conclusion of the second-reading stage, but, if you were, you would be aware that it appeared that debate on the Bill had finished and that the House would be proceeding to the remaining stages when the Minister for Consumer Affairs indicated that he wanted to present some amendments. In the circumstances it would be appropriate for the Minister to outline the intent of those amendments. I have not been advised by my party that amendments were anticipated. Honourable members are entitled to an explanation of what is proposed in the amendment.

Mr SPYKER (Minister for Consumer Affairs)—I shall be happy to do so. The advice I have received from the Minister for Community Services is that deficiencies in clause 7 had been directed to her attention. The amendment has been drafted to overcome those deficiencies.

Clause 7 provides that the natural parents of an adopted child may have access to the original birth certificate of the child. However, section 35 of the principal Act contradicts that provision, because it allows access only before the adoption order is made. The amendment will correct that situation by removing the words “before an adoption order is made” from section 35. The second paragraph of the amendment inserts the provision contained in clause 7.

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

Clause 8

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

2. Clause 8, page 8, line 4, omit “Part VI. the Director-General” and insert “an application under Part VI. a relevant authority”.
3. Clause 8, page 8, line 8, omit "Director-General" and insert "relevant authority".

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

New clause

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

Insert the following new clause to follow clause 10:

Information about adopted person.

AA. In section 90 of the Principal Act—

(a) for "90. Where" substitute "90. (1) Where"; and

(b) in paragraph (a) (ii), after "Director-General" insert "(or any other relevant authority, subject to subsection (2))"; and

(c) at the end of the section, insert—

"(2) For the purposes of sub-section (1) (a) (ii), if an application for information referred to in that provision is an application for information about an adopted person, a relevant authority other than the Director-General may make a request under that provision to the Registrar for any information which is contained in entries in the Register of Births, Register of Deaths or Register of Marriages about the natural parents or natural relatives (within the meaning of section 97) of the adopted person.

(3) The power of a relevant authority to make a request under sub-section (2) does not limit the power of the Director-General to make that same type of request under sub-section (1) (a) (ii)."

The new clause was agreed to.

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

PROPERTY LAW (AMENDMENT) BILL

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

Mr JOHN (Bendigo East)—I make it categorically clear that the Liberal Party wholeheartedly supports the institution of marriage. The institution of marriage is the best environment in which to bring up and educate children because it involves a lifelong commitment of mutual respect and support between two people who love each other. Having said that, it must be recognised that some people do not wish to be married or circumstances may prevent them from marrying and they may enter into a de facto relationship.

Some people enter into a de facto relationship because they regard it as a prelude to entering into the more permanent state of marriage. The Bill is a substitute for the De Facto Relationships Bill, which was introduced last year and later withdrawn. This Bill has more limited scope than the previous Bill. Although the Opposition was totally opposed to the De Facto Relationships Bill, it is not opposed to this Bill.

The Opposition was opposed to the De Facto Relationships Bill because it sought to equate de facto relationships with marriage, which the Opposition believed would be a retrograde step in the law. Parliament should not pass laws that strike against the institution of marriage—a fundamental institution in our society.

Parliament has a duty to legislate to correct inequities that arise from particular situations and circumstances.

The original Bill relating to de facto relationships included provisions for the payment of maintenance to former de facto partners. It included provisions for the regulation, and enforcement of cohabitation and separation agreements and methods for adjusting property interests among former de facto partners.
In some ways, the previous Bill gave greater rights to de facto partners than were available to partners in marriage. The Opposition was totally opposed to those sorts of proposals. The Bill is acceptable because it is limited; it concerns itself only with the adjustment of real estate and not with other types of property.

In order for the court to have jurisdiction, de facto partners must have lived together for two years unless there were exceptional circumstances. The exceptional circumstances are set out in clause 3 of the Bill, which includes proposed section 281 (2).

When the court is considering orders for adjustment of property interests regarding de facto partners, the court must consider three matters. These matters are set out in the same clause in proposed section 285 (1) (a) (b) and (c). Those three matters concern, firstly, the financial and non-financial contributions made directly or indirectly by de facto partners; secondly, the contribution, including any contributions made in the capacity of home-maker or parent; and, thirdly, whether there is any written agreement entered into by the de facto partners.

Although the Bill is small, it provides a substantial number of powers to the court by proposed section 291. The court can, where all the other matters are satisfied: order the transfer of real estate; it can order its sale; it can order that any necessary deed or instrument be executed or that documents of title be produced; it can order the payments of sums of money; it can appoint or remove trustees; it can order or make injunctions; and it can make orders by consent or any other orders or grants in order to do justice.

The Opposition has consulted widely regarding the Bill with the Law Institute of Victoria, the Victorian Bar Council, the Baptist Union, the Uniting Church, the Endeavour Forum, Archbishop Penman, Archbishop Little, the Salvation Army, the Australian Family Association, and Bishop Mulkearns; and all the people who replied either supported the Bill or did not oppose it.

The Bill is more limited than the previous measure. It provides greater opportunity for the courts to correct inequities and injustices. It allows the courts to right wrongs without striking at the institution of marriage. The Opposition does not oppose the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Property Law (Amendment) Bill. My party has always been somewhat apprehensive when there has been legislation providing for de facto relationships because the last thing we want is to encourage that sort of relationship. We place great store on marriage. We believe a woman, particularly in marriage, should be protected and cared for so far as property settlements are concerned.

As the honourable member for Bendigo East mentioned earlier, we were most apprehensive, as apparently was the Liberal Party, about the former Bill but that was not proceeded with, apparently because the government shared the same apprehensions.

In this instance we are dealing with facts of life. The Bill deals with real property when people have lived together for two years or more and then separate—for practical purposes, what happens to the family home. The Bill gives rights to the female in the relationship, who in many cases in the past, by force of circumstances, was badly treated. It does not take away the rights of either party as they exist currently. They can go the courts and argue their cases if there has been a relationship for a period under two years or there are special circumstances applying.

The Bill gives guidelines to the court and it gives it authority to make a fair decision about people who have lived together as man and wife. With the Bill we are facing up to the realities of life—we may not like them but they have to be faced. We must give the court jurisdiction to sort out what is often a messy situation.

The National Party supports the proposed legislation. I regret that a Bill of this sort is necessary but in this day and age it is a fact of life.

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

CRIMES (AMENDMENT) BILL

The debate (adjourned from August 20) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Bill is small but it is important. It deals basically with interstate and international aspects of criminal law. The need for the provisions contained in the Bill illustrate the international and interstate nature of crime today.

In an age when communications and transport have developed markedly, the police and law enforcement agencies need more reciprocal powers to seek out the big guns of the criminal world, particularly in the drug scene.

The Bill does four things: firstly, it allows search warrants to be issued and executed in Victoria in relation to offences committed in other States; secondly, it includes provisions to complement the Commonwealth Mutual Assistance in Criminal Matters Bill; thirdly, it creates a new offence of dishonestly bringing stolen property into Victoria; fourthly, it expands the offence of unlawful possession of property to include property suspected of being stolen overseas.

In the past, the lack of reciprocal powers has meant extra cost and delays in the apprehension of criminals. Often they have been able to use State and international boundaries to escape the full force of the law.

Honourable members will recall that Parliament last year passed the Crimes (Confiscation of Profits) Bill to enable the States to act in concert. This increased cooperation is also part of the increasing trend by Attorneys-General throughout the Commonwealth and the Federal Attorney-General to get together more often and to take a common approach to problems confronting law enforcement agencies.

The Opposition welcomes this trend and it supports the thrust of the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. The measure has been introduced as a result of the Stewart and Costigan Royal Commissions. Those commissions have highlighted the need for new legislation, particularly complementary legislation between the States and the Commonwealth. The measure also deals with crimes committed overseas.

This is an administrative measure and will plug a gap; it will enable our Police Force to pursue the prosecution of criminals who have been involved in crimes committed interstate or overseas.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4

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

Clause 4, line 24, omit “Act” and insert “Part”.

The amendment corrects a syntactical error.

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.
LEGAL PROFESSION PRACTICE (PROFESSIONAL INDEMNITY) BILL

The debate (adjourned from October 14) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Opposition supports the Bill. The measure will amend the provisions of the solicitors' professional indemnity insurance scheme. For the record, I declare that I am the holder of a full solicitor's practising certificate.

The legal profession is regulated by the Legal Profession Practice Act, which will be amended by this Bill. The Law Institute of Victoria represents lawyers in this State who wish to practise as solicitors. The Victorian Bar Council represents lawyers who wish to act exclusively as barristers.

Although Victoria has a combined legal profession, in everyday practice the Two branches tend to practise privately. The nature of legal work is complex and technical, and legal advice and action may involve significant sums of money for chattels of great value.

The solicitor owes a duty of care to the client. All reasonable care must be taken in giving legal advice or taking legal action on behalf of clients. Where there is a breach of this duty, or a mistake is made, a professional negligence action may result.

For many years Victorian solicitors could please themselves whether they took out insurance cover to protect themselves against negligence claims. The virtue of such insurance was that it would provide protection to the solicitor and the client.

Ultimately the Law Institute of Victoria insisted on a truly satisfactory policy of professional indemnity being taken out by solicitors before they were issued with certificates by the institute.

In 1978 the institute commenced a different insurance scheme and used a master policy. Under that scheme the institute would negotiate a master insurance policy through independent brokers. Increases in premiums occurred as a result of assessments of claims made in Australia. In particular, the claims record of the profession's international accountants have cost the insurance industry dearly. Many worldwide insurance underwriters have dropped out of the field.

The Law Institute of Victoria was faced with the alternative of requiring significantly increased premiums to be paid by solicitors in this State, or allowing them either to insure themselves or to establish a system of self-insurance. The 1985 Act established a new self-insurance scheme for the profession, and that scheme was introduced in January 1986. Of the 6157 solicitors in Victoria, 3785 practise on their own account or in partnership; 1985 are employee solicitors; and 387 hold corporate certificates.

I emphasise that the costs of establishing and running a practice are high. Legal fees are also high. It costs $415 a year for a full practising certificate. The professional indemnity premium for a solicitor practising in a firm employing others is $2289 a year.

Honourable members may be interested to know the distribution of firms in Victoria. There are 373 firms in Melbourne; 729 suburban firms; 206 country firms; 89 provincial firms; and 456 solicitors practise law at home.

The Bill has three main features. Firstly, it validates the professional indemnity insurance regulations of 1985. It will deem actions that have been taken under those regulations to be valid.

Secondly, it will provide the Solicitors Liability Committee, with the approval of the Law Institute of Victoria, with power to set the contributions paid by solicitors; they are currently set by regulations. Thirdly, it will amend the investment powers of the Solicitors Liability Committee to allow the committee to invest in a wider range of investments.
The problems with the proposed legislation occurred following the case of Lewis v Little in which it was held that the regulations governing the scheme were not validly made. The Bill is required to ensure; firstly, that all legal practitioners in this State are properly covered by the scheme and, secondly, that all members of the public are properly protected and have the confidence to know that their solicitors are properly covered by the scheme and that they have confidence in their legal advisers and in the legal system in general.

Amendments made in another place will ensure that the passing of the proposed legislation will not prejudice the victory won through the courts by Mr Little because it would be a grave injustice if Parliament could retrospectively legislate to alter a court decision and to take the victory away from that person.

Following these amendments, Mr Little will not have to pay the contributions to the scheme for the years 1986 and 1987, but henceforth he will be in the same position as any other practitioner in the State of Victoria.

The Opposition supports the Bill.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Legal Profession Practice (Professional Indemnity) Bill. It is one more attempt by the legal profession of Victoria to try to protect the public from dishonesty or carelessness by solicitors in this State.

I have a full practising certificate in the State of Victoria. I do not practise in effect but technically I am a practising solicitor and I receive no financial gain from holding that certificate, but technically I hold a certificate.

My mind goes back 30 years when I was a junior partner in a firm. My partner, a man known to some honourable members; Percy Feltham who was a member of the Upper House, was one of the most able solicitors I have ever met, and to him it would have been a disgrace to be insured in a voluntary scheme in those days. He felt it was a reflection on practising solicitors if they had to be insured. He always said that if you were any good and you ran your practice properly, then there was no need for it.

I and the other junior partner at the time did not share his views, but for practical purposes we had to go along with it. As the years have passed, the firm I was associated with then, and now in a vague way as a consultant, so-called, insurance is very much to the fore in the minds of the partners.

Regretfully, a small number of solicitors get themselves into trouble every year and usually for large sums of money. Often it is a sole solicitor or one solicitor in a firm who tends to dominate that firm or has control over all investment money. It is a sad state of affairs and a bad reflection on the profession, one that the profession as a whole does not deserve. The trouble is normally caused by four or five solicitors each year but, nevertheless, the public of the State must be protected. This Bill is one more attempt to achieve the best protection for the clients of solicitors at the least cost.

If I have to give a message to my colleagues on both sides of the House; in the future each solicitor will pay more for insurance and that will be reflected in the cost of what solicitors will charge the public. Whether one likes it or not, the public must be protected and expects to be protected, therefore, someone has to pay the cost to cover the dishonesty and carelessness of a small number of people in the profession.

The National Party supports the Bill. In a way, it is a sad piece of proposed legislation, but a necessary measure.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.
CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL

The debate (adjourned from August 13) 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 Bill closes a loophole in the advertising of the services of both chiropractors and osteopaths. It relates to an advertisement appearing at page 420 of the Melbourne Yellow Pages that indicates that type of advertising.

After a long debate in the House and elsewhere, the Chiropractors and Osteopaths Registration Board was formed. That board was charged with the responsibility of making the professional attitudes and codes of conduct available to those people. I am not aware of any complaints that have been brought to the attention of the House or to members of Parliament about the way in which chiropractors and osteopaths have conducted themselves. When people are not in a professional body controlled by a board they have a particular attitude toward advertising and it has always been a contentious issue with all the professions. Most professions, such as lawyers, doctors, chemists and the like, take great care in setting up codes of conduct relating to advertising.

It is generally conceded that no professional person should advertise his or her professional services indicating that he or she is better in the presentation of those services than a like qualified colleague. That is why it was found that the board had the power to control under the Act, but because some of the chiropractors and osteopaths had the services of a service company, and were advertising and charging that advertising through that service company, it was deemed that the board did not have the capacity to prevent those groups from advertising.

Most professions, including chiropractors, would allow discreet-type advertising that we have now become accustomed to. It was not so long ago that lawyers and other groups were not allowed to advertise in any way. I note that there are professional-type advertisements in most of the daily newspapers and other journals advertising where they are situated and what type of service that can be obtained. It is obvious that they do not go to the trouble of suggesting that they are better than other practitioners.

The Australian Chiropractors Association has indicated that it is generally in agreement with the passage of the proposed legislation, and the Opposition informed the Minister for Health of that position. The Opposition believes it is in the interest of the public of Victoria, but more especially members of the chiropractic profession, that the Bill is passed as soon as possible.

The main objection to the Bill was received from the Diskin Chiropractic Clinic. I met with one of the clinic's representatives and received a letter from it on 6 August. The letter was signed by 28 doctors. I note that the Chiropractors and Osteopaths Registration Board lists 605 chiropractors and 33 osteopaths, so the 28 chiropractors represent less than 5 per cent of the membership.

The Diskin Chiropractic Clinic believes the Bill is discriminatory and unnecessary until the question of chiropractic advertising is resolved to the satisfaction of the profession in general. The letter reads in part:

The Act is aimed to restrict the right of the public to be informed of chiropractic through advertising. In the case of existing Yellow Pages advertising, such advertisements have been running in the telephone directory for around 30 years. These advertisements have contributed to the spread of the understanding and the use of chiropractic as an important part of everyday health care in the community.

In fact, over the years the chiropractic profession has seen the opening up of many professions to advertising such as for medical practitioners, the legal and accountancy professions and the like, a right which the Act and existing regulations deny to chiropractors.

The letter goes on to describe the right of freedom of choice and says that the proposed legislation is aimed at curbing advertising used to inform WorkCare and transport accident compensation patients. It says that the advertising helps advertise “bulk billing”. It continues:
A recent survey of chiropractors around Victoria on the question of advertising was conducted by the Chiropractors and Osteopaths Registration Board.

In June 1987, a board publication indicated that only three formal responses were received and "the majority of practitioners are content with the status quo". However—to confuse the situation—the publication, signed by S. J. Williams, Chairman of the Chiropractors and Osteopaths Registration Board, stated "however, informal feedback received by the registrar would seem to contradict such an assumption."

The board should have the right to impose certain rules on the profession, because after all, Parliament has allowed the profession to establish a board in its own right and to call registered practitioners doctors. The board should have the right to exclude such advertising as it thinks fit from the Melbourne Yellow Pages.

I suggested to the Diskin Chiropractic Clinic that it had the right to contact the 638 members registered with the board, to hold seminars and to put forward a view to the board which may take the appropriate action on its behalf. I assured the group that the Minister would consider any amendments recommended by the Chiropractors and Osteopaths Registration Board.

The board has been constructive since its inception in 1978 and its establishment was a great step forward for the profession. It has taken its duties very seriously and has asked for amendments to be made to the Act from time to time.

The Liberal Party supports the proposed legislation. It believes the vast majority of chiropractors and osteopaths want to maintain a high ethical standard and would frown on misleading or unethical advertising that may be of some advantage to some groups. Some groups may seek to use a third party, a corporate structure or a legal structure as is depicted in the two advertisements that appear on page 420 of the Melbourne Yellow Pages.

The Opposition supports the proposed legislation.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill, which has been drafted to close a loophole in existing legislation that allows a small number of chiropractors to advertise their services in a way that is not available to the vast majority of the profession. The Minister for Health in another place believes that small group is acting in an unethical manner.

The proposed legislation was introduced in April 1987. It was debated in the Legislative Council in August 1987 and it is finally being debated in this Chamber in November 1987, in the last hour or two of the sessional period. That is a reflection on the government. It is nothing new and has happened with previous governments. One can imagine how cynical these organisations must feel about the government. They have a piece of proposed legislation which is important to their profession, which was first moved some seven months ago, was not debated for another four months in the Legislative Council and was then debated in the Legislative Assembly some time later. The Bill is not involved and I know that there is some misgiving in the profession about the proposed legislation, but nevertheless the government has decided to pursue it.

Yesterday I received a telegram from a person asking if the proposed legislation would be passed and I said it would go through on Friday afternoon or Friday evening. I told him that I was as sure as any human being could be because it was on the program. When proposed legislation is treated in such an off-handed way it makes a mockery of Parliament. There is no reason why Parliament cannot each week deal with two or three minor Bills that are initiated in the Upper House during the sessional period.

I have the highest regard for the Acting Premier and Leader of the House because he does his job with great distinction. I ask the Minister for Transport to take to Cabinet the matter I raise. Ministers handling Bills should keep an eye on them and ensure that those Bills are not unduly delayed.

Bills are being passed because they are required by particular professions. If Parliament fools these professions around for no reason, it is making a mockery of the Westminster
system and it looks foolish in the eyes of the profession and the public. I have said it before, but I ask the government not to continue with this nonsense of having Upper House Bills being treated in this way. The Bills deserve to be treated better and must not be stacked up.

If we wanted to have a filler, there are far better ways than clearing Upper House Bills on the Notice Paper. I ask the Minister for Transport to take this matter to Cabinet to ensure that our performance in Parliament in the future is better than it has been in the past.

Mr ROPER (Minister for Transport)—I thank the honourable member for Frankston South and the Leader of the National Party for taking part in this debate. This is a minor matter compared with the range of issues Parliament considers. However, for chiropractors and osteopaths it is important for the proper conduct of that profession. I am pleased that Parliament has agreed to pass the Bill this sessional period.

The key clauses relate to the proper advertising of services. I am delighted that the opposition parties have agreed that the existing Act is open to abuse and needs significant tightening up. The importance of what Parliament says is rarely expressed as well as it is in the Chiropractors and Osteopaths Act which, as the honourable member for Frankston South said, has been amended several times since the original Act in 1978.

The original Act had significant problems with grandfather clauses and it was one where the then Minister of Health, the Honourable Bill Borthwick, accepted an Opposition private member's Bill to overcome the problems.

The importance of Parliament considering issues adequately was demonstrated by the fact that the Supreme Court ignored the wishes of Parliament, and certainly of both the Honourable Bill Borthwick and me, by giving a decision that clearly went against the thoughts of Parliament.

The Bill ensures that advertising by chiropractors and osteopaths is conducted in an ethical manner. I would expect that strong demands by the board would ensure that that occurs.

I am pleased the Bill has the support of all parties. A few minor amendments will be required in the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5

Mr ROPER (Minister for Transport)—I move:

1. Clause 5, line 14, omit “or” and insert “and”.
2. Clause 5, line 15, omit “or” and insert “and”.
3. Clause 5, line 18, omit “or” and insert “and”.
4. Clause 5, line 20, omit “or” and insert “and”.
5. Clause 5, line 21, omit “or” and insert “and”.

As honourable members would be aware, the principal Act combines the two titles “chiropractors and osteopaths”. A drafting error was made in the Bill and the phrase reads, “chiropractors or osteopaths”. These five amendments make the definitions consistent with those in the original Act.

The amendments were agreed to, and the clause, as amended, was adopted, as was the remaining clause.
The Bill was reported to the House with amendments, and passed through its remaining stages.

HEALTH (AMENDMENT) BILL

The debate (adjourned from August 13) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—As with the previous Bill, this Bill has been received from the Council. I support the comments made by the Leader of the National Party during debate on the previous Bill. Since 1985, I have represented this House as the Opposition spokesman on health matters. My colleague, the honourable member for Mildura, and I have often battled with health Bills, usually late at night and usually at the end of a sessional period. In fact, some of our colleagues have become upset with the fact that we wanted to say a few words on these important issues despite the late sitting hour.

It is important for us to debate these Bills. People often ring our electorate offices and ask when a specific Bill will be debated. We can tell them only that the Bill is No. 20 or No. 30 on the Notice Paper and has been there for seven or eight months. We have been told by these people that the government has said the Bill would pass through the House the following day, so long as it is not opposed by the Opposition. If the Bill did not pass before the end of the sessional period, these people tended to think that we had deliberately obstructed its passage.

I support the Leader of National Party because I also believe it is important for the people concerned that these Bills pass quickly through Parliament. On three occasions in the past three years, we have been in this same situation with health Bills.

This Bill will enable local government authorities to delegate to their officers the power to approve routine applications; it will repeal the treatment of private hospitals as public buildings because they will be dealt with under Victorian building regulations, and it will allow new maximum fees to be set by regulation to cover registrations.

It was stated during debate in the Upper House that none of the parties received any opposition to the Bill from groups involved in local government or the health field.

It would appear that the government is setting maximum fees by regulation, without the legislation being returned to Parliament. That has not been the practice in previous health legislation. The Opposition will watch the new procedure with interest. The commitment of the government has been to raise fees by only 6 per cent. We will watch and criticise if the increase is more than 6 per cent.

The Opposition has no reason to oppose the Bill. Our only qualification concerns the setting of fees by regulation without Parliament having any input into the necessity for such increase. The Opposition does not wish to delay the Bill any longer.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Health (Amendment) Bill. As has been explained by the honourable member for Frankston South, it is a procedural Bill. It is simple but very necessary.

Although he did not reply last time, I should like to ask the Minister for Health about the delay. This is what I call an “April–August–November Bill.” It was introduced in another place in April, debated there in August and on the last sitting day in November is to be debated here. It is seven months since its first introduction and three months since it was last debated in another place.

I am not criticising the Minister for Transport, who is at the table, because it is not his responsibility. It is a responsibility of Cabinet and demonstrates the inefficiency and incompetence of the government. I do not say that in a hostile way, but it is a sheer lack of administration.

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I voiced the same concern in the debate on the previous Bill; the same timetable applied to that. I ask the Minister for Health to give an undertaking to take my concern to Cabinet and to ensure that this nonsense does not occur in the future.

I know it is policy for the government to never admit a wrong, to never apologise or to admit a mistake. In good faith I kindly and simply ask the Minister for Health to give an undertaking that this nonsense will not occur again.

Mr ROPER (Minister for Transport)—I thank honourable members for their participation in what has been a debate about a technical Bill. I understand the sentiments expressed by the Leader of the National Party. Indeed, sometimes one wonders, with matters that have been dealt with in an extensive manner by the Upper House, why we do not simply proceed with debate when the Bills are read in this House. Sometimes there can be reasons for not doing so and sometimes there are reasons why that may be the most sensible thing to do.

I shall direct the comments of honourable members to the attention of the Leader of the House and seek his advice on the matter. I thank honourable members for their cooperation in passing this technical Bill.

The motion was agreed to.

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

SISTERS OF MERCY (WODONGA LAND) 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 SPEAKER—Order! I have examined this Bill, and am of the opinion that it is a private Bill.

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

That this Bill be dealt with as a public Bill and that fees be dispensed with.

The motion was agreed to.

The debate (adjourned from October 7) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr HANN (Rodney)—This is a small Bill that relates to land held in trust on behalf of the Sisters of Mercy in Wodonga. Those trust arrangements have long since been overdue for change because they go back to the early days when land was set aside for grazing horses and for cultivation of gardens.

Honourable members would be aware that many convents around Victoria are no longer used for their original purpose. In this instance land was made available under a trust arrangement and the land has been held in trust ever since. Legislation was required to change those arrangements, and that is the purpose of the Bill.

My colleagues in another place who represent the area, the Honourable W. R. Baxter and the Honourable D. M. Evans, have dealt with the Bill in some detail. The National Party supports the Bill.

Mr JOHN (Bendigo East)—The Opposition supports the Bill, which makes provision with respect to trusts in regard to the land at Wodonga held for the benefit of the religious community residing at St Joseph's Convent. It has the total support of the Opposition and I know that my friend and colleague, the honourable member for Benambra, would have had more to say about it.

Mr Mathews—Had he been here!
Mr LIEBERMAN (Benambra)—I am pleased to support the Bill. It enables the Sisters of Mercy at Wodonga more effectively to use land that was made available to them through an ancient trust due to the generosity of the Mulqueeney family in Wodonga; many years ago they made that land available, and created the trust.

I understand the land was originally provided to the Sisters of Mercy for the grazing of horses used in transportation during the last century. In those days it was necessary to have grazing paddocks. It is no longer feasible for the Sisters of Mercy to use the land for its original purpose because motor cars have replaced transportation by horsedrawn carriages. Obviously it is more appropriate for the Sisters of Mercy to be able to use the land for the purposes of their present activities.

The Bill, declared to be a public Bill by the generosity of honourable members, enables the Sisters of Mercy to carry on their good work in the Wodonga district, as they have since the last century.

The motion was agreed to.

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

FISHERIES (ABALONE) BILL

The debate (adjourned from November 11) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr PLOWMAN (Evelyn)—The Bill implements a number of measures largely designed to protect the abalone resource along Victoria's coast. It implements a prescribed abalone docket system for abalone landed by licensed abalone fishermen. It defines three Victorian zones: the western zone, the eastern zone and the central zone. It alters the abalone licence provision in respect of the western zone, and creates a declared one-for-one licence rather than the present two-for-one licence system.

The Bill introduces catch quotas for licensed divers in the western zone. It allows the Minister, by regulation, to apply the provisions relating to declared licences and catch quotas for the eastern and central zones. It requires abalone processors to be licensed and imposes penalties for illegal actions by licensed processors of abalone.

Anyone who knows the abalone industry realises the need for the protection of the resource for this multimillion dollar export industry. Relatively few people are involved in it, but it brings to this State substantial export dollars. The Bill introduces measures to protect the industry from overexploitation.

Over past months, the government has come under severe criticism for its failure to face up to the need to protect this resource and for not providing adequate resources for the relevant section of the Department of Conservation, Forests and Lands that polices illegal abalone poaching, which has become rife along the coastline of Victoria.

Thriving abalone industries in some other areas of the world have been completely wiped out by overfishing. It will be a sad day if that ever happens in this State. Policing is enormously important, and both opposition parties have been critical of the Minister and the government for not providing sufficient surveillance along the coastline to come to grips with the problems of overfishing and poaching.

Recently, the 7.30 Report ran a series of reports on the abalone industry. It was critical of the government's inactivity in this area and the threat to the resource and the ongoing export industry. The program criticised the lack of fisheries officers and the fact that boats were not being used for surveillance because money was not available to pay for the operation of the boats. That has caused extremely poor morale within that section of the department.

The officers of the department were informed to, "Keep your mouths shut; don't say anything". However, the wives of the officers were not going to be gagged by the Minister.
for Conservation, Forests and Lands, and they made it perfectly clear where they stood. They referred to the low morale among fishermen and the departmental officers. The wives made it clear to the Minister what they thought of her. It was helpful that the wives were speaking to a female Minister; perhaps the Minister listened to them after having gagged her own officers.

The situation has not yet been adequately addressed by the government. The eastern zone divers based at Mallacoota have set up their own policing of their section of the coast to ensure that the resources they are fishing most responsibly are protected. It is a credit to them and their responsible attitude to the resource that they have established their own policing group to ensure that illegal poaching will not occur in that area and that the resource they hold so dear is not overfished and does not disappear, as other resources have around the world.

As I said earlier, the Bill provides a number of measures for protection against overfishing of the resource and the identification of illegal operations. To that end, it has the support of the Opposition. The Opposition has some concern about the declaration by Order in Council of the eastern and central zones, but I am pleased to acknowledge that the government accepted an amendment moved by the honourable member for Ballarat Province in the other place, Mr de Fegely. The amendment was accepted, firstly, by the honourable member for Templestowe Province in the other place, Mr Arnold, who advised the Minister on this matter, and it was ultimately accepted by the Minister.

The amendment provides that, instead of the eastern and central zones being included in the measures in the Bill by declaration of the Governor in Council, they will be included only after consultation and by regulation, which will lay on the table of both Houses of Parliament and be subject to disallowance by either House.

One of the main concerns expressed initially by the eastern zone and then by the central zone was that they had virtually no consultation with the Minister and officers of the department on the Bill. The Minister is condemned for not carrying out the consultation which is so important if the measure is to be accepted by the industry.

It is clear that the divers of the western zone support the Bill, but the eastern and central zone divers, particularly the eastern zone divers, are infinitely more happy now that they will not have thrust on them by declaration of the Governor in Council the measures included in the Bill and that it will be done by regulation that will be subject to disallowance by either House of Parliament. That should guarantee the divers that the measure will not be thrust on them without proper consultation and general agreement by them.

The Bill, as amended by the Upper House, has general support from the divers in the three zones. However, there are two areas of concern, and I want the Minister to take note of them.

During discussions the Opposition had with officers of the department, two matters were raised. The first was the definition of a declared licence. The objective of the government is to ensure that Bills are written in plain English and easily understood, yet the Bill does not contain a definition of a declared licence. I do not think it is the intention of the government to have such a convoluted method of ascertaining what a declared licence means. I should like the Minister for Conservation, Forests and Lands in another place to consider moving another amendment to address that problem and to ensure that everyone understands what a declared licence is. I do not expect that to be done this evening, but at some other stage.
The second matter concerns the way the Bill deals with illegal processors of abalone. The Opposition supports the need to penalise licensed processors who are processing abalone outside the law. The Bill contains provisions dealing with penalties, definitions and so on related to the operations of licensed processors but one of the real problems faced by the abalone industry is the illegal operations of divers, and the backyard processors.

The Bill clearly defines "licensed processor" but does not deal with unlicensed processors. The Opposition raised this matter with officers of the department who said that they would address this matter and suggest the Minister in another place introduce amendments to come to grips with this problem. That step needs to be taken to prevent the overfishing of the abalone resources and illegal processing and poaching of abalone.

With those two provisos, the Opposition supports the Bill. It is pleased the Minister in another place had moved some amendments and has accepted those of the Opposition. The amendments will make the Bill more acceptable to the industry and to Parliament.

Mr J. F. McGrath (Warrnambool)—The National Party adds its support to the Bill.

I shall briefly comment on the western zone of the abalone fishery, which falls largely within the electorate of Warrnambool, which I represent. Following consultation with divers in the western zone, the proposed legislation was introduced. Although the government is often criticised for lack of consultation, the proposed legislation indicates the value of it.

Thirteen of the fourteen divers of the western zone are eager for the Bill to be passed through Parliament and proclaimed. The western zone has experienced some difficulty with abalone poachers. Poaching has grown enormously since an accident occurred a few years ago. A fisheries and wildlife craft was lost in rough seas and two lives were lost. As a result of that tragedy there has been a lack of resources and funding, and surveillance has come to a halt.

Each week the local paper carries a story about people who have been caught poaching abalone. The divers often ask how many abalone have been caught. Most of the divers I contacted were based at Port Fairy and honourable members are aware of the facilities down there. The Port Fairy divers are keen that the provisions that address the problem of poaching be passed and proclaimed.

The Bill has three main purposes: it seeks to alter the abalone licence transfer provisions so that the declared abalone licence is transferred on a one-to-one basis; introduces catch quotas for abalone; and implements a prescribed abalone docket system for all abalone landed by the holder of an abalone licence.

The western zone is slightly different from the eastern zone, as the honourable member for Evelyn stated. With the use of a careful management plan, the eastern zone has introduced its own quota system. It has set up a funding arrangement whereby abalone licensees pay a certain levy into a fund and with this money the eastern zone has been able to introduce its own surveillance scheme. That is why at this stage the eastern zone has asked to be excluded from the provisions of the Bill.

The central zone is not as structured as the eastern zone but it also requested not to be included in the provisions of the Bill. Therefore, in effect, the Bill deals only with the western zone. It provides for an industry which has grown enormously, with huge financial benefits that have resulted from a significant increase in the value of abalone and abalone licences.

I commend the government for introducing the proposed legislation, which is in the best interests of a vital industry in western Victoria. Later, as the industry grows in size in the central and eastern zones, other measures may have to be introduced. I wish the Bill a speedy passage through Parliament so that it can be proclaimed quickly and used in the best interests of the abalone fishing industry.

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

INFERTILITY (MEDICAL PROCEDURES) (AMENDMENT) BILL

The debate (adjourned from October 14) on the motion of Mr Roper (Minister for Transport) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—The Leader of the Opposition and the Leader of the National Party have both expressed the view that the House should not be debating such an important issue at this late hour. It is a daunting task for members of the House to face, members who are already very tired. The government would have been well advised to have brought this debate on at some other time.

This Bill proposes amendments to the principal Act which was debated at length in this House and in the other place, as well as in the community, in 1984.

Because of the skills of Victoria's medical scientists, Melbourne is the leading city in the world for the treatment of infertility. Widespread public debate is only to be expected when a city such as Melbourne leads the way in the treatment of infertility. The Monash Medical Centre and the Royal Women's Hospital are engaged in research on frozen embryos and infertility treatments generally. It is only through such research that the treatment of infertility can be successful.

Following the wide-ranging debate that took place in 1984 it was found that some 250,000 women in Australia were infertile. That means that half a million people—I include husbands—were affected, which represents 10 per cent of the population of this State. That demonstrates the need for developments in the treatment of infertility.

The work of the committee chaired by Professor Louis Waller—the In-Vitro Fertilisation Committee—must be acknowledged. The committee had discussions with many groups in the community. The Liberal Party also consulted with Professor Waller's committee, the Right to Life organisation, Professor Carl Wood, Dr Alan Trounson, Pro-Life, Dr Ian Johnson, Kevin Andrews, Nicholas Tonti-Fillipini, Friar Harman and the Infertility Federation as well as many other people and groups. As responsible Parliamentarians, the Liberal Party has discussed all the important issues that were raised.

In the debate both in this House and in the other place when the original Bill was introduced each speaker congratulated Professor Waller and his committee for the work they had done and for their professionalism and integrity.

The members of the committee were: Professor Louis Waller, the chairman, who is a Professor of Law at Monash University and a part-time member of the Law Reform Commission; Professor Max Charlesworth, who is Professor of Philosophy at Deakin University; Miss Jan Aitken, who is an infertility counsellor; Mrs Jasna Hay, who is a mother and a former teacher and business woman; the Reverend Doctor Francis Harman who is parish priest of the Clifton Hill parish; the Reverend Doctor John Henley who is the Dean of the Melbourne College of Divinity; Peter Patterson, who is a micro-surgeon and a private consultant on infertility problems; and Professor Roger Pepperell, who is an obstetrician and gynaecologist and Chairman of the Department of Obstetrics and Gynaecology at the Royal Women's Hospital.

All those who were involved with the Waller committee were impressed with their integrity, their academic abilities and the way they went to great lengths to put forward their points of view which has led to the House debating this Bill tonight.

The government should support the activities of that committee. The committee requires increased support and the necessary finance to continue its excellent work. Many implications of the various infertility procedures need to be considered and the committee must be given the time to carry out its tasks.
The results of infertility research must be reviewed. The technical expertise that is required is very high and the cost involved in such a review is considerable. The committee must ensure that the requirements of the Act are met, especially in regard to the examination of the various in-vitro fertilisation units in the State. Appropriate forms of reporting in-vitro fertilisation pregnancies must be developed. Such information must be made available to Parliament and to the public so that it can be seen that all the provisions in the Bill are being complied with. The funding the committee now receives is clearly inadequate.

Members of the committee believe a member of the committee, an expert committee, should be a woman representing women who are infertile. The members of the committee believe if that is not to be the case it would be somewhat akin to having a committee consider the rights of Aborigines without having a representative of Aborigines on that committee.

The other attitude put to the Opposition by the committee was that it believed research into IVF and other infertility problems was essential to provide the women of this State with the best possible chance of pregnancy.

Major IVF discoveries have been made in this State by teams from various hospitals acting of their own volition. It became necessary for Parliament to consider introducing legislation, as it did in 1984.

Unfortunately, delays are occurring in the application of the Infertility (Medical Procedures) Act and that is what this Bill is all about. The Act was disadvantaging many women and their husbands in their desire to produce offspring. In interviews conducted with groups representing infertile women in this State, the costs of the program were put to the Opposition as was the emotion and trauma involved with the program. One sympathises with those people who have a genuine desire to be on the program. The waiting list can be as high as 3000. Apparently the success rate for suitable couples is 11 per cent and suitable couples represent 6 per cent to 7 per cent of overall IVF participants.

I understand the clinics that operate in New York have a success rate in the order of 10 or 11 per cent, but that figure is only from couples who are most suitable and are tested to be suitable to go on the program, rather than from just anyone.

Around the world, approaches to the problems of IVF are varying. Honourable members are aware of the Warnock Committee in England; it has allowed experimentation on a foetus up to the age of fourteen days. It has also been reported in newspapers that Europe is now considering reducing the number of IVF procedures. The concerns compare somewhat with those expressed around the world some years ago about fluoride. Care must be taken when scientists combine with medical people and begin initiating procedures.

The Bill is being discussed tonight because of the need for the Waller committee to be given instruction by legislation. It came to the point where the committee, which was representing a broad section of the community, had difficulty when approached by the Monash team of doctors about a procedure involving the microinjection of a male sperm into a female ovum to produce fertilisation.

The committee found that there did not appear to be a right, under the Act, to go ahead with this procedure. The committee was then directed by the Minister to review the situation again, because sections of the Bill had not been proclaimed.

That is probably the greatest shame of the Bill. It was debated at length in 1984 and honourable members did their best to put forward the views of the community and some clauses were used as protective clauses, particularly in the area of experimentation.

One should reflect especially on proposed section 6 (5) of the Act, that disallows the use of developing embryos outside the womb for experimentation. The Attorney-General has said that that has not been gazetted, and it was shameful that, after both Houses of
Parliament discussed the matter at length, the government decided in its wisdom that it would not have this provision gazetted and that has caused the problem.

The committee then approached the Minister and put forward amendments. The amendments were discussed widely in the community at seminars. Certain groups did not approve of the amendments passed on 13 October by the Legislative Council. In fact, many people in the community, particularly the legal profession, argued that there was a lack of definition in the Bill on the use of the term "syngamy". They also said there was no definition of "embryo".

After discussion with the Waller committee, Parliament was informed that the amendments put forward were not those of the committee but rather came from the Minister. However, the new Bill, debated in the Legislative Council on 13 October, was designed and put forward by the Waller committee and had the imprimatur and total support of that committee on that occasion.

Many honourable members had a feeling of apprehension and conscience on the issue. In the 1984 debate, many people expressed concern about experimentation and the desirability in the community to go along with it. Mr Kevin Andrews made the comment that once one opens the bottle and lets out the genie, one cannot replace the stopper.

Mr Roper—That is not a good analogy.

Mr WEIDEMAN—That was his analogy, not mine, but it certainly makes the point that one cannot put the scientific research back where one found it. It is a matter of progressing and bringing the law into line with the progress that has been made. One has to ask after a Bill is passed, whether Victoria is better off or worse off as a result of it.

Some Victorians would say we were worse off than when we started after the introduction of the 1984 Bill, but faults can be seen in that argument when one considers that the government, as horrible as it might sound, was prepared to put into legislation section 6 (5) which would give direction to the issue about which we are talking. Proposed new section 6 (5) gives the committee some direction in terms of the procedures that will be coming before it in the future.

It is clear that, having had discussions and having suggested amendments to Parliament that it expected would be passed, the Waller committee would find great difficulty in continuing its work in future if those amendments were not passed. The committee did not say so in terms such as that it would step down and disappear, but it made it clear to the Opposition that, without direction and without amendments in place, it would find it impossible to carry out its most difficult task of providing direction and improving the areas to which the Bill relates.

The committee is quite aware that it will need the government's support in carrying out its functions. It has certainly said to the Opposition that, once the amendments are in place, it may be able to work more effectively. It is understood that researchers and people who work in this area have been honouring a gentlemen's agreement, as section 6 (5) has not been in operation.

Therefore, one expects that once the proposed new section is put into effect under this Bill, the committee will have to consider applications for its use in regard to the different procedures that will be developed.

I should mention that, under the draft amendments, the GIFT program would not have been able to be carried out. I understand that the Standing Review and Advisory Committee has given advice to the Minister in that regard. It is that committee's understanding that the amendment will have to go back to the Upper House to be included in the measure to provide the capacity for the program to continue.

Both sides of the argument have been put and a need has been established for a definition of "embryo". For the first time a Bill in this State contains a definition of the process of fertilisation called syngamy, which means the alignment of the mitotic spindle...
of the chromosomes derived from the pronuclei. Once the sperm has penetrated the ovum, over a period of 20 to 22 hours, the two cells fuse and the spindle of the chromosomes line up; and that is known as syngamy.

The Bill allows experimentation to take place up until that stage of development. The definition of “syngamy” has been included in the Bill, so at least the committee will have some definition on which to work when considering the stage of development to which experimentation is allowable.

Many of my Upper House colleagues expressed concern at the experimental procedures that may be undertaken further down the track. I am sure my colleagues in this place will also express their concern and conscience in this area. I am sure all honourable members have some concern about this matter but, as with all issues, there are two sides to this one. The medical scientists in the community will, no doubt, approach the Waller committee, which virtually represents the community in terms of procedures that will need careful consideration.

With a strong section 6 (5)—particularly the proposed new provision—the procedures will be able to be considered because the committee will have a basis on which to work in the best interests of the community. Without it, there could be chaos, particularly within the scientific community but also in the community at large, because requests from people for various procedures to be carried out could be met, and there would be no control. It would open a Pandora’s box in the experimentation area.

One wonders why the Minister did not proclaim section 6 (5). It has been suggested that he did not do so because of the economic effects study that was carried out. In 1984, perhaps the provision was not necessary in our community; so perhaps it had nothing to do with cost.

It is obviously the government’s intention that, if the House does not pass proposed new section 6 (5) tonight, it will not proclaim the existing section 6 (5).

One could go on at length and talk about the ethical questions that will arise in the community. The Liberal Party has examined the Bill and the amendments and, on balance, it supports the provisions. It has some reservations on some of the amendments, and it will be anxious to ensure that the government, with its capacity to gazette these provisions, will do so and that the Waller committee is given the support it needs so that it can report back to the government.

This measure is really a world first. The Opposition has information to indicate that the measure leads the way in this area.

The Liberal Party will support the Bill. However, it has some reservations, as does the community. As would be expected, the Opposition will observe closely the operation of the measure and keep in touch with Professor Louis Waller and his committee to ensure that the community is protected in the best possible way.

In terms of the action that it authorises, the Bill is small, but it is certainly an extremely important measure to many people, particularly those involved in the relevant procedures. This Bill will make unlawful the infertility treatment used by hundreds of Victorians, that is, gamete intrafallopian transfer. I am sure the Minister for Transport, who is the representative of the Minister for Health in this place, will move an amendment in committee to correct that situation.

Mr Roper—A very lengthy amendment!

Mr WEIDEMAN—So as not to delay the debate, and as I know there are something in the order of fourteen speakers who wish to participate, the debate will now proceed. I do not know whether members of the government will take the opportunity of debating this subject. It is one of the most important subjects to come before the House in this session.
Finally, it is regrettable that the Bill should be presented at this time of night after we have been sitting until 2 and 3 o'clock for three nights in a row. The debate will possibly go into the early hours of the morning.

Mr J. F. McGrath (Warrnambool)—I support some of the comments made by the honourable member for Frankston South. This is indeed a very important piece of proposed legislation. It is significant for the future welfare of this State. More importantly, I feel a little sad that, as the honourable member for Frankston South said, the Bill has been presented at this late hour of what has been a long session and a hard week. We are faced with the proposed legislation at this late hour on the last day. Nevertheless, I believe it is important to take whatever time is needed to make the relevant points.

The National Party is strongly opposed to the proposed legislation. I intend to portray to the House and my supporting speakers the reason why we oppose the Bill, as we opposed the Bill on experimentation in the IVF program. I hope to encourage other honourable members who perhaps have not come to a firm decision to consider the importance of the Bill. Honourable members will have to make a very important decision tonight when they vote on the Bill.

Members of the National Party have been consistent in their opposition to the Bill. It is important to reflect on the purpose of the Act, which is:

... to make provision for the regulation of certain procedures involving human gametes.

The purpose of the Bill is contained in the explanatory memorandum: the expansion of experimentation.

I guess it gets back to the question, "Where does life begin?" There is absolutely no doubt in my mind that life begins at fertilisation. If one proceeds from there, any sort of experimentation from that point is fooling or fiddling—or experimenting, as it is referred to scientifically in the Bill—with human life. That is the first and basic reason why the National Party is strongly opposed to the proposed legislation.

Arguments both for and against the Bill have been printed in the public media. To a large degree the arguments have been clouded by the introduction of references to the emotional needs of infertile couples. All honourable members will recognise the emotional needs of infertile couples. Those needs must be put into the context of the success rate of the IVF program and the uncalculated depth of the trauma involved in the unrealised expectations of those who join the program and find themselves unfortunately to be part of that large majority of people who fail to become pregnant.

Many issues related to the IVF program are emotional, but honourable members must consider very seriously the person who is unable to speak—the unborn child. Honourable members must remember that we are starting from fertilisation and we are fiddling—as I said earlier—with human life, and throwing human life away.

When one considers the current Victorian law on abortion, one can see the anomaly created by the introduction of the proposed legislation. The second-reading speech refers to syngamy, which occurs about 22 hours or 23 hours after fertilisation. I shall be interested to hear the Minister for Transport or any member of the government speak during the debate, or in the future, and explain how the government can justify the current law on abortion when there is reference in the Bill to 22 hours and 23 hours. One might ask why the government has drawn 22 hours and 23 hours. Many have said, "You start at 22 or 23 hours and you gradually move it out; it is what they call the foot in the door trick?"

That is what it is really all about. Many people have contacted me and expressed opposition to the Bill. They have expressed concern that it is a gradual process and that we are moving slowly down the path where we open it up completely.

The Bill is of great concern to the National Party. We are not prepared to be part of the process of opening it up completely. Members of the National Party recognise that there are approximately a quarter of a million infertile couples in Australia, but we believe there
are many other ways in which the government and legislators can consider doing something for those people in order to help them fulfil their desire to have a child.

When one considers the issue of abortion and the matter of 22 or 23 hours and the very sad state of adoption in the State of Victoria, one can see that there is a declining number of children available for adoption, and it is now virtually impossible for anyone to be added to an adoption list. The overseas adoption lists are starting to close.

It is sensible, practical and certainly quite moral to consider the abortion aspect in relation to the number of children required for adoption. The Leader of the Opposition, who is interjecting, would have to consider that matter seriously in terms of the answer to his interjection.

If one considers the number of children who are aborted—the number of lives lost—and then applies that figure to the number of people who are frustrated by waiting on an adoption list, one can find an answer to part of the problem if not to all of the problem. Some of the correspondence I have received indicates the concern that has been expressed. Honourable members have no doubt received what is best described as an enormous amount of correspondence from the Right to Life Association. Members of that association have obviously mounted a large campaign. One of the more recent letters I received from the president of that association had enclosed with it a clipping from the Age dated 17 October. It is an article which quotes comments made by Professor Max Charlesworth. It is important to reflect on what he has said along with what I said earlier about the gradual progression and, indeed, the foot in the door trick. The article begins:

The committee advising the State government about infertility and its treatment would like to remove the criminal sanctions for doctors performing fertilisation procedures not approved by Victoria's IVF law.

The 1984 act provides for penalties of thousands of dollars and up to four years' jail for people carrying out unauthorised fertilisation procedures.

A member of the Standing Review and Advisory Committee, Professor Max Charlesworth, said yesterday the committee believed the Act should not contain criminal sanctions, and that professional disciplinary action, such as deregistration, was preferable.

Obviously he has pointed to what potentially will be the next amendment to the Infertility (Medical Procedures) Act. It will be interesting to see how long it takes for the amending Bill to be introduced. The Right to Life Association in Victoria sees the Bill as a demand for the further weakening of the Act and clearly illustrates the contention that the current Bill is the first of several designed to totally remove restrictions on the laboratory manufacture and abuse of live human beings.

It is interesting to examine the views of the various churches in respect of their charter to the people in their denominations. The Anglican and Catholic churches are probably the two largest religious organisations by far. The Anglican Archbishop, Dr David Penman, and the Catholic Archbishop, Sir Frank Little, have formed a united front and strongly support opposition to the Bill. In a letter dated 26 October 1987, Archbishop Penman states:

Allow me to restate the Anglican view of IVF. In summary, it is that IVF is a medical discovery which we welcome as fulfilling for infertile couples God's desire for the creation of children.

We have, however, raised, along with others in the community, serious ethical questions about some aspects of the IVF-AID-ET program. We are strongly opposed to any form of live human embryo experiment for any purpose. This position was established at the Anglican General National Synod in 1985, and has been endorsed this week by the Melbourne diocesan Social Responsibilities Committee.

Archbishop Penman wrote to members of Parliament and made statements in the media so that the community clearly understands the stand of the Anglican Church on this issue. The Catholic Church, and an active group within that church, the Knights of the Southern Cross, have made a stand on the issue and have been involved in extensive letter-writing campaigns as well.
I have received considerable amounts of correspondence, not only from organised groups which adopt these issues as part of their life responsibility and undertake extensive lobbying programs, but also from individuals. I received a letter from a local practising general practitioner who expressed concern about the Bill and asked me to oppose it. He made the following interesting points:

Any politician who believes that doctors will adhere to the strict rules imposed by the Act "any research . . . would not be allowed to proceed up to the point where fertilisation of the ova by the sperm is completed" is incredibly naive. Who would be standing over the doctors in the laboratory, to see that they "kept the rules"?

And if politicians think that doctors who countenance abortion, and all IVF doctors are in that class, could be relied upon to keep the rules without such supervision, then they are even more naive.

The general practitioner has his own interpretation of the impact of the Act on the community. He believes it will have an impact on the health and welfare of the people around him. I have also had contact concerning the Bill with various organisations in Warrnambool which have expressed concern about the proposed legislation.

Recently I read an interesting article about Jacques Testart who has undertaken research in the field of reproduction. He has decided to conclude a career which has been "infatuated with the novelty of science". He also wrote a book entitled The Transparent Egg. The comments made by this scientist towards the end of the article are relevant to the debate, and honourable members should contemplate them before voting on the Bill. Professor Testart speaks about exploitation and points the finger at sinister commercial interests who are trying to exploit the longing of sterile couples to have children. The article states:

He predicts the creation of an industry for in vitro fertilization and embryo transfer. He says, somewhat sardonically, that "soon they will be able to give them embryos upon request with sex and other characteristics guaranteed by our laboratories. With a bit more time and progress, you will be able to choose your children as you can in a petshop, with the colour, race, constitution, shape of its ears, everything according to your tastes".

This scientist had a long involvement in the field of experimental science. By his own admission, he was "infatuated" with the subject. He is now looking back at the work in which he was involved and reviewing his thoughts about it. The article further states:

The growth of IVF must not hide the principal problem which it poses.

Therein lies the problem. Many experts in the field say that we have not tried to address the problems as to why couples are infertile; we just accept that they are. Some 250,000 Australians are infertile. What have we done about trying to find out why they are infertile? The article continues:

Testart reminds his readers; "apart from the ethical problems arising from the separation of procreation and sex, there is the trivialization of in vitro abortion since there is no choice without exclusion".

The evidence brought forward by Testart in The Transparent Egg undermines all the arguments that highlight the psychological good of satisfying the longing of a childless couple for babies. He makes no compromises in his position and opposes even research into homologous IVF . . . This position, Testart argues, would only be a sop thrown to the public, allowing scientists to continue with research which has made him throw up his arms with horror and shout, Stop!

Those comments come from a man who has been intensely involved in the world of science and research on similar in-vitro fertilisation programs. They are relevant comments from someone who understands the implication of the issues.

The National Party has decided that it is in favour of the protection of human life. The National Party believes life begins at fertilisation and that nobody has a right to interfere with that life once it has begun.

The National Party makes no apology for that and, as I said at the outset, it has been strongly opposed to the IVF program and to abortion since they have become major issues in State Parliament. Although I was not a member of the House when debate on the original legislation took place in 1984, I have read the speeches and identified a consistent thread in the stand taken by the National Party on these issues.
There is no question in my mind that life begins at conception. That opinion is supported by Professor Marshall, who is Professor of Clinical Neurology at the University of London. He said:

In that sense the life of the human embryo begins at fertilisation.

Page 45 of the original Waller report on in-vitro fertilisation states:

The committee appreciates the deep concern of a section of the Victorian community which considers that, from the moment of fertilisation, an embryo is a human being to be accorded a substantial measure of respect and rights.

Yet, people are still pressing down the road of expanding the field of experimentation. Tonight is not only the last night of the spring sessional period; what is more significant is the fact that the House is debating proposed legislation that is extremely important to a group of people who cannot speak for themselves. I am talking about the unborn, those young lives that start from fertilisation, as honourable members have heard from various quotes I have given tonight from people who are considered experts in the field.

As honourable members work through the debate tonight and come to the point of making a decision, they must remember that the test is a conscience vote; it is a test of how serious we are about what we believe in. Tonight will tell whether the conscience vote does or does not exist in the Victorian Parliament.

In my view there is no point in addressing the House for 10, 20 or 30 minutes without being prepared to be counted when the division bells ring. Unless we are prepared to vote according to the way we speak, we can best be described as hypocrites. The churches have clearly given us the stand we must take. Tonight will be interesting because I intend to listen intently to the debate and then watch carefully to see how people vote. On several occasions I have heard honourable members speaking strongly against proposed legislation and then seen them abscording from the House to avoid voting or sitting mute in their seats and voting according to party dogma. Tonight will be an interesting test of the conscience vote in the Victorian Parliament.

I have no doubt that when the vote is taken my National Party colleagues will be standing firm with me on the side of the House clearly opposed to the proposed legislation.

Mrs RAY (Box Hill)—I shall make a brief statement representing the interests of infertile couples and infertility groups including PIVOT, Concern for the Infertile, and IVF Friends. Those organisations have made strong representations to various members of Parliament and I believe their position deserves to be put on the public record. After all, the procedures in this Bill are designed to assist those people.

Couples on the IVF program, like couples who are not in the program, want to decide what happens to their genetic material. That view was clearly expressed in the minority report of the Senate Select Committee on the Human Embryo Experimentation Bill. I should like to put on the record the words of Senator Zakharov to the Senate on 8 October last year.

Our dissenting report recommends that the right to make decisions about the embryo rightly belongs to the mother or parents of that embryo in consultation with their doctors and/or other members of the IVF team. We say that this is what applies to embryos produced naturally, in vivo, and that there is no need to shift responsibility elsewhere just because the embryo spent a short time in a Petri dish.

Paragraphs 50 and 51 of the dissenting report deserve to be quoted. Paragraph 50 states:

We further conclude that couples on the IVF program either those who donate gametes that are used to produce embryos and/or the women into whose uterus the embryos is placed should determine all such other decisions as to, for example, how many embryos are produced, how many are placed in the uterus at any one time, whether and how many of their embryos are frozen, and if and when such surplus embryos are allowed to succumb. In all these decisions the couple will have regard to the advice, information and counsel given them by their doctor and/or team member on the IVF program.

Paragraph 51 gives the reason for that position:
We come to this conclusion, not only from the arguments put to this point, but also because we believe that the couple have to live with the consequences of their choices in a way that is very different from how society lives with those consequences. The couple may have to come to terms with the failure of treatment and consequent disappointment and grief. Alternatively, the couple may have to come to terms with many failed pregnancies, or a live but deformed baby. The consequences for the couple are potentially devastating and certainly immediate. They also have to live with the happiest of outcomes—the live normal baby. That entails commitment to parenting, to care and cost, both emotional and financial, that rightly appropriates to them the right to make decisions in the first place.

I hope those sentiments expressed in the minority report of that Senate committee will more meaningfully enter into the debate in future. That position is beginning to gain support and was supported by speakers at a seminar in Melbourne on 14 September called “Embryo experimentation and beyond—What does the future hold for our children?”.

Professor Max Charlesworth refers to the controlling role of the couple that the Bill implies. Couples are, after all, to be informed by their doctors and counselled and must give consent to any procedure to which the committee requires that consent be given. That is the principle that Professor Charlesworth calls “responsible donation” by parents. Unfortunately that is not sufficiently emphasised or explicit in the Bill. The Bill does not, however, give carte blanche to scientists.

I believe representatives of the consumer groups should be on the standing committee in future. The standing committee has operated well but it has certainly been deficient at the level of gender balance and representation of people whom all the procedures are designed to assist. I remind the House that this Bill is unanimously supported by the Waller committee. Parliament set up the committee and asked it to act on the community’s behalf. In supporting the Bill honourable members are giving the committee the assistance it has sought from Parliament.

Mr KENNETT (Leader of the Opposition)—I make the point from the beginning that this sort of legislation is always difficult for a Parliament to deal with. Any issue that is based on morals or the interpretation of morality within our community is a difficult issue for any Parliament to deal with.

That is why we in our party may vote according to our conscience; no-one should try to impose his or her view on another individual. Tonight we have heard from the honourable member for Frankston South, the honourable member for Warrnambool, and we have just heard from the honourable member for Box Hill.

To some degree their views were all slightly different—they were different in terms of each person’s support or rejection of the Bill—but the fact that there are differences does not indicate that any one of the three speakers, nor anyone else who may follow, is necessarily any less a Christian. It is a matter of each person having a different interpretation on what is occurring within society today.

Mr Hann—What are you basing your interpretation on?

The ACTING SPEAKER (Mr Kirkwood)—Order! The Deputy Leader of the National Party is out of his place and disorderly, and is being disruptive.

Mr KENNETT—The Bill amends legislation that was passed in 1984 when Parliament dealt with the overriding issues involved in in-vitro fertilisation. There are many in the community who share the views expressed by the honourable member for Warrnambool and many who also share the view of the honourable member for Box Hill.

It is easy for one to say that infertility in a couple is an act of God, but in this day and age, with life becoming more complicated, it is not necessarily that alone. We have heard, for instance, of the impact of the opening of the ozone layer, to which the honourable member for Doncaster has referred on many occasions. We do not know what the effect of pesticides or carbon monoxide will be in a finite sense. The fact that people are infertile is not necessarily the result of one factor.
I find the position of the National Party on the proposed legislation difficult.

Mr McNamara—It is not a party position; it is an individual position.

Mr KENNETT—I say instead, the position of the honourable member for Warrnambool is difficult for one major reason: the legislation which the Bill amends is already in place. Through no fault of Parliament, one specific clause, but an important clause, was not proclaimed by the government—section 6 (5) of the Act.

The fact that the government did not proclaim that section is, in itself, a disgrace. It is because it did not proclaim that section that this amending Bill is before us. Section 6 (5) places controls on the IVF program. It was insisted upon by Parliament in 1984 so that there would be controls, but the government elected not to proclaim that section.

The honourable member for Warrnambool said that he did not support the proposed legislation, but what he is really saying is that he does not support any controls. It is not that the proposed legislation is repealing the existing legislation. It is not that the proposed legislation is repealing the existing legislation. I accept that one may disagree; many on my side of the House disagreed with the original legislation in 1984. But given that it is in place and we are not repealing it, surely we should be putting in place an amendment that restricts experimentation on embryos. If we do not do that there will be no controls.

For the honourable member for Warrnambool to say that he wants to reject the Bill because he does not agree with the principles of the Act is not compatible with the original position on the legislation, even though he was not in the House at the time. I do not say that in a belittling way; I respect the view of the honourable member. I respect many of those on my side of the House and some on the Labor side who did not agree with the legislation in the first place for reasons of conscience.

Given that the Act is in place, for the Bill not to be accepted will allow potentially for the most grotesque forms of experimentation that one can possibly imagine. The Bill will place controls over that situation.

I understand organisations in our society have written to Parliamentarians asking us to take a certain position and to oppose the Bill, but I say to those organisations, as I say to the honourable member for Warrnambool, that, given that the original legislation is in place and the fact that the Bill does not repeal it, we must each search our souls and ask whether it would be better to ensure that there are controls on experimentation or not to do so.

As I said earlier, Bills such as this are difficult. However, this Bill is not nearly as difficult as was the original legislation that was debated in 1984. There were moral arguments but the legislation, with the support of the majority in this place, was passed.

Now a loophole has been found, although the position has been honoured, because of the professionalism of the people involved in the system. The government is now prepared to proclaim the relevant provisions and I am prepared to support it, but there is no guarantee that that will occur given its stance last time when section 6 (5) was not proclaimed.

I say to those who intend to exercise their conscience vote—and there will be some who do—not overlook the fact that it is an amending Bill. It does not in any way seek to repeal the original legislation, but it does what many who opposed the original legislation want, and that is to tighten up and control experimentation.

The honourable member for Warrnambool mentioned the attitude of the churches. I respect the attitude of the churches and those church leaders with whom I have spoken, but I find myself in conflict with their views because in my conscience—and I always go back to the reasons for the original legislation—I believe that I do not have the right to deny other couples children. Why should I deny other couples the joy that I get from my children?
The Bill was first introduced in April this year. The Liberal Party moved in another place that debate be deferred for six months to allow for proper community discussion and debate, and the Bill was reintroduced in another place on 13 October. Our party spokesmen, including the honourable member for Frankston South and the shadow Minister for Health, the Honourable Mark Birrell, and the Honourable Geoff Connard, one of the representatives of Higinbotham Province in another place, consulted and consulted again with the churches. There was no difficulty with the Catholic Church at large, with which there was ongoing discussion—it was supportive and constructive—but Archbishop Penman, despite the fact that he was written to very early in the piece, did not reply until 26 October, after the proposed legislation had been discussed in another place and after the parties had completed their deliberations.

Mr J. F. McGrath—Does that make him wrong?

Mr KENNETT—No, it does not make him wrong.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Warrnambool was protected when he made his contribution, and I ask him to allow the Leader of the Opposition to make his speech.

Mr KENNETT—It does not make Archbishop Penman's view wrong; but it makes it very difficult for political parties to understand what is the view of the Anglican Church, if its Archbishop waits until all party deliberations are completed and the Bill is being debated in the other place before it responds through the Archbishop.

I have the greatest of respect for Archbishop Penman, but I say to the Anglican Church that it is too late to be moralistic on any proposed legislation if a response has not been given in time for political parties to make up their minds.

Mr W. D. McGrath—Come off it!

Mr McNamara interjected.

Mr KENNETT—Again, the National Party is gabbling. It is easy to make a joke about it. I thought the honourable member for Warrnambool wanted to be serious about the Bill, but if his colleagues, especially the honourable member for Benalla, want to joke about it, so be it.

The point I make is valid. If one wants to obtain the view of a sector of the community and does everything possible to gain that information, it is inappropriate to receive that view after several months when the matter has already been discussed with one's colleagues. All I am saying is, Archbishop Penman did not respond in writing until the Liberal Party had made its decision and the debate had already commenced in the other place.

The Opposition accepts the new Bill on balance because it will impose new controls on the IVF program and will restrict experimentation on embryos.

I reiterate, as I have said on many occasions, that the Liberal Party recognises the right of individuals to exercise a conscience vote. This is a moral issue and no party should bind its members on issues such as this. I regret that the Labor Party binds its members on such issues. I am certain that members on the government benches do not agree with the original concept, but they can accept more readily the amended Bill because it tightens up procedures.

The Bill has been unanimously supported by the Waller committee. That committee is highly respected and has had to deal with a difficult problem. The Bill will not attract total support from the community; but to oppose it would be to leave experimentation almost totally unregulated. Regardless of an individual's position on the first Bill, I do not believe any individual in November 1987 would want to see experimentation in the IVF program totally unregulated. Although honourable and professional people may now be involved in that program, it is not to say that that will necessarily be the case in the future.
Given the Labor government's failure to proclaim section 6 (5) of the 1984 Act, I support the measure tonight because it will control and limit embryo experimentation. As the debate continues tonight, I hope honourable members will address the issue clearly and calmly, and will recognise equally as clearly that the proposed legislation does not seek to repeal the original Act. All it does is strive to put into place what every member of this community wants.

In this very special and precious area of new technology, which has not been designed and developed for profit but for satisfaction and the expression and development of a relationship between couples and their children, one can honestly see that family life is important and that this measure seeks only to remove the unfettered experimentation on embryos.

Mr W. D. McGrath (Lowan)—Tonight honourable members are once again talking about what is very much a social issue and an issue that concerns many people. Previous speakers have said that this Bill is before the House because the government selectively proclaimed earlier legislation and decided not to proclaim section 6 (5) of the Infertility (Medical Procedures) Act 1984.

In the first instance, honourable members must come to terms with life itself. I strongly believe when the male sperm penetrates the ovum that is the point of fertilisation and that that is when life begins. It does not matter whether one talks about syngamy, 22 hours, 24 hours, 50 hours or a week; it is all the same to me. At the point of fertilisation, life has begun. Human life does not lie dormant for a period of 20 hours and then, suddenly, take off and begin. Life is a general and gradual process right from the point of fertilisation.

The ACTING SPEAKER (Mr Kirkwood)—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr ROPER (Minister for Transport), the sitting was continued.

Mr W. D. McGrath (Lowan)—Life begins at the point of fertilisation and, to my mind, that is the start and finish of the argument. The honourable member for Warrnambool and other speakers in this debate have referred to the need for conscience votes. However, the Premier of Victoria is not in this Chamber tonight for this important debate.

One reason why he is not present is because, as stated in his news release, he has an audience with His Holiness Pope John Paul II in Rome on 25 November. I wonder whether the Premier will have the courage to tell the Pope that his government is attempting to have legislation passed by Parliament to allow experimentation on human embryos. I dare say the Premier will not have the courage to say that to the Pope.

It was also interesting to hear the speech and the analogies of the Leader of the Opposition. In his contribution, he attempted to draw a legal interpretation rather than consider the basic principle.

A legal interpretation that will allow him to exercise his vote in support of the government rather than a principle that talks about experimentation on human embryos which, in fact, is experimentation on life.

It is interesting to note whether those honourable members of the Parliament, such as the two Labor members, currently present in the Chamber, the honourable members for Monbulk and Clayton, are prepared to exercise their conscience vote in this Chamber tonight.

There is no room tonight for anyone to not be in the Chamber when the division takes place. One should not cower outside and say, I shall exercise my conscience by not holding up my hand when the vote is taken.

That is not what the Honourable Bruce Chamberlain did when he exercised his conscience vote in the other place two or three weeks ago: at least he had the courage to stay in the
Chamber to exercise his conscience vote and vote with the National Party. I wonder how many other honourable members of both parties, Labor and Liberal, will do that!

Mr Ramsay—And your party.

Mr W. D. McGrath—Our party, indeed; that is a good point from the honourable member for Balwyn. The National Party will stay in the Chamber tonight and exercise its vote.

The honourable member for Box Hill spoke about the minority report of the Senate Select Committee. One can look at a lot of interpretations, one can seek advice from the medical profession, seek them from the Senate Select Committee or from overseas expertise, or whatever, but to quote from the Senate Select Committee:

The Senate Select Committee found that the only significant marker event that occurred in the process of reproduction was fertilisation, not syngamy, and not any other stage of the development of the embryo. That is clear and unmistakeable.

That was not from the minority report but the main report from that committee.

A letter from Dr Katrina Hudson, a member of the Department of Physiology at the University of Melbourne, states:

You can find a description of the physiology of fertilisation in standard reference texts used in 1st year university science and medicine courses and in reports from researchers working in the field.

"Activation" takes place when the sperm membrane fuses with the ovum membrane. At "activation" the cell begins a series of rapid ordered changes which are not the organisation of an unfertilised ovum.

Genetic engineering of human beings would be possible after activation, as the DNA (or genetic material) unravels and would be susceptible to splicing and inserting of "desirable" or "experimental" genes.

Note that the DNA has already duplicated for two cells prior to syngamy which is but an arbitrary time during the development of the embryo.

Far from being a minor concession to scientists the proposed amendment would actually permit experiments on embryos at their most genetically vulnerable stage of development.

The ACTING SPEAKER (Mr Kirkwood)—Order! Would the honourable member indicate where and when the doctor made such a statement?

Mr W. D. McGrath—It is a letter that was sent to all members of Parliament. I do not have the date, but it was early in the year.

We hear about the experiments by scientists, and one has to ask whether we are prepared to allow living human beings to become the plaything of scientists. To allow the Bill to be passed tonight is, in my view, what will eventually happen.

On many occasions we have heard the government being sympathetic to minority groups, yet there are two major bodies that object to the Bill. The honourable member for Warrnambool identified Archbishop Penman, leader of the Anglican Church in the State, as stating his opposition to the Bill.

I refer to a letter from the Knights of the Southern Cross dated 6 November 1987, and addressed to honourable members. I wonder about the analogy of the Leader of the Opposition that because they sent letters at this stage they were too late responding to the proposed legislation. Many Acts are proclaimed before people in the community realise they have been put into effect. Many of them find difficulty and start raising objections at that time; then it may be too late but it certainly does not make them wrong.

The Knights of the Southern Cross, under the signature of Matt O'Toole, State executive officer, state:

Dear Honourable Member,

We have received a letter from the Archbishop of Melbourne, Sir Frank Little, K.B.E., D.D., S.T.D., regarding written representations he has made to the Premier on the subject of the Infertility (Medical Procedures) Act 1984. We heartily endorse the views expressed in the Archbishop's letter.

You will note from the Archbishop's letter that our organisation has been deeply involved in the public debate on this subject by way of public meetings and the presentation of a petition to State Parliament which carries over 15,000 signatures.

There have been 15,000 signatures from the community of Victoria expressing opposition to the proposed legislation, yet this Parliament is not prepared to take that into consideration and to go against the wishes of more than 15,000 people who have been prepared to put their signature in opposition to it. They are only those who have been contacted on the matter.

In a letter from Sir Frank Little, Archbishop of the Catholic community in Victoria addressed to Des Duggan, State Chairman of the Knights of the Southern Cross, His Grace states:

I write to express my gratitude to the Knights of the Southern Cross for arranging your public meeting in late August on proposed amendments to the Infertility (Medical Procedures) Act 1984.

They were on the job late in August attempting to bring the matter out into the public arena. The letter continues:

I regret that neither the scientific and legal components of the meeting nor Bishop Pell's concluding address received the media coverage they merited.

This subject would not be palatable to the media of the State. The letter continues:

You would not be aware that I had made written representations to the Premier on this issue when Parliament resumed for the spring session. More recently I considered it necessary to renew my approach to him and to extend it to the leaders of the other political parties. Given your organisation's interest in the matter and the probability that you would want to make your own submission to the political leaders in the brief time that appears to be available I present below the terms of this latter communication:

The Infertility (Medical Procedures) Act 1984 expressed concern for couples whose union could not fulfil their natural desire for children. However, it was careful to link with that a recognition of the community interest in the protection due to nascent life at all stages...

The Infertility Act enabled the Victorian Government to testify to the subsequent Senate Select Committee on the Human Embryo Experimentation Bill that Victoria 'has already legislated comprehensively' on the subject matter. What appears to have been left unsaid however was that a crucial section of the comprehensive legislation had not been proclaimed. That section, 6 (5), was designed to regulate the earliest phase of the generative process to ensure that it would be initiated for no purpose other than transfer of the resultant entity to the womb.

All honourable members have considerable sympathy and compassion for couples who cannot bear children through the natural process. If such couples have the opportunity of participating in an IVF program and it is successful, good luck and God bless them.

The National Party cannot pass this proposed legislation with a clear conscience, because it is opening the door to experimentation on live human embryos.

Mr COLEMAN (Syndal)—This is a period of great technological change and no-one really knows where society is heading, but we all know from whence we came.

I was married in 1960, four years after the introduction of television to Victoria. In 1972 my wife and I were finally able to have children. I am cognisant of the technological advances that occurred in the period before we had children and I am conscious of the technological changes that have occurred subsequently. I have sympathy for the intent of the proposed legislation.
I had the privilege of being a member of this House from 1976 to 1982, when I was not re-elected, and I re-entered the House in 1985. During the interim Parliament passed the Infertility (Medical Procedures) Act 1984.

When this Bill was first debated in the Upper House, copies were circulated widely. All the contributions to the debate tonight are based on comments and information that honourable members have received following that debate. On 14 October 1987, this Bill was introduced into this House, but this Bill is not the same as the Bill on which so much public comment was made. That is a critical issue.

The Bill that was first introduced into the Upper House approximately six months ago contained clauses that have been omitted from the current Bill. The clauses were omitted to take account of the community objections that arose from the circulated Bill.

It is a tragedy that the one Bill on which many honourable members wish to exercise a moral judgment is being debated on the last day of the sessional period in the dying stages of this Parliament. The government should bear the full blame for the handling of the Bill.

When the Infertility (Medical Procedures) Act became law there was considerable community support for section 6. Section 6 (5) had considerable safeguards that allayed community fears. The Standing Review and Advisory Committee on Infertility, commonly known as the Waller committee, had been placed in a situation where it was unable to establish a view on the intent of section 6 (5), which was never proclaimed. Subsequently, that committee sought further direction from the government.

The tragedy is that the Infertility (Medical Procedures) (Amendment) Bill that was first circulated is not the same as the Bill that the House is now debating. The Bill contains provisions that establish the government's intent as enunciated in the Act. The safeguards incorporated in the Bill address some issues that were a significant dilemma for the Waller committee. That provision states:

4. (1) In section 6 of the Principal Act, for sub-section (5) substitute—

"(5) Where ova are removed from the body of a woman, a person shall not cause or permit fertilisation of any of those ova to commence outside the body of the woman except—

(a) for the purposes of the implantation of embryos derived from those ova in the womb of that woman or another woman in a relevant procedure in accordance with this Act; or

(b) for the purposes of a procedure to which section 9A applies that is approved and carried out in accordance with that section.

That clause defines some parameters for the committee's guidance. The second-reading debate has not addressed the amendments contained in the Bill, it has addressed the principle involved in the Act. With hindsight some honourable members may wish they had changed their votes on this important issue. I know that my predecessor, David Gray, supported the Bill and I know that the organisation that seeks to defend the rights of the unborn child, the Right to Life Association, Victoria, singled out Mr Gray for special attention. That was not solicited by me and was a decision the organisation made itself. It is of no use to go over the principles involved in the Act. The second-reading debate should ensure that what was intended in the Act can proceed with the safeguards that are necessary to ensure that the people involved in these procedures are given adequate protection.

Proposed section 9A states:

9A. (1) A procedure to which this section applies is an experimental procedure involving the fertilisation of a human ovum from point of sperm penetration prior to but not including the point of syngamy.

(2) A procedure to which this section applies—

(a) must be approved by the Standing Review and Advisory Committee before it is commenced,

The significance of the Bill is embodied in that proposal. That wide-ranging committee has been appointed to exercise control over experimental procedures and the proposal makes that committee fully responsible in that regard. It continues:
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(b) must not be carried out unless—

(i) the ova used in the procedure are the ova of a married woman; and

(ii) the woman and her husband are undergoing, in relation to the carrying out of a fertilisation procedure, examination or treatment of a kind referred to in section 10, 11, 12 or 13; and

(iii) the woman and her husband have each consented in writing to the use of the woman's ova in a specific approved experimental procedure;

It is clear that a couple's possession will remain their possession and they will have some say in its future use or disposal. It continues:

(iv) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the woman and her husband have received counselling in relation to the procedure, including counselling in relation to prescribed matters, from an approved counsellor;

The Bill goes on to describe who an approved counsellor shall be and the method in which the procedure will be applied:

(v) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the carrying out of the procedure is reasonably likely to produce information or establish knowledge indicating procedures (including fertilisation procedures) that might be carried out for the purpose of enabling a woman who has undergone examination or treatment of a kind referred to in section 10, 11, 12 or 13 to become pregnant.

That provides a set of clear guidelines to the committee which has the deliberate role of deciding how this process will continue. This is a significant advancement in the protection of individuals rights.

By not proclaiming section 6 (5) of the original Act these procedures will continue in a vacuum. It is clear that the Waller committee has been subjected to the same vacuum procedure.

It is unable to deliberate because the non-proclamation of the clause has left it without any legislative support for decision making.

This is the government's Bill and it was the government's decision not to proclaim section 6 (5) of the original Act. The Bill is an attempt to address that situation.

The Bill is a step towards ensuring that some parameters will be placed around this process. I do not claim to be medically trained. However, the two children I have had subsequent to 1972 have provided me with more satisfaction than anything else I have done in my life. That same satisfaction should be made possible for the most number of people in the community. If this proposal addresses that issue, I have no problem in supporting it. For that reason, I shall vote for the Bill.

Mr McNAMARA (Benalla)—This issue was originally debated in this House in November 1984. At that time, the National Party expressed enormous concern, especially about experimental procedures.

The National Party supported the IVF program because of the assistance it gave to childless couples to conceive. Most of my colleagues in the National Party agree that the program seems to be moving into the experimentation area rather than addressing the problem of infertility, which was the whole concept of the IVF program.

I understand and have sympathy with couples who cannot have children. They can be assisted in a number of ways and the IVF program is one of them. Despite the vast media publicity, the IVF program has not been the booming success that everyone might have expected it to be. In fact, it has a low success rate, something in the vicinity of 10 per cent. When one takes into account the funds spent on the program, a 10 per cent success rate is not a spectacular result. It has been a wonderful opportunity for childless couples to conceive.

In 1984 the National Party opposed the proposals in section 6 relating to experimentation. The Bill tonight deals with the effect of non-proclamation of certain sections of the original
Act. I direct the attention of honourable members to the second-reading speech, which states:

The purpose of this Bill is to give the Standing Review and Advisory Committee established under the Infertility (Medical Procedures) Act 1984 the ability to consider and, if appropriate, to approve certain experimental procedures involving the initiation of the process of fertilisation of human ova, or eggs, for research purposes.

It is clear that the purpose of the Bill is to enable a widening of the research procedures mentioned in the original Act.

The National Party allowed a conscience vote in the party room and, interestingly enough, all fifteen members of the party were totally opposed to the proposal in the Bill. It is fair to acknowledge that varying degrees of emphasis were placed on the issue by my colleagues. However, when the matter was fully discussed, there was total opposition by all my colleagues. Each one of us feels comfortable about opposing the Bill.

My concerns with the Bill are not only about the widening of the research procedures but also about the continuing use of non-genetic material to assist couples. I believe strongly that only the genetic material of the couple involved should be used in an IVF procedure. I opposed the proposal to widen it further than that when the Bill was dealt with in 1984. The honourable member for Lowan supported me on that occasion.

Parliament is dealing with an emotive matter, one that goes to the personal consciences of honourable members. It is outrageous that a Bill exists that legalises the experimentation on a human embryo. I strongly oppose and urge all members to consider opposing such a procedure.

There is widespread opposition to the proposal in the community. The two major church groups oppose it. Archbishop Dr Penman and Archbishop Sir Frank Little have expressed their opposition to the Bill. It is ridiculous to suggest in the case of Dr Penman that because his opposition to the Bill was dealt with after the debate had commenced in another place, his comments were invalid. He has made a statement on behalf of the Anglican Church in Victoria. The comments made by Dr Penman and Archbishop Little have been reinforced by our colleagues in Canberra.

If we allow the Bill to go forward as proposed today Victoria will be in a situation that perhaps we may have thought some years ago could have occurred only in Nazi Germany. It would be totally dehumanising if the Bill were passed. I urge all honourable members seriously to assess their positions and to participate not only in the debate but also in the ensuing division to ensure that the Bill is defeated.

Mr Williams (Doncaster)—I am a member of the Liberal Party and it appears from what has already been said that my party is the only one to allow a true conscience vote tonight. I have no right to put my own personal views above those of my party, particularly members of my party who do not have the luxury of my majority.

The Bill causes me some individual soul-searching. Certainly I respect the views of committed Christians who quite correctly claim that the embryo is a living soul from the moment of conception. All the business in the Bill about syngamy does not impress me. It is an excuse for the scientists to engage in research. Half of all embryos used in IVF research die naturally. Some scientists claim that their research is necessary to reduce that death rate.

It is unfortunate that deeply committed Christians comprise a very small proportion of our population. Parliament should not stop morally ambiguous biomedical advances solely on religious grounds. I support the rights of church leaders, particularly the Catholic Archbishop, Sir Frank Little, and the Anglican Archbishop, Dr Penman, who have both put strong views before society. That is very necessary so that ethical committees can draw up codes of conduct and regulations to prevent abuse.

My personal position is that no member of Parliament has the right to hide behind his or her own personal conscience and refuse assistance to those wishing to obey the law.
Infertile couples have the right to have children and sincere and genuine scientists have a right to promote the advancement of science, providing that is done within the law.

Parliament is the place where laws have to be decided, and no member of Parliament can hide behind a ground of conscience in avoiding his or her responsibilities. It is clear from the Gallup polls that 60 per cent of Victorians believe in the IVF research; on the other hand, 90 per cent oppose cross-breeding of embryos and 75 per cent oppose the creation of human embryos solely for scientific and medical research.

The overwhelming majority of Victorians want legislation to stop the sort of horrible research that has been put to honourable members in constant communications from sincere and genuine people. I particularly applaud the remarks of the Catholic Auxiliary Bishop of Melbourne, Bishop George Pell, who said that the church cannot accept quietly the Cain government's obstruction of the will of the people as expressed in Parliament by the selective non-proclamation of elements from Bills.

Much trouble has been caused by the non-proclamation of section 6 (5), which would have stopped many dreadful things that can occur now because there are no laws for control. I was impressed by the statement of Bishop Pell that laws regarded by Catholics as immoral are inevitable in our society, which is pluralist, ideologically and religiously. That is a fine statement by that Catholic bishop. He was correct in enjoining his fellow Catholics to work within the political system to have the laws changed.

I accept that. I also accept that the Catholic community and members of this House on both sides who happen to be of the Catholic persuasion probably will think and vote differently on the Bill, according to their own stand of conscience.

It is interesting that Professor Charlesworth and the Reverend Dr Harmon, who sit on the Waller committee, and to the best of my knowledge are of the Catholic persuasion, are in support of what we are attempting to do tonight because they recognise the great dangers implicit in the currently uncontrolled state of IVF research.

I strongly support the statement of the Catholic Archbishop of Melbourne; Sir Frank Little, that we must have a meticulous phrasing of the law to stop bizarre pronuclei experimentation. How will we do it if we do not have laws passed?

I am reminded that recently in another place we had a visit from Sir Gustav Nossal, who spoke to a group of honourable members. I asked him about his view on the IVF research. He replied that scientists must obey the laws of the Parliament. He also said that he thought there were far more important things for medical research than the IVF program, but he added that it was very well for him to say that; he could understand people who did not have children wanting the benefits of IVF research. One of the greatest scientists in the country was telling us that the laws must be obeyed, putting the obligation upon members of the House to see that laws are introduced, along with guidelines for scientists to follow.

I was impressed by a letter I received from a lady who is a member of PIVOT—the patient support group of the Royal Women's Hospital in-vitro fertilisation program—which states:

We only ask in this pluralistic society in which we live today that you also respect our views and support our rights to have the best possible chance to have a family.

That is what I am on about. The Liberal Party believes in the family and the right of everyone to have a family.

I have also been strongly influenced by the attitude of the English Catholic bishops who believe scientific advances in infertility treatments are permissible, so long as basic human beings are not to be used as mere means to the ends of privileged human beings. The English Catholic Church believes legislation is required to control in-vitro fertilisation research.
A joint committee established by the English bishops believe it is only consistent with the Helsinki Declaration on research involving human subjects, that certain practices are unacceptable and must be prohibited by legislation.

The Joint Committee on Bioethical Issues and the Social Welfare Commission established by the Catholic bishops of England and Wales recognise the difficulties created in a pluralistic society by in-vitro fertilisation research, particularly in conferring the full status of a human being on a foetus. Unlike the Vatican's doctrinal objection to the practice, the English Joint Committee on Bioethical Issues has welcomed the supplementation of natural intercourse in the light of the fundamental importance to society of marriage and the family.

From reading overseas magazines, it is my understanding that English speaking Catholics in the United States of America and Great Britain and Dutch Catholics have a more liberal interpretation of these issues than a number of conservative Catholics, even in our own country. I respect the Pope; he is an outstanding man. However, he has made it clear that God is a mystery. He does not pretend to speak for all of us. It is obvious that the Pope does not purport to speak for all Catholics on IVF. He recognises that we all have consciences and we must all face our Maker. I belong to a faith that believes there is no intermediary between the individual and his Maker.

I look to the Waller committee and similar bodies to determine a clear terminology and a set of principles of protection for the embryo which do not fluctuate or become subject to pressure.

When the Bill is passed, the Waller committee will formulate draft regulations for the benefit of Parliament which will: recognise that an embryo is a being in the early stage of life; record the progress of the embryo, as with a born child; control experimental procedures to ensure that they proceed only along desirable and therapeutic lines; and establish guidelines for the mixing of sperm and ovum, both inside and outside the womb.

The Bill does not offend my religious conscience. I owe it to the overwhelming majority of Victorians and the electors of Doncaster to support it.

Mr PERRIN (Bulleen)—I was not a member of this place in 1984 when the original legislation was passed. I have had to learn the subject from scratch in the past few months, and I believe I have done that. As a family man with four children, I am conscious of the fact that my children bring me great joy. I am aware that many people in the community desire that joy and would not have it without some intervention by the medical profession.

The Bill is about experimentation on embryos. It is not easy for me to make this speech because I believe the Bill is wrong in principle and should not be enacted into law. As a Christian, I believe that life commences from fertilisation; life is a continuous form from fertilisation until the time of death. Therefore, I believe no experiments should be carried out on embryos.

I am conscious of the fact that this is a moral issue and that Parliament must decide the issue. It cannot leave a matter such as this in an unregulated form. Parliament must be prepared to introduce controls on research on embryos.

I am pleased to be a member of the great Liberal Party. One of the strengths of the party is that it allows members a conscience vote. That right is exercised only on rare occasions. I intend to exercise that right with regard to this Bill.

I know some people in the community regard the Bill as a tightening of the Act. The legislation is not necessary. Early tomorrow morning the government could have in place legislation that I would applaud. This Bill could be left on the Notice Paper for ever, and the Governor in Council could meet tomorrow and proclaim section 6 (5), which has passed through both Houses of Parliament. That section would be accepted by the
community. The Bill is unnecessary; the government simply needs to proclaim a section that has already passed through Parliament.

I want to vote against the Bill for three reasons; firstly, my strong Christian belief that life begins at fertilisation and that we should not allow experimentation on that life; secondly, I know my views on life commencing at fertilisation are supported by many theologians, scientists and other Parliaments in this country and overseas; and, thirdly, I simply do not trust the government. It is a gross political act on the part of the government that it has not proclaimed section 6 (5) of the Act.

I remind honourable members that a Senate Select Committee was established to examine experimentation of embryos.

The sitting was suspended at 12 midnight until 12.34 a.m. (Saturday).

Mr PERRIN—Prior to the suspension of the sitting for supper, I referred to a Senate Select Committee that had been established to inquire into the experimentation on human embryos. The committee has spoken out against destructive experimentation on embryos. The report is worthy of consideration.

An information paper was prepared by the Victorian Parliamentary Library, titled, "In-vitro fertilisation in Victoria: an update". The document was recently released and page 13 sets out the position of the Catholic Church as at March 1987. It makes it clear that there must be no non-therapeutic research on embryos. The Vatican produced a paper titled, Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation. Closer to home, His Grace, the Archbishop of Melbourne, Sir Frank Little, was reported in an article in the Age of 10 November 1987 as saying that the proposed legislation should not be proceeded with and that experimentation should not be carried out on human embryos.

The Advocate of 24 September 1987 carried an interesting article by Bishop Pell who believed that experimentation should not be carried out on human embryos. Bishop Pell referred to Dr Erwin Chargaff of Columbia University in the United States of America who is an expert in this field. He is, also, against experimentation on human embryos.

This evening reference was made to a letter from the Archbishop of Melbourne, the Most Reverend Dr David Penman. That letter has been criticised for being sent to members of Parliament after the proposed legislation had passed through the Upper House. The letter is addressed to members of the Legislative Assembly and not to all members of Parliament. Obviously, His Grace was aware that the Bill had passed through the Upper House and he sought to clarify the position of the Anglican Church. He tried to influence honourable members in this place to change their views on the proposed legislation.

The Reverend Father Tom Daly of St Vincent's Bioethics Centre is another distinguished clergyman who opposed the proposed legislation. The same view is held by members of the scientific fraternity. Dr Santamaria, the Director of Community Medicine at St Vincent's Hospital, was reported in the Advocate of 15 October 1987 as being opposed to the proposed legislation. He voiced his opinion against pre-syngamy experimentation on embryos.

Another scientist, Dr Nicholas Tonti-Filippini, was reported in the St Vincent's Bioethics Centre Newsletter expressing his concern about allowing pre-syngamy experimentation. He also opposes the proposed legislation.

Dr Katrina Hudson of the Department of Physiology of the University of Melbourne, is against experimentation on embryos. The same view is held by a leading scientist, Dr Bede Morris of the Australian National University. His views against the proposed legislation were reported in the Age of 4 May 1987. Dr Philomena Joshua, Secretary of the World Federation of Doctors Who Represent Human Life, stated that she wanted the proposed legislation rejected.
I have a transcript taken from a tape recording of a recent bioethics conference held at St Vincent's Hospital. The paper was given by Dr Bartels. I recommend the transcript to any honourable member who wishes to understand the proposed legislation. I am happy to make it available to honourable members.

Without any doubt I have sympathy for infertile married couples who are unable to have children. Any possible medical or scientific help must be given to them to aid them in becoming parents. The qualification is that it must not be at the expense of allowing experimentation on human embryos.

The Bill should be rejected and I intend to vote against it because my conscience says I should. I believe life begins at fertilisation because there is a mass of evidence from experts to whom we should listen and who have the same view as me.

More importantly, the fact that section 6 (5) has never been proclaimed is why we should not trust the government and why the legislation is not necessary. If that section of the Act had been proclaimed, I would support the Bill.

I am pleased to be a member of a party that gives me a conscience vote. That makes it a strong party in the eyes of the people.

The Bill opens a door that should never be opened because, once it has been opened, people in the community will want to open it further and further. My conscience says I cannot be passive about this issue; I must actively oppose the Bill.

Ms SIBREE (Kew)—I support the Bill. I do so as a matter of conscience because those of us who can exercise a conscience vote do so in the full scope of human thought and intellectual endeavour; and in conscience, I believe I should support the Bill.

I am supported in that position from a number of points of view. In-vitro fertilisation is an experimental procedure; it was from the very beginning. If experimentation had been banned completely, IVF would never have got off the ground.

Our whole human endeavour in society and particularly in science is based on some experiment, some unknown future outcome of what we will do. Without some idea of experimentation, research and inquiry, we would never have had IVF and the positive results it has brought about in our society.

I am also entitled to support the Bill because the Waller committee, in its entirety, recommended that we needed to have some tightening up and changes to make the IVF program in this area workable.

Any honourable member who is concerned about their conscience based on a religious belief—and we have consciences based on a lot of things; religion is not the only thing that gives us a conscience—should take comfort and take heart and take note of the careful deliberations of Father Harman on the Waller committee who, in spite of his well-known religious beliefs, came out with a viewpoint that as a member of that committee and in that capacity could agree to the sort of amendments now before the House. He saw them as being protective.

I do not really know when life begins. I do not pretend to define that. I am a human being; I do not pretend that I am God or anybody else who can see into these matters. Ultimately, the parents involved in the program have to be the final bearer of conscience on the decision making regarding their own potential children in these programs.

I take heart in the fact that the Bill follows closely, in fact precisely, on what the Waller committee recommended we should be doing. I also direct attention to those in the House who have concern about conscience. They are valid and proper concerns and we ought to respect them. However, when the Infertility (Medical Procedures) Bill was being debated back in 1984, the honourable member for Benambra, who is a man of great conscience, carefully and deliberately looked at the dilemma faced about experimentation, and it is worth reading a few of his words put on record at that time. He said:
Embryo experimentation has caused much heartache to many people. The Opposition was determined to ensure that the law had constraints because the Liberal Party was not prepared to accept embryo experimentation without controls, for reasons obvious to all...

The Opposition wanted the parameters for experimentation spelt out in the proposed legislation. However, there is a problem with drafting the words. If one says "There will be no experimentation at all", problems will arise with microscopic examinations...

In the three years since then there has been a whole range of new knowledge gained in the IVF program, which is absolutely vital to the outcome of viable pregnancies from this program and the knowledge that has made it possible for a greater number of viable pregnancies. The honourable member for Benambra at that time had the foresight to see that we could not precisely define things down to the nth degree in terms of what exactly would happen and the Walther committee has grappled with that problem on our behalf.

It is not an ideal situation. I do not think anybody would say it is an ideal situation; but in terms of a pluralistic multicultural nation of people with a variety of religions and a variety of bases for beliefs, the committee has come up with a viable, sensible and sensitive way of ensuring that experimentation is not abused in society. That is the bottom line.

I also commend to the House the thoughts of the honourable member for Box Hill, and I share those thoughts. We have to be mindful that we are talking about control over other people's lives; control over the lives of two infertile people who wish to have a child. If anybody is to be sensible, caring and careful about that future child, it would be that couple who wanted a child. Surely they must have that potential child's best interests at heart. It is a chance for a healthy child to enter that family.

I hope that as we get to know more about this program, as it becomes more acceptable, and as we overcome the fears of new technology, Parliament and society will hand over that responsibility more and more and say, "We do trust you". There is no need for us to be scared or fearful—that is the important thing.

The Bill reflects the real dilemma of the lawmakers and of science in society. As a trained lawyer, I am well aware that law tends to follow society. We are always a few steps behind because we do not really want to lead society; society must lead its own way in many matters.

The same thing concerns law and science. It is difficult to keep law and science hand in hand, step in step; but, in the Bill, we are probably coming close to keeping law and science and society very much hand in hand in a common endeavour to improve the human lot in society.

Therefore, I support the Bill as a matter of conscience because it sorts out a problem that needs to be sorted out, and I am more than happy to support it.

Mr HANN (Rodney)—As my colleagues in the National Party have already pointed out, the National Party is strongly opposed to the Bill. In proposing to amend the legislation to introduce this concept of syngamy, Parliament is attempting to determine when life begins. There is no doubt in the minds of individual members of the National Party as to when life begins. For the benefit of the honourable member for Springvale, life begins at fertilisation.

Dr Vaughan—When does fertilisation begin?

Mr HANN—For the benefit of the honourable member for Clayton, fertilisation commences when the sperm enters the egg; there is no doubt about that; it is indisputable and yet Parliament and the ethically and morally bereft government is making an arbitrary decision that life begins 22 hours after that stage!

I put it to this House that the government is anxious to pass the Bill because it has a financial interest in the in-vitro fertilisation program through the Monash University and IVF Australia Pty Ltd, and because this technique is being sold to the United States of America and other overseas countries to generate funds for universities.
The proponents of this proposed legislation, Professor Carl Wood, and particularly Dr Alan Trounson, are both actively involved in that Monash University program.

It is interesting to read from an article in the *Monash Reporter* of May 1987 a report about both Professor Carl Wood and, more particularly, Professor Ray Martin, addressing a conference on the IVF program. Professor Martin is quoted as saying that the marketing of the IVF technology was in line with the pressures from the Federal government for universities to seek outside sources for some of their funding.

As a member of the Monash University Council, I am well aware of the anxious desire of that council to generate hundreds of thousands of dollars that they believe are available by marketing this technique overseas. However, they have run into difficulty with their desire to continue experimentation on embryos.

In the previous debate on the legislation in 1984, I advised this House that, in the discussions that members of the Parliamentary National Party had with Professor Carl Wood and Dr Trounson—members of the Liberal Party were also present—Professor Wood and Dr Trounson put the view that governments and Parliaments have no right to interfere with what scientists want to do. Their argument was that if the scientists can carry out a particular experiment or technique, it ought to be permissible.

The National Party put the contrary point of view to them: that Parliaments, representing the people, have an ethical and moral responsibility to uphold what they believe is the law of the land. Furthermore, we also pointed out that there was a public view because literally millions of dollars of public funds go to finance the IVF program.

Members of the National Party have supported the IVF program as such, although two of my colleagues had reservations in the past and voted against the donation of embryos. However, National Party members have supported the concept of IVF because we acknowledge that there are childless couples who can be assisted through this technique.

However, we have consistently opposed any research or experimentation on embryos. We did so in 1984; and we moved amendments to clause 6 of the Bill at the time. Of course, we voted on our own, with the Liberal and Labor parties voting together. The government failed to proclaim section 6 (5) of that Act and has now introduced this Bill.

Sadly, the Liberal Party has determined to support the measure. If it had been prepared to oppose the Bill, honourable members would not be here, in these very early hours of the morning and at this stage of the Parliamentary sessional period, debating this vitally important measure, because it would have been possible to defeat the Bill in the Legislative Council.

The Liberal Party obviously faces the problem, which I believe was expounded here a few minutes ago by the honourable member for Kew, who said she could not determine in her mind when life begins. The honourable member for Bulleen made a very positive contribution to the debate, and I congratulate him on it, particularly on the witness that he made to his Christian faith. He said that, for that reason, he believes life begins at fertilisation.

I say to the honourable member for Kew and other honourable members, particularly those many who do have a strong Christian conviction—and it is a Christian Parliament because we commence each day of the sittings with the Lord’s Prayer—that the Bible, which we say is the word of God, in many instances spells out and defines clearly where life begins. For example, I refer honourable members to Jeremiah, Chapter 1, Verse 5, which contains the reference, “I knew you in the womb”. Psalm 139 contains the same quote. In the book of Isaiah, one finds the quote, “I have your name written on the palm of my hand”.

Mr Remington interjected.
Mr HANN—If the honourable member for Melbourne is an agnostic, I pray for him. The interesting thing about the Bible is that it contains some 6000 prophecies and, so far, 3000 have come to fruition. Can any member of the Labor Party beat that?

The point I make is that we live in a society that has moved away from old values. We live in a society that believes—particularly when one considers the many members of the Labor Party, like the honourable member for Melbourne—that life is centred around man. The honourable member for Melbourne makes the point that he is an agnostic.

Mr Remington interjected.

Mr HANN—It is the honourable member's philosophy that everything centres around man. Sadly, he believes in that philosophy. I believe it is a very limited philosophy. It is based on the concept of humanism: that the State is sovereign; that there is not a God; and that whatever the State determines should be the will for the people of the land.

Dr VAUGHAN (Clayton)—On a point of order, Mr Speaker, I direct your attention to the fact that the Deputy Leader of the National Party is straying quite some distance from the Infertility (Medical Procedures) (Amendment) Bill. In the interests of the debate, I ask you, Sir, to direct him back to the Bill.

Mr RAMSAY (Balwyn)—On the point of order, Mr Speaker, on a matter as sensitive, important and fundamental as the issue we are discussing tonight, I believe it is an improper point that the honourable member for Clayton has raised. If an honourable member has strong convictions about these sorts of matters, he should be entitled under these circumstances to discuss them as fully as he wishes. I ask you, Sir, to protect the rights of the honourable member concerned.

The SPEAKER—Order! I uphold the point of order. I have allowed the Deputy Leader of the National Party to support his arguments by the use of the Bible, and he has done so in the House before. However, I do not intend to allow him to take the area on which he has settled to be the basis of his argument. I want him to come back to the Bill.

Mr HANN (Rodney)—I take it, Mr Speaker, that you are suggesting that I am not supposed to use the Bible as the basis for my argument.

The SPEAKER—Order! I am not saying that.

Mr HANN—Are you not?

The SPEAKER—Order! I shall clarify the matter.

Mr HANN—I would appreciate it if you would.

The SPEAKER—Order! I shall be pleased to clarify the matter. I said the honourable member has used the Bible before in argument in the House. Whether rightly or wrongly is yet to be judged. The honourable member has again used the Bible today in his contribution to the debate on this Bill.

I have said that I believe that is straying from the subject matter before the House. I have allowed him, without interruption to date, to continue in that fashion.

Now that a point of order has been raised, I am upholding that point of order, and I ask the honourable member to return to the Bill before the House.

Mr HANN—Thank you, Mr Speaker. I am well aware that the matters I have been raising are pricking at the conscience of the honourable member for Clayton and those of his colleagues in the Labor Party, because the reality is that they are escaping the whole issue.

What I am really saying to government members and those members of the Liberal Party who are supporting the Bill is that, by determining that, in their opinion, life begins 22 hours after the point of fertilisation, they are effectively giving the scientists the ability to destroy human life.
What the scientists are proposing under the Bill is experimentation—and they openly admit this—with up to something like 40 embryos. They acknowledge that once those embryos have been experimented with they will have to be destroyed. The technique employed is that the sperm from males who have a low sperm count is injected into the female egg. The admission made by the scientists and by the government is that embryos will have to be destroyed once that experimentation takes place.

Members of the government who have strong Christian convictions—and I know a number of them do—must bear in mind that as individuals we must consider whether we have the right to allow scientists to destroy human life, or potential human life. My colleagues in the National Party and I argue that we do not. Parliament does not have the right to allow scientists to experiment for their own personal gain.

Members of the National Party acknowledge there are concerns among couples who are childless and anxious to have children. We do not believe the way that problem is solved is by allowing scientists the latitude and opportunity to experiment on human life. My colleague, the honourable member for Warrnambool, made the point that it is the thin edge of the wedge because it is a conditioning process, if you like, by the scientists. Once this measure is passed, on the next occasion they will be wanting more freedom—they will be wanting to go to the fourteen-day period.

The scientists have been arguing and using the emotion of childless couples to support their campaign for experimentation. They will mount a similar campaign and, down the track, we shall see the examples I have quoted. I refer again to an article in the *Monash Reporter*, which states:

> The detection of genetically-determined diseases in embryos was possible, he said, and this would make the goal of the selection of a healthy embryo achievable.

That is a quote from a speech made by Dr Alan Trounson.

Once again, the scientists will have the ability to determine which embryo they will keep and which one they will destroy. Scientists do not have that right as human beings. That is the right of a higher power. Parliament should not be legislating on this matter.

I am gravely concerned that honourable members are failing to address the question of our responsibility as legislators. We are attempting to escape from the basis of our law. I have on previous occasions traced the basis of our law and pointed out that our system goes back to biblical law. Nobody on the government side can deny that. The government wants to rely on the philosophy that the State is sovereign and so we can determine this matter.

It saddens members of the National Party to see the failure of the government to recognise the tragedy of what we are doing through the proposed legislation. It saddens me because I am aware that there are honourable members on the government side who should perhaps have studied the issue more carefully rather than allowing themselves to be locked into the government decision. That decision is based on the financial consideration, as I have said. The consideration is that if the IVF-Australia Pty Ltd program is marketed overseas there will be hundreds of thousands of dollars generated for Monash University. I suppose that reduces the overall budget for and the cost of universities.

IVF-Australia Pty Ltd has run into problems already because of the difficulties it is facing in getting insurance to cover the costs of potential civil cases against it, in case a child is born with some sort of deformity as a result of the IVF program.

The National Party maintains that human life begins at the point of fertilisation and that it is absolutely sacrosanct. There is no question that life begins from that point. For that reason, the National Party is opposed to the Bill and I urge all members of this House to reject the Bill.
Dr VAUGHAN (Clayton)—I am disappointed to observe the intolerance and abuse which has been in small part a feature of the debate. A little more tolerance would have added at least some dignity to the occasion.

There appears to be a limited understanding among honourable members of the content of the Act passed in this House in 1984. I have every sympathy for that lack of understanding of the Infertility (Medical Procedures) Act because the issues raised and debated are of great complexity. No-one would dispute that.

The advice members of this House have received on those issues has been extremely confusing. The scientific issues are quite novel. Honourable members would have added to their political lexicon in the past few weeks. Words have been used in the debate which have not been used previously in the House. Certainly I have heard words used with which I was not familiar.

I came to this House with a scientific background but I find the scientific issues raised in the debate difficult to grapple with. I am prepared to admit that.

The philosophical issues raised by the Bill are quite profound. I have difficulty grappling with those, and I admit that, too.

The theological advice I have sought has not provided me with a clear direction. I find the theological advice quite confusing. I refer to the most recent Vatican document relating to the subject matter of the Bill. It comes from the Congregation for the Doctrine of the Faith. It is dated 1987 and headed Instruction on Respect for Human Life in its Origins and on the Dignity of Procreation and replies, to certain questions of the day.

In the first chapter of the document, entitled “Respect for human embryos”, there is advice given which is relevant to the debate, but whether the advice would lead one to support the Bill or oppose it I am not sure. I remain confused.

It is not an easy debate to enter into. The matter is not an easy matter on which to legislate.

This Parliament has in the past couple of decades grappled with the issue of “When does life end?” Honourable members have grappled with that issue more successfully than we are grappling with the issue of, “When does life begin?”

The Victorian Parliament wrote itself into the history books when it attempted to grapple with the issue of “When does life end?” The human tissue transplant issue which was debated approximately a decade ago was a profound piece of legislation. It was a pacesetting piece of legislation which gave direction to many other legislators around the world.

This House has had the courage to grapple with the issues arising from questions such as “When does life begin?” Honourable members entering this debate have said that life begins at fertilisation, but as someone who has tried to grapple with the scientific issues this Bill raises, I do not find that helpful. It is a circular question. I am unable to answer to my satisfaction the question, “When does fertilisation commence; is fertilisation a single act or a process?”

The language of the debate is confusing; the arguments are confusing; the Infertility (Medical Procedures) Act 1984 is certainly confusing. I recall saying in 1984 during the debate on the second reading of the Bill that the Bill before the House was imperfect and contradictory. I certainly support that position today.

Despite the fact that it was imperfect and contradictory, I still regard the Bill that was passed in 1984 as worthy of my support. With the passage of time, I thought the Act was less deserving of my support, but, on balance, three years after the event, I would still be prepared to support the Bill as it was presented to the House three years ago.

The Bill presented to the House tonight is also an imperfect instrument to repair another imperfect instrument. I suppose if one considers the Bill, it probably contains contradictions, although I have not found those yet. That does not mean they do not exist.
My consideration of the Bill was assisted earlier in the week by a long argument with a member of the Standing Review and Advisory Committee on Infertility, Dr Max Charlesworth. I spent a stimulating morning arguing, in the company of the honourable member for Greensborough, the philosophical issues that arise in this debate. In the course of that long argument I hope that Dr Max Charlesworth learned something from the honourable member for Greensborough and me; I am sure we learned something from him. I think we each had something to tell the other.

While the 1984 Act established the Standing Review and Advisory Committee on Infertility, is that necessarily the ideal creature for considering many of the issues that arise from the practice of in-vitro fertilisation, be it the use of it to treat infertility or the research issues that arise along the way? I wonder about that, and I think there may be other options. It is worthwhile for Parliament and the Victorian government to consider those options when it next chooses to amend the Infertility (Medical Procedures) Act, as it no doubt will with the passage of time.

This Parliament has seen complex issues from which arise disturbing ethical, moral, legal, and philosophical questions. I have seen these issues evolved in an excellent way through the use of the Parliamentary committee system. Only recently honourable members witnessed the joint Parliamentary Social Development Committee handle very sensitive, complex issues in its inquiry into options for dying with dignity.

The Parliamentary committee system may have something to offer Parliament in further consideration of the complex issues that arise from the in-vitro fertilisation program. I hope that is a matter that receives consideration between now and the next time the government might be moved to introduce a Bill to amend the 1984 Act.

The fact that the debate tonight has in part been characterised by intolerance, abuse and party political point scoring is a reason for addressing some of the issues that arise from the in-vitro fertilisation debate outside the forum of the House, at least in the first instance. I strongly believe there is an argument for a joint Parliamentary committee to consider amendments to a Bill like this on a future occasion. It will have a number of functions. It will inform members of Parliament better than I consider the Standing Review and Advisory Committee on Infertility has done to this point. I have personally not read the annual reports of that committee, which were required by the 1984 Act, but I look forward to doing so. I hope they are a regular feature in the future.

Tonight the House has heard some excellent contributions to the debate. I congratulate a number of honourable members. I thought the honourable member for Warrnambool made a reasonable job of presenting the arguments in support of his party's position. I compliment him on the moderation of his contribution. I respect the sincerity with which he put his case. I respect the contribution he made. I hope that does not embarrass him.

I also compliment my friend, the honourable member for Doncaster, who always can be relied upon to make a thoughtful, interesting, stimulating contribution to an issue. He did so again tonight and he deserves the commendation and respect of the House for that.

I also compliment the honourable member for Box Hill for her considered and thoughtful comments that were endorsed by the honourable member for Kew in an outstanding contribution to the debate.

On that note I support the amendment to the Act, and wish the Bill a speedy passage through the House at 1.15 in the morning.

Mr JOHN (Bendigo East)—My remarks will be brief because honourable members have heard a number of speakers who have made detailed contributions. I understand a number of speakers have some more detailed contributions to make.

The Bill involves one of the most difficult moral issues of our time. One of the difficulties for members like me, who came into this place in 1985, is that the legislation is already in
force; the principal Act was passed in 1984. Had I been in this place in 1984 I would not have supported the legislation establishing the principal Act.

Those who studied the Bill in detail are aware that we are dealing with an extremely sensitive issue. In listening to honourable members making contributions, a great deal of tolerance is required.

I place on record that I cannot support destructive experimentation on human embryos. Under no circumstances do I think it is tolerable for scientists to be playing with human lives in laboratories. I place on record that I will not be voting for the Bill.

Dr Wells (Dromana)—I have a vested interest in the Infertility (Medical Procedures) (Amendment) Bill; my four wonderful adult children whom I enjoy so greatly. Indeed, I speak tonight and will vote on the Bill as a matter of conscience. I shall attempt to plot a straightforward path through the issues. I want to concentrate rather more than has been done this evening on philosophical considerations against the background of biomedical knowledge, expectations, and practices that characterise our society today.

Dr Wells (Dromana)—I have a vested interest in the Infertility (Medical Procedures) (Amendment) Bill; my four wonderful adult children whom I enjoy so greatly. Indeed, I speak tonight and will vote on the Bill as a matter of conscience. I shall attempt to plot a straightforward path through the issues. I want to concentrate rather more than has been done this evening on philosophical considerations against the background of biomedical knowledge, expectations, and practices that characterise our society today.

The first point is that infertility research is undertaken to solve human needs to prevent the disease of human infertility—in other words, to promote human reproduction and to encourage the creation of human life. It is a continuation of the process of medical research that has gone on at a great pace for the past three centuries. It is also characteristic of that research that progress has been controversial and, at times, spectacularly so.

Of the many illustrations I could choose I cite the work of Dr Jenner who used cow pox virus from the udder of a dairy cow to vaccinate a child and, for the first time in history, prevented the fatal disease of smallpox. Millions of people thank God for the blessing of smallpox vaccine.

Is infertility work just routine biomedical research in line with Jenner’s work, or is it different? I believe it is different because this research is conducted on the whole human individual and usually results in the death of that individual. We have spent the last 2000 years establishing that postnatal human life does matter. We protect the postnatal individual against destruction at all costs. Many people in our society, particularly those of high moral, philosophical or religious commitment, claim that prenatal life is also special, even sacred.

It was for that reason of postnatal life being special that I fought in this Parliament a couple of years ago during debate on the Guardianship and Administration Board Bill (No. 2) to stop a government committee being authorised to remove kidneys or other tissues from individuals for donation to others. That move was successfully stopped. Until recently in the great democracies, prenatal human life was officially considered special. Abortion was prohibited and even contraception was banned or discouraged in some countries.

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The second major point I raise concerns the debate about the human need of all people versus the destruction of some embryos for the advancement of knowledge, and whatever qualitative or absolute considerations that entails in pursuit of this knowledge to the benefit of the whole human race. Are embryos and human life being destroyed? Clearly, the answer is, "Yes". However, invoking syngamy is an exercise in semantics. I respectfully submit that it is an inadequate defence. When the male gamete enters the female gamete, passing through the wall of the female cell, to produce a zygote or early embryo, a self-perpetuating cycle is commenced which, subject only to the provision of an appropriate environment, will, in some cases, develop into a postnatal person at birth.

It is clear that a person after birth is different from a foetus, particularly a foetus in early embryonic life and, especially, the earliest form of all the zygote. Daily life confirms this. However, in qualitative terms it is clear that full human potential is present from the time of fusion of the male and female gametes, despite the fact that a significant percentage of zygotes do not become successful pregnancies and eventually babies, even in natural pregnancies.

Is that prenatal life special, and should it be protected at all costs, as is done with postnatal life? That is my third major point, which is a crucial consideration. To answer this question I must fall back, for practical, pragmatic reasons, if nothing else, on what is current practice in our society. I accept that some will say that that is an inadequate proposition. My concern is that our society will answer this question and unless Parliament intelligently participates in formulating the answer, a less satisfactory result will ensue.

Does current living practice demonstrate the sanctity of life to the extent that daily living conditions do not matter? Should it be pregnancy at all costs? The women of the world, whom I believe are fully entitled to control of their own bodies, have voted in their millions, perhaps billions, against that proposition. When fault-free contraception became available, it was predicted that it would take twenty years to control human reproduction. If fact, in less than five years the women of various countries almost totally stopped growth in the population. In many senses that was a blessing in the long run because it limited the number of people on this earth. Therefore, zygote and embryonic life has not been considered sacrosanct, usually in the use of contraception. Adult life has been considered pre-eminent in that situation.

Therapeutic abortion has now been embraced by many societies in daily living. That fact is wholly demonstrable in democratic societies. Embryonic life has not been placed in a pre-eminent position in those societies. Adult life has been given a primary position and that, again, has been a decision endorsed by millions of people, especially millions of women and, whether or not we like it, that is the situation. Although I do not personally like it, it has not led to the brutalisation of society, or certainly not to the extent that I feared.

These are both procedures that are endorsed by society again and again. Both contraception and therapeutic abortion bring progress in the opinion of the adult recipient for that adult individual and, basically, that adult individual alone. There is a big difference between those procedures and research into human infertility, because infertility research, which the Bill concerns, involves small numbers of embryos and is designed to produce improved knowledge that may assist large numbers of human beings in the future.

Honourable members should bear in mind Jenner's work with smallpox which, for more than 100 years, has protected billions of people and, eventually, eradicated smallpox virus from the world. I am talking about research work on human infertility that will have a multiplication effect for generations. I challenge honourable members who are listening to my contribution and readers of Hansard carefully to examine the proposition that that is different from repetitive foetal destruction—which is the end point in the process of abortion—even though that is at times considered, by qualified opinion and the opinion of those personally involved, to be necessary.
The sort of work I am talking about is not the equivalent of adult murder—it is not the equivalent of judicial murder—the death penalty—and it is not the same as therapeutic abortion of a firmly established successful pregnancy, it is destruction of the pre-embryonic zygote, which has only a statistical chance of successful development. It is destruction based upon the most careful medical and humanitarian assessments. It is based upon the assessment that, firstly, informed consent has been given by the married owners, the parents of the gametes, to the procedure; secondly, that they are infertile and their gametes will never result in a successful union and pregnancy; and thirdly, because their medical advisers have formed the opinion that there is a positive possibility of solving the couple's infertility through the proposed research and thus of favouring human reproduction and human life.

The proposed legislation overstates the likelihood of success from isolated experiments. However, I shall not deal with that aspect tonight because it fails to affect the principle, which is quite clear, that work will be undertaken only after stringent examination and when a positive possibility of real, worthwhile progress has been established.

I am attempting to establish that the destruction of the zygote stage of human life will be strictly limited, that zygote human life is significantly and quantitatively different from postnatal human life and that the permanent rewards of research should be significant in the procedures involved.

I have, of course, been arguing the case for the decision taken by Parliament—I was not a member at the time—when it passed the 1984 Act. I could not speak tonight unless I could judge that Act, which was based on the Waller committee recommendations, and which limited such work to the use of embryos or zygotes which were surplus to the IVF therapeutic program.

The emphasis on using surplus embryos is not the important consideration; the destruction of the zygote is. The 1984 Act did not authorise the purposeful production of human embryos for research and destruction. Equally, section 6 (5) which would have prevented such work was not enacted. This Bill now proposes limited and controlled authorisation for such studies; that is the reason for this Bill. It is designed to widen research capacity.

The difference between surplus and purposefully-produced embryos is not crucial but destruction is! I have honestly tried to explain why I have accepted the decision of Parliament on the 1984 Act, which established a precedent for the destruction of embryos. The 1987 Act merely widens the availability of embryos to include purposefully-produced embryos.

In logical analytical terms, the Bill is not the landmark legislation that the 1984 Act was. However, the Bill has one important by-product. It is not the reason for the Bill but it is one of the major reasons why I support the Bill.

This Bill proposes to limit experiments to the first 23 hours of life of purposefully-produced embryos. I welcome this. Research permitted under the 1984 Act was not limited in time, which is undesirable. Although I understand that scientists have obeyed the spirit of the 1984 Act, and we may be proud of this fact, the situation does require correction.

I believe the 1987 Act will not limit in time the use of surplus embryos but it will establish a precedent. In 1988 I will seek to move an amendment to the 1984 Act to limit the use of surplus embryos, to the first 23 hours of life. That uniformity is logical and necessary.

It is necessary to protect human life so far as possible. The extension of this period is likely to be difficult to negotiate through this Parliament in the near future. It is unlikely that studies of older embryos will be necessary for infertility studies.

Infertility is caused by imperfect spermatozoa, imperfect ova or an unsatisfactory environment in the uterus. Infertility research, as opposed to natural abortion, involves
only the time of union of the gametes, or the earliest stage after the union. The decision made tonight will not be a precedent for the destruction of later foetal life—for example, in the second trimester—four to six months—of the pregnancy.

The Waller committee will provide documentary evidence as each experiment is approved. Thus, the community will be protected from unnecessary experiments. The humanitarian ethic which permitted kidney transplants, which first failed and led to death, but later provided practical therapeutic techniques, is the same medical and humanitarian ethic behind human infertility research. I believe man is made in the image of God and that human life must be treated as special; therefore, there is a need for an open review of work in human reproductive research. The proposed legislation will provide this.

I reject emphatically the comment comparing this situation with that of Nazi Germany. I have taken pains to establish the nature of what we are talking about both in a quantitative and in a qualitative sense. Millions thank God for Jenner's work and millions will thank God for solutions for human infertility.

I respect the absolute moral judgement of anyone who opposes human infertility research but I believe carefully controlled research in human reproduction will alleviate disease, and, can be beneficial in a caring society and not be brutalising.

Mr MACLELLAN (Berwick)—In 1984, I foolishly—in retrospect—persuaded myself that it was better to have a law on the subject on in-vitro fertilisation and to vote for the Bill rather than to oppose it. I did that on the basis that the Bill represented a compromise. I had expectations that it would become law and that it would provide a basis for our society to deal with an otherwise regulated medical procedure.

My disappointment was, and is, that section 6 (5) of that Act was not proclaimed. Whereas I might have been persuaded to consider this Bill as an amendment to that whole Act, if that whole Act were in operation, I find myself unable to support the Bill because I believe it was wrong not to have proclaimed section 6 (5) and to now seek to introduce an amendment to the Act which would, in particular, provide an alternative procedure.

That alternative procedure I find unacceptable. I am grateful to the Liberal Party for providing its members with the opportunity of expressing their views and of having a conscience vote. It is a precious right and it is also a difficult right to live with because having a conscience vote readily available means that one must make a decision on the ground of what is one's conscience.

In my years in Parliament, since 1970, I have not found myself in a position where I have had to differ with my party because of my conscience but I do so on this Bill because I am not prepared to vote for a Bill that proposes that embryos might be created for experimentation. I find that unacceptable.

The principle that guides me is that if consenting human beings want to volunteer for experimentation, that is their choice, but it is not our decision to make that decision for a child or, indeed, for a prenatal child. I reluctantly, and with some difficulty, find myself in a position where, as a matter of conscience, I am unable to support the Bill.

I believe those honourable members who became members of Parliament after 1984 may, like myself, feel that the Bill ought to be supported, in the first instance for them, because it seeks to regulate an area that is unregulated.

In 1984 I went through that experience and that learning curve of discovering that one cannot always trust the Parliamentary process, even on a matter that is of deep concern and of conscience. One can join in a debate and vote to pass legislation which one believes is an honest compromise between obviously conflicting views within Parliament, and then discover that, to suit its own political convenience, the government fails to proclaim part of the Act. I say "political convenience" because I believe that was the motive for the government's decision not to proclaim section 6 (5) of the 1984 Act.
I shall take up no further time in this debate other than to say that I am unable to support the Bill.

Mr DICKINSON (South Barwon)—In speaking on this Bill, I am reminded of my contribution of 2 November 1984 when this important measure was first debated. At that time honourable members addressed the question of infertility and believed they were assisting 10 per cent of couples who may not otherwise have been able to produce children.

I thought at that time there were other things honourable members may not have been addressing their minds to, and one was the high cost to society of abortions. At that time I referred to $500 million being spent annually on illegal abortions in the United States of America; most of those were performed by people who had contacts with the underworld or other undesirable people.

I reminded the House then that, while we applaud significant achievements in scientific endeavour, it is also wise to reflect that perhaps the money could be better spent on undeveloped countries where, for instance, simple drugs such as penicillin could save millions of lives. The high cost of in-vitro fertilisation had not been estimated at that time.

I believe we now have some idea of the cost because recent reports have put it at about $48 500 a child. Some 660 babies, born in the first five years of Australia’s IVF program, cost the staggering amount of $32 million. In the original debate I applauded Dr Carl Wood for what he was endeavouring to do, but I also said that we had to draw the line in deciding how far we should go. The question of whose treatment should be terminated in favour of a more worthy case should be addressed.

Honourable members cannot dodge the question of resource allocation. In the field of medicine many costly treatments are given to patients to keep them alive, and they can cost hundreds of thousands of dollars.

All honourable members would have been bombarded with letters not only from theologians and churches but also from constituents who have strong feelings one way or the other. Honourable members have been reminded of the fate of some of their former colleagues who opposed the stance of active groups in the community. A former Minister of Health, the Honourable Bill Borthwick, no longer represents the Monbulk electorate because of pressure groups. It is sad when Parliamentarians cannot stand up for what they believe. If Parliamentarians give a negative response on an issue, the situation can get completely out of hand. That happened in Nazi Germany during the second world war when original experiments carried out on human beings became totally destructive to their lives. That frightful situation concerns many people. Catholics and other Christians are concerned about this issue because they believe the destruction of human life is equivalent to abortion.

The 1984 debate reminds me of the statement by Bishop Oliver Hayward to the Bendigo synod on 15 June:

Christian couples should not agree to the use of donated genetic material...

Serious moral problems arise once the procedure (of in-vitro fertilisation) is used for anything other than solving problems of infertility in married couples.

On that occasion I took the stance that I could not envisage embryo research being allowed. Millions of people question the rights of scientists to conduct this research. It is not good enough to allow a group of people such as the Waller committee free play, and to have so many loose threads not being defined by legislation.

I cannot accept the view that Parliament can appoint a committee, no matter how talented, and that members of that committee, representing a good balance of interests outside Parliament, should then investigate this topic. It is similar to saying that something is too hard; and putting it in the too-hard basket while someone else examines the problem.

A good deal of advice has been freely given by many experts in the field. I appreciate the time and trouble taken by those people who have written to me, including Dr Katrina...
Hudson, a member of the Department of Physiology, University of Melbourne, and the Anglican Archbishop of Melbourne, Dr Penman. Although I do not always agree with the pronouncements of Dr Penman, I recognise that the Anglican Church represents 23 per cent of Christian people in Victoria and some 300 000 in the diocese of Melbourne. Dr Penman has restated the Anglican Church view on IVF. His letter of 26 October states:

In summary, it is that IVF is a medical discovery which we welcome as fulfilling for infertile couples God's desire for the creation of children. So we do not disapprove ethically of the basic technique . . .

We have, however, raised, along with others in the community, serious ethical questions about some aspects of the IVF/AID/ET program. We are strongly opposed to any form of live human embryo experiment for any purpose. This position was established at the Anglican General (National) Synod in 1985, and has been endorsed this week by the Melbourne diocesan Social Responsibilities Committee. The seminar held on 29 September 1987 by the Standing Review and Advisory Committee on Infertility produced no arguments to change our minds . . .

One of the best aspects of the Infertility (Medical Procedures) Act when it was passed was the way it held medical scientists and technologists accountable by law for their research, and the way in which artificial reproduction is constantly monitored by hospital ethics committees and by the Standing Review and Advisory Committee on Infertility. The proposed amendment opens the door on experimentation in a way which I feel is contrary to the controls imposed in the original Act . . .

I ask you to reject the proposed amendments to sections 6 and 9 of the Act.

A Catholic Church group has also put its view. Mr Matt O'Toole, State Executive Officer of the Knights of the Southern Cross, in a letter of 6 November 1987, states:

The Archbishop's letter conveys the deep concern that we have been expressing for quite some time on the subject of human embryo experimentation and with particular reference to the crucial section 6 (5) of the Act which is, to this date, unproclaimed . . .

We trust that you will see your way clear to uphold the moral values of this nation and preserve the sanctity of life from its very beginning, the moment of conception.

I received in the mail an extract from the magazine *Perspective* of September 1987 concerning an outstanding French doctor who, unlike Dr Carl Wood, had second thoughts on in-vitro fertilisation. He stated:

Don't give me a vote of confidence when I am playing with life.

Dr Jacques Testart is a researcher in the field of reproduction. He stated:

This is the testimony of the first in-vitro fertilisation scientist to create a test tube baby in France.

At an international congress in Vienna last year a professor announced that he had achieved the manufacture of both sheep-goats and three lambs in cloning techniques. The article states:

In a previous conference this same scientist had announced provocatively, "Give me a rat ovum and a human ovum and I will be able to manufacture a new animal species".

It is disturbing to hear doctors and professors saying such things. I believe honourable members should heed the advice that scientists such as Dr Testart are giving them.

This area is like Pandora's box. For that reason church leaders such as the Roman Catholic Archbishop of Melbourne, Sir Frank Little, are to be congratulated for giving the community the benefit of their knowledge. In a letter of 5 November 1987, Archbishop Little wrote:

The Infertility Act enabled the Victorian Government to testify to the subsequent Senate Select Committee on the Human Embryo Experimentation Bill that Victoria "has already legislated comprehensively" on the subject matter. What appears to have been left unsaid however was that a crucial section of the comprehensive legislation had not been proclaimed. That section 6 (5) was designed to regulate the earliest phase of the generative process to ensure that it would be initiated for no purpose other than transfer of the resultant entity to the womb.

It is now proposed to jettison that unproclaimed section 6 (5) to allow scientists to arrest the generative process at any subsequent point prior to the fusion of the male and female pronuclei for the purpose of destructive experimentation.
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I appeal to Parliament to reject this attack on the primal elements of our humanness. There is an irreversible dynamic process begun with the penetration of an ovum by sperm. Intrusive and destructive manipulation might lead to knowledge and profit but the cost in terms of respect for fundamental human values is far too great.

Honourable members heard speeches alluding to the impressive scientific steps that have been taken at Monash University. It would be a great pity if such knowledge was used for commercial gain at the expense of the human race.

Around the world there have been men who have reflected on this question. I shall quote from the Advocate of Thursday, 15 October 1987:

Professor Giovanni Marini-Bettolo, chemistry professor at two Rome universities, told the synod that deforestation, acid rain and ozone depletion were among the grave environmental problems requiring action. He said the biblical exhortion for man to have dominion over all living things had been incorrectly applied since the time of the industrial revolution.

He went on to warn about the world we are living in.

Pro-life of Victoria addressed this complex subject in letters written to members of Parliament. On 16 April 1987, I received a letter which states:

The Council of Europe's Parliamentary Assembly, representing 21 governments, recommended a ban on all experiments in which an embryo would be destroyed any time after fertilisation. The Senate Select Committee has recommended that all non-therapeutic experiments on embryos be banned.

The fact is that adequate protection of IVF embryos has not been achieved and cannot be achieved without legislation. This was the reason that the Victorian Parliament enacted legislation which, if proclaimed, would provide some measure of protection.

The letter further states:

As a media event in-vitro fertilisation has been presented as a means of having a happy healthy child for those who would otherwise be infertile. The 84 per cent who are in-vitro fertilisation failures and the 45-4 per cent who miscarry or have a still birth are rarely mentioned.

Dr Robin Rowlands of Deakin University and Professor Max Charlesworth have been mentioned in this debate. Dr Rowlands has reflected on the Liberal Party amendments to the original legislation—particularly to section 6 (5). Because that has not been implemented honourable members are debating another Bill which will further extend the scope of scientific endeavours.

Clearly a large number of people have been concerned to contact every member of Parliament. The letters I have received probably reiterate what is in the letters that other honourable members have received so I shall not refer to all of that correspondence.

Those who have been most active in this State in the fight against the legislation believe this Bill weakens the original Act. They believe that in going down this path doctors and medical researchers will further continue their scientific endeavours with little restraint being placed on them.

An article in the Australian of 14 October 1987 states:

The Victorian Minister for Health, Mr White, told Parliament yesterday that the aim of the legislation was to allow the Standing Review and Advisory Committee on Infertility to consider applications for research which used ova in the early stages of the fertilisation program.

I am disturbed at the lack of definition in this Bill; and honourable members are being told there may be further amendments to the Act in the near future.

Honourable members should remember that the proposed amendments to the Act could allow the manufacture of embryos for experimentation up to 23 hours of life. That would be another encroachment by scientists who are getting their own way in this area little by little. I cannot ignore the pleas of people in my electorate nor will I be taken down the path of allowing such a thing to occur. It should be noted that Sir Frank Little has affirmed that a precise definition of an embryo is needed.
Unfortunately, the Premier is not here to contribute to the debate. Many honourable members who have contributed to the debate may feel cynical about the outcome of it when further legislation may be around the corner.

In the course of the debate I have heard honourable members speak along humanist or socialist lines. They seem to have lost touch with the magical moment in creation when sperm unites with an egg to start human life. There such matters should be left; experts should not take such matters out of the creator's hands.

Vast sums of money have already been spent in this field. It is time honourable members accounted for the cost and worked out their priorities. I am unable to support the proposed legislation just as I could not when I contributed in depth to the original debate in 1984.

Mr TANNER (Caulfield)—I am opposed to the Bill. It amends the Infertility (Medical Procedures) Act, which is the most important, yet saddest, measure passed in my time as a member of Parliament.

The Act allows experimentation on human embryos, experimentation which could not only harm an embryo but also lead to its destruction.

The Bill further extends that concept by now proposing that there be the production of human embryos for the purpose of experimentation. In an effort to rationalise the morality of this experimentation on embryos, there is an attempt through the terminology of syngamy to redefine humanity. To a lay mind such as mine, life begins when the sperm and the ovum join.

I note that in a letter dated 26 October 1987 to members of Parliament, from the Anglican Archbishop of Melbourne, Dr David Penman, he said:

Any perception that life has not commenced before syngamy is artificial.

I totally agree with that viewpoint expressed on behalf of the Anglican Church. To me, humanity is special; whether a child or an adult, whether impaired or perfect, humanity is something special in this world. I consider experimentation on human life totally unacceptable.

I am aware that the Catholic Archbishop of Melbourne, Archbishop Little, in a letter to Parliamentary Leaders said:

I appeal to Parliament to reject this attack on the primal elements of our humanness.

These two religious leaders of our community should be heeded or in years to come more harm may be caused to society than will be caused by the provisions in this Bill.

The use of human embryos for experimentation is unacceptable even though such experimentation may lead to good in some areas. The specialness of our humanity should not be abused, despite the fact that some good may be achieved in other areas. Humanity is far too special. Experimentation on embryos is, without doubt, a violation of our uniqueness as humans and our specialness in the universe.

I can understand the arguments put by other honourable members in support of the Bill. I can sympathise with the members of the Standing Review and Advisory Committee on Infertility in their struggle to produce legislation in this area. I can understand that some people say that the Bill is better than the existing legislation and I believe it is a great pity and condemnation of the Attorney-General and the government that they have refused to proclaim section 6 (5) of the Infertility (Medical Procedures) Act.

I sympathise greatly with the honourable member for Frankston South in the situation in which he finds himself. I have known the honourable member for many years and I appreciate his humanity. I cannot support the Bill.

Mr RAMSAY (Balwyn)—The debate has been marked by some of the most sincere contributions by honourable members from all parties that the House has heard in debate
in recent years. The House is not debating a political issue, but is dealing with one of the most fundamental of human rights, the right to life of everybody, including the unborn.

In trying to determine an attitude on these matters, the Parliament is being presented with enormous moral and ethical difficulties. They are difficulties that any human being would have to face who has the courage to think about this question and this miraculous development of science that is enabling scientists and medical practitioners to assist couples who, if left alone, would prove to be infertile and remain childless. Thanks to science some of these persons are now able to have children and to have the joy and responsibilities of rearing their own families.

Members of Parliament have no choice but to consider these issues. We must be prepared to make a decision on them. The reason why we must make a decision is that science has moved in this direction. Human intelligence is now capable of interfering in areas where it has never interfered before and human curiosity, being what it is, means that interference, experimentation and the discovery of more and more of the nature of our humanity and human existence will continue. It is right and proper, I believe, that Parliament should be struggling with these issues in an attempt to put some meaningful boundaries on what may or may not be done. It is not an easy decision for any of us who are prepared and concerned to think about the issue.

I have reached the conclusion that I shall support the proposed legislation and my reasons, though perhaps not adequate for all members of the House, are straightforward. The first reason why I support the proposed legislation is that I believe in the very real constraints I see built into the Bill to ensure that any research done in this area has been carried out and is directed only to improve the chances of curing the infertility of married couples who, for one reason or another, are infertile. So long as the program's objective is to help overcome infertility, I see the program as being designed to help in the creation of new life, and that is a program that I am prepared to support.

My second reason for supporting the Bill is the requirement for a full understanding of the couple concerned. This is not a program that simply involves the random fertilisation of ova in the laboratory for experiments and research to be conducted simply for the sake of research. The programs are distinctly tied to help in overcoming the problems of infertility.

My third reason is that the constant monitoring of the research activity is to be conducted by the advisory committee and that committee, in my view, carries a wide spectrum of responsible attitudes from the committee members representing, as I believe they do, the responsible elements in our community. I see that as an important and honest safeguard.

My fourth and final reason is that the proposed legislation limits the research to that period in the development of the ovum between the time of sperm penetration and syngamy. I do not claim to fully understand exactly what syngamy is, and I hope that the definition included in the Act is correct. It is a highly scientific concept, but I do understand that it means that the research carried out is at that very early stage of development before the ovum has begun to grow into additional cells and it does, in fact, represent that time in the normal course of human conception prior to the fertilised ovum being able to link into the wall of the mother's womb.

In other words, the ovum would have no chance of successfully continuing to grow to become a new human until it is in that secure environment of the wall of the mother's uterus. As I understand it, the research done in the in-vitro fertilisation units is at the initial stage to ensure that methods will be established to increase the likelihood of successful pregnancy in the women concerned.

Although I am not discounting the moral and ethical difficulties, it is for the reasons I have described that I am prepared to support the proposed legislation. I am not prepared to accept the argument that the Bill represents the first step in embryo experimentation, and once it has been passed, people will want to take another step and human embryos
will be experimented on just for the sake of experimentation. It is the responsibility of Parliament to ensure that that sort of experimentation does not happen.

Given the restraints in the Bill I am prepared for it to be laid down as a guideline and provide clear instructions to that section of the medical profession that is practising in the area of curing infertility in the unfortunate people who are afflicted with that condition.

Mr ROPER (Minister for Transport)—Firstly, I thank all honourable members who have contributed to the debate. Many significant contributions have been made and they demonstrate the different views of the various members of the three parties. That sort of debate continues to contribute towards the improvement of extremely difficult and complicated Bills.

Secondly, I appreciate the comments made about the difficulties of dealing with methods at the forefront of medical science. It was pleasing that so many honourable members now have a significantly improved and more detailed knowledge of the subject than they would have had a few years ago. The general community is also improving its knowledge of this subject. I look forward to the passage of the Bill through Parliament.

The division bells were rung.

Mr HANN (Rodney) (Speaking covered)—Mr Speaker, I seek clarification in sorting out the pairs. As you, Sir, are well aware, the main opposition to the second reading of the Bill is from the National Party, yet the Opposition Whip, who is voting with the Ayes, has entered into an arrangement with the government Whip, who is also voting with the Ayes, to pair members from the Opposition and the government. I have great difficulty understanding that.

Mr RICHARDSON (Forest Hill) (Speaking covered)—On a point of order, Mr Speaker, I remind you of previous occasions when Speakers have ruled that the pairs arrangement is a matter between the parties and is not a matter in which the Speaker becomes involved.

The SPEAKER—Order! On the point of order, the pairs are an unofficial arrangement between the individual parties, as the honourable member for Forest Hill advised the House. The pairs arrangement has nothing to do with the Chair.

Honourable members interjecting.

The SPEAKER—Order! I should advise the House that the Whips have no special privilege during the counting of a division, and it is not correct behaviour for Whips to move about the Chamber while the count is on.

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

<table>
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<tr>
<th>Ayes</th>
<th>53</th>
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<td>Noes</td>
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Majority for the motion 45

AYES
Mr Brown
Miss Callister
Dr Coghill
Mr Coleman
Mr Crabb
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Harrowfield
Mrs Hirsh

NOES
Mr Hann
Mr McGrath
Mr McNamara
Mr Macellian
Mr Ross-Edwards
Mr Tanner

Tellers:
Mr McGrath
Mr Perrin

(Warrnambool)
AYES

Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Leigh
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Plowman
Mr Pope
Mr Ramsay
Mr Remington
Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mrs Seitches
Mr Sheehan
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith
(Glen Waverley)
Mr Smith
(Polwarth)
Mr Spyker
Mr Stirling
Mr Stockdale
Dr Vaughan
Mr Walsh
Mr Weideman
Dr Wells
Mr Williams
Mrs Wilson

Tellers:
Mr Andrianopoulos
Mr Shell

NOES

Mr Cain
Mr Evans
(Gippsland East)
Mr Cathie
Mr Cooper
Mrs Hill
Mr Dickinson
Mr Hill
Mr Gude
Mr McCutcheon
Mr Heffernan
Mrs Ray
Mr Whiting
Mrs Toner
Mr Wallace
Mr Trezise
Mr Steggall

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

Mr ROPER (Minister for Transport)—I move:

That it be an instruction to the Committee that they have power to consider amendments to provide for—(a) the regulation of gamete intra-fallopian transfer and related procedures; and (b) the correction of the title of certain bodies and/or persons referred to in certain sections of the Principal Act, in particular, the change to—(i) “Chief General Manager” in lieu of “Health Commission” in section 19 (1); (ii) “Department of Health” in lieu of “Chief General Manager” in section 23 (1); and (iii)

The motion was agreed to.
The Bill was committed.
Clauses 1 to 3 were agreed to.

Clause 4

Mr ROPER (Minister for Transport)—I move:

1. Clause 4, page 2, line 24, omit “or 13” and insert “, 13 or 13A”.
2. Clause 4, page 2, line 40, omit “or 13” and insert “, 13 or 13A”.
3. Clause 4, page 3, line 3, omit “or 13” and insert “, 13 or 13A”.
4. Clause 4, page 3, line 20, omit “or 13” and insert “, 13 or 13A”.
5. Clause 4, page 3, after line 21 insert—

'(3) After section 13 of the Principal Act insert—

Gamete intra-fallopian transfer and related procedures.

"13A. (1) This section applies to any procedure of implanting in the body of a woman (in this section call "the patient") an ovum, whether produced by that woman or by another woman, and whether or not it has been fertilized outside the body of the patient.

(2) A procedure to which this section applies shall not be carried out at a place other than a hospital that is approved by the Minister as a place at which such procedures may be carried out.

(3) A procedure to which this section applies shall not be carried out unless—

(a) the patient is a married woman;

(b) the patient and her husband have each consented in writing to the carrying out of the procedure and neither the patient nor her husband has withdrawn that consent;

(c) not less than twelve months before the carrying out of the procedure, the patient and her husband had begun to undergo, and have undergone, such examination or treatment by a medical practitioner (other than the medical practitioner by whom the procedure is to be carried out) as might reasonably be expected to establish whether or not a procedure other than a fertilization procedure might cause the woman to become pregnant;

(d) as a result of that examination or treatment, a medical practitioner (other than the medical practitioner by whom the procedure is to be carried out) is satisfied that it is reasonably established—

(i) that the patient is unlikely to become pregnant as a result of a procedure other than a procedure to which this section applies; or

(ii) that if the patient were to become pregnant as a result of the fertilization of an ovum produced by her by semen produced by her husband an undesirable hereditary disorder may be transmitted to a child born as a result of the pregnancy; and

(e) the medical practitioner by whom the procedure is to be carried out is satisfied—

(i) that the patient and her husband have received counselling, including counselling in relation to prescribed matters, from an approved counsellor; and

(ii) that an approved counsellor will be available to give further counsel to the patient and her husband after the procedure is carried out.

(4) Where a consent is given under sub-section (3) (b)—

(a) the document in which the consent is given shall be kept by the hospital in which the procedure to which this section applies is carried out;

(b) a copy shall be given to the patient; and

(c) a copy shall be given to the husband of the patient.

(5) A person shall not use ovum or semen provided by any person (in this section called “the donor”) for the purposes of a procedure to which this section applies unless—

(a) the donor has consented in writing to the use of the ovum or semen in such a procedure and has not withdrawn that consent;

(b) where there is a spouse of the donor, the spouse has consented in writing to the use of the ovum or semen in such a procedure and has not withdrawn that consent; and

(c) the donor and the spouse (if any) of the donor have received counselling from an approved counsellor.
Infertility (Amendment) Bill 13 November 1987 ASSEMBLY 2565

The purpose of these amendments is to bring gamete intra-fallopian transfer—GIFT—and related procedures within the scope of the Infertility (Medical Procedures) Act.

Honourable members will recall that, after this Bill was introduced, an article in the Age of 22 October claimed that GIFT procedures would become illegal when the unproclaimed sections of the principal Act were brought into operation. This would be a result of the fact that unlike the in-vitro procedures permitted under the Act, GIFT involves the implantation of an ovum in the fallopian tube and not implantation in the womb of a patient.

Advice given to the government is that GIFT procedures are currently employed at the Royal Women's Hospital, Epworth, and at the Mercy Maternity Hospital. It has also been suggested that the treatment has a higher success rate than achieved by in-vitro fertilisation programs.

The government believes there should be no uncertainties in the law about the legality of GIFT procedures. With this in mind, it has sought the urgent comments of the Standing Review and Advisory Committee on Infertility on the issues raised by the Age. The committee has subsequently recommended that GIFT should be clearly recognized under the Act, and treated, legislatively, in a way similar to other accepted procedures.

The government agrees with the views of the committee.

The proposed amendments, which follow those advocated by the committee, are intended to put beyond doubt that GIFT and procedures of a similar nature are lawful under the Infertility (Medical Procedures) Act, and subject to the same requirements and constraints as govern other artificial fertilisation procedures.

The amendments are in keeping both with the thrust and the spirit of the principal Act, and will ensure that an important form of treatment for infertility is not inadvertently prohibited when the balance of the Act is proclaimed.
Mr WEIDEMAN (Frankston South)—I thank the Minister for his explanation of the amendments. It is well known that there was fear that the procedure known as GIFT, gamete intra-fallopian transfer, and related procedures would be caught up when the remainder of the principal Act is proclaimed. As I understand it, that was not the intention. A proper study of the proposed legislation would have prevented that from occurring. In this case, the experts have corrected an injustice that could have taken place to deny those people access to the program. The Opposition does not oppose the amendments.

Mr J. F. McGrath (Warrnambool)—I repeat what was said earlier in the debate: that it is disappointing that amendments such as these are thrust upon us at such short notice.

We are in a difficult position. Because the Bill has received the support of the Opposition, we will not oppose the amendments. I express concern that it is difficult to try to follow the Bill through and apply the necessary amendments when one does not have sufficient time in which to apply those amendments and to see how they affect the proposed legislation.

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

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

INTELLECTUALLY DISABLED PERSONS’ SERVICES (AMENDMENT) BILL

The debate (adjourned from October 8) on the motion of Mr Spyker (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

Mr Coleman (Syndal)—It should be recorded in Hansard that it is now 2.30 a.m. and the House is still trying to deliberate on matters of concern to people in this State.

Mr Kennett—Who are all sound asleep!

Mr Coleman—Irrespective of whether they are sound asleep, the fact is that, for some people in the State, the Bill will determine the way they live their lives. The Bill has been formulated through the experiences of previous legislation, and it is of interest that between the introduction and the debating of the Bill in the other place, we have had released for consideration by the community the Ten Year Plan for the Redevelopment of Intellectual Disability Services. That plan and the interim report that attaches to it has caused considerable concern in the community about the future services that will be available to the intellectually disabled. That concern is encapsulated on page 13 of Part Three of that report, where the estimates of the realisable market values of training centre properties is outlined.

Training centres have been the area in intellectual disability where most concern has been raised with virtually every member in this House. What is outlined in that report is that within the training centre area there is a site value of $97 500 000, which could be realised if those properties were sold.

I suppose the highest individual value in the listing is that of the Children’s Cottages at Kew. That is a site of 49·02 hectares and the value in that report is set out at $41 150 000. That is a considerable portion of the total estimate of the value of training centre properties.

Virtually every member of this House would have had some representation from parents with children in the Children’s Cottages at Kew, who are concerned about their future. Equally, there is a feeling in the community that there needs to be some addressing of the problems that have existed in these institutions for some considerable time, and I shall run through the names of the centres without dealing in detail with the functions they play, to give an idea of the breadth of the services provided across the State through those training centres.
Included in the properties that would be realised for a sum close to $100 million—which is a considerable incentive to the government to try to relieve them and get access to the funds that would be provided by their sale—are Aradale Training Centre, Brierly Training Centre at Warrnambool, Caloola Training Centre at Sunbury, the Children's Cottages at Kew, Moorakyn Hostel at Hawthorn, the Colanda Training Centre at Colac, the Janefield Training Centre and the Kingsbury Training Centre at Bundoora—and there has already been some movement to have that land sold for subdivisional purposes.

There is also the Mayday Hills Training Centre at Beechworth, the Pleasant Creek Training Centre at Stawell, the Sandhurst Training Centre at Bendigo and the St Gabriel's Centre at Balwyn. Those training centres have provided a home for a great number of people in the intellectually disabled system and, over a period, changes have been occurring that have taken account of the considerable developments in disability services areas.

Although the Bill is directly associated with some previous legislation, it draws together some of the more crucial parts that have been exposed in the operation of the intellectually disabled persons' legislation.

The essential parts of the Bill deal, firstly, with the provision of restraints for eligible persons who are approved in authorised programs. Another part of it deals with the trust accounts for persons whose affairs are controlled either by managers of community service units or other people involved in the management of some of the residential institutions.

The Bill also deals with the investment of money and the way money might be invested. It deals with the interest on the money that is invested, which has previously been an area of some contention. It also deals with matters arising out of the administration of the Guardianship and Administration Board Act and also the Mental Health Act.

The crucial part of the Bill deals with the investment of money held on behalf of intellectually disabled people, particularly the investment of funds held by people in community residential units.

The Opposition supports the Bill and hopes that, as the measure continues to operate, the proposals contained in it will benefit those people whose affairs are controlled by other folk and that their interests will be protected.

The motion was agreed to.

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

**DAIRY INDUSTRY (AMENDMENT) BILL**

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

**Mr I. W. SMITH (Polwarth)**—This is a small Bill, which is another pathetic chapter in a story of vacillation and shabby public relations to try to convince the dairy industry that the government is sincere in supporting it—which of course it is not. It results from a litany of events conducted by Midland Milk Pty Ltd with, one would suspect, the support of the government.

In his campaign speech prior to the last State election, the Premier was on record clearly as saying that the State government would press ahead and put milk into other States unless a new deal was granted for dairy farmers in Victoria. That new deal took the form of a levy on all products, and it became known as the Kerin plan. The advantage of that plan to Victorian dairy farmers is approximately $23 million a year.

However, instead of honouring that deal, the government allowed Midland Milk Pty Ltd to flout the Dairy Industry Act, which this same government introduced and passed in 1984. There is no doubt that the company has been buying milk from dairy farmers and paying them manufactured milk prices, or perhaps a little more—the current manufactured milk price is approximately 18 cents a litre—and that milk has been going into vessels for
liquid milk consumption; instead of buying the milk as it should, by law, through the Victorian Dairy Industry Authority, and paying 36 cents a litre.

To the uninitiated that would seem a wide margin and some might question why the public is being asked to pay different prices for manufactured milk and liquid milk. I am sure the government originally set out on a course to try to reduce the premium now paid on liquid milk and to bring it down to the price of manufactured milk. I am sure it tacitly encouraged Midland Milk Pty Ltd to abuse the system so that a price war would eventuate and, ultimately, the premium paid to dairy farmers would be removed.

The reason for the premium is quite simple: by virtue of the 1984 Act, a farmer guarantees that the first call on available milk will go to the liquid milk market, regardless of the price at the time for manufactured milk products.

History has shown that there are times when manufactured milk products return to the dairy farmer approximately the same as liquid milk. Such is not the case at present. The price return for liquid milk to the dairy farmer is approximately twice that for manufactured milk products; but the wheel will turn and the manufactured milk product price will no doubt increase at some stage. However, the farmer has traditionally been entitled to a premium for this guarantee of first call on the supply of liquid milk for the fresh milk market.

Australian consumers have shown an overwhelming preference, as indeed they should, for the fresh milk product. However, the Minister for Agriculture and Rural Affairs has been very tardy in acting to bring Midland Milk Pty Ltd into line. He had known about the fraud and cheating of the company for some considerable time. In fact, I directed the attention of the House to this fact at the beginning of this sessional period. It was directed to the attention of the Victorian Dairy Industry Authority some time ago but, more specifically, earlier this year it decided to take action.

In four periods of audit totalling 48 days in all—the first period of ten days in February this year; the second period of 31 days in March; the third period of the three days in April; and the fourth period of four days, again in April—it was discovered that the company had cheated and defrauded the Victorian Dairy Industry Authority to the tune of $226,980.91.

That is a serious matter and it results from the company buying milk directly from farmers at manufactured milk prices instead of paying them the true and correct price set by the authority. It was a long time before any action was taken, and the company was required to pay back the money of which it had defrauded the VDIA.

One may well ask how long this was occurring before it was detected and action was taken. It was not until there was great agitation within the industry that any action was taken. Many dairy processors in Melbourne wondered why the company could, in fact, supply its principal outlets—supermarkets—at a wholesale price that was lower than the price for which the processors in Melbourne were actually able to buy the milk.

As a result of this agitation over some period, the Victorian Dairy Industry Authority decided to find out, and it discovered the extent of fraud that I mentioned. The authority was then asked for a course of action.

The Victorian Dairy Industry Authority recommended a number of options:

(a) Take no action.

It is believed that from the industry viewpoint this option would damage the credibility of the authority as well as being in contravention of the authority's objectives.

(b) In conjunction with the authority's legal advisers specify the terms and conditions under which the authority is trading with Midland Milk Pty Ltd, including the accuracy of the company's books and records, and subsequently take action if necessary under section 39 (4). Refer Appendix 1.

I make that appendix available to the House.
Section 39 (1) of the Dairy Industry Act 1984 allows the authority to sell milk accepted by the authority to milk processors upon such terms and conditions as the authority considers appropriate, and section 39 (3) allows these terms and conditions to be varied between milk processors.

Consequently the authority could specify terms and conditions relating to the future accuracy of Midland Milk Pty Ltd's books and records and subsequently take action under section 39 (4) to discontinue, suspend or restrict the supply of milk to the milk processor if the terms and conditions were not adhered to.

Management would prefer not to proceed with this option because it could cause disruption of the supply of milk for human consumption in certain parts of northern Victoria, e.g. the Murray/Goulburn valleys.

It may have caused disruption if implemented but it would have immediately put a curb on the disruptive tactics and the fraudulent cheating of Midland Milk Pty Ltd had this course been adopted. Remember that it was an option available to the Victorian Dairy Industry Authority as far back as June this year.

(c) Re-commence 24-hour monthly monitoring on a regular basis.

This option is expensive (approximately $700 per day) and the authority presently does not have the staff available. Furthermore this could not resolve the audit problems already brought to light.

(d) Arrange for the factory to processor cartage of Victorian market milk to be performed by an independent contractor.

Midland Milk Pty Ltd will still be able to purchase milk from dairy farmers and factories. Consequently the authority would still not be in a position to determine whether payment is being received from Midland Milk Pty Ltd for all milk used for Victorian market milk purposes.

(e) Refer all audit information to the authority's legal advisers for a recommendation whether to proceed against Midland Milk Pty Ltd and its officers for offences against the Act/regulations. For example, section 112 and section 118 of the Dairy Industry Act 1984.

The authority's management recommended that option (e) be accepted as that action may enable a conclusion to be reached whether 316 000 litres represents the total undisclosed by Midland Milk Pty Ltd to the authority in 1986. The action will indicate to the industry that the authority required all industry organisations to comply with the Dairy Industry Act and regulations.

As early as, in one sense, and as late as, in another sense, June this year, management was recommending to the Victorian Dairy Industry Authority action which could be taken to ensure that Midland Milk Pty Ltd kept accurate books which would enable the authority to determine the amount of milk purchased by it and, therefore, the extent to which it was defrauding dairy farmers, the Victorian Dairy Industry Authority and anyone else for that matter, down the track.

One of the tragedies was that in spite of the authority being so concerned as to seek this report and subsequently to ask its legal advisers for an opinion, it was at that exact time that the Minister was rewarding Midland Milk Pty Ltd and others—but especially Midland Milk Pty Ltd—by offering almost 1 cent a litre additional processor's fee for those processors operating in country areas.

That meant an additional $200 000 incentive to Midland Milk Pty Ltd to keep going. Clearly that was a deal just prior to the Federal election to put the lid on this operation so that New South Wales dairy farmers would not agitate in marginal seats held by the Federal government. It was very effective, but what a high price to pay!

As I mentioned, following the June meeting of the authority legal advice was sought by the authority as recommended by the management. That legal advice was that a good case could be made for successful prosecution of Midland Milk Pty Ltd for defrauding the authority. That legal advice has never been acted on by the authority or by the government and one can only assume from that that the government has no interest in bringing to justice people who are prepared to defraud the orderly marketing system.

Fortunately, the industry did not let it lie there. It constantly agitated and the Minister has reluctantly, step by step, been dragged to the realisation that an orderly system of marketing milk is in the consumers' interests as well as in the farmer's interests. I do not
want to go over all the arguments except to say that it protects the supply and it specifically protects the quality.

In his second-reading speech in the other place, the Minister for Agriculture and Rural Affairs said:

However, it has become increasingly clear that some processors of market milk could be using milk obtained direct from Victorian farmers and outside the authority's control. By buying cheaper manufacturing milk for resale as premium market milk, processors can exploit, for their own commercial advantage, the agreed price differences with the system.

That is at long last an admission of what Midland Milk Pty Ltd was doing. Because of the system, it was exploiting the farmers dishonestly for its own gain. If it were a free market situation, it would have been out-competed and gobbled up long ago. However, by abuse of an orderly marketing system, by cheating and defrauding, it was able to make a considerable profit.

Midland Milk Pty Ltd's rewards did not stop at the 1 cent a litre country processors advantage that I mentioned. At that stage in July, the Minister was concerned enough to let the company take its milk interstate by allowing it to buy milk from the Victorian Dairy Industry Authority at a lower rate than that which it would normally supply to Victoria. He allowed the company a 12 cent discount which, ironically, was the same amount of money by which he arbitrarily discounted the price of eggs the year before and the figure at which, I have no doubt, he hoped the liquid price of milk in Victoria would settle.

He allowed Midland Milk Pty Ltd a 12 cent discount to market interstate. That was a further licence to rob. Midland Milk Pty Ltd had no intention of sending all that milk, now priced at 24 cents a litre instead of 36 cents a litre, into New South Wales.

Certainly they sent some of it to Jewel Food Stores Pty Ltd, but much of it came back into Victoria, allegedly under section 92. The Minister had no mechanism whatsoever by which to monitor the amount that was coming back into Victoria and, therefore, the amount of defrauding conducted by Midland Milk Pty Ltd.

In the regional and rural policy of the ALP which was made public just prior to the last State election, there is a significant paragraph on page 18, which says:

The government will continue to fight for a fair deal for Victorian dairy farmers through a national marketing plan but it will not accept a plan which places our dairy farmers at a disadvantage relative to less efficient farmers in other States. Included in this plan will be progressive deregulation of restrictions in interstate trading in milk.

The policy clearly spelt out the government's intention. The government was using Midland Milk Pty Ltd as the vanguard for implementing the policy to deregulate and so reduce the price of liquid milk to the price of manufactured milk. There was no question that the ALP policy at the last election would lead to that result. It has been a source of serious embarrassment to the government to find that the Premier's family has been defrauding dairy farmers to the extent that I have already mentioned.

Finally, at long last, the Minister for Agriculture and Rural Affairs has had to concede that the long established, tested and tried orderly marketing system is in the best interests of the industry, as well as the consumer. The action he is now taking is to forget the sins of the past by not prosecuting Midland Milk Pty Ltd and recovering all the money owing—firstly, determining by prosecution the actual amount owing—he is letting it get away with hundreds of thousands of dollars. The Minister should just take up the recommendation I read earlier, one of the options put to the June meeting of the Victorian Dairy Industry Authority.

Why has the Minister waited so long when so much agony has been caused to those in the industry? It is interesting to see the reaction by Midland Milk Pty Ltd to the Bill. The company knows in its heart that while the government has this superficial and semantic exercise under way of trying to bring it into line, the ALP policy which I read out a short while ago is still binding on the government. The directors of the company know in their
hearts that the Minister for Agriculture and Rural Affairs would like to see free trade and so reduce the price of milk to the dairy farmers.

What is the Midland Milk Pty Ltd company saying to the government? In an article in this week’s Stock and Land on page 3, headed “Midland signals challenge to new Act”—it describes the Bill we are debating as an Act—this appears:

Midland Milk has foreshadowed a High Court challenge to sections of new State dairy industry legislation which will force the maverick processor to buy all its market milk from the VDIA.

Further in the article, this appears:

Mr Crothers said the VDIA move was the latest in a series of bureaucratic attacks on the company by the authority begun at the direction of Mr Walker.

Mr Crothers likened conduct of the VDIA officers to that of “Gestapo stormtroopers” and said they had threatened to prosecute the company when it tried to seek legal advice on their request.

“We have not and are not doing anything illegal. We have established this with four court successes to date,” he said.

Mr Crothers is the person who, with his brother, owns Midland Milk Pty Ltd. It is very clear that Midland Milk Pty Ltd could not care less about the proposed legislation. There are mechanisms available to the company and I am sure it does not need me to tell it what they are. The company will set up straw companies in other States. It will notionally be buying milk through those straw companies and under section 92 it will subvert and totally circumnavigate the legislation we are passing.

There is only one way that the maverick Midland Milk Pty Ltd company can be brought into line and that is to go back to the Victorian Dairy Industry Authority’s recommendation (b), which I read out earlier. In conjunction with the authority’s legal advisers it specifies the terms and conditions under which the authority is trading with Midland Milk Pty Ltd.

Mr Jolly interjected.

Mr I. W. SMITH—This is not important to the Treasurer because he is interested only in getting home to bed.

It is very important to 10,000 dairy farmers and their families and the towns and industries that depend upon this industry because it is the State’s most important decentralised industry. It is a disgrace that we are debating the Bill at this hour! Action should have been taken on it when I signalled it earlier this year, but that action was not taken. It is now so late that it is too late! Midland Milk Pty Ltd has made so much money in defrauding—

Honourable members interjecting.

Mr I. W. SMITH—That it now has the capacity to set up mechanisms to get around the Bill honourable members are being asked to support.

If this measure is not successful—which it will not be—the option that the Victorian Dairy Industry Authority described in the June paper as having is a clear alternative. A further alternative is for the authority to contract with each dairy farmer, and those who are not prepared to contract on particular terms specified by the Victorian Dairy Industry Authority would then, of course, not be eligible to receive a licence.

It is a sad state of affairs that the government is so ignorant and insensitive to the importance of this industry that it allows something as serious as this matter to linger on so long without taking action. I suggest that the government still will not take the action recommended by the lawyers of the authority to collect all outstanding moneys defrauded by Midland Milk Pty Ltd.

The Opposition is left with no choice but to support the Bill. We regard it as almost useless—something which Midland Milk Pty Ltd will get around—but we do not want to discourage the Minister for Agriculture and Rural Affairs. We want to encourage him to
move along the track he is at long last beginning to go down now that he has belatedly seen a little wisdom.

Mr HANN (Rodney)—The National Party supports the Bill. We urged the government to introduce the legislation in another place. For some years now members of the National Party have been concerned about the actions of Midland Milk Pty Ltd in undercutting the market milk price in New South Wales in arrangement with the Jewel Food Stores Pty Ltd chain. It goes back to the last State election, when it first attempted the practice.

Earlier this year, Midland Milk Pty Ltd entered into the contractual arrangements again. At that time the government was strongly supporting Midland Milk Pty Ltd in its endeavours. The National Party expressed its concern. Members of the National Party pointed out to the Minister for Agriculture and Rural Affairs that if the practice were allowed to continue it could undermine the orderly marketing system for not only liquid milk but also manufactured milk, and the levy arrangements.

It took the Minister for Agriculture and Rural Affairs about three months to realise the National Party was correct. The Minister was rewriting National Party press releases and saying what we were saying earlier in the year.

It is a matter of serious regret to the National Party that Midland Milk Pty Ltd sought to undermine the orderly marketing arrangements and to place in jeopardy the livelihoods of thousands of dairy farmers, simply for a short-term financial gain. In the long term, if the company were to succeed in bringing down the orderly marketing arrangements between the States, probably it would be one of the early casualties.

In this situation the Victorian processed milk industry is under the control of some of the large supermarket chains and financial institutions. The Consolidated Foods empire, Coles, with their links through Sandhurst Dairies, and the Brierley group are taking a close interest in the processed milk industry. The National Party views those moves with some concern.

The Midland Milk Pty Ltd company has been defying governments, defying the dairy farmers and the dairy industry, as well as the national dairy industry. The Minister has moved to strengthen the Victorian Dairy Industry Authority through the Bill.

I am conscious of the concerns expressed by the honourable member for Polwarth, in that the company may well attempt to circumvent the government’s move. If that happened the government should delicense that company. It is a matter of grave concern to the National Party that a company that has such close links with the Premier, through his family connections, has continued to defy government policy and to proceed to place the whole livelihood of the industry in jeopardy.

The National Party welcomes the passage of the Bill. Certainly we hope it will stop Midland Milk Pty Ltd from continuing to break down the orderly milk marketing arrangements. In the long term, the only way to ensure the viability of the industry is through orderly marketing arrangements between Victoria and New South Wales.

Victorian dairy farmers are receiving a significantly increased share of the New South Wales milk market as a result of the national marketing scheme under the Kerin plan. However, that needs to be done on an orderly basis rather than through a renegade company defying the orderly marketing arrangements and attempting to break them down.

The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.
The SPEAKER announced the receipt from the Council of the following resolution with which they desired the concurrence of the Assembly:

1. That a joint Select Committee be appointed to inquire into and report upon all aspects of the operation of Victorian Accident Compensation legislation and the WorkCare scheme, including its administration by the Accident Compensation Commission, the Accident Compensation Tribunal, the Victorian Accident Rehabilitation Council, agents or any of the foregoing and any other person or body associated with any of the foregoing.

2. That, without at any time limiting the generality of the committee's powers of inquiry, the committee's investigation shall include a review of the transitional proposals contained in clause 72 of the Accident Compensation (Amendment) Bill as introduced into the Assembly on 17 September 1987 regarding—
   - contributions of insurers towards compensation paid by the Accident Compensation Commission;
   - conduct of common law proceedings; and
   - supplementation payments from the Accident Compensation Fund;
and the committee shall report its findings on these matters no later than 1 March 1988.

Reporting

3. That the committee may report from time to time but shall present its final report no later than 31 May 1988.

Membership

4. That the committee shall consist of ten members comprising not more than six members of the Council nor more than six members of the Assembly.

Quorum

5. That five members of the committee shall constitute a quorum of the committee, but a quorum shall not consist exclusively of members of the Council or members of the Assembly.

Chairman

6. That the committee shall elect one of the government members of the committee to be chairman.

7. That the chairman shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

Deputy Chairman

8. That the committee may elect a deputy chairman who shall exercise all the powers and perform all the duties of the chairman at any time when the chairman is not present at a meeting of the committee.

Sitting Times and Places

9. That the committee may sit in such places in Victoria as seems most convenient for the proper and speedy despatch of business.

10. The committee shall not sit while either House is actually sitting except by leave of that House and may not, while either House is actually sitting, sit in any place other than a place that is within the Parliament buildings.

Evidence

11. That the committee may send for persons, papers and records and report the minutes of evidence from time to time.

12. That the committee shall unless it otherwise resolves take all evidence in public.

13. That the committee shall keep a record of all evidence given before it and determinations made by it.

14. That the committee have the power to authorise publication of any evidence given before it in public and any document presented to it.

15. That as soon as practicable after the completion of each day's proceedings a transcript of the evidence taken in public by the committee shall be published.

Payment of Members

16. That the committee be a committee to which section 51A of the Parliamentary Committees Act 1968 applies.
Conflict with Standing Orders

17. That the foregoing provisions of this resolution so far as they are inconsistent with the Standing Orders and practices of the Houses shall have effect notwithstanding anything contained in those Standing Orders.

Expiry of Resolution

18. That this resolution shall have effect up to and until 31 May 1988.

Mr JOLLY (Treasurer)—I move:

That the resolution be agreed to.

I thank honourable members for their cooperation in this matter. Obviously it has been agreed to in the other place. All parties have concurred in the terms of reference, the timing and the priorities of the committee's work.

Mr GUDE (Hawthorn)—The Opposition is pleased at the establishment of the committee. The House would be aware that the Opposition was seeking to have a committee established, if necessary a Legislative Council committee. As a result of the cooperation of the Treasurer a joint House committee is to be established which the Liberal Party believes will be appropriately supported with staff, and terms and conditions with which all parties are pleased. We have no difficulty with that.

The Opposition has agreed to close down the Legislative Council committee as a consequence of the establishment of the joint committee. We do so in the trust that the joint committee, having now been established, will deal with all the matters listed in its terms of reference.

The Opposition envisages that initially the committee will examine principally clause 72 of the Accident Compensation (Amendment) Bill; also, that it will concurrently and successively over the months ahead review the Accident Compensation Commission, VARC, the tribunal, claims agents, previous insurers, employers and people employed in the industry generally. We are concerned to ensure that these matters are properly taken into account.

A number of areas have been of concern to the Opposition and another matter only has come to my attention in the past 24 hours. I have had dropped on my desk a distribution of blank medical certificates to a Dr Griffiths.

The SPEAKER—Order! The honourable member is well aware that the motion is not the vehicle for going through the details. If he has matters that are the property of the committee, that is where they should be discussed. I ask the honourable member to return to the message and the creation of the committee.

Mr GUDE—It is mismanagement of this kind that has forced the Opposition to have a committee established. We are glad that it has been established and we wish it well in its deliberations.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the resolution. It is important in that it sets out to tackle perhaps the greatest crisis that has faced Victoria for many years. I am delighted to note in the resolution that the entire matter is to be concluded by 1 March 1988. That means there will be great urgency upon the committee and it will have to commence its activities at an early date.

It is simple to pass this resolution tonight but the real work is ahead of the ten members who have the responsibility. The committee will comprise members of both Houses, with a maximum of six from each of the Legislative Council and Legislative Assembly. I wish the committee well.

I understand that the members will be elected forthwith. I shall await with interest the nominations from the other parties. I wish it a speedy passage.

The motion was agreed to.

Mr JOLLY (Treasurer)—By leave, I move:
That Mr Gude, Mr McNamara, Mr Micallef, Mr Pope, Mr Rowe, and Mr Stockdale be appointed members of the WorkCare Committee.

The motion was agreed to.

ASSOCIATIONS INCORPORATION AND BUSINESS NAMES (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 Bill seeks to amend three Acts of Parliament: the Associations Incorporation Act, the Business Names Act, and, the Magistrates (Summary Proceedings) Act.

The Opposition supports the Bill which has six main features or purposes: firstly, it facilitates the computerisation of the Corporate Affairs Office; secondly, it extends the availability of penalty notices—called the PERIN system which stands for Penalty Enforcement by Registration of Infringement Notices—to enforcement of these Acts; thirdly, it removes the age limit of 72 years of public officers; fourthly, it ensures that incorporated associations are not used for sharehawking; fifthly, it provides that proprietors of business names supply dates of birth in future; and, sixthly, it provides that expired business names be unavailable to others for two months.

The Associations Incorporation Act was first introduced by the previous government. It provided a simple and inexpensive method by which involuntary charity and sporting associations could become incorporated. Many men and women give of their time to run the affairs of voluntary associations in the community and we all benefit considerably as a result.

Before the principal Act was introduced, these unincorporated associations had many and numerous legal difficulties. For example, they could not own property in their own right, enter into contracts in their own names, take out insurance policies to cover liabilities incurred by persons acting on behalf of those associations or make simple arrangements to dispose of property when the unincorporated association ceased to exist.

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

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

Prior to 1981 the vast majority of unincorporated associations did not seek incorporation under the Companies (Victoria) Code or other legislation, such as cooperative Acts, then in existence. Often members of the committees did not appreciate the legal risks they were taking by not incorporating.

I shall briefly examine the amendments before the House. I refer, firstly, to the computerisation of the Corporate Affairs Office. Changes will be made to ensure that the public can obtain a quicker service by obtaining print-outs carrying the information sought by the searchers.

The Penalty Enforcement by Registration of Infringement Notices—the PERIN system—should improve the collection of penalties. Grave difficulties have been experienced in
getting the PERIN system to work properly and huge backlogs have mounted up in the system. Essentially, the PERIN system is a computerised operation of on-the-spot penalties which proceed automatically to police and warrant stage upon non-payment of fines or penalties.

Honourable members should hope that the system can be made to work properly because, in theory, it is perfectly all right, but it has experienced the difficulties to which I referred.

The Opposition supports the removal of the 72-year age limit because many retired people serve in leadership positions on such voluntary organisations. Many retired people want to perform such leadership roles and, under the previous legislation, they would have been forbidden to do so when they reached 72 years of age.

With respect to sharehawking, the Opposition welcomes the government's position to ensure that profit-making commercial operations should be incorporated under the Companies (Victoria) Code and not under this Bill.

I understand there are 14,500 bodies incorporated under the Act. Therefore, it is a well-used method of incorporation by voluntary and sporting organisations. The Bill will further improve the operation of the principal Act and the Opposition supports it.

The motion was agreed to.

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

HEALTH (GENERAL AMENDMENT) BILL

Mr ROPER (Minister for Transport)—I move:

That this Bill be now read a second time.

Because of the lateness of the hour, I seek leave to incorporate the second-reading notes in Hansard.

Leave was granted, and the second-reading notes were as follows:

This is the first, and certainly one of the most important of the Bills to be introduced by the government to modernise Victoria's health laws.

The purpose of the Bill is to reform the law as it relates to public health. Its proposals are the culmination of a great deal of work by the Health Legislation Review Unit under the leadership of Mr Alan Rassaby.

I take this opportunity of pointing out to the House that in formulating its recommendations to the government, the unit has conducted an extensive consultation. It has released seven discussion papers on reform of public health law and held eight seminars across Victoria directed at local government. It has also carefully considered over 400 written submissions from interested organisations and members of the public following the release of the discussion papers.

The current law applying to public health is found, essentially, in the Health Act 1958. The Act has a long history, and many of its provisions continue to reflect its colonial origins. Much of the Act is anachronistic, and no longer meaningful, or appropriate, in modern health law. Despite its shortcomings, the Health Act underpins a wide range of public health programs. It is, therefore, essential that, if the Act is to continue to meet today's needs, and those of the future, it must be a flexible, as well as a functional, document.

The Act must also clearly express the rules to be played by Health Department Victoria and by local government in the provision of public health services. The significance of the Bill is that it signals a change in direction as to the way in which those services are to be provided.

Under an amended Health Act, Health Department Victoria would be encouraged to be more of a standard setter than an inspector and would have a cooperative consultative relationship with community organisations and local government. The Bill will insert into the Act a statement of guiding principles, as well as goals for the delivery of services.

It will repeal, or substantially modify, provisions which no longer serve a useful purpose or duplicate functions of newer agencies, such as the Environment Protection Authority. It will also clearly identify the functions of the Chief General Manager of Health Department Victoria and of municipal councils.
A major underlying theme is that local government will continue to play a key role in the delivery of public health programs. However, the Bill will remove unnecessary controls and restraints so that councils can determine their own priorities in response to the particular needs of their residents.

Finally, the Bill encourages broad public participation in debate on issues affecting the health of the wider community, most notably, through the introduction of health impact statements.

It is not my intention to take up the time of the House by discussing each of the clauses in detail. Nevertheless, it may be helpful to honourable members if I outlined the thinking behind some of the more important innovations contained in the Bill.

The Bill provides for the repeal of laws requiring the annual registration of special trades and for the transfer of responsibility for administration of tips and waste management to the Environment Protection Authority. The streamlining of controls will be of considerable benefit to industries, like the pig industry, which are currently subject to multiple regulatory schemes and will eliminate duplication between State government departments and between State and local governments.

New laws on regulation of accommodation for hire will replace archaic provisions on common lodging, boarding and apartment houses while streamlined nuisance laws represent a major overhaul of a confused, but important, area of law. Significantly, public health will in no way be compromised by these measures.

Indeed, the Bill will promote more stringent public health standards, among other things, through the adoption of new water laws which will enable regulations to be made on such matters as the sampling and disinfection of water supplies and the reporting of waterborne illnesses. Of particular importance are the provisions on infectious diseases, including AIDS. The Bill places a clear responsibility on infected persons and those at risk to behave responsibly. Those who fail to act responsibly may be prosecuted or may be required to be examined, tested, counselled, or, in certain circumstances, isolated.

At the same time, the civil liberties of infected persons and those at risk are promoted through new anti-discrimination laws and, in the case of AIDS, through provisions requiring that the confidentiality of health records be preserved and that persons tested for HIV antibodies receive adequate information about the nature of the condition and its treatment.

The Bill also emphasises the importance of preschool immunisation. The requirement that parents or guardians provide evidence of immunisation against prescribed diseases prior to school entry will be an important weapon in the fight against measles. It should be noted that Victoria will be the first State in Australia to adopt in legislation this National Health and Medical Research Council recommendation. Exceptions have been provided where immunisation is medically inadvisable and in the event of conscientious objection.

It is appropriate that I foreshadow at this stage the introduction of further legislation to reform our health laws in future Parliamentary sittings. Work is well advanced on the development of legislation relating to health care agencies and charities.

It is planned to publish details of these proposals for public comment during the recess, with the view to debate during the autumn sessional period.

I commend the Bill to the House.

On the motion of Mr WEIDEMAN (Frankston South), the debate was adjourned.

It was ordered that the debate be adjourned until March 1, 1988.

CHILDREN AND YOUNG PERSONS BILL

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

That this Bill be now read a second time.

I seek leave of the House to incorporate the second-reading notes in Hansard in view of the late hour.

Leave was granted, and the second-reading notes were as follows:

The Children and Young Persons Bill which I am pleased to be introducing today on behalf of the Minister for Community Services and the Attorney-General, represents a further response by the government to the recommendations of the Child Welfare Practice and Legislation Review, known as the Carney report. The Bill represents a major initiative in legislating for reform of child welfare practice and services, and of the juvenile justice system in Victoria.

The Children and Young Persons Bill will consolidate, in one Act, the Childrens Court Act 1973, the Children's Court (Amendment) Act 1986, the Community Services Bill 1986 and most provisions of the Community
Welfare Services Act 1970. For the first time, all legislative provisions governing children and young people in need of protection or who have committed offences and who come into contact with the legal system through the Children’s Court, will be brought together in one Act.

The Bill builds on significant changes which have been taking place within the court system to make it more responsive to community needs, and follows earlier “Carney” legislative initiatives represented by the passage of the Children’s Court (Amendment) Act 1986 and the Community Services Act 1987.

The provisions of the Bill build on major changes in service design and program direction following the assumption by Community Services Victoria in September 1985 of responsibility for child protection services in Victoria. Further, the reforms introduced by the Bill mirror and support the major changes proposed in the CSV service system as part of the Statewide redevelopment of services program, whereby CSV’s services for children in need of protection and care are clearly delineated from services for children and young people who have offended. As part of the redevelopment of services, children and young people will be moved out of the large central institutions, which are to be phased down, into appropriate community based facilities located in the regions close to the families of the children involved.

OBJECTIVES OF THE LEGISLATION

Consistent with the recommendations of the Child Welfare Practice and Legislation Review, the Bill has a number of objectives:

- to strengthen the capacity of the Children’s Court of Victoria as a specialist court dealing with all matters relating to children and young people;
- to maintain and strengthen the separation of the Family Division and the Criminal Division as two distinct components of the court by providing for separate and different sets of dispositions to apply to non-criminal and criminal matters respectively;
- to provide for an extended and more flexible range of dispositions in each of the family and criminal divisions of the court including options which enable children to remain at home wherever possible and appropriate;
- to enhance the rights of children, young people and their families in their relationship with the court system, Community Services Victoria, and the other service providers, in accordance with justice principles;
- to strengthen the capacity of the community to protect children and young people who have been maltreated or who are at risk of harm;
- to provide an adequate and constructive response to the needs of children and young people who commit offences;
- to assist children and young people to remain wherever possible with their families; and
- to ensure that service providers are accountable for the performance of their responsibilities.

Certain basic principles guiding the operation of each division of the court are set out, drawing on those in the Carney report. In the Family Division the emphasis is placed on the need to protect the family and cultural connections of the child and to ensure that the welfare and interests of the child are the paramount consideration. In both divisions the principles require the court, so far as possible, to ensure that the child understands the proceedings and that it also takes into account the wishes expressed by the child.

THE CHILDREN’S COURT

The Children and Young Persons Bill seeks to ensure that procedures operating in the specialist Children’s Court are consistent with those prescribed in the Magistrate’s Court Bill 1987, unless specific provisions to the contrary are contained in Children’s Court legislation.

The rights of children and young people who come before the court are clearly established in the legislation. The Bill provides that proceedings and decisions of the court must be comprehensible to children and their families, who have a right of access to information concerning such proceedings and decisions of the Children’s Court, including written copies and details of orders made by the court. Furthermore, copies of all reports tendered to the court in both divisions must be forwarded to children and their legal representatives prior to the hearing except in those Family Division matters where the court rules that there is material prejudicial to the physical or mental health of the child or parent.

Consistent with rights that have been established in the adult jurisdiction, and are equally important in the Children’s Court, the Bill established the right of the child to separate legal representation in certain classes of matters; and to the presence of an interpreter, both in court proceedings and in case planning meetings, where the parties to the proceeding do not have an adequate knowledge of English.

A general right of appeal, including on questions of law, is provided in the Bill, in accordance with procedures which apply in the Magistrates Court.
PROTECTION OF CHILDREN AND YOUNG PEOPLE

REVISED GROUNDS FOR PROTECTION APPLICATIONS

The legislation introduces revised grounds for protection applications, similar to those proposed by the Carney report but expanded to include the probability that a child will be harmed, so that protective action can be initiated, where appropriate, before a child has actually been harmed. The ability to withhold the identity of those providing information regarding suspected child maltreatment has been strengthened.

Procedures relating to the investigation of allegations of child maltreatment and the taking of children into safe custody are set out, and the responsibilities of CSV and police as protective interveners are clarified. The Bill provides for the Minister for Community Services to issue guidelines for protective interveners and the conduct of their investigations.

PROTECTION REPORTS

The legislation provides for the department to prepare protection reports when requested by the court to assist it in making a finding in complex cases of abuse. The matters which may be addressed in protection reports will be legislatively limited to material which addresses one or more of the statutory grounds for protection. Similar reports are to be provided by the department to the police if requested.

DISPOSITION REPORTS

To ensure the provision of quality advice and assistance to the court in its decision-making role with respect to the placement or supervision of children found to be in need of protection, CSV will be required to provide disposition reports. These reports will ensure that the court has available to it all the relevant information which can be provided to ensure the child's future well-being and safety.

PROTECTION ORDERS IN THE FAMILY DIVISION

The Family Division has been provided with a broader range of protection orders for use when children are found to be in need of protection. The new orders range from undertakings and supervision orders—where the child can remain with his or her family—to orders vesting custody in a third party or vesting custody or guardianship in the director-general—where a child is removed from the family. This expanded range of orders will allow the court to determine a disposition which will best meet the needs of the individual child and family.

The new hierarchy of orders is designed to ensure:

1. that the dispositional powers of the Family Division range from minimum to maximum intervention in the life of the child, with principles to assist the court in choosing the least interventionist option appropriate; and
2. flexibility in the range of orders available to the Family Division including the capacity to add conditions to these orders so that the court can "tailor" the order it chooses to the needs of the particular child and family.

PERMANENT CARE ORDERS

The Children and Young Persons Bill provides for the Family Division of the court to make a permanent care order in respect of certain children, such orders vesting guardianship and custody of a child in a new set of "parents". These provisions have been included as a means of providing children with another family when their own family is unable to provide for their long-term care—while enabling children to maintain maximum contact and involvement with members of their natural family. Permanent care orders also provide a means of dealing with "welfare drift", a problem which has troubled child welfare authorities the world over. This problem arises when a child is temporarily taken into care by the State—but where, often because of failures in the child welfare system, children drift on and become "lost" in the system, in some cases losing contact with their family. Permanent care orders will enable these children to be cared for within a "permanent" family.

IRRECONCILABLE DIFFERENCE APPLICATIONS

Considerable public attention has been focused over the past twelve months on a legislative provision of the various State child welfare systems whereby a court can make a finding that "a substantial and presently irreconcilable difference" exists between a young person and their parents. Where such differences arise, the government believes that greater emphasis must be placed on seeking to conciliate or mediate between family members with the aim of assisting parents and young people to reach agreement without recourse to the court, and adversary proceedings.

The Bill, therefore, provides for a mandatory "cooling-off" period of 21 days. During this period, the young person and his or her parents will be required to participate in a conciliation counselling process before the matter can proceed to a court hearing. In this way, it is hoped that many of these difficult family disputes can be resolved without the expense and bitterness of a court hearing.

CASE PLANNING AND ADMINISTRATIVE REVIEW

The Bill outlines a set of principles to govern case planning, that is, the decision-making process used by the department when a court order vests responsibility in the director-general for the supervision, custody or
guardianship of a child or young person. Such principles seek to ensure the optimum involvement of the child and family in the case-planning process, and to ensure maximum accountability of decision-makers. It also provides for the Aboriginal Child Placement principle to apply when an Aboriginal child or young person is involved, with the object of reducing the inappropriate placement of Aboriginal children and young people as has occurred too frequently in the past.

Provision is also made for review of case-planning decisions, both internally through departmental procedure, and externally by providing for appeals to the Administrative Appeals Tribunal.

SERVICES FOR CHILDREN IN NEED OF PROTECTION

The Bill incorporates and updates major sections of the Community Welfare Services Act 1970 and provides for the maintenance and funding of a range of community services, including foster care and a variety of residential units which can meet the needs of particular children and young people. The Bill also sets out the obligations and rights of the director-general when he or she assumes guardianship or custody of a child or young person.

DIVISIONS OF THE COURT

The rationale for the division of the Children’s Court into a Family Division and a Criminal Division was clearly and concisely set out in the Attorney-General’s speech introducing the Children’s Court (Amendment) Act of 1986:

“The Bill establishes two separate divisions in the Children’s Court: a Family Division and a Criminal Division. This step recognizes various claims in the Carney report that “adjudication in offender matters is based on a philosophy focussing on the individual responsibility of the young offender whereas in protection matters responsibility for the acts of omissions by adults should not be attributed to the child” (p. 238). The jurisdiction is set out in ... the Act. In both family and criminal matters the many substantive, procedural and disposition differences require that the cases be treated separately.”

Where the Criminal Division believes that there are protective issues, the court may refer the matter to the Director-General of Community Services Victoria for investigation and report. This ensures that protective issues are dealt with in the Family Division and do not obscure issues of criminal responsibility which are the proper concern of the Criminal Division. The offence, however, must still be dealt with in the Criminal Division once the court is satisfied that the protective issues have been appropriately dealt with. This ensures that children and young people recognise that there are consequences for breaking the law.

CHILDREN AND THE CRIMINAL LAW

The Bill sets out the rights of young people charged with, or found guilty of an offence, to be treated strictly in accordance with justice principles, by:

- revising the procedures and criteria for bail to ensure that young people are not denied bail on the grounds of a lack of accommodation;
- stipulating requirements relating to the content of pre-sentence reports, the right of access to these reports by young people and their legal representatives; and the right to challenge information in the reports;
- establishing entitlement to legal representation and defining the circumstances in which a young person must be legally represented;
- setting out the matters to be taken into account by the court when it decides which sentencing order to impose; and
- clearly setting out the procedures and penalties for breaches of sentencing orders.

PRE-SENTENCE REPORTS

Consistent with the recommendations of the Carney report, the Bill provides for pre-sentence reports to be provided upon request to the court following a finding of guilt. These reports provide information to the court which will assist the court in determining the most appropriate sentencing order for that particular child or young person. Pre-sentence reports will be available to the child or young person and his or her legal representatives, and will be provided by the Director-General of Community Services Victoria or the Chief General Manager of Health Department Victoria.

AGE OF CRIMINAL RESPONSIBILITY

The government has accepted the recommendation of the Carney report regarding the age of criminal responsibility, and the Bill provides that the age is raised from eight to ten years. Consistent with the separation of non-criminal and criminal matters into the Family Division and the Criminal Division, children and young people ten years of age and older who offend will be dealt with in the Criminal Division, and an appropriate sentencing order selected for those found guilty of an offence.
Consistent with the philosophy of the Bill, a guardianship to the director-general order, formerly known as wardship, will no longer be available as a sentencing option in the Criminal Division.

NEW SENTENCING ORDERS IN THE CRIMINAL DIVISION

The Bill establishes a new and broader hierarchy of sentencing orders in the Criminal Division, which will provide the court with greater flexibility in sentencing. Consistent with changes in the adult jurisdiction, additional non-custodial options have been created while, in addition to any other order, the court may order the young person to pay restitution or compensation. Recognising that the offences of some young people will warrant custodial sentences, and that guardianship will no longer be available as a criminal disposition, special provision has been made for the younger or more vulnerable offender by means of a youth residential centre order.

A youth training centre order will continue to be a custodial option for offenders over the age of fourteen years.

A youth residential board, whose role will mirror that of the Youth Parole Board, will be established to determine questions of parole and related matters for young persons in youth residential centres.

SERVICES FOR CHILDREN AND YOUNG PERSONS FOUND GUILTY OF COMMITTING AN OFFENCE

The Bill, along with the expanded range of sentencing orders, provides for the establishment or maintenance of corrective services for children and young people, with a particular emphasis on an expanded range of community based corrections programs. These services were foreshadowed in the January 1987 Draft Strategy Plan for the Redevelopment of CSV Protective and Correctional Services for Children and Young People, prepared by Community Services Victoria.

The range of correctional services to be provided by CSV will include community based probation, supervision and youth attendance programs, and institutional care for the small group of offenders requiring a custodial order. In recognition of the special requirements and vulnerability of children and young people between ten and fifteen years of age whose offence warrants a custodial sentence, CSV is establishing youth residential centres which will provide “special direction, support, educational opportunities and supervision” for these young people.

TRANSFERS BETWEEN YOUTH TRAINING CENTRE AND PRISON

The government believes, along with many in the community, that it is no longer appropriate that young people should be transferred from youth training centres to prison (or from prison to youth training centres) by administrative fiat. As a consequence, the Bill provides that such transfers in future should be authorised only by the Youth Parole Board, or Adult Parole Board, which is presided over by a judge. In this way, the community can be assured that adequate safeguards are built in to protect the interests of the child or young person, on the one hand, and the community, on the other hand.

CONCLUSION

The Children and Young Persons Act will be jointly administered by the Attorney-General and the Minister for Community Services, with the exception of those parts governing the provision of protective and corrective services, which will continue to be administered by the Minister for Community Services. It makes a major contribution to the significant reforms to the Victorian legal system which have been carried out by this government over recent years, and to the major changes to protective and corrective services and legislation currently being undertaken. In addition to this Bill, continuing improvements are being introduced by CSV in respect of practice and program delivery, while 1988 will also see the introduction of a new consolidated Community Services Bill. This Bill will incorporate the remaining provision of the Community Welfare Services Act 1970, the Community Services Act 1987 and additional legislative measures needed to govern the provision and funding of community services as proposed by the Carney report and other reviews of community services.

These reforms will, I believe, make a major contribution to the improvement of the child welfare and juvenile justice systems in Victoria. For the first time, all legislative provisions relating to children and young people who are in need of protection or who have committed offences will be found in one Act, which will be of significant assistance to children and their practitioners, the court and the community.

It is the intention of the government that the Children and Young Persons Bill lie over for debate and passage in the 1988 autumn sitting, thus providing ample time for consultation and consideration of the many detailed provisions of the Bill which are of such importance to so many children and young people and their families in Victoria.

I commend the Bill to the House.

On the motion of Mr WEIDEMAN (Frankston South), the debate was adjourned.

It was ordered that the debate be adjourned until March 1, 1988.
TEACHING SERVICE (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to amendments. 

Council’s amendments:
1. Clause 5, lines 31 and 32, omit all words and expressions on these lines and insert—
   “association of employees or a group of associations of employees recognised under Part V of”.
2. Clause 7, page 6, line 25, omit “them” and insert “then”.
3. Clause 9, lines 11 and 12, omit all words and expressions on these lines and insert—
   “association of employees or a group of associations of employees recognised under Part V of the”.
4. Clause 12, line 17, after “12.” insert “(1)”.
5. Clause 12, line 19, after this line insert—
   ‘(2) After section 55B of the Industrial Relations Act 1979 insert—
   Groups of associations of teacher employees may be recognised
   “55C. A group of associations of employees in which the majority of the employees in each association
   are members of the teaching service under the Teaching Service Act 1981 or the technical and
   further education teaching service under the Post-Secondary Education Act 1978 may, subject to
   approval of an application under this Part, be recognised, as an association for the purposes of this
   Act with respect to any trade or trades and, if so recognised, has the rights duties and status of a
   recognised association of employees with respect to the trade or trades concerned.”’.
6. Clause 13, line 30, omit “college” and insert “institution”.
7. Clause 13, page 12, line 33, omit “a” and insert “an institution or”.

On the motion of Mr FORDHAM (Acting Premier), the amendments were agreed to.

LA TROBE UNIVERSITY (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to amendments.

Council’s amendments:
1. Clause 4, line 2, after “On” insert “1”.
2. Clause 4, line 4, omit “1978” and insert “1972”.

On the motion of Mr FORDHAM (Acting Premier), the amendments were agreed to.

RIVER MURRAY WATERS (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to an amendment.

Council’s amendment:
Insert the following new clause to follow clause 8:
New section 19 substituted.

‘A. For section 19 of the Principal Act substitute—
   Certain documents to be laid before Parliament.
   “19. The Minister shall cause a copy of each report and statement submitted by the Commission under
   clause 68 of the Agreement to the Ministerial Council to be laid before each House of the Parliament
   without delay.”’.

On the motion of Mr FORDHAM (Acting Premier), the amendment was agreed to.
LAND (AMENDMENT AND MISCELLANEOUS MATTERS) BILL

This Bill was returned from the Council with a message relating to amendments.

**Council's amendments:**

1. Clause 4, line 22, after “industry,” insert:
   
   “(7) The Minister cannot, under sub-section (3), sell to a public authority land described in Schedule Three A.”

2. Clause 4, after line 24 insert:
   
   ‘(3) After Schedule Three of the Principal Act insert:

   “Schedule Three A
   Land to which section 99 does not apply.

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<td>City of South Melbourne</td>
<td>Order in Council 5 August 1889</td>
<td>Government Gazette</td>
<td>9 August 1889, page 2727</td>
<td>Site for Homeopathic Hospital</td>
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On the motion of Mr FORDHAM (Acting Premier), the amendments were agreed to.

FIREARMS (AMENDMENT) BILL

This Bill was returned from the Council with a further message relating to amendments.

**Mr MATHEWS** (Minister for Police and Emergency Services)—Clause 9 of the Bill was amended by the Legislative Council and that amendment was further amended by this House so that the paragraph read:

“(a) is a person engaged in primary production within the meaning of Part IIIA, or has another good reason to possess that firearm; and”.

When the Bill was returned to the Council, that House inserted the following words into the paragraph in place of the words omitted by the Assembly:

“is a member and has been a member for not less than twelve months of a sporting or recreational shooting organisation approved by the Firearms Consultative Committee.”

Therefore, I move:

That the further amendment be agreed to.

The motion was agreed to.

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

That amendment No. 28 be now agreed to.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

VICTORIAN GOVERNMENT MAJOR PROJECTS UNIT

**Mr FORDHAM** (Acting Premier)—By leave, I move:

That there be laid before this House a copy of the Report of the Victorian Government Major Projects Unit for the five months ending June 1987.
The motion was agreed to.

Mr FORDHAM (Acting Premier) presented the report in compliance with the foregoing order.

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

**COMMAND PAPER**

Mr MATHEWS (Minister for Police and Emergency Services) presented, by command of His Excellency, the Governor, the report of the police department for the year 1986–87.

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

**PAPERS**

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

- Rural Water Commission—Report for the year 1986–87—Ordered to be printed.

Statutory Rules under the following Acts:

- Health Act 1958—Nos 288, 290, 301.
- Pharmacists Act 1974—No. 289.
- Police Regulation Act 1958—No. 294.

**ADJOURNMENT**

Christmas felicitations—Frankston ring road—Hoppers Crossing Post-Primary School—Wolf's discotheque—Waste in Department of Labour—V/Line sponsorship—Prison escapees

Mr FORDHAM (Acting Premier)—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.

I take this opportunity of thanking members on all sides of the House for their contribution to the operation of Parliament in 1987. All honourable members are well aware of the increasing demands being made upon members in terms of their time and resources by the community and the increased expectations of members of Parliament, as individuals in their electorates, and, collectively as Parliament, by the community. We have an important responsibility about which I am sure honourable members are conscious.

I note that this is the third year of the fiftieth Parliament during which there have been a total of 50 separate sitting days of an average of 9 hours a day. It has been a significant year in terms of legislation and Parliamentary commitment.

All honourable members will agree that the new structure arrangements that have been followed this year after the restructuring of the school year has been of benefit to honourable members and it has given them a greater opportunity to spend more time with their families. Of course, that pattern will continue into the future.

I turn now to those people who have made a specific contribution to the operation of Parliament over the past twelve months. Firstly, to you, Mr Speaker, for your contribution
in chairing the proceedings of the House. There is no doubt, from the words of affection now flowing across the Chamber, that you enjoy the confidence and respect of all honourable members, and in your engaging and witty way you always seem to break any tension that arises from time to time in this House.

I also extend our thanks to the Deputy Speaker and Chairman of Committees, the honourable member for Sunshine, who is always ready and able to assist you. The honourable member has his own special inimitable style and method of operation. The government looks forward to his continuing assistance.

I extend my thanks, and that of the House, to the Clerks who perform their difficult job with admirable patience and care. I thank the Clerk of the Legislative Assembly, Ray Boyes, the Deputy Clerk, John Little, the Assistant Clerk, Phil Mithen, the Second Assistant Clerk (Resource Management), Elke Barbian, the Serjeant-at-Arms, Peter Bramley, the Procedure Officer, Neville Holt and the Reader—a position, shared by Mark Roberts and Gavin Jackson—the Clerk of the Papers, Ray Purdey and other Papers Room staff, all of whom do their job so well and make our task so much easier. I am sure all honourable members appreciate the efforts made by the people to whom I have referred.

I particularly thank the Hansard staff who again have performed their work with their customary speed and efficiency. It is a remarkable talent that our Hansard staff have, and we are fortunate to have such dedicated and talented people working in the Victorian Parliament. I extend our thanks to the Chief Reporter, Les Johns, and his staff for their excellent work and their ability to make the language that flows across this Chamber much more elegant than it often sounds to those who are actually here.

Again enormous pressure has been placed on the Government Printer while Parliament has been sitting. I thank the Government Printer, Frank Atkinson, and his staff who have continued to live up to the very difficult task facing them throughout the year. I am certain all honourable members appreciate their efforts.

I also extend our thanks to the Librarian, Bruce Davidson, and his staff for their tremendous cooperation. Our Parliamentary Library is becoming a great resource centre, and is being increasingly used by all members of Parliament. I thank the Library staff for their efforts.

I thank the manager of the Parliamentary refreshment rooms, Hank van Houten, and the Assistant Manager, Sid Koehrer. The refreshment room staff cope with honourable members perhaps in a more relaxed atmosphere but they still work in a difficult environment. I believe they perform their tasks admirably.

I also thank our hard working attendants led by Colin Howarth, and the orderlies, who work with him. The Premier asked me to extend his special thanks to Bill Jarrett. The attendants and orderlies play a special role in that they also have to work quickly and often in difficult circumstances. On behalf of honourable members, I offer my sincere thanks to them for their outstanding work.

I extend my thanks to Bill Ward, the Secretary of the Joint House Committee, and I pay tribute to Bob Duguid, who retired this year after eighteen years’ service. They make an important contribution to the workings of this House. I am sure all honourable members will join with me in paying tribute to Bob Duguid and we wish him well in his retirement.

Finally, I express my thanks to the gardener, Mr Bruce McQuade, to the engineer, Mr Alan Beatson, to Neil Foster in the Post Office, to Priscilla Reynolds, who works on the switchboard and to the police officers who perform their jobs carefully and unobtrusively.

It is important that honourable members do not take for granted the contribution the support staff make to the successful operation of this Parliament. They are integral to its workings and honourable members are well served.

I take the opportunity of thanking the members of the Press Gallery for their contribution. All honourable members recognise the important role the press play in a democratic
society. From time to time, honourable members do not always agree with their interpretation of events. Nevertheless, they have a very important role to play. Victorians are well served by the Press Gallery.

I personally thank the various Leaders of the parties for the contributions they have made in facilitating the despatch of business in the Legislative Assembly. To the honourable member for Ripon, who was later succeeded by the honourable member for Gippsland West as Deputy Leader of the Liberal Party, I extend my thanks. Honourable members will know that we meet once a week and we continue to liaise to ensure that the House deals with its business as expeditiously as possible.

The Whips of all parties—the honourable members for Richmond, Malvern and Gippsland East—have an important role to play in the satisfactory running of Parliament, as all honourable members have witnessed. A special relationship seems to have emerged between those honourable members despite differences in both age and attitude.

I thank all members of the House for their contributions to the workings of Parliament during both the autumn and spring sessional periods this year. On behalf of the government I wish all honourable members both joy and peace in the coming Christmas season. I hope they will use the opportunity of having a well deserved break with their families and I look forward to seeing all honourable members at the Parliamentary Christmas function.

I hope all honourable members enjoy the holiday period and return in 1988. There is a good deal of work that needs to be done both for our constituents and for Parliament. I wish all honourable members well for the future.

Mr KENNETT (Leader of the Opposition)—I join the Acting Premier in passing on my best wishes to you, Mr Speaker, and to the Clerks and all other Parliamentary officers who have ensured the smooth running of Parliament. At this late hour I do not intend naming each officer, believing that the Acting Premier has admirably performed that task.

On behalf of the Liberal Party I extend to all members of Parliament and their families a pleasant, restful and safe Christmas period.

I must note that it is somewhat extraordinary that such felicitations are being expressed in the middle of November, some six weeks before Christmas. Under normal circumstances Parliament would have been sitting much closer to the Christmas break and weeks such as this would have been avoided.

Any honourable member who wishes to have an exciting day today is invited to join the Liberal Party at its conference at Hawthorn. The conference is due to commence in a couple of hours and it would be a wonderful way for honourable members to begin their Christmas break!

On behalf of the Liberal Party I wish all honourable members well.

Mr ROSS-EDWARDS (Leader of the National Party)—I join with the Acting Premier and the Leader of the Opposition in extending to all members and staff best wishes for a happy Christmas. I shall not go over the ground so ably covered by the Acting Premier, but my feelings are just as sincere.

Without being unpleasant, I make the point that Parliament should have sat next week. I say no more than that. It is beyond the control of the Acting Premier, but someone will die one year in this place, as certain as the day dawns, because of the strain imposed on honourable members.

Despite all that, I pay tribute to the Acting Premier for the way that he has handled an almost impossible task. He has handled his task with great ability, charm and tact and has contributed to an extent that I have seldom seen before. The Acting Premier is a good person to do business and reach agreement with, and I pay that tribute to him.
Christmas is a Christian festival and all honourable members look forward to it. All the best of Christmas comes through the Christian tradition. I hope that is not forgotten in this day and age.

There is no time better for politicians to be with their families and enjoy themselves than between 23 December and 23 January. If honourable members do not make themselves available to spend every night and a considerable part of the day with their families they are not showing good sense or much consideration for their families. That is the only time of the year when I have found from long experience that the opportunity exists to lead the life of an ordinary worker in the community. For one month in the year you can do your job and at the same time spend time with your family and have reasonable rest.

Mr Speaker, to you and all the staff and the members' families, a happy and safe Christmas. Those good wishes come not only from myself but from all members of the National Party.

The SPEAKER—Order! I add a few remarks without repeating what has already been so ably said by the Acting Premier. I thank the Clerks at the table for the contribution that they make to the good running of the place and I thank, on their behalf, the Acting Premier for his remarks.

I thank the Chairman of Committees, the honourable member for Sunshine, and the temporary chairmen who have assisted in that position, for their contribution in assisting me in what, on many occasions, is a tense and difficult position; I am indebted to them. I thank my personal staff, Mr Max Beckman, who went to a grander position during the year. I thank Silvio Russo, Margaret Moy and Murray La Rosse.

I make just one mention of the outside staff, Mr Lou Varossy, who is retiring next week. He has worked for fourteen years at Government House and at Parliament as a carpenter, a joiner and cabinet maker. His skills as a craftsman will be greatly missed at Parliament and Government House and I wish him well.

I wish all members of staff a safe and happy festive season.

The motion was agreed to.

Mr FORDHAM (Acting Premier)—I move:

That the House do now adjourn.

Mr WEIDEMAN (Frankston South)—In the absence of the Minister for Transport, I direct a matter to the attention of the Acting Premier. Since returning to Parliament in 1985, I have made numerous representations to the Minister for Transport both in this House and by letter, about the ring road that is paramount to the development of the Frankston community and business centre.

Recently, after the final development plans had been drafted and departmental staff had visited the area, the Minister for Local Government launched this project. It would appear that everything is in order for the $120 million project to go ahead. The ring road is paramount to relieve the traffic that now travels through Frankston.

Most of the through traffic is via the Nepean Highway or the freeway. The ring road turns left at Nepean Highway over the Cranbourne Road bridge, via Quality Street, to an overpass at Beach Street via the east-west road to the Nepean Highway. Without the ring road it would be impossible to guarantee the viability of the project.

The Frankston City Council and I, on its behalf, have approached the Minister for Transport to allow the project to go ahead. Without the help of the government, the ring road will not be developed. While in opposition, the Labor Party supported the building of an overpass at the Beach Street crossing. The present Minister for Education was adamant that the construction at the Frankston station go ahead. That did not eventuate
because the plans were scrapped and funds were not provided. Nothing has happened since 1982.

I make a plea to the Minister for Transport, through the Acting Premier, that consideration be given to allocating funds to this project. I shall even consent to the honourable member for Werribee adding my request to his claim list from the Liberal Party for 1989–1990, or 1991. That will be one right out of the last six requests that he said I have made. At least this time the name will be correct.

On behalf of the Frankston City Council and the 96 000 people who live in Frankston, I ask that the ring road be given the go ahead. Without it, Frankston will be doomed to becoming a second-rate shopping centre. No-one wants that to happen.

Dr COGHILL (Werribee)—The matter I raise for the attention of the Minister for Education involves the Hoppers Crossing Post-Primary School, which is now in its fourth year and which will offer Year 11 courses next year.

The matter relates to the necessity for adequate science, trade and other special equipment and materials to be made available at the beginning of the 1988 school year to cater for the Year 11 courses and the additional number of students who will be attending the school next year.

I was invited by the principal to visit the school to meet with the school council and the students of the school to examine the situation about which they are concerned.

The first point that should be made is that this school has grown very rapidly. It will now be of the order of 1000 students at Year 11 and its growth rate has exceeded all expectations. It certainly appears to have exceeded all of the expectations of the Ministry of Education and its various offices at a regional and central level. It is probably this extraordinary growth rate as much as anything that has led to the problem facing the school.

It is worth saying that the high growth rate is due to a significant change in the pattern of growth in the Hoppers Crossing area. Previously, most of the new households were young married couples without school-aged children. Increasingly, we are finding that more mature people are moving into the houses bringing with them children who are already of school age, especially secondary school age.

The school is well equipped with buildings, but the principal, the school council and the students are concerned that currently there is insufficient equipment, tools and other materials for the full range of Year 11 courses.

It would appear that there may be an anomaly in the funding arrangements. In this particular case, it is the only education region in which there is more than one post-primary school, a new school, designated a post-primary school, and three of these schools are within the Western Metropolitan Region.

The special grants that are made available to regions for equipping these new post-primary schools may not recognise that three such schools are situated in the western metropolitan areas and, as a consequence, the available funds have to be split between those three schools whereas in every other region they can be devoted to a single new post-primary school. Therefore, in 1988, unless additional funding can be made available or redirected from other sources, possibly there will be insufficient tools for the more sophisticated type of woodwork and metalwork carried out by students at that level and more sophisticated office training and computer use will be offered to students in Year 11.

The sum of money involved is significant. The school estimates that something of the order of $120 000 is required to ensure adequate equipping of the school for Year 11 in 1988. The equipment will then be available for Year 12 in 1989 and for students in succeeding years. Equipment in most cases is permanent equipment rather than non-consumables. Therefore, it will be of value to succeeding generations of students.
I ask the Minister to look into the matter.

Mr COLEMAN (Syndal)—I direct the attention of the Minister for Police and Emergency Services to a matter that concerns the operation of a teenage disco by the name of Wolf's. That disco is operating at the Mathew Flinders Hotel, which is within the Minister's electorate. They let me into the disco.

An honourable member interjected.

Mr COLEMAN—They let me in and certainly let me out again, which is something that would not happen to the honourable member who interjected.

During the discourse in this House on the Liquor Control Bill it became clear that there is a community demand for access of teenagers to non-alcoholic venues and Wolf's disco is operating on a Saturday afternoon specifically for teenagers in a facility otherwise known as Zagames Restaurant.

The venue has been providing, since August of this year, a social and entertainment opportunity for approximately 350 young people each Saturday. They are being drawn from the Waverley, Oakleigh and Malvern areas. There has been no complaint other than the complaint from other hotel operators as to the way the facility has been functioning.

It seems that those people involved with the welfare of youth in the area are happy with the way it has been conducted. If we take into consideration the import of what was included in the Liquor Control Act, there is a reason why the facility should be allowed to function.

Based on the complaint from other hotel operators, the police have indicated to the operators of Wolf's disco that as of tomorrow—or should I say later today—they are no longer able to operate the facility, given the complaints that they have had.

I am seeking from the Minister an undertaking that he will have the matter investigated to see whether it is possible to have the facility continue operating until the time the Liquor Control Act amendments that went through this House are proclaimed and made operational in February next year.

Within the community there is general support for the operation of the facility but several hotel operators are concerned about it because they cannot offer the same facilities to young people in the premises they currently occupy.

I hope the facility will continue to operate up until the time that the Liquor Control Act amendments are proclaimed.

Mr GUDE (Hawthorn)—I direct a matter to the attention of the Minister for Labour and, in his absence, to the Acting Premier. It relates to what I regard as an extreme waste of money in that particular department. Recently the department introduced a new set of forms to be completed by officers within the Department of Labour and I suppose it is relevant that there should be some sort of education program. However, sending six people all the way to Wangaratta, putting them up overnight and then training local officers in the administration of filling out a fairly simple form is an extreme waste of taxpayers money.

It has to be the ultimate in absurdity and mismanagement.

I ask the Minister to play closer attention to matters carried out within his department, and I can only assume that it is happening without his knowledge.

Session 1987—87
Mr LEIGH (Malvern)—I raise a matter for the attention of the Minister for Transport and, in his absence, the Acting Premier. It concerns an article in the V/Line Update of October 1987. An article on the back page is entitled, “Club thanks Kevin”. I will quote from that article in the transport magazine.

The article states:

An idea brewed up over a couple of after-work drinks had an unusual ending fourteen years later for Kevin Baker, V/Line’s Manager of Promotions. In recognition of that idea . . .

Which was the Vinelander Plate—

. . . the Mildura Racing Club presented Kevin with a pewter tankard after the running of the fourteenth Vinelander Plate.

The Vinelander Plate is a horserace event. Therefore, this massive Ministry of Transport organisation, which is currently losing $1750 a minute, is involved in sponsoring horse-racing. The article continues:

This was the first time a government department had ever sponsored a horserace.

We have what can be described as the mug punters at it again! Not only is it occurring in other areas of government, but it is also occurring now in V/Line. Next, they will be betting on horses on the track.

Accompanying the article is a picture of various individuals all standing around, smiling nicely, with the pewter mug which was presented to Kevin, the manager. I should like to list the individuals depicted in the photograph, and I seek action from the Minister to ensure that he no longer involves organisations within his portfolio in this sort of activity. The photograph includes the President of the Mildura Racing Club, Don Hartley, presenting Kevin with his engraved tankard. Pictured also are the General Manager of Passenger Services, Len Harper, and the “Assistant Transport Minister”, Mr “Jack Shop Trading Simpson”, the honourable member for Niddrie.

It appears this time that he wants to be the mug punter in this activity as the “Assistant Transport Minister”. It seems to me that this “Assistant Transport Minister” is in training to take over from the present incumbent of the portfolio. He is responsible for the latest little exercise. That is not good enough.

Mr Micallef—It is a joke!

Mr LEIGH—Is it a joke to have the transport system losing $1750 a minute? Imagine what could be done with that sort of money! For example, it may assist in saving the Springvale Hospital—that is, if the honourable member for Springvale were interested. A whole range of things could be done with that kind of money.

The fact is that the government is involving itself for the first time ever in sponsorship of horseraces. It is clearly not the responsibility of V/Line or the Met to become the de facto Victoria Racing Club. However, I am reminded by the honourable member for Syndal that the government has been at it again at Traralgon. This involvement must stop.

I know that the acting or vice Premier, or whatever he wishes to call himself——

The SPEAKER—Order! The Acting Premier.

Mr LEIGH—Even the Acting Premier indicates by his nodding that he accepts that it is not V/Line’s responsibility.

Mr Fordham—I am just trying to stay awake; that is all.

Mr LEIGH—The Acting Premier says he is trying to stay awake, but I remind him at 4.20 a.m. that he is responsible for the House sitting at this hour. He is the one who wants late sittings.
The SPEAKER—Order! The honourable member has 1 minute to get to the point.

Mr LEIGH—I seek action from the Minister for Transport to stop V/Line from being involved in horseracing. It is enough that it is involved in the XXXX market through the State Electricity Commission.

Mr E. R. SMITH (Glen Waverley)—The matter I raise for the attention of the Minister for Police and Emergency Services concerns a report in Thursday's Melbourne Herald that a court ruled in favour of an escapee. My point in raising the matter is that a ludicrous situation has arisen regarding police gaols: if a prisoner escapes from a certain holding prison he is not deemed to have escaped from legal custody.

The situation has occurred where, because of the overcrowding at Pentridge Prison, prisoners are being held in police gaols—some of the police gaols are three-day and others are seven-day holding gaols. A number of instances occur when prisoners are held beyond the proclaimed number of days.

If the prisoners then attempt to escape or succeed in doing so, they are not deemed to have escaped or attempted to escape from legal custody. As the article states, the Melbourne Magistrates Court found that the prisoner concerned was not escaping illegally. If a prisoner is successful, he is not regarded as having legally escaped.

Overcrowding of prisons has caused a ludicrous situation and I ask the Minister to rectify that situation because what is happening is undermining the morale of the Police Force.

Police take into custody a suspect only after a lot of effort has gone into capturing that person. If the suspect then escapes from a police gaol after the proclaimed limit, the police are made to look silly because, under the present situation, the suspect is not deemed to have made a legal escape. The waste of manpower and time involved in this exercise is enormous. One aspect is the time spent by police ferrying prisoners from one gaol to another. Once a prisoner has been in a holding cell beyond a proclaimed number of days, he must then be ferried to another police station when the proclaimed time has expired.

Prisoners are being moved from one police station to another all around the Melbourne area. The inevitable happens; prisoners escape. Two escaped from Dandenong this week, another from Greensborough.

The government seems to have ample money for expenditure on projects such as the National Tennis Centre and the convention centre but it does not have enough money available to carry out the necessities of government. One of those necessities is the proper control of prisoners in custody who should really be held in Pentridge Prison, but cannot be accommodated because of the overcrowded conditions.

Another problem is faced by the families who want to visit prisoners. Because of the ludicrous situation of prisoners being ferried from one gaol to another, it is hard for families to ascertain where prisoners are located from one day to the next.

The early release scheme is also being further assisted by this ridiculous situation. I call upon the Minister and his colleague, the Attorney-General in another place, to urgently seek a rectification of this situation so that not only are prisoners securely held in custody but also the morale of the Police Force—which I consider to be the most important factor—is not destroyed.

Mr FORDHAM (Acting Premier)—I thank the honourable members for Frankston South, Werribee, Syndal, Hawthorn, and Malvern for the matters they have raised and I am sure the issues will be expeditiously attended to by the Ministers concerned.

Mr MATHEWS (Minister for the Arts)—The honourable member for Syndal raised with me the future of a disco operated by the Matthew Flinders Hotel that is situated in the electorate I represent. The local community and, in particular, the younger members of the local community, want that disco to continue.
The government has taken appropriate legislative action which will enable the disco to continue to be operated from the date of the proclamation of that proposed legislation.

In the interim, a problem does exist. The police are already consulting with the Liquor Control Commission in an attempt to overcome the problem and anything that the Minister for Industry, Technology and Resources or I can do to facilitate the overcoming of that problem will be done.

The honourable member for Glen Waverley raised with me the situation that has arisen as a result of the fact that virtually no additions to prison accommodation in Victoria were undertaken between 1967 and 1972 and the consequent need for prisoners to be held in police cells in circumstances which otherwise would be inappropriate.

The government certainly regards this situation as totally undesirable. We would not want prisoners to be held under these conditions nor would we wish to have members of the Police Force required to carry out these duties.

Action is being taken to overcome the situation in as much as something like 800 additional prison cells are currently under construction in Victoria.

The honourable member made reference to the government's inappropriate priorities and said that the government did not find money for necessities to deal with the problem. The fact is that the government is spending over $40 million a year over the next five years to get those additional 800 cells on stream. This contrasts starkly with the fact that in the years preceding, the previous Liberal government was spending between $2 million and $3 million a year on additional prison accommodation.

Over recent weeks I have been consulting with the Attorney-General who is the Minister responsible for the Office of Corrections in an attempt to achieve an interim solution to these problems. I believe the solution will be implemented within the next few days.

The motion was agreed to.

*The House adjourned at 4.27 a.m. (Saturday).*
The following answers to questions on notice were circulated—

DEPARTMENT OF WATER RESOURCES ANNUAL REPORTS

(Question No. 23)

Mr PERRIN (Bulleen) asked the Minister for Water Resources:
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 their 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 those bodies comply with their Act?

Mr McCUTCHEON (Minister for Water Resources)—The answer is:
1. The tabling of annual reports in Parliament by agencies is a requirement of the Annual Reporting Act and the regulations made under it and/or the legislation establishing the agency. The information requested by the honourable member on which agencies are required to report is publicly available information and the Papers Office in the House maintains detailed records as to tabling dates.
2. On Tuesday, 3 March, the Treasurer tabled a paper in the Assembly relating to exemptions granted to public bodies and government departments and extensions of time granted to public bodies under certain provisions of the Annual Reporting Act. This paper indicates the reasons for the exemptions/extensions being granted. The Rural Water Commission was granted an extension but it should be noted that its report has been tabled.
2 (a) The following agencies required to lodge annual reports to Parliament under provisions in their own legislation did not do so by 31 December 1986. All reports have now been lodged with Parliament.
2 (b) and (c). Latrobe Valley Water and Sewerage Board. Report lodged 4 March due primarily to printing problems.

MINISTRY FOR PLANNING AND ENVIRONMENT

ANNUAL REPORTS

(Question No. 33)

Mr PERRIN (Bulleen) asked the Minister for Housing, for the Minister for Planning and Environment:
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 their 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 those bodies comply with their Act?

Mr WILKES (Minister for Housing)—The answer supplied by the Minister for Planning and Environment is:
1. The tabling of annual reports in Parliament by agencies is a requirement of the Annual Reporting Act and the regulations made under it, and/or the legislation establishing the agency. The information requested by the honourable member on which agencies are required to report to Parliament is publicly available information and the Papers Office in the House maintains detailed records as to tabling dates.
2. (a) Upper Yarra Valley and Dandenong Ranges Authority.
(b) The authority is awaiting its auditor's report.
(c) I expect to be able to table the authority's report soon.

PROPERTIES FORMERLY OWNED BY THE DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS
(Question No. 123)

Mr PERRIN (Bulleen) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:
In respect of each department, authority and agency within his administration, which properties formerly owned by them have been sold since 30 June 1982, stating—(a) the address and nature of the property; (b) the date of sale; (c) the sale price; (d) the reason for the property being sold; and (e) the use to which the proceeds of each sale were put?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:
In 1985 the Department of Property and Services assumed responsibility for the sale of Crown land. Since that time the Minister for Property and Services has been responsible for the sale of land occupied by the Department of Agriculture and Rural Affairs.

Since 1986–87 the sale of property has been centrally coordinated by the Assets Management Review Committee in conjunction with the Department of Property and Services.
The only property occupied by the Department of Agriculture and Rural Affairs and sold since 30 June 1982 has been 61 hectares on the south side of the Burwood Highway at Knoxfield. This land was sold to the Urban Land Authority for $3.75 million, the proceeds of sale being paid into the Consolidated Fund.

Of the other bodies that come within the Minister's portfolio, only the Rural Finance Commission has disposed of property.
The Rural Finance Commission administers a number of Acts including the Land Settlement Act under which land under its control is developed for sale. Pursuant to that program, land sales at Heytesbury since 30 June 1982 amount to $5,686,511.

Land owned by the commission for the purposes of administering other Acts in respect of which land sales have been effected since 30 June 1982 have been the following staff residences:

<table>
<thead>
<tr>
<th>Location of Disposal</th>
<th>Date of Disposal</th>
<th>Amount Sold</th>
<th>Reason for Sale</th>
<th>Use of Proceeds</th>
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<tbody>
<tr>
<td>33 Gray Street, Swan Hill</td>
<td>7.11.84</td>
<td>55,000</td>
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<td>3 Duncan Street, Shepparton</td>
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<td>72,500</td>
<td>No longer required</td>
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LUMINANCE LEVELS FOR FREEWAYS
(Question No. 141)

Mr PERRIN (Bulleen) asked the Minister for Transport:
1. What is the average luminance level for freeways specified by the Standards Association of Australia's Lighting Code AS 1158?
2. What is the current average luminance level of the Eastern Freeway and when was that reading taken?
3. Whether the luminance levels purposely have been reduced since the freeway was opened; if so—(a) why; (b) by what amount; and (c) what are the date and details of each accident which has occurred since the freeway lighting luminance levels were reduced?
4. What was the initial cost of providing the lanterns which are not now used along the Eastern Freeway?
Mr ROPER (Minister for Transport)—The answer is:

1. The Standards Association of Australia Public Lighting Code (AS 1158.1—1986) specifies a typical average luminance of freeways as 1·0 cd/m² as initially installed, with a maintained figure of 70 per cent of this level.

2. On-road luminance levels have not been taken since the freeway was opened to traffic, as it would not be possible to carry out such measurements without extensive traffic control, involving closure of the freeway carriageway to all traffic. This would be necessary to eliminate effects from vehicle lighting and ensure safety to Road Construction Authority personnel and the public.

3. The lighting levels were reduced by 50 per cent in February 1984 as a cost and energy savings measure. However, the lighting levels at interchanges where traffic enters and leaves the freeway have not been reduced.

   It should be noted that the Road Construction Authority applies the Standards Association of Australia Lighting Code, AS 1158, in all conventional lighting installations, that is to say installations generally confined to lantern mounting heights not exceeding 15 metres. However, the lighting on the Eastern Freeway in that section where lighting was reduced to approximately half power is not of the conventional type, but is of the “high mast” type, i.e., the mounting height of lanterns is generally 30 metres.

   Although the luminance levels on the freeway have been reduced, the uniformity of illumination over the whole of the carriageway is considerably better than under the Standards Association of Australia code.

   There have been eight night-time accidents on the freeway since the lighting levels were reduced, compared with eleven night-time accidents in the years prior to February 1984.

   Given the high traffic volumes and low number of accidents, there is no evidence to indicate that the change in lighting levels has had any effect on the incidence of night-time accidents.

   Since the lighting levels have been reduced, night-time accidents have occurred on 28 April 1985, 10 May 1985, 17 May 1985, 9 June 1985, 23 July 1985, 6 September 1985, 25 September 1985 and 19 December 1986. One of those accidents resulted in a fatality when a pedestrian on the freeway was struck by a vehicle.

4. The supply, construction and commissioning of the lighting facility on the freeway was carried out under a contract that was awarded in July 1974. The contract schedule did not include a separate item for the cost of lanterns initially installed. However, an amount of $143 per lantern was specified for the supply only of spare lanterns.

SALE OF PROPERTIES BY DEPARTMENT OF WATER RESOURCES
(Question No. 146)

Mr PERRIN (Bulleen) asked the Minister for Water Resources:

In respect of each department, authority and agency within his administration, which properties formerly owned by them have been sold since 30 June 1982, stating—(a) the address and nature of the property; (b) the date of sale; (c) the sale price; (d) the reason for the property being sold; and (e) the use to which the proceeds of each sale were put?

Mr McCUTCHEON (Minister for Water Resources)—The answer is:

In so far as the question relates to the Rural Water Commission:

(a) Refer attached schedule.
(b) Refer attached schedule.
(c) Refer attached schedule.
(d) All properties sold were surplus to Rural Water Commission requirements.
(e) The proceeds of all sales received by the Rural Water Commission have been paid into consolidated revenue—total amount contained in the schedule being $2,333,222.

In so far as the question relates to the Melbourne and Metropolitan Board of Works:

(a) (b) (c) and (d)

Five hundred and eighty three properties have been sold by the Melbourne and Metropolitan Board of Works since 30 June 1982.

The time and resources cannot be justified to present information in the format sought by the honourable member for Bulleen. However, a computer print-out containing some of the information sought could be made available for perusal.
The proceeds from the sale of these properties were credited to the Melbourne and Metropolitan Board of Works Metropolitan General Fund and Metropolitan Improvement Fund and applied toward various activities which the board is authorised to carry out.

In so far as the question relates to the Department of Water Resources:

(a) to (e)—Nil.

## RURAL WATER COMMISSION OF VICTORIA
### SALE OF SURPLUS PROPERTIES SINCE 30 JUNE 1982

<table>
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<tr>
<th>Item</th>
<th>File Ref.</th>
<th>Address of Property</th>
<th>Nature of Property</th>
<th>Date of Sale</th>
<th>Sale Price</th>
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</tbody>
</table>
In January 1986 the commission sold 18 residences and two residence sites at its Blue Rock dam project at Willow Grove for a total amount of $674,650, half of such amount being paid to the State Electricity Commission which jointly funded the project. The same situation applies to items 36* and 91*.

The commission also sold the Dartmouth township complex as agent for the River Murray Commission.
SOFTWOOD PLANTING
(Question No. 153)

Mr PLOWMAN (Evelyn) asked the Minister for Education, for the Minister for Conservation, Forests and Lands:

In respect of the Land Conservation Council's final recommendations for the Corangamite area dated September 1978, (and specifically recommendation F2 that an area of 2300 hectares of Irrewillipe be planted to softwood):

1. Whether a decision has been taken to proceed with the softwood planting?
2. What the current status is of this land?
3. What are the full details and extent of works undertaken to date in implementing the Land Conservation Council's recommendation, particularly with regard to the stated objectives of the timber industry strategy?

Mr CATHIE (Minister for Education)—The answer supplied by the Minister for Conservation, Forests and Lands is:

1. The government has accepted the Land Conservation Council's recommendation that 2300 hectares of designated land at Irrewillipe be used for softwood production.
2. The land is currently held by the Rural Finance Commission. The government has decided that of the 2300 hectares designated for softwood production, 100 hectares is to be disposed of to the Department of Conservation, Forests and Lands and the remainder will be sold for private softwood plantation establishment.
3. Final delineation of the 1000 hectares to be taken up by the Department of Conservation, Forests and Lands is currently being negotiated. This will effectively produce a land base of sufficient area to fulfil the timber industry strategy's softwood plantation targets in the Otways zone, and allow the development of agroforestry in the area.

JOINT VENTURES OF MINISTRY FOR PLANNING AND ENVIRONMENT
(Question No. 177)

Mr STOCKDALE (Brighton) asked the Minister for Housing, for the Minister for Planning and Environment:

In respect of each department, agency and authority within his administration, for the period 4 April 1982 to 1 May 1987:

1. What is the name of each joint venture or business entity created in which the State of Victoria had equity, indicating—(i) the nature of each business; (ii) the proportion of equity held by each State instrumentality; (iii) the amount of consideration given for the equity held by the State instrumentality; and (iv) the proportion of equity held by any other organisation?
2. What is the name of each joint venture or business entity created in which the State of Victoria acquired equity, indicating—(i) the nature of each business; (ii) the proportion of equity held by each State instrumentality; (iii) the amount of consideration given for the equity held by the State instrumentality; and (iv) the proportion of equity held by any other organisation?

Mr WILKES (Minister for Housing)—The answer supplied by the Minister for Planning and Environment is:

1. None.
2. None.

THEFTS AND BURGLARIES IN VICTORIA
(Question No. 186)

Mr DICKINSON (South Barwon) asked the Minister for Police and Emergency Services:

In respect of the number of thefts and burglaries committed in Victoria for each of the years from 1985 to 1987 (to date):

1. What was the total value of the goods stolen where convictions were—(a) obtained; and (b) not obtained?
2. What was the number of instances in which stolen goods were recovered, indicating the value of recovered goods?
Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

(a) The numbers of thefts and burglaries committed in Victoria for each of the years from 1985 to 1987 are available from the Annual Statistical Review of Crime 1985-86 and 1986-87 (yet to be published) and are as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1985-86</td>
<td>105,460</td>
<td>115,889</td>
<td>76,372</td>
<td>87,045</td>
<td>26,334</td>
<td>32,598</td>
</tr>
<tr>
<td>1986-87</td>
<td>76,372</td>
<td>87,045</td>
<td>26,334</td>
<td>32,598</td>
<td>26,334</td>
<td>32,598</td>
</tr>
</tbody>
</table>

(b) In relation to the value of goods stolen, no records are kept which differentiate between offences where convictions have been obtained and those where convictions have not been obtained. The following statistics provide an estimate of the total value of property stolen and damaged in some of the more common offences. It should be noted that these figures are an estimate based on a sample of crime reports and are also based on initial assessments of the property values.

<table>
<thead>
<tr>
<th>Offence</th>
<th>1985-86</th>
<th>1986-87</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary—Houses</td>
<td>$47.8</td>
<td>$52.3</td>
</tr>
<tr>
<td>—Other</td>
<td>22.8</td>
<td>54.8</td>
</tr>
<tr>
<td>Theft—Bicycles</td>
<td>2.3</td>
<td>2.7</td>
</tr>
<tr>
<td>—Motor vehicles</td>
<td>80.4</td>
<td>167.7</td>
</tr>
<tr>
<td>—From motor vehicles</td>
<td>19.1</td>
<td>18.9</td>
</tr>
<tr>
<td>—Shoplifting (excluding warnings)</td>
<td>2.2</td>
<td>4.9</td>
</tr>
<tr>
<td>—Other</td>
<td>17.3</td>
<td>41.3</td>
</tr>
</tbody>
</table>

(c) In relation to the number of instances where stolen goods are recovered, I am advised that the specific statistics requested are not maintained.
The following answers to questions on notice were circulated—

MINISTRY OF CONSUMER AFFAIRS ANNUAL REPORTS
(Question No. 19)

Mr PERRIN (Bulleen) asked the Minister for Consumer 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 their 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 those bodies comply with their Act?

Mr SPYKER (Minister for Consumer Affairs)—The answer is:
2. (a) Motor Car Traders Committee;
   (b) legislation which constituted the committee was in the process of being repealed; and
   (c) the annual report for 1985-86 was tabled in Parliament on 28 October 1987.

SPOT PURCHASE HOUSING PROGRAM
(Question No. 185)

Mr DICKINSON (South Barwon) asked the Minister for Housing:
In respect of each of the years ended 30 June 1985, 1986 and 1987:
1. How many spot purchase houses were acquired in the electoral district of South Barwon?
2. How many houses were purchased by cooperative groups in the electoral province of Geelong?
3. What was the total expenditure on purchasing spot purchase houses in the province of Geelong and the electorate district of South Barwon?
4. What is the name of each estate agent through whom the various houses were purchased, indicating the value and number of houses purchased through each agent?

Mr WILKES (Minister for Housing)—The answer is:
The Ministry does not keep records on an electoral district basis; local government area figures for the Barrabool shire, Bellarine shire, Corio shire, Geelong city, Geelong West city, Newtown city, Queenscliffe borough and South Barwon city have been used as the basis for this answer.
3. The total expenditure on purchasing spot purchase houses in the Geelong area was as follows:—
   1984-85—$1.9 million; 1985-86—$1.2 million; 1986-87—$1.7 million.
4. 1984-85

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total of Purchases</th>
<th>No. of Houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. E. Hayden Real Estate</td>
<td>142 500</td>
<td>3</td>
</tr>
<tr>
<td>P. Caraman and Co.</td>
<td>375 000</td>
<td>9</td>
</tr>
<tr>
<td>C. J. Keane and Co.</td>
<td>275 500</td>
<td>6</td>
</tr>
<tr>
<td>Agency</td>
<td>Total of Purchases</td>
<td>No. of Houses</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>D. Burns</td>
<td>92 500</td>
<td>2</td>
</tr>
<tr>
<td>G. R. McCartney and Son</td>
<td>45 000</td>
<td>1</td>
</tr>
<tr>
<td>Homebuilders Real Estate</td>
<td>88 500</td>
<td>2</td>
</tr>
<tr>
<td>K. J. O’Loughlin and Co.</td>
<td>115 000</td>
<td>2</td>
</tr>
<tr>
<td>Kevin McManus and Associates</td>
<td>284 000</td>
<td>5</td>
</tr>
<tr>
<td>Leighton Kidman</td>
<td>47 500</td>
<td>1</td>
</tr>
<tr>
<td>Maxwell Real Estate</td>
<td>59 000</td>
<td>1</td>
</tr>
<tr>
<td>Wilson McKean</td>
<td>53 750</td>
<td>1</td>
</tr>
<tr>
<td>Private sales</td>
<td>147 500</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>36</strong></td>
</tr>
</tbody>
</table>

1985–86

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total of Purchases</th>
<th>No. of Houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Frost</td>
<td>52 500</td>
<td>1</td>
</tr>
<tr>
<td>A. Simon Falconer</td>
<td>63 000</td>
<td>1</td>
</tr>
<tr>
<td>C. J. Keane and Co.</td>
<td>247 000</td>
<td>5</td>
</tr>
<tr>
<td>G. R. McCartney and Son</td>
<td>64 800</td>
<td>1</td>
</tr>
<tr>
<td>Kevin McManus and Associates</td>
<td>403 500</td>
<td>7</td>
</tr>
<tr>
<td>Private sales</td>
<td>273 000</td>
<td>5</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>

1986–87

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total of Purchases</th>
<th>No. of Houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. V. Jennings</td>
<td>64 250</td>
<td>1</td>
</tr>
<tr>
<td>B. E. Hayden Real Estate</td>
<td>247 850</td>
<td>4</td>
</tr>
<tr>
<td>Cuthbertson Real Estate</td>
<td>61 500</td>
<td>1</td>
</tr>
<tr>
<td>Hendy and Hocking</td>
<td>52 000</td>
<td>1</td>
</tr>
<tr>
<td>Kevin McManus and Associates</td>
<td>329 225</td>
<td>6</td>
</tr>
<tr>
<td>Maxwell Real Estate</td>
<td>453 000</td>
<td>7</td>
</tr>
<tr>
<td>Roger Trevaskis and Co.</td>
<td>53 000</td>
<td>1</td>
</tr>
<tr>
<td>Walter L. Carr</td>
<td>144 000</td>
<td>5</td>
</tr>
<tr>
<td>Private sales</td>
<td>186 500</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>
The following answers to questions on notice were circulated—

METROPOLITAN FIRE BRIGADES BOARD

(Question No. 7)

Mr CROZIER (Portland) asked the Minister for Police and Emergency Services:

1. What is the Metropolitan Fire Brigades Board’s strategy plan for fire station development?
2. When will he report on the discussions on the board’s strategy plan for fire station development that he has been having with Ministry officials, board representatives and consultants?
3. Whether the results of these investigations will have any significant effect on either the Country Fire Authority or those people who live in the boundary areas?
4. Whether the government has any intention of extending the board’s boundary to a radius of 50 km of the Melbourne GPO?
5. Whether the government has received from any organisation a proposal that the board be expanded or that the board’s control room be used for the despatching of fire calls for the country area of Victoria?
6. What effect will the extension of the Telecom 03 network around Melbourne have on the operation of the Country Fire Authority?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

1. The plan by the Metropolitan Fire Brigades Board (MFBB) provides the basis to redevelop its fire stations and locate appliances and firefighters to provide an efficient and cost effective service within the metropolitan fire district. The plan is to be implemented over ten years. A new performance standard has been adopted that the first appliance will, on 90 per cent of occasions, arrive at the scene within 7.7 minutes of the call for assistance being received. The dispatch of other appliances will depend on the nature of the incident and the judgment of senior fire officers. For 1986-87, the MFBB reported that it took 8.2 minutes for the first appliance to respond to 90 per cent of the calls for assistance.

2. A briefing will be provided to the honourable member at a mutually convenient time.

3. The standard of service is expected to be more equitable for communities within the metropolitan fire district which are adjacent to the border with the country area of Victoria. For some communities there will be an increase in the standard of service to overcome previous deficiencies.

4. Adjustments to the boundary of metropolitan fire districts are governed by section 5 of the Metropolitan Fire Brigades Act 1958.

5. I am not aware of any such suggestion.


MINISTRY FOR THE ARTS ANNUAL REPORTS

(Question No. 21)

Mr PERRIN (Bulleen) asked the Minister for the Arts:

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 their 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 those bodies comply with their Act?

Mr MATHEWS (Minister for the Arts)—The answer is:

1. The tabling of annual reports in Parliament by agencies is a requirement of the Annual Reporting Act and the regulations made under it, and/or the legislation establishing the agency. The information requested by the honourable member on which agencies are required to report to Parliament is publicly available information and the Papers Office in the House maintains detailed records as to tabling dates.
2. (a) As at 31 December 1986, the following bodies had not tabled their 1985-86 annual reports:
- Victorian Arts Centre Trust
- Geelong Performing Arts Centre Trust
- Film Victoria
- Council of Trustees of the National Gallery of Victoria
- Library Council of Victoria
- Council of the Museum of Victoria
- State Film Centre of Victoria Council
- Exhibition Trustees

(b) Although the annual reports of the Victorian Arts Centre Trust, the Geelong Performing Arts Centre Trust and Film Victoria were not tabled in Parliament by 31 December 1986, they were presented to me prior to that date and were subsequently tabled in accordance with the requirements of their respective Acts.

The Council of Trustees of the National Gallery of Victoria encountered compilation and printing delays which prevented finalisation of its report.

The Library Council of Victoria's report was delayed due to production difficulties.

Preparation of the Council of the Museum's report was delayed due to staff shortages which prevented the financial statements from being completed and audited on time.

The State Film Centre of Victoria was unable to lodge its 1985-86 annual report on time pending the resolution of a dispute with the Office of the Auditor General concerning the ownership of assets referred to in the Film Centre of Victoria Council's Act.

There were delays in the compilation of the Exhibition Trustees financial statements. These problems were late compounded by the serious illness and subsequent extended absence of the director.

(c) Discussions have been held with the Office of the Auditor General resulting in an agreed timetable being set for the production and presentation to Parliament of annual reports by the Ministry for the Arts and its agencies.

DEPARTMENT OF INDUSTRY, TECHNOLOGY AND RESOURCES ANNUAL REPORTS

(Question No. 25)

Mr PERRIN (Bulleen) asked the Minister for Industry, Technology and Resources:

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 their 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 those bodies comply with their Act?

Mr FORDHAM (Minister for Industry, Technology and Resources)—The answer is:

1. The tabling of annual reports in Parliament by agencies is a requirement of the Annual Reporting Act and the regulations made under it, and/or the legislation establishing the agency. The information requested on which agencies are required to report to Parliament is publicly available information and the Papers Office in the House maintains detailed records as to tabling dates.

2. (a) Alpine Resorts Commission
   Liquor Control Commission
   Victorian Tourism Commission

(b) None of the above three agencies was required by its Act to have annual reports tabled in Parliament by 31 December 1986.
JOINT VENTURES OF MINISTER FOR POLICE AND EMERGENCY SERVICES
(Question No. 164)

Mr STOCKDALE (Brighton) asked the Minister for Police and Emergency Services:

In respect of each department, agency and authority within his administration, for the period 4 April 1982 to 1 May 1987:

1. What is the name of each joint venture or business entity created in which the State of Victoria had equity, indicating—(i) the nature of each business; (ii) the proportion of equity held by each State instrumentality; (iii) the amount of consideration given for the equity held by the State instrumentality; and (iv) the proportion of equity held by any other organisation?

2. What is the name of each joint venture or business entity created in which the State of Victoria acquired equity, indicating—(i) the nature of each business; (ii) the proportion of equity held by each State instrumentality; (iii) the amount of consideration given for the equity held by the State instrumentality; and (iv) the proportion of equity held by any other organisation?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

None of the agencies within my administration is involved in joint ventures or business entities which are of an intrinsically commercial nature.

TRAFFIC INFRINGEMENT NOTICES
(Question No. 188)

Mr DICKINSON (South Barwon) asked the Minister for Police and Emergency Services:

In respect of each of the financial years 1983–84 to 1986–87 respectively, what revenue was collected from traffic infringement notices issued in the Barwon police district?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

Statistics on the revenue received from the issue of traffic infringement notices in individual police districts are not kept by the department. Such statistics are available on a Statewide basis only. The number of infringement notices issued is set out below; however, as the penalty for each of these notices in not known, it is not possible to estimate the revenue generated.

Traffic infringement notices issued in Barwon police district:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983–84</td>
<td>17 047</td>
</tr>
<tr>
<td>1984–85</td>
<td>14 486</td>
</tr>
<tr>
<td>1985–86</td>
<td>11 866</td>
</tr>
<tr>
<td>1986–87</td>
<td>16 929</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60 328</strong></td>
</tr>
</tbody>
</table>
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Dairy Industry (Amendment) Bill—Received from Council and first reading, 2257; second reading, 2324, 2567; remaining stages, 2572.

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<td>6.10.87</td>
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<td>168</td>
<td>Traffic Infringement Notices</td>
<td>Mr Dickinson</td>
<td>Mr Mathews (P &amp; ES)</td>
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<td>Tattersalls Consultations</td>
<td>Mr Dickinson</td>
<td>Mr Jolly (Treas)</td>
<td>27.10.87</td>
<td>2071</td>
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<td>170</td>
<td>Road Accidents in Victoria</td>
<td>Mr Dickinson</td>
<td>Mr Roper (Trans)</td>
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<td>171</td>
<td>Blasting at Port Phillip Heads</td>
<td>Mr Plowman</td>
<td>Mr Roper (Trans)</td>
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