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MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF VICTORIA

SESSION 1980-81

WITH COPIES OF THE DOCUMENTS ORDERED TO BE PRINTED

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Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):—

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. W. A. Landeryou).

GOVERNMENT BUSINESS

Notice of Motion

- 1 The Hon. HADDON STOREY—To move, That he have leave to bring in a Bill to supplement *The Bank of Adelaide (Merger) Act 1980* of the State of South Australia which provides for the transfer to Australia and New Zealand Banking Group Limited of the undertaking of The Bank of Adelaide and for the transfer to Australia and New Zealand Savings Bank Limited of the undertaking of The Bank of Adelaide Savings Bank Limited and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That this House calls upon the Government of Victoria to take such measures as are necessary to declare Victoria a nuclear-free State by ensuring that there will be:
 - (a) no uranium mining;
 - (b) no siting, construction or operation of any nuclear power facility;
 - (c) no production, storage or transportation of radioactive material, other than for purposes (excluding nuclear power generation) as approved by Parliament from time to time; and
 - (d) immediate divesting by the State Electricity Commission of Victoria and any other Victorian Government agency authority or body of assets acquired for nuclear power purposes.
- 2 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. D. M. EVANS—To move, That this House believes that the Minister of Lands is not accepting his responsibilities in dealing with noxious weeds and vermin in Victoria, and specifically recommends that:
 - (a) the Department of Crown Lands and Survey take over responsibility for destruction of weeds and vermin on all Government roads; and
 - (b) greater effort and resources be devoted to research into, and destruction of noxious weeds on, both public and private property.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of

superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.

- 6 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act* 1958 to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.

GOVERNMENT BUSINESS

Orders of the Day

- 1 MILDURA IRRIGATION AND WATER TRUSTS BILL—(*Hon. F. J. Granter*)—Second reading.
- 2 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(*Hon. Haddon Storey*)—Second reading.
- 3 SEWERAGE DISTRICTS (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading.
- 4 WATER (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading.

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading.
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM OF VICTORIA BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.

- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 March 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 MINISTERIAL STATEMENT AND REPORT OF COMMITTEE OF INQUIRY—FLUORIDATION—To be considered.

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TUESDAY, 16 SEPTEMBER
GOVERNMENT BUSINESS

Order of the Day

- 1 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate (Hon. W. A. Landeryou)*.

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WEDNESDAY, 17 SEPTEMBER
GENERAL BUSINESS

Order of the Day

- 1 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate (Hon. A. J. Hunt)*.

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honorable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honorables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honorables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honorables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honorables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honorables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honorables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honorables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honorables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honorables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honorables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and E. H. Walker.

STATUTE LAW REVISION (JOINT)—The Honorables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honorables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 1 and 2

No. 1—Tuesday, 9 September 1980

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor bearing date 26 August 1980.
- 2 **ABSENCE OF THE CLERK**—The absence of the Clerk owing to duties associated with the Twenty-sixth Commonwealth Parliamentary Conference having been announced to the House—
The Honourable A. J. Hunt moved, That the Clerk-Assistant perform the duties of the Clerk of the Council during his absence, and take the Chair at the Table.
Question—put and resolved in the affirmative.
- 3 The above-mentioned Proclamation was read by the Acting Clerk and is as follows:

PROROGUING PARLIAMENT AND FIXING THE TIME FOR HOLDING THE SECOND SESSION OF THE FORTY-EIGHTH PARLIAMENT OF VICTORIA

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas the Parliament of Victoria stands adjourned until such day and hour as may be fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively: Now I the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation prorogue the said Parliament of Victoria until Tuesday, 9 September 1980, and I do hereby fix Tuesday, 9 September 1980 aforesaid, at the hour of half-past two o'clock in the afternoon, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, in the Parliament Houses, situate in Spring Street, in the City of Melbourne: And the Honourable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, the twenty-sixth day of August in the year of our Lord One thousand nine hundred and eighty and in the twenty-ninth year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

R. J. HAMER
Premier

GOD SAVE THE QUEEN!

- 4 APPROACH OF HIS EXCELLENCY THE GOVERNOR—The approach of His Excellency the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

His Excellency came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly, who being come with their Speaker, His Excellency was pleased to speak as follows:

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

I have called you together for the 1980 Second Session of the Forty-eighth Parliament of Victoria to deliberate on matters of significance to the people of this State.

Before alluding to specific aspects of the Government's plans and legislative programme for the forthcoming Session, I must regretfully inform you of the recent deaths of the following former Members of this Parliament.

We mourn the death of a former Minister of the Crown:

The Honourable T. A. Darcy, a former Minister of Water Supply and Minister of Mines.

We also mourn the passing of:

Sir Edgar Tanner, C.B.E., E.D., Mr R. S. L. McDonald, and Mr N. R. Hudson, D.F.C., former Members of the Legislative Assembly.

When I last spoke to you at the First Session of this Parliament, I referred to the Government's commitment to a strong legislative programme, to improvement in the management and performance of government, and to the provision of increased employment opportunities.

Since then, the Government has taken positive action on all three of these programmes. It will continue to do so.

Several important Bills have been passed, others have been tabled for public discussion and comment, and more will be introduced in the forthcoming Session.

Far-reaching steps have been taken to improve the efficiency, economy and accountability of government.

In the field of employment, there are 53 400 more people at work in Victoria now than in July last year, and Victoria consistently has had the lowest unemployment rate in Australia. But employment remains a major concern and the Government will continue its vigorous efforts to attract new enterprises to this State and to maintain existing commercial and industrial activity.

The continuing confidence of the business community in Victoria as a place for investment is reflected in recent announcements about the utilization of its brown coal resources, further massive investment in off-shore oil exploration and development, a major expansion in the paper and paper pulp field, new and expanded industries dependent upon reliable and low-cost sources of energy, and the processing of our agricultural products.

At the direction of the State Government, the State Electricity Commission recently prepared a concept plan for the utilization of brown coal in the production of electricity for the next 50 years in Victoria. This plan, published in May, will provide a basis of a strategy for the development of the whole Latrobe Valley in the interests of the people of the State.

This key energy resource is an essential component in the further development of the manufacturing sector and in attracting and creating new technologies.

The Government will continue to provide a stable and attractive climate for investment, to attract a wider range of industries in fields that are competitive internationally, and to expand our exports.

Victoria is very well placed to take full advantage of the expected inflow of substantial investment in the years ahead. But, if it is to do so, the full and continuous co-operation and effort of all sections of the community will be required.

I turn now to more specific aspects of the Government's achievements and future programmes.

Major initiatives have been taken in the fields of government administration and accountability. These include the establishment of an all-Party Public Accounts and Expenditure Review Committee to supervise departmental spending, and an all-Party Public Bodies Review Committee, as a form of "Sunset" investigation, which has begun a review of the State Rivers and Water Supply Commission and the 377 waterworks trusts, sewerage authorities, river improvement trusts and drainage authorities throughout the State.

The Budget Committee of Cabinet has subjected Budget submissions to close and continuous scrutiny with the aim of closely controlling Government expenditure.

The Government's Manpower Advisory Committee has effectively monitored requests for staff increases in government departments and, with the co-operation of permanent heads, has enabled the growth in public service employment in the last financial year to be limited to 0.6 per cent—or virtually zero growth.

The Government's EDP Policy Committee has also maintained a tight control over the development and purchase of major computer systems, whilst planning for future expansion within a co-ordinated framework.

One important new step will be the introduction of a computer system into the Titles Office to provide greatly improved service to the public in an area of growing activity and complexity.

Turning now to legislation, the Government will introduce a final version of the Residential Tenancies Bill, representing a careful balance between the competing interests and rights of tenants and landlords, after much public discussion and comment.

Similarly, the final version of major Credit Bills introduced for public comment in 1978 will be tabled in this Session.

One of the first Bills to be introduced will be the ratification of the agreement between the Government and Alcoa of Australia Ltd for the establishment of the new Alcoa aluminium smelter at Portland. The first stage of this very large project is scheduled for completion in 1983. Over 1200 jobs will be created during the construction phase and some 1200 permanent employment opportunities will result from full development. These will in turn generate a further 1200 jobs in the provision of services for the area. Other affiliated industries can be expected to establish at Portland.

A Building Control Bill will implement recommendations from the Building and Development Approvals Committee for the co-ordination and simplification of building control administration in Victoria.

The Government will also introduce legislation to amend the Liquor Control Act, to give effect to a number of recommendations made by the recent Board of Inquiry into the operation of the Act.

Other legislation will propose amendments to the Labour and Industry Act to further rationalize shop trading hours in the light of present-day attitudes and community requirements.

The Government is profoundly concerned with the growing drug problem in the community. Legislation will be introduced to strengthen the Poisons Act especially in respect of penalties, and to amend the Medical Practitioners Act to give the Medical Board wider powers to deal with medical practitioners involved in drug abuse.

Other new legislation will be concerned with—

- Abolition of obsolete provisions in the Crimes Act.
- Provision for upgrading monetary penalties in several statutes by a single Act of Parliament.
- Modernization of legislation dealing with sexual offences.
- Establishment of a Post-Secondary Education Remuneration Tribunal.
- Extension of the jurisdiction of the Market Court to cover additional aspects of unfair or unethical trading.
- Amendment of the Marine Act to give effect to recent agreement on control of shipping as between the Commonwealth and the States.
- Deregulation of road freight transport.
- Revised methods of dealing with the hearing of disciplinary charges against members of the Police Force.

Turning now to some individual departmental programs, the Mental Retardation Division of the Health Commission will be established, and the Government is pledged to eventually develop a total program of services for intellectually handicapped people.

Education will continue to be the largest single field of Government expenditure, with increasing services in all areas.

The Special Assistance Program will begin in 1981, representing a major initiative by the Government to combat illiteracy and innumeracy by providing over 300 Special Resource teachers and improving regional consultancy services for children with specific learning problems.

Education and Community Activity Centres will be provided at a number of schools throughout the State this year.

And the Ministerial Review of Education Policies will move into its third stage with the production of a comprehensive White Paper.

In Housing, the private sector will be increasingly involved in the provision of finance for home purchasers and the Housing Commission will extend its policy of purchasing existing houses for rental to low-income families. Urban renewal facilities will be improved and simplified.

The sporting facilities of Victoria will be enhanced by the new Frank Beaurepaire State Swimming Centre, built to international standards.

The former Olympic Swimming Pool, which is being converted to a State Indoor Sports and Entertainment Centre, is due for completion early in 1982. Construction will commence on extensions to the grandstand and facilities at No. 1 Ground Olympic Park to provide for the staging of the World Junior Soccer Championships in October, 1981.

A widely representative Committee is preparing a feasibility study on Melbourne's application to host the 1988 Olympic Games and this will soon be considered by the Government.

The highly successful active recreation campaign known as "Life. Be In It", which was developed in Victoria five years ago, has now spread to other States and to the United States of America. It will be continued in Victoria for a further five years.

Work on the Victorian Arts Centre will continue with the opening of the Concert Hall scheduled for late 1981 and the Theatres Complex about a year later.

Next year's Arts Victoria triennial festival theme will be "Music '81", with a year-long celebration of music in all its forms throughout the State.

The Victoria Police Force will continue development of several new facilities to further improve its operational capability and efficiency, including a new communications complex at Russell Street, a new physical training complex at Glen Waverley, expansion of the police computer system, and the completion of new administrative buildings at Hastings and Cranbourne. Planning is proceeding for a new Police Forensic Science Laboratory at West Melbourne.

The Government will accelerate its program for improving the Yarra River, its tributaries and the immediate environs of these streams as a major part of its objectives of enhancing the quality of life for people in the city.

In the field of Conservation, major environmental studies aimed at the establishment and maintenance of appropriate air quality standards are under way.

A new Animal Welfare Advisory Committee has been established and animal welfare legislation will be reviewed.

The Victorian Fishing Industry Council will be created in the next few months. It will advise the Government on all matters affecting the fishing industry, including marketing and promotion.

Energy conservation continues to receive high priority in Government programs. The proportion of small cars in the Government fleet is steadily increasing, car-pooling legislation has been brought into effect, and the use of public transport is being promoted and encouraged by the introduction of special fare concessions and the progressive upgrading of existing services.

The substitution of indigenous energy sources for imported oil products continues at a steady rate, as evidenced by the major role played by natural gas in the consumption of energy by the non-transport sector. Natural gas pipelines are being progressively extended into rural areas to reduce dependence on liquefied petroleum gas and oil. The Gas and Fuel Corporation has developed a five-year program for this purpose estimated to cost over \$100 million.

The Victorian Solar Energy Research Committee is pursuing alternative sources of energy.

The momentum of studies on the conversion of Victorian brown coal to liquid fuels is increasing rapidly. Several joint studies with groups from Japan, the Federal Republic of Germany and the United States of America are in progress and it is likely that a pilot plant in the Latrobe Valley costing in the order of \$50 million will be constructed within the next five years.

The State Electricity Commission is engaged on a power station construction program of unprecedented magnitude. The Newport Power Station will be operational in the near future. Jeeralang B gas fired Power Station has

also been completed. Works in progress include the Loy Yang Project, the largest in Victoria's history, the second stage of the Yallourn W Power Station, and the Dartmouth Hydro-Electric Power Station.

Development of the Bass Strait oil field will continue, with four new oil platforms under construction. Production from these new platforms should enable Bass Strait yields to be maintained close to existing levels during the 1980's.

Prospecting for oil and other minerals in Victoria is continuing at a very high rate. Encouraging prospects for coal, base metals and some precious metals have been recorded and exploration will be stepped up in the next twelve months.

Substantial expenditures are planned for the enhancement and improvement of water supplies throughout the State. These include augmentation of supplies to the Mornington Peninsula, the construction of water treatment plants for several cities and towns and new town water supply schemes in country areas. Several new sewerage schemes will commence shortly.

The Government reconfirms its commitment to the resolution of the joint problems of salting of irrigated land and deterioration of water quality, particularly in the Murray River Basin, and will continue to provide substantial funding for this work.

Major flood plain studies have commenced in six country areas in close consultation with local people.

The Melbourne and Metropolitan Board of Works has completed the Sugarloaf Reservoir, which is now being filled. Work is proceeding on the Thomson Dam which will supply the Melbourne metropolitan area, the Mornington Peninsula and downstream water users in Gippsland.

Construction of the Tanjil River Dam has commenced. This will provide cooling water for the Loy Yang Power Project and for domestic and industrial users in the Latrobe Valley.

The agricultural sector continues to be of major importance in the Victorian economy. It is very efficient and its produce competes successfully on domestic and overseas markets. More than two-thirds of Victorian agricultural produce is exported.

Victoria has enjoyed record wheat crops in the last two seasons whilst barley crops were also at a near record level. Current indications are for further very large crops in the 1980-81 season. Special infrastructure funds will be provided to modernize and enlarge the State's grain handling system to meet the ever increasing needs of the growers.

The development and use of the State's forest resources continue to increase and to provide significant employment in rural areas, particularly through the operations of pulp and paper mills in northern Victoria and Gippsland. The recreational use of forests is also growing steadily, with over seven million visitor days recorded last year.

In transport, substantial financial commitments will be made, concentrating on the real transport needs of the community, with emphasis on improving the reliability and quality of services.

One of the largest public transport projects in Australia, the Melbourne Underground Rail Loop, will be opened and important new initiatives will be taken following the completion of the Victorian Transport Study.

The Public Works Department will continue a beach renourishment project at Parkdale this year and improvements to port facilities will be put in hand at several places, in Port Phillip Bay and elsewhere, including major repairs at Crib Point.

The Port of Melbourne Authority will spend some \$28 million in 1980–81 on its progressive program of port development. In addition, some \$21 million will be spent on the World Trade Centre complex at North Wharf.

The first stage of the new Container Complex in the Port of Geelong will be opened in the middle of 1981.

At Portland, construction of the new berth for the Alcoa project has begun and is expected to be completed by the end of 1982.

MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

Detailed Estimates of Revenue and Expenditure for the 1980–81 financial year will shortly be presented to you, together with the necessary Appropriation Bill and other Budget measures.

Of continuing concern to the Government are the Commonwealth-State arrangements for personal income tax sharing.

The present arrangements are to be reviewed before the end of 1980–81, and the Premiers of all States are currently preparing to put forward detailed proposals for the future of tax sharing to the Commonwealth Government.

At the same time, the existing formula for sharing the funds between the States is being reviewed by a special division of the Commonwealth Grants Commission which is due to report at the end of this year. Victoria has for years had the smallest per capita payments, and accordingly, a strong case has been put to the Commission for a more equitable share.

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

The difficulties to be faced in the years ahead, because of the world economic situation, must not be underestimated. But Australia, with its abundance of agricultural and mineral resources, and its range of low-priced energy, is better placed than most countries to meet and overcome these difficulties.

Victoria's position within the Australian scene is also favourable, with its efficient primary industries, its large resources of cheap energy, its skilled work force, its strong manufacturing base, and its high level of overseas investment.

These factors, combined with the record of achievement and intention I have presented, offer the promise, if we are prepared to work together vigorously and productively, at all levels, of the continuing growth and prosperity of this State.

I now formally open this Parliament and pray that the guidance of Almighty God may attend upon your deliberations.

HENRY WINNEKE

9 September 1980

Governor of Victoria

Thereupon a copy of His Excellency the Governor's Speech was delivered to the President, and a copy to the Speaker, and His Excellency withdrew from the Council Chamber.

The Legislative Assembly then withdrew.

[Sitting suspended from 3.05 p.m. until 4.52 p.m.]

5 The President took the Chair and read the Prayer.

6 PRIVILEGE BILL—SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—On the motion of the Honourable A. J. Hunt, leave was given to bring in a Bill to make Provision with respect to the Preservation of Order at Meetings of Corporations and to amend section 17 of *Summary Offences Act 1966*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 COMPANY TAKE-OVERS COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford be members of the Company Take-overs Committee.
Question—put and resolved in the affirmative.
- 8 CONSERVATION OF ENERGY RESOURCES COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling be members of the Conservation of Energy Resources Committee.
Question—put and resolved in the affirmative.
- 9 HOUSE COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling be members of the House Committee.
Question—put and resolved in the affirmative.
- 10 LIBRARY COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey be members of the Joint Committee to manage the Library.
Question—put and resolved in the affirmative.
- 11 PRINTING COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright be members of the Printing Committee; three to be the quorum.
Question—put and resolved in the affirmative.
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey be members of the Public Accounts and Expenditure Review Committee, and that the said Committee have power to send for persons, papers and records.
Question—put and resolved in the affirmative.
- 13 PUBLIC BODIES REVIEW COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White be members of the Public Bodies Review Committee, and that the said Committee have power to send for persons, papers and records.
Question—put and resolved in the affirmative.
- 14 STANDING ORDERS COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker, be members of the Select Committee on the Standing Orders of the House; three to be the quorum.
Question—put and resolved in the affirmative.
- 15 STATUTE LAW REVISION COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton be members of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.
Question—put and resolved in the affirmative.
- 16 SUBORDINATE LEGISLATION COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Honourables D. E. Kent and D. N. Saltmarsh be members of the Subordinate Legislation Committee, and that the said Committee have power to send for persons, papers and records.
Question—put and resolved in the affirmative.

- 17 NOTICE OF QUESTION—SUSPENSION OF STANDING ORDER No. 77—The Honourable A. J. Hunt moved, by leave, That so much of Standing Order No. 77 as requires a Member giving notice of a question to read it aloud to the House be suspended for the remainder of this Session.

Question—put and resolved in the affirmative.

- 18 TEMPORARY RELIEF IN THE CHAIR—The Honourable A. J. Hunt moved, by leave, That during any absence of the Deputy President, the President be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair, and that during any absence of the President, the Deputy President be similarly authorized to call upon any of the Temporary Chairmen.

Question—put and resolved in the affirmative.

- 19 BUSINESS NAMES (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Business Names Act 1962* and for other Purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 20 MILDURA IRRIGATION AND WATER TRUSTS BILL—On the motion (by leave without notice) of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Mildura Irrigation and Water Trusts Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 21 SEWERAGE DISTRICTS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Sewerage Districts Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 WATER (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Water Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 23 ANZAC DAY (PUBLIC HOLIDAY) BILL—On the motion (by leave without notice) of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend Section 3 of the *Anzac Day Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 24 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—On the motion (by leave without notice) of the Honourable Evan Walker, leave was given to bring in a Bill to amend the *Historic Buildings Act 1974*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 25 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—On the motion (by leave without notice) of the Honourable G. A. Sgro, leave was given to bring in a Bill to amend the *Public Service Act 1974* with respect to the Employment in the Public Service of Persons who are not Australian Citizens or British Subjects, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 26 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—On the motion (by leave without notice) of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend the *Hospitals Remuneration Tribunal Act 1978* with respect to the Rates of Remuneration of Medical Practitioners, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 27 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—On the motion (by leave without notice) of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend Section 925 of the *Local Government Act 1958* with respect to the Installation of Bullet-resistant Glass in Premises used for Banking or the Receipt of Money from the Public, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 28 PUBLIC RECORDS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend Section 10 of the *Public Records Act 1973* with respect to reducing the Maximum Period for which Public Records may be withheld from Access by the Public, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 29 VAGRANCY (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend the *Vagrancy Act 1966*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 30 TEMPORARY CHAIRMEN OF COMMITTEES—The President laid upon the Table the following Warrant nominating the Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL

VICTORIA

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate—

The Honourable Peter David Block,
 The Honourable Bruce Anthony Chamberlain,
 The Honourable David Mylor Evans,
 The Honourable Vernon Thomas Hauser,
 The Honourable Richard John Long,
 The Honourable Ivan Barry Trayling, and
 The Honourable John Malcolm Walton—

to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

Given under my hand this ninth day of September, One thousand nine hundred and eighty.

FRED S. GRIMWADE
 President of the Legislative Council

- 31 PAPERS—The Honourable Haddon Storey presented, by command of His Excellency the Governor—

Supreme Court—Report of the Judges for the year 1979.

Ordered to lie on the Table.

FLUORIDATION OF WATER SUPPLIES—The Honourable A. J. Hunt moved, by leave, That there be laid before this House a copy of the Report of the Committee of Inquiry into the Fluoridation of Victorian Water Supplies 1979–80.

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table.

* * * *

STATUTE LAW REVISION COMMITTEE—RODEOS—The Honourable Haddon Storey moved, by leave, That there be laid before this House a Progress Report by the Statute Law Revision Committee of Session 1979–80 upon the *Protection of Animals Act* 1966 relating to Rodeos, together with Extracts from the Proceedings of the Committee and Minutes of Evidence.

Question—put and resolved in the affirmative.

The said documents were thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

The Honourable Haddon Storey moved, That the Report and Extracts from the Proceedings be printed.

Question—put and resolved in the affirmative.

* * * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Chiropractors and Osteopaths Registration Board—Report for the period ended 31 December 1979.

Country Fire Authority—Report for the year 1978–79.

Dried Fruits Board—Statement of accounts for the year 1979.

Education—Statement of Guarantees executed by the Treasurer in respect of Educational Institutions for the year 1979–80.

Education Act 1958—

Resumption of land at Alfredton—Certificate of the Minister of Education.
Technical Teachers Registration Board Regulations 1980.

Geelong Harbor Trust Commissioners—Statement of accounts for the year 1979.

Library Council, National Museum and Science Museum of Victoria—Report of the Building Trustees, together with statements of receipts and expenditure for the year 1978–79.

Marketing of Primary Products Act 1958—

Proclamation declaring that oranges, mandarins and grapefruit shall become the property of the Citrus Fruit Marketing Board for a further period of two years from 15 May 1980.

Proclamation declaring that tobacco leaf shall become the property of the Tobacco Leaf Marketing Board for a further period of two years from 13 May 1980.

Metropolitan Fire Brigades Superannuation Board—Report for the year 1978–79.

National Museum—Report of the Council for the year 1978–79.

Portland Harbor Trust—Balance-sheets and statements of accounts for the year 1978–79.

Police Service Board—Determinations Nos. 321 to 326.

Poultry Farmer Licensing Review Committee—Report for the year ended 29 February 1980.

Railways Board—Report for the quarter ended 31 March 1980.

Science Museum—Statements of income and expenditure for the year 1978–79.

Statutory Rules under the following Acts of Parliament:

Appeal Costs Fund Act 1964—No. 124.

Boilers and Pressure Vessels Act 1970—Nos. 97 (in lieu of that tabled on 29 April 1980) and 242.

Chiropodists Act 1968—Nos. 122 and 148.

Chiropractors and Osteopaths Act 1978—No. 146.

Coal Mines Act 1958—Nos. 142 and 252.

Companies Act 1961—No. 197.

Consumer Affairs Act 1972—Nos. 138 and 227.

Coroners Act 1958—Nos. 164 and 172.

Country Fire Authority Act 1958—Nos. 115, 179 to 181, 218, 230 and 264.

County Court Act 1958—Nos. 194 and 224.

Dental Technicians Act 1972—No. 147.

Dog Act 1970—No. 201.

Education Act 1958—No. 183.

Egg Industry Stabilization Act 1973—No. 169.

Environment Protection Act 1970—Nos. 149, 253 and 276.

Evidence Act 1958—No. 195.

Extractive Industries Act 1966—Nos. 157 and 263.

Fertilizers Act 1974—Nos. 156 and 196.

Fisheries Act 1968—No. 221.

Forests Act 1958—Nos. 136 and 193.

Gas and Fuel Corporation Act 1958—No. 167.

Groundwater Act 1969—No. 162.

Hairdressers Registration Act 1958—No. 182.

Health Act 1958—Nos. 207, 216, 222 and 223.

Hospitals Superannuation Act 1965—No. 120.

Industrial Training Act 1975—Nos. 261, 270, 271, 283 and 284.

Land Act 1958—No. 287.

Legal Profession Practice Act 1958—No. 184.

Liquor Control Act 1968—Nos. 188 and 210.

Local Authorities Superannuation Act 1958—No. 235.

Local Government Act 1958—Nos. 151, 161, 199, 249, 257 to 259, 279 and 281.

Lotteries Gaming and Betting Act 1966—No. 129.

Marine Act 1958—No. 174.

Marketing of Primary Products Act 1958—No. 202.

Medical Practitioners Act 1970—No. 209.

Melbourne and Metropolitan Board of Works Act 1958—Nos. 204, 205 and 208.

Melbourne Sailors' Home Act 1901—No. 234.

Mines Act 1958—Nos. 141, 232, and 246 to 248.

Motor Boating Act 1961—No. 269.

Motor Car Act 1958—Nos. 131, 215, 219, 226 and 250.

Motor Car Act 1958, Recreation Vehicles Act 1973—No. 130.

Statutory Rules under the following Acts of Parliament (*continued*):

- Motor Car Traders Act 1973—No. 265.
- National Gallery of Victoria Act 1966—No. 290.
- Optometrists Registration Act 1958—Nos. 152 and 256.
- Physiotherapists Act 1978—No. 160.
- Police Regulation Act 1958—Nos. 150, 173, 177, 262 and 272.
- Port of Melbourne Authority Act 1958—Nos. 214 and 228.
- Portland Harbor Trust Act 1958—Nos. 206 and 225.
- Post-Secondary Education Act 1978—Nos. 144 and 171.
- Post-Secondary Education (Amendment) Act 1980—No. 273.
- Professional Boxing Control Act 1975—No. 275.
- Protection of Animals Act 1966—No. 166.
- Public Service Act 1974—Nos. 137, 153, 154, 240, 241 and 255; PSD Nos. 36 to 45, 47 to 60, 62 to 65, 70 to 74, and 76 to 94.
- Racing Act 1958—Nos. 243 and 274.
- Railways Act 1958—Nos. 266 and 267.
- Road Traffic Act 1958—No. 233.
- Second-hand Dealers Act 1958—Nos. 158, 159, 163, 190 to 192, and 254.
- Stamps Act 1958—Nos. 168 and 211.
- State Savings Bank Act 1958—No. 236.
- Superannuation Act 1958—No. 220.
- Supreme Court Act 1958—Nos. 237 to 239, 245 and 277.
- Survey Co-ordination Act 1958—No. 140.
- Teaching Service Act 1958—No. 260.
- Transport Regulation Act 1958—No. 203.
- Vegetation and Vine Diseases Act 1958—No. 244.
- Victorian Brown Coal Council Act 1978—Nos. 229 and 231.
- Water Act 1958—No. 178.
- Weights and Measures Act 1958—Nos. 155 and 213.
- Wildlife Act 1975—No. 165.
- Zoological Parks and Gardens Act 1967—No. 251.

Teaching Service Act 1958—

Teaching Service (Classification, Salaries and Allowances) Regulations (two papers) together with Amendments Nos. 511, 516 to 518, and 520.

Teaching Service (Teachers Tribunal) Regulations—Amendments Nos. 512 to 515, and 519.

Third Party Insurance—Report of the Premiums Committee for the year 1978–79.

Town and Country Planning Act 1961—

Alberton—Shire of Alberton (Coastal) Planning Scheme 1962—Amendments Nos. 15 and 16, 1979.

Alexandra—Shire of Alexandra Planning Scheme—Amendment No. 13, 1980.

Bacchus Marsh Planning Scheme—Amendment No. 14, Part 1.

Bairnsdale—Town of Bairnsdale Planning Scheme—Amendments Nos. 20, 21 and 23, 1979.

Ballaarat—City of Ballaarat Planning Scheme—Amendments Nos. 41 and 52.

Ballarat—Shire of Ballarat Planning Scheme—Amendment No. 9.

Benalla—

City of Benalla Planning Scheme—Amendment No. 25.

Shire of Benalla Planning Scheme—Amendment No. 11.

Town and Country Planning Act 1961 (*continued*):

- Benalla—Shire of Benalla Planning Scheme—Amendment No. 11.
- Bungaree—Shire of Bungaree Planning Scheme—Amendment No. 9.
- Buninyong—Shire of Buninyong Planning Scheme—Amendments Nos. 8 and 11.
- Colac—City of Colac Planning Scheme 1963—Amendment No. 13, 1979.
- Cranbourne Planning Scheme—Amendment No. 35.
- Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme—Amendments No. 9, 1979, and No. 10.
- Croydon—City of Croydon Planning Scheme 1961—Amendments Nos. 88, 90, 92, 95 and 98.
- Echuca—City of Echuca Planning Scheme—Amendment No. 42, 1979.
- Flinders—Shire of Flinders Planning Scheme 1962—Amendments No. 109, 1978; and Nos. 121 to 123, 125 and 126, 1979.
- Frankston—City of Frankston Planning Scheme—Amendments Nos. 22 and 23, 1979; and No. 26.
- Grenville—Shire of Grenville Planning Scheme—Amendment No. 7.
- Hamilton—City of Hamilton Planning Scheme—Amendments Nos. 11 and 12, 1980.
- Hazelwood Joint Planning Scheme 1963—Amendment No. 14.
- Horsham—City of Horsham Planning Scheme 1973—Amendments Nos. 52 and 54, 1979.
- Kilmore—Shire of Kilmore Planning Scheme 1973—Amendments Nos. 35 and 38, 1979; and No. 44.
- Knox—City of Knox Planning Scheme 1965—Amendments No. 208; and Nos. 209 and 213, 1979.
- Kyabram—Town of Kyabram Planning Scheme 1963—Amendments Nos. 22 and 23, 1979.
- Lake Bellfield Planning Scheme—Amendment No. 11.
- Lillydale—Shire of Lillydale Planning Scheme—Amendments No. 89A; and No. 122, 1980.
- Maryborough—City of Maryborough Planning Scheme 1962—Amendment No. 7.
- Melbourne Metropolitan Planning Scheme—Amendments No. 3, Part 1b (with ten maps), No. 72, Part 3 (with one map), No. 88, Part 2c (with one map), No. 90, Part 3A (with one map), No. 104, Part 1 (with fifty maps), No. 104, Part 2A (with four maps), No. 110, Part 1b (with one map), No. 113, Part 1A (with twenty-six maps), No. 115, Part 1A (with thirty-six maps), No. 144 (with one map), No. 147 (with one map), and No. 148 (with nineteen maps).
- Mildura—City of Mildura Planning Scheme—Amendments Nos. 21 and 22, 1977; Nos. 26 and 27, 1978; and Nos. 32 and 33, 1979.
- Moe—City of Moe Planning Scheme—Amendments No. 35, Part 4, and No. 55, Part 1.
- Mornington—Shire of Mornington Planning Scheme 1959—Amendments No. 112, 1977; Nos. 114 and 124 (with thirteen maps); and No. 125, 1979.
- Ocean Road Planning Scheme—Amendment No. 15.
- Ocean Road Planning Scheme (Shire of Otway)—Amendment No. 18.
- Rochester—Shire of Rochester (Rochester Township) Planning Scheme—Amendment No. 11.
- Rosedale—Shire of Rosedale Planning Scheme, Part 2—Amendment No. 4.
- Sale—City of Sale Planning Scheme 1975—Amendments Nos. 6 and 7, 1979.

Town and Country Planning Act 1961 (*continued*):

Sebastopol—Borough of Sebastopol Planning Scheme—Amendments Nos. 14 and 15.

Shepparton—City of Shepparton Planning Scheme 1953—Amendment No. 50, 1980.

Sherbrooke—Shire of Sherbrooke Planning Scheme—Amendment No. 129.

Stawell—Town of Stawell Planning Scheme 1963—Amendment No. 18, 1979.

Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme—Amendments Nos. 26 and 27.

Traralgon—City of Traralgon Planning Scheme—Amendments Nos. 17 and 19, 1979.

Warragul Planning Scheme 1954—Amendment No. 38, 1980.

Werribee—Shire of Werribee Planning Scheme 1963—Amendment No. 65, 1979.

Woorayl—Shire of Woorayl Planning Scheme—Amendment No. 41.

Yackandandah—Shire of Yackandandah Planning Scheme 1965 (Townships of Kiewa and Tangambalanga)—Amendment No. 3, 1980.

Yea—Shire of Yea Planning Scheme (with ten maps).

Trade Unions—Reports of the Registrar of Friendly Societies for the years 1978–79 and 1979–80.

Victorian Institute of Marine Sciences—Report and statement of income and expenditure for the period ended 31 December 1978.

Victorian Institute of Secondary Education—Report for the year 1979.

Victorian Public Offices Corporation Act 1974—Report dated 2 April 1980 of exercise of powers by the Corporation pursuant to section 9 (2).

The Honourable Evan Walker moved, That the Reports and Statements tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 32 SPEECH OF HIS EXCELLENCY THE GOVERNOR—The President reported the Speech of His Excellency the Governor on the Opening of Parliament.

The Honourable Clive Bubb moved, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

—which motion was seconded by the Honourable N. F. Stacey.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 33 BUSINESS NAMES (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable Haddon Storey, moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 34 ANZAC DAY (PUBLIC HOLIDAY) BILL—The Order of the Day for the second reading of this Bill having been read—

The Honourable W. A. Landeryou moved—That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

AYES, 11

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedge (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 28

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright (*Teller*)

And so it passed in the negative.

- 35 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Evan Walker moved, That this Bill be now read a second time.

The Honourable A. J. Hunt moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday, 17 September.

- 36 MINISTERIAL STATEMENT—FLUORIDATION OF WATER SUPPLIES—The Honourable A. J. Hunt moved, by leave, That there be laid before this House a copy of the Ministerial Statement made in the Legislative Assembly today relating to the Report of the Committee of Inquiry on the Fluoridation of Victorian Water Supplies, 1979–80.

Question—put and resolved in the affirmative.

The said Statement was thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table.

The Honourable W. A. Landeryou moved, That the Ministerial Statement and the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 37 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-six minutes past Ten o'clock, adjourned until tomorrow at Four o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

No. 2—Wednesday, 10 September 1980

- 1 The President took the Chair and read the Prayer.
- 2 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable R. A. Mackenzie, leave was given to bring in a Bill to amend the *Chiropractors and Osteopaths Act 1978* to provide for the Registration of Experienced Practitioners, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 WILDLIFE (SPRING TRAPS) BILL—On the motion (by leave without notice) of the Honourable R. A. Mackenzie, leave was given to bring in a Bill to amend the *Wildlife Act 1975* to prohibit the Use of certain Steel Jaw Traps in Hunting or taking Wildlife, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:
 - Members of Parliament (Register of Interests) Act 1978—Summary of Returns, June 1980.
 - Town and Country Planning Act 1961—
 - Benalla—Shire of Benalla Planning Scheme—Amendment No. 12.
 - Frankston—City of Frankston Planning Scheme—Amendment No. 27.
 - Melbourne Metropolitan Planning Scheme—Amendments No. 104, Part 2B (with two maps), and No. 111, Part 2 (with four maps).
 - Sherbrooke—Shire of Sherbrooke Planning Scheme 1965—Amendment No. 122, 1978, Part 1.

The Honourable W. A. Landeryou moved, That the Summary of Returns tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.
- 5 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.

- 6 THE BANK OF ADELAIDE (MERGER) BILL—On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to supplement *The Bank of Adelaide (Merger) Act 1980* of the State of South Australia which provides for the transfer to Australia and New Zealand Banking Group Limited of the undertaking of The Bank of Adelaide and for the transfer to Australia and New Zealand Savings Bank Limited of the undertaking of The Bank of Adelaide Savings Bank Limited and for other purposes.
- Ordered—That the Bill be read a first time on the next day of meeting.
- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 8 MILDURA IRRIGATION AND WATER TRUSTS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
- The Honourable G. A. S. Butler moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 9 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable W. A. Landeryou moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until the next day of meeting.
- 10 SEWERAGE DISTRICTS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
- The Honourable D. R. White moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
11. WATER (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
- The Honourable D. R. White moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 12 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable G. A. Sgro moved, That this Bill be now read a second time.
- The Honourable D. G. Crozier, for the Honourable Haddon Storey, moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 13 DECLARATION OF NUCLEAR-FREE STATE—The Honourable W. A. Landeryou moved, That this House calls upon the Government of Victoria to take such measures as are necessary to declare Victoria a nuclear-free State by ensuring that there will be:
- (a) no uranium mining;
 - (b) no siting, construction or operation of any nuclear power facility;

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 That Hon. D. M. EVANS—To move, That this House believes that the Minister of Lands is not accepting his responsibilities in dealing with noxious weeds and vermin in Victoria, and specifically recommends that:
 - (a) the Department of Crown Lands and Survey take over responsibility for destruction of weeds and vermin on all Government roads; and
 - (b) greater effort and resources be devoted to research into and destruction of noxious weeds on both public and private property.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 6 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- *7 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agricultural Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *8 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.

GOVERNMENT BUSINESS

Orders of the Day

- *1 THE BANK OF ADELAIDE (MERGER) BILL—(Hon. Haddon Storey)—First reading.
- 2 BUSINESS NAMES (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate* (Hon. W. A. Landeryou).
- 3 MILDURA IRRIGATION AND WATER TRUSTS BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate*. (Hon. G. A. S. Butler).
- 4 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate*. (Hon. W. A. Landeryou).
- 5 SEWERAGE DISTRICTS (AMENDMENT) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate*. (Hon. D. R. White).
- 6 WATER (AMENDMENT) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate*. (Hon. D. R. White).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate*. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.

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- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 March 1980—To be considered.
 - 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
 - 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
 - 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
 - 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
 - 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
 - 23 MINISTERIAL STATEMENT AND REPORT OF COMMITTEE OF INQUIRY—FLUORIDATION—To be considered.
 - *24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - *25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - *26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.

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WEDNESDAY, 17 SEPTEMBER

GENERAL BUSINESS

Order of the Day

- 1 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate (Hon. A. J. Hunt)*.

R. K. EVANS

Acting Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honorable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honorables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honorables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honorables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honorables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honorables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honorables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honorables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honorables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honorables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honorables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honorables Joan Coxledge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honorables D. E. Kent and D. N. Saltmarsh.

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Notice Paper No. 3 Wednesday, 17 September 1980

Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 That Hon. D. M. EVANS—To move, That this House believes that the Minister of Lands is not accepting his responsibilities in dealing with noxious weeds and vermin in Victoria, and specifically recommends that:
 - (a) the Department of Crown Lands and Survey take over responsibility for destruction of weeds and vermin on all Government roads; and
 - (b) greater effort and resources be devoted to research into and destruction of noxious weeds on both public and private property.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 6 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 7 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agricultural Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 8 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.
- *9 The Hon. EVAN WALKER—To move, That this House is of the opinion that the Government stands condemned for placing the health of the community in jeopardy by failing to prohibit the addition of lead to petrol.

GOVERNMENT BUSINESS

Orders of the Day

- *1 LAND (AMENDMENT) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 2 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate* (*Hon. W. A. Landeryou*).
- 3 MILDURA IRRIGATION AND WATER TRUSTS BILL—To be further considered in Committee.
- 4 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate*. (*Hon. H. M. Hamilton*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate*. (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 March 1980—To be considered.

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- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
 - 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
 - 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
 - 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
 - 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
 - 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
 - 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
 - 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
 - *28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
 - *29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
 - *30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
 - *31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
 - *32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
 - *33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honorable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honorables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honorables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honorables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honorables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honorables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honorables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honorables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honorables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honorables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honorables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honorables Joan Coxside, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honorables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 3 and 4

No. 3—Tuesday, 16 September 1980

- 1 The President took the Chair and read the Prayer.
- 2 LAND (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Land Act* 1958 and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 PAPER—The Honourable Haddon Storey presented, by command of His Excellency the Governor—
 - Drugs—Report of the Australian Royal Commission of Inquiry (Book F).
 Ordered to lie on the Table.
- 4 MINISTERIAL STATEMENT—DRUGS—The Honourable Haddon Storey made a Ministerial Statement in connection with the tabling of Book F of the Report of the Australian Royal Commission of Inquiry into Drugs.

The Honourable W. A. Landeryou moved, That the Report and the Ministerial Statement in relation thereto be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.
- 5 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:
 - Education Act 1958—Resumption of land at Diamond Creek South—Certificate of the Minister of Education.
 - Grain Elevators Board—Report for the year ended 31 October 1979.
 - Immigration and Ethnic Affairs—Reports of the Ministry for the years 1978–79 and 1979–80.
 - Ombudsman—Report for the quarter ended 31 March 1980.
 - Parliamentary Officers Act 1975—
 - Statements of appointments and alterations of classification in the departments of the Legislative Council, the Legislative Assembly, the Library, the Parliamentary Debates, and the House Committee, 1979–80.
 - Statements of persons temporarily employed in the departments of the Legislative Council, the Legislative Assembly, the Library, the Parliamentary Debates, and the House Committee, 1979–80.
 - Town and Country Planning Act 1961—
 - Bendigo—City of Bendigo Planning Scheme 1962—Amendment No. 31.
 - Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme—Amendment No. 7, 1979.
 - Melbourne Metropolitan Planning Scheme—Amendments No. 88, Part 2B, (with fifteen maps); and No. 104, Part 3 (with one map).

The Honourable Evan Walker moved, That the Certificate, Reports and Statements tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 6 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and the Notices of Motion, General Business, be postponed until later this day.
- 7 THE BANK OF ADELAIDE (MERGER) BILL—The Order of the Day for the first reading of this Bill having been read—
The President ruled the Bill to be a Private Bill.
The Honourable Haddon Storey moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.
Question—put and resolved in the affirmative.
The Honourable Haddon Storey produced a receipt showing that the sum of \$200 had been paid into the Treasury for the public uses of the State and moved, That this Bill be now read a first time.
Question—put and resolved in the affirmative—Bill read a first time and ordered to be printed and, by leave, to be read a second time later this day.
The Bill was, according to Order and after debate, thereupon read a second time and committed to a Committee of the Whole.
House in Committee.
The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 8 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 9 MILDURA IRRIGATION AND WATER TRUSTS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
Debate resumed.
The Honourable G. A. S. Butler moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide for the repeal of those sections of the Act that deal with sinking funds and depreciation reserves”.
Debate ensued.
Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 28

The Hon. H. G. Baylor
P. D. Block (*Teller*)
C. Bubb (*Teller*)
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton

NOES, 11

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro (*Teller*)
H. A. Thomas
I. B. Trayling
J. M. Walton
D. R. White

V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 10 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable H. M. Hamilton moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 11 SEWERAGE DISTRICTS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide for the repeal of those sections of the Act that deal with sinking funds and depreciation reserves”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 28

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 W. A. Landeryou

D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest (*Teller*)
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling (*Teller*)
 Evan Walker
 J. M. Walton
 D. R. White (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 12 WATER (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide for the repeal of those sections of the Act that deal with sinking funds and depreciation reserves”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 28

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 W. A. Landeryou
 R. A. Mackenzie

B. P. Dunn	G. A. Sgro
D. M. Evans	H. A. Thomas (<i>Teller</i>)
F. J. Granter	I. B. Trayling
J. V. C. Guest	Evan Walker
H. M. Hamilton	J. M. Walton (<i>Teller</i>)
V. T. Hauser	D. R. White
D. K. Hayward (<i>Teller</i>)	
W. V. Houghton	
Dr R. W. Howard	
A. J. Hunt	
Glyn Jenkins	
R. I. Knowles (<i>Teller</i>)	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	
K. I. Wright	

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

13 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past Eleven o'clock, adjourned until tomorrow at Four o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

No. 4—Wednesday, 17 September 1980

1 The President took the Chair and read the Prayer.

2 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Statutory Rules under the following Acts of Parliament:

Agricultural Colleges Act 1958—No. 285.

Closer Settlement Act 1938—No. 286.

Statutory Rules under the following Acts of Parliament (*continued*):

- Country Fire Authority Act 1958—No. 143.
- Dental Technicians Act 1972—No. 145.
- Fisheries Act 1968—No. 217.
- Industrial Training Act 1975—Nos. 139, 186, 187 and 200.
- Liquefied Gases Act 1968—No. 176.
- Liquified Petroleum Gas Act 1958—No. 175.
- Liquor Control Act 1968—No. 185.
- Local Government Act 1958—Nos. 198 and 280.
- Lotteries Gaming and Betting Act 1966—No. 189.
- Magistrates' Courts Act 1971, Magistrates (Summary Proceedings) Act 1975 and Landlord and Tenant Act 1958—No. 306.
- Margarine Act 1975—No. 289.
- Marine Act 1958—No. 278.
- Mt. Hotham Alpine Resort Act 1972—No. 288.
- Pay-roll Tax Act 1971—No. 170.
- Public Service Act 1974—PSD Nos. 28, 46, 61, 66 to 69, 75, 95 and 99.
- Road Traffic Act 1958—No. 282.
- Valuation of Land Act 1960—No. 212.
- Vermin and Noxious Weeds Act 1958—No. 268.

Town and Country Planning Act 1961—

- Alexandra—Shire of Alexandra Planning Scheme—Amendment No. 12.
- Phillip Island Planning Scheme—Amendment No. 6.
- Rosedale—Shire of Rosedale Planning Scheme, Part 2—Amendment No. 5.
- Wangaratta Sub-regional Planning Scheme—Amendment No. 2 (City of Wangaratta).

- 3 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 15 *ante*), having been read:

Debate resumed.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 4 POSTPONEMENT OF NOTICE OF MOTION—Ordered—That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 5 VERMIN AND NOXIOUS WEEDS—The Honourable D. M. Evans moved, That this House believes that the Minister of Lands is not accepting his responsibilities in dealing with noxious weeds and vermin in Victoria, and specifically recommends that:

- (a) the Department of Crown Lands and Survey take over responsibility for destruction of weeds and vermin on all Government roads; and
- (b) greater effort and resources be devoted to research into and destruction of noxious weeds on both public and private property.

Debate ensued.

Question—put.

The Council divided.

AYES, 14

The Hon. G. A. S. Butler
Joan Coxsedge
B. P. Dunn

NOES, 23

The Hon. H. G. Baylor
P. D. Block
C. Bubb

R. J. Eddy
 D. M. Evans (*Teller*)
 C. J. Kennedy
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White
 K. I. Wright

W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford (*Teller*)
 N. B. Reid
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it passed in the negative.

- 6 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 3 to 8 inclusive, be postponed until later this day.
- 7 LEAD ADDITIVES IN PETROL—The Honourable Evan Walker moved, That this House is of the opinion that the Government stands condemned for placing the health of the community in jeopardy by failing to prohibit the addition of lead to petrol.

Debate ensued.

Question—put.

The Council divided.

AYES, 9

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 26

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford
 N. B. Reid

N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

- 8 CATTLE COMPENSATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend Section 5 of the ‘Cattle Compensation Act 1967’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 LAND (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable R. J. Eddy, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 10 CATTLE COMPENSATION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 11 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday next at half-past Four o’clock.

Debate ensued.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at forty-four minutes past Eleven o’clock, adjourned until Tuesday next at half-past Four o’clock.

R. K. EVANS
Acting Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. Evan Walker).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.

* *Notifications to which an asterisk (*) is prefixed appear for the first time.*

GOVERNMENT BUSINESS

Orders of the Day

- 1 LAND (AMENDMENT) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate. (Hon. R. J. Eddy).*
- 2 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. W. A. Landeryou).*
- *3 CATTLE COMPENSATION (AMENDMENT) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate. (Hon. R. A. Mackenzie).*
- 4 MILDURA IRRIGATION AND WATER TRUSTS BILL—(*Hon. F. J. Granter*)—To be further considered in Committee.
- 5 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. H. M. Hamilton).*

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate. (Hon. Haddon Storey).*
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.

- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate. (Hon. A. J. Hunt).*
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.

R. K. EVANS,

Acting Clerk of the Legislative Council.

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. B. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at a Quarter past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.
- *8 The Hon. W. A. LANDERYOU—To move, That this House calls upon the Victorian Government to ask the Government of the Commonwealth to lower the pensionable age as the first step in a national campaign to reduce unemployment.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *9 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- *10 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Order of the Day

- 1 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
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- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
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- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- *34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- *35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- *36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.

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TUESDAY, 30 SEPTEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(*Hon. Haddon Storey*)—To be further considered in Committee.

R. K. EVANS

Acting Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 5 and 6

No. 5—Tuesday, 23 September 1980

- 1 The President took the Chair and read the Prayer.
- 2 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Exhibition Trustees—Report for the year 1979–80.

Legal Aid Commission—Report for the period ended 30 June 1980.

Poisons Act 1962—Proclamation of 9 September 1980 amending Schedules to the Act.

Statutory Rules under the following Acts of Parliament:

Building Societies Act 1976—No. 304.

Cemeteries Act 1958—No. 330.

Community Welfare Services Act 1970—No. 328.

Education Act 1958—No. 315.

Fisheries Act 1968—No. 305.

Groundwater Act 1969—No. 320.

Health Act 1958—Nos. 323, 329, and 331 to 338.

Local Government Act 1958—No. 307.

Marine Act 1958—Nos. 293 to 301, and 316 to 319.

Marketing of Primary Products Act 1958—No. 322.

Melbourne and Metropolitan Board of Works Act 1958—No. 324.

Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977—No. 321.

Motor Car Act 1958—No. 313.

Poisons Act 1962—No. 327.

Police Regulation Act 1958—No. 312.

Private Agents Act 1966—No. 314.

Public Service Act 1974—Nos. 291, 292 and 326; PSD Nos. 96 to 98, and 100.

Second-hand Dealers Act 1958—Nos. 309 to 311.

Town and Country Planning Act 1961—No. 302.

Valuation of Land Act 1960—No. 308.

Zoological Parks and Gardens Act 1967—No. 303.

Town and Country Planning Act 1961—

Lillydale—Shire of Lillydale Planning Scheme—Amendment No. 126, 1980.

Melbourne Metropolitan Planning Scheme—Amendments No. 36, Part 2 (with two maps), No. 104, Part 4 (with one map), and No. 113, Part 2A (with three maps).

The Honourable Evan Walker moved, That the Reports and Proclamation tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 3 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the

Governor, and the Notices of Motion, General Business, be postponed until later this day.

- 4 LAND (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 5 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 6 CATTLE COMPENSATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable R. A. Mackenzie moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for compensation to be payable at the calculated market value”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 27

The Hon. H. G. Baylor
 C. Bubb (*Teller*)
 W. M. Campbell
 B. A. Chamberlain
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxside
 R. J. Eddy (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie (*Teller*)
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

W. V. Houghton
Dr R. W. Howard
(*Teller*)

J. M. Walton
D. R. White (*Teller*)
K. I. Wright

A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
H. R. Ward

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

- 9 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 15 *ante*), having been read—

Debate resumed.

The Honourable N. B. Reid moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 10 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until tomorrow at Two o'clock.

Debate ensued.

Question—put.

The Council divided.

AYES, 27

The Hon. H. G. Baylor (*Teller*)
P. D. Block (*Teller*)
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson

NOES, 11

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
I. B. Trayling (*Teller*)
Evan Walker
J. M. Walton (*Teller*)
D. R. White

D. M. Evans	Evan Walker
Dr K. J. Foley	D. R. White
F. J. Granter	
J. V. C. Guest	
H. M. Hamilton	
D. K. Hayward	
W. V. Houghton	
A. J. Hunt	
Glyn Jenkins	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
H. R. Ward	
K. I. Wright	

And so it was resolved in the affirmative.

- 4 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Statutory Rules under the following Acts of Parliament—

Building Industry Long Service Leave Act 1975—No. 98.

Country Fire Authority Act 1958—No. 116.

Town and Country Planning Act 1961—

Benalla—City of Benalla Planning Scheme—Amendment No. 26.

Flinders—Shire of Flinders Planning Scheme 1962—Amendment No. 105, 1977.

Mornington—Shire of Mornington Planning Scheme 1959—Amendment No. 126, 1979.

- 5 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and Notices of Motion, General Business, Nos. 1 to 7, inclusive, be postponed until later this day.

- 6 UNEMPLOYMENT—LOWERING OF PENSIONABLE AGE—The Honourable W. A. Landeryou moved, That this House calls upon the Victorian Government to ask the Government of the Commonwealth to lower the pensionable age as the first step in a national campaign to reduce unemployment.

Debate ensued.

Question—put.

The Council divided.

AYES, 11	NOES, 28
The Hon. G. A. S. Butler	The Hon. H. G. Baylor
Joan Coxsedge	C. Bubb
R. J. Eddy (<i>Teller</i>)	W. M. Campbell
C. J. Kennedy (<i>Teller</i>)	B. A. Chamberlain
W. A. Landeryou	D. G. Crozier
R. A. Mackenzie	B. P. Dunn
G. A. Sgro	D. M. Evans
I. B. Trayling	Dr K. J. Foley (<i>Teller</i>)
Evan Walker	F. J. Granter

J. M. Walton
D. R. White

J. V. C. Guest (*Teller*)
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

And so it passed in the negative.

7 THE BANK OF ADELAIDE (MERGER) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same without amendment.

8 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 9 and 10, be postponed until later this day.

9 CEMETERIES (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable G. A. Sgro moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

10 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at a quarter past Two o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at seventeen minutes past Six o'clock, adjourned until Tuesday next at a quarter past Two o'clock.

R. K. EVANS
Acting Clerk of the Legislative Council

Notice Paper No. 6

Tuesday, 30 September 1980

Mr President takes the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.
- 8 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 9 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper “Strategies and Structures for Education in Victoria”, and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- *1 PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- 2 BUSINESS NAMES (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- *3 CEMETERIES (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 4 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(Hon. Haddon Storey)—To be further considered in Committee.

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.

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- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
 - 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
 - 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
 - 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
 - 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
 - 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate. (Hon. A. J. Hunt).*
 - 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
 - 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
 - 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
 - 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
 - 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
 - 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
 - 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
 - 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
 - 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.

R. K. EVANS

Acting Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. B. P. DUNN—To move, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.
- 8 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.

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- 9 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper “Strategies and Structures for Education in Victoria”, and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *10 The Hon. W. A. LANDERYOU—To move, That this House calls upon the Victorian Government to ask the Commonwealth Government to ease the cost burden for telephone services on country Victoria.
- *11 The Hon. DR K. J. FOLEY—To move, That this House:
- (a) affirms as a fundamental principle that Parliamentary elections in a democratic society should be decided by the judgment of the electorate upon overall policies, programmes, records and credibility;
 - (b) records its concern at growing attempts to distort this process; and
 - (c) with a view to protecting democracy and the integrity of the electoral process, invites the whole community, including all members of this House and the parties they represent, to ignore any threats and blandishments by the promoters of single issues.
- *12 The Hon. DR K. J. FOLEY—To move, That Standing Order No. 207 be suspended in respect of the Public Bodies Review Committee insofar as necessary to allow—
- (a) publication of fair and accurate reports of evidence given by witnesses examined at public hearings; and
 - (b) the release of evidence, discussion notes and other documents and the publication thereof at the discretion of the Committee.

GOVERNMENT BUSINESS

Orders of the Day

- 1 PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- 2 BUSINESS NAMES (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 3 CEMETERIES (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 4 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—(Hon. Haddon Storey)—To be further considered in Committee.

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
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- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
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- 34 EXHIBITION TRUSTEES' REPORT, 1979–80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- *37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978–79—To be considered.
- *38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- *39 RAILWAYS BOARD REPORT, 1979–80—To be considered.
- *40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979–80—To be considered.

R. K. EVANS

Acting Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Cocksedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 7 and 8

No. 7—Tuesday, 30 September 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz.:

Cattle Compensation (Amendment) Act.

The Bank of Adelaide (Merger) Act.

- 3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable Evan Walker moved, That the Council do now adjourn, and said he proposed to speak to the subject of “the failure of the Government to protect Victorians from the pernicious effects of pesticides and herbicides”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy (*Teller*)
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 26

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans (*Teller*)
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (*Teller*)
 K. I. Wright

And so it passed in the negative.

- 4 PETITION—MULGRAVE FREEWAY EXTENSION—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying that action be taken to reduce discomfort and loss of amenity to residents of East Oakleigh, Mount Waverley and Chadstone resulting from the Mulgrave Freeway extension.

Ordered to lie on the Table.

- 5 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Community Welfare Services—Report and statistical tables of the Department of Community Welfare Services for the year 1978–79.

Hospitals Superannuation Board—Report for the year 1978–79.

Railways Board—Report for the year 1979–80.

State Savings Bank—Reports, statements, returns, &c., for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Boilers and Pressure Vessels Act 1970—Nos. 341, 342 and 349.

Companies Act 1961—No. 356.

County Court Act 1958—No. 358.

Evidence Act 1958—No. 357.

Finance Brokers Act 1969—No. 355.

Friendly Societies Act 1958—No. 354.

Hospitals Superannuation Act 1965—No. 339.

Land Tax Act 1958—No. 350.

Lifts and Cranes Act 1967—Nos. 343 and 344.

Marine Act 1958—No. 340.

Nurses Act 1958—No. 361.

Public Records Act 1973—No. 359.

Public Service Act 1974—No. 362.

Racing Act 1958—No. 360.

Scaffolding Act 1971—Nos. 345 to 347.

Sunday Entertainment Act 1967—No. 348.

Supreme Court Act 1958—Nos. 352 and 353.

The Constitution Act Amendment Act 1958—No. 351.

Town and Country Planning Act 1961—

Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme—Amendment No. 13.

Echuca—City of Echuca Planning Scheme—Amendment No. 46, 1980.

Kilmore—Shire of Kilmore Planning Scheme 1973—Amendment No. 43, 1980.

Maryborough—City of Maryborough Planning Scheme—Amendment No. 8.

The Honourable Evan Walker moved, That the Reports tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 6 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council at its rising, adjourn until tomorrow at a Quarter past Two o'clock.

Question—put.

The Council divided.

AYES, 25

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain

NOES, 13

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent

D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser (*Teller*)
 D. K. Hayward (*Teller*)
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 K. I. Wright

W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at Seven o'clock, adjourned until tomorrow at a Quarter past Two o'clock.

R. K. EVANS
Acting Clerk of the Legislative Council

No. 8—Wednesday, 1 October 1980

- 1 The Deputy President took the Chair and read the Prayer.
- 2 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable D. R. White moved, That the Council do now adjourn, and said he proposed to speak to the subject of “the failure of the Government to investigate and report on a number of land transactions by the Education Department that have been raised in the Parliament over the past four years”; and six other Honourable Members having risen in their places and required the motion to be proposed—
 Debate ensued.
 Question—put.
 The Council divided.

AYES, 12
 The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie

NOES, 27
 The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn

on the motion for the Address-in-Reply to the Speech of His Excellency the Governor, and Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.

- 7 YOUNG FARMER ESTABLISHMENT SCHEME—The Honourable B. P. Dunn moved, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest.

The Honourable W. V. Houghton moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 8 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 8 and 9, be postponed until later this day.

- 9 COUNTRY TELEPHONE SERVICES—The Honourable W. A. Landeryou moved, That this House calls upon the Victorian Government to ask the Commonwealth Government to ease the cost burden for telephone services on country Victoria.

Debate ensued.

The Honourable D. G. Crozier moved, as an amendment, That the words "calls upon the Victorian Government to ask the Commonwealth Government" be omitted with the view of inserting in place thereof "notes with approval the continuing endeavours of the Victorian Government to persuade the Commonwealth Government".

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 15

The Hon. G. A. S. Butler
Joan Coxsedge
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton (*Teller*)
D. R. White (*Teller*)
K. I. Wright

NOES, 23

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson (*Teller*)
R. J. Long
J. W. S. Radford (*Teller*)
N. F. Stacey
Haddon Storey
J. A. Taylor

And so it passed in the negative.

Question—That the words proposed to be inserted be so inserted—put.

The Council divided.

AYES, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor

NOES, 15

The Hon. G. A. S. Butler (*Teller*)
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White
 K. I. Wright

And so it was resolved in the affirmative.

Question—That this House notes with approval the continuing endeavours of the Victorian Government to persuade the Commonwealth Government to ease the cost burden for telephone services on country Victoria—put and resolved in the affirmative.

10 PARLIAMENTARY ELECTORAL PROCESS—The Honourable Dr K. J. Foley moved, That this House:

- (a) affirms as a fundamental principle that Parliamentary elections in a democratic society should be decided by the judgment of the electorate upon overall policies, programmes, records and credibility;
- (b) records its concern at growing attempts to distort this process; and
- (c) with a view to protecting democracy and the integrity of the electoral process, invites the whole community, including all members of this House and the parties they represent, to ignore any threats and blandishments by the promoters of single issues.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

11 PUBLIC BODIES REVIEW COMMITTEE—SUSPENSION OF STANDING ORDER No. 207—The Honourable Dr K. J. Foley moved, That Standing Order No. 207 be suspended in respect of the Public Bodies Review Committee insofar as necessary to allow—

- (a) publication of fair and accurate reports of evidence given by witnesses examined at public hearings; and

(b) the release of evidence, discussion notes and other documents and the publication thereof at the discretion of the Committee.

Question—put and resolved in the affirmative.

- 12 PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 13 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

- 14 SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report.

The Honourable Haddon Storey moved, That the Bill be now read a third time. Debate ensued.

Question—put.

The Council divided.

AYES, 25

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser (*Teller*)
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid (*Teller*)
N. F. Stacey
Haddon Storey
J. A. Taylor
K. I. Wright

NOES, 11

The Hon. G. A. S. Butler
Joan Coxsedge (*Teller*)
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative—Bill read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 15 CEMETERIES (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable R. A. Mackenzie moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof the words “this Bill be withdrawn and re-drafted to provide for a public inquiry into the management of the Melbourne General Cemetery under the previous trustees”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 25	NOES, 11
The Hon. H. G. Baylor (<i>Teller</i>)	The Hon. G. A. S. Butler
P. D. Block (<i>Teller</i>)	Joan Cocksedge
C. Bubb	R. J. Eddy
W. M. Campbell	C. J. Kennedy
B. A. Chamberlain	D. E. Kent (<i>Teller</i>)
D. G. Crozier	W. A. Landeryou
B. P. Dunn	R. A. Mackenzie
D. M. Evans	(<i>Teller</i>)
F. J. Granter	H. A. Thomas
J. V. C. Guest	Evan Walker
H. M. Hamilton	J. M. Walton
V. T. Hauser	D. R. White
D. K. Hayward	
W. V. Houghton	
Dr R. W. Howard	
A. J. Hunt	
Glyn Jenkins	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
K. I. Wright	

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 VALUATION OF LAND (INTEREST RATE) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 17 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday, 21 October at half-past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 2 OCTOBER

Debate continued.

Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past Twelve o'clock in the morning, adjourned until Tuesday, 21 October at half-past Four o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 7 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 8 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

GOVERNMENT BUSINESS

Orders of the Day

- 1 PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 2 BUSINESS NAMES (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- *3 VALUATION OF LAND (INTEREST RATE) BILL—(Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading.

- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- *41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- *42 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR INVESTIGATION—(*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- *43 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr. K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).

R. K. EVANS

Acting Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GOVERNMENT BUSINESS

Notices of Motion

- *1 The Hon. W. V. HOUGHTON—To move, That he have leave to bring in a Bill to amend the *Environment Protection Act 1970*, to repeal the *Clean Air Act 1958* and for other purposes.
- *2 The Hon. F. J. GRANTER—To move, That he have leave to bring in a Bill to amend Section 13 of the *Dandenong Valley Authority Act 1963* and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. D. R. WHITE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 5 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 6 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 7 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 8 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper “Strategies and Structures for Education in Victoria”, and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- *1 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading.
- *2 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- *3 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- 4 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 5 VALUATION OF LAND (INTEREST RATE) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979–80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978–79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978–79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978–79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979–80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978–79—To be considered.

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- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
 - 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
 - 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
 - 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
 - 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
 - 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
 - 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
 - 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
 - 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
 - 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
 - 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
 - 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
 - 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
 - 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
 - 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
 - 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
 - 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
 - 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
 - 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
 - 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
 - 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
 - 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
 - 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
 - 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
 - 42 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR INVESTIGATION—(*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
 - 43 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - *44 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
 - *45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
 - *46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
 - *47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—To be considered.
 - *48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 - *49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
 - *50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
 - *51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.

- *52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- *53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- *54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- *55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- *56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- *57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- *58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- *59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- *60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- *61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- *62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.

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TUESDAY, 28 OCTOBER

GOVERNMENT BUSINESS

Orders of the Day

- *1 POLICE REGULATION (CHARGES AND APPEALS) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- *2 MILDURA COLLEGE LANDS (EASEMENTS) BILL—(*Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 9 and 10

No. 9—Tuesday, 21 October 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, on 7 October, given the Royal Assent to the undermentioned Act presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz:—
Cemeteries (Amendment) Act.

- 3 POLICE REGULATION (CHARGES AND APPEALS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Police Regulation Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 ADJOURNMENT—MOTION UNDER STANDING ORDER NO. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to take action to ensure that an efficient economical system of effecting land transfer operates in Victoria”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 16

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro (*Teller*)
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White
K. I. Wright (*Teller*)

NOES, 24

The Hon. H. G. Baylor
P. D. Block
C. Bubb (*Teller*)
W. M. Campbell
B. A. Chamberlain
(*Teller*)
D. G. Crozier
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward
W. V. Houghton
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh

N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

And so it passed in the negative.

- 5 MILDURA COLLEGE LANDS (EASEMENTS) BILL—On the motion (by leave without notice) of the Honourable A. J. Hunt, leave was given to bring in a Bill to amend the *Mildura College Lands Act* 1916 with respect to the Granting of Easements in relation to Lands vested in the Minister under the Act and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 CORONERS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Coroners Act* 1958 and the *Magistrates (Summary Proceedings) Act* 1975 with respect to Depositions, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 CRIMES (CLASSIFICATION OF OFFENCES) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to abolish the Division of Crimes into Felonies and Misdemeanours, to amend and simplify the Law in respect of Matters arising from that Abolition, to amend the *Crimes Act* 1958 and certain other Enactments, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting
- 8 PATRIOTIC FUNDS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Patriotic Funds Act* 1958, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 PAPERS—

DRUGS—The Honourable Haddon Storey presented, by command of His Excellency the Governor, the Report to the Victorian Government on matters of particular relevance to the State of Victoria arising out of the Australian Royal Commission of Inquiry into Drugs.

Ordered to lie on the Table.

The Honourable W. A. Landeryou moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

DRUG PROBLEM IN VICTORIA—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Interdepartmental Working Party on the Drug Problem in Victoria (Volume 1).

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

The Honourable W. A. Landeryou moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Adult Education Council—Report for the year 1979–80.

Environment Protection Authority—Report for the year 1979–80.

- Government Buildings Advisory Council—Report for the year 1979–80.
- La Trobe University—Report of the Council, together with Statutes approved by the Governor in Council, for the year 1979 (nineteen papers).
- Library Council—Report for the year 1978–79.
- Public Record Office—Report for the year 1979–80.
- Registration of Births Deaths and Marriages Act 1959—General abstract of births, still-births, deaths and marriages in Victoria during the year 1979.
- Statutory Rules under the following Acts of Parliament:
- Abattoir and Meat Inspection Act 1973—Nos. 393 and 394.
 - Archaeological and Aboriginal Relics Preservation Act 1972—No. 402.
 - Building Societies Act 1976—No. 409.
 - Community Welfare Services Act 1970—No. 392.
 - County Court Act 1958—No. 401.
 - Explosives Act 1960—No. 370.
 - Extractive Industries Act 1966—No. 376.
 - Health Act 1958—No. 382.
 - Industrial Training Act 1975—Nos. 385 and 386.
 - Inflammable Liquids Act 1966—No. 371.
 - Instruments Act 1958—No. 389.
 - Liquefied Gases Act 1968—No. 372.
 - Marine Act 1958—Nos. 325, 399 and 400.
 - Mines Act 1958—Nos. 368, 381 and 384.
 - Motor Car Act 1958—No. 398.
 - Property Law Act 1958—No. 391.
 - Public Service Act 1974—PSD Nos. 101, 107 to 112, and 114.
 - Racing Act 1958—Nos. 395 and 397.
 - Registration of Births Deaths and Marriages Act 1959—No. 405.
 - Religious Successory and Charitable Trusts Act 1958—No. 390.
 - Rural Finance and Settlement Commission Act 1961—No. 406.
 - Second-hand Dealers Act 1958—No. 403.
 - Small Claims Tribunals Act 1973—No. 404.
 - Stock Diseases Act 1968—No. 387.
 - Strata Titles Act 1967—No. 388.
 - Town and Country Planning Act 1961—Nos. 407 and 408.
 - Transfer of Land Act 1958—No. 366.
 - Weights and Measures Act 1958—No. 367.
 - Workers Compensation Act 1958—No. 373.
 - Zoological Parks and Gardens Act 1967—No. 396.
- Surveyor-General—Report upon the progress and co-ordination of surveys under the National Mapping Scheme, and the activities of the Place Names Committee, for the year 1979–80.
- Teaching Service Act 1958—
- Teaching Service (Classification, Salaries and Allowances) Regulations—Amendments Nos. 516 to 518, and 520.
 - Teaching Service (Teachers Tribunal) Regulations—Amendments Nos. 519 and 521.
- Totalizator Agency Board—Report and accounts for the year ended 26 July 1980.
- Town and Country Planning Act 1961—
- Bacchus Marsh—Shire of Bacchus Marsh Planning Scheme—Amendment No. 17.
 - Bairnsdale—Town of Bairnsdale Planning Scheme—Amendment No. 32.
 - Ballaarat—City of Ballaarat Planning Scheme—Amendment No. 55.

- Bendigo—City of Bendigo Planning Scheme 1962—Amendments Nos. 30 and 32.
- Buninyong—Shire of Buninyong Planning Scheme—Amendment No. 10.
- Flinders—Shire of Flinders Planning Scheme 1962—Amendment No. 128, 1980.
- Gisborne Shire Planning Scheme (with three maps).
- Knox—City of Knox Planning Scheme 1965—Amendments No. 202, 1978; and Nos. 211 and 214, 1979.
- Melbourne Metropolitan Planning Scheme—Amendments No. 3, Part 1c (with nine maps); No. 110, Part 4 (with one map); No. 115, Part 2A (with four maps); and No. 116, Part 2 (with five maps).
- Mildura—City of Mildura Planning Scheme—Amendment No. 36, 1980.
- Mornington—Shire of Mornington Planning Scheme 1959—Amendment No. 127, 1979.
- Rosedale—Shire of Rosedale Planning Scheme—Amendment No. 15, 1979.
- Sherbrooke—Shire of Sherbrooke Planning Scheme 1965—Amendment No. 121A, 1978.
- Traralgon—City of Traralgon Planning Scheme 1957—Amendments No. 16, 1979; and No. 23.
- Werribee—Shire of Werribee Planning Scheme—Amendment No. 73.
- Yackandandah—Shire of Yackandandah Planning Scheme 1965 (Township of Yackandandah)—Amendment No. 8.

Transport Regulation Board—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Reports and general abstract, together with Statutory Rules under the *Archaeological and Aboriginal Relics Preservation Act 1972*, the *Community Welfare Services Act 1970*, the *Mines Act 1958*, and the *Racing Act 1958*, tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 10 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and the Notices of Motion, General Business, be postponed until later this day.
- 11 POLICE REGULATION (CHARGES AND APPEALS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable R. J. Eddy moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 12 MILDURA COLLEGE LANDS (EASEMENTS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.
- The Honourable C. J. Kennedy moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 13 PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put.

The Council divided.

AYES, 23

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley (*Teller*)
 F. J. Granter
 J. V. C. Guest (*Teller*)
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 H. R. Ward

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 I. B. Trayling (*Teller*)
 Evan Walker
 D. R. White

And so it was resolved in the affirmative—Bill read a second time.

The Honourable A. J. Hunt moved, That the Bill be now committed.

Question—put.

The Council divided.

AYES, 23

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser (*Teller*)
 D. K. Hayward (*Teller*)
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh

NOES, 12

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White (*Teller*)

N. F. Stacey
Haddon Storey
H. R. Ward

And so it was resolved in the affirmative—Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

WEDNESDAY, 22 OCTOBER

Debate continued.

Question—put and resolved in the affirmative.

And then the Council, at three minutes past Twelve o'clock in the morning, adjourned until this day at a quarter to Four o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

No. 10—Wednesday, 22 October 1980

- 1 The President took the Chair and read the Prayer.
- 2 SALE OF LAND (DEPOSITS AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Sale of Land Act 1962*, to make provision in relation to Deposit Moneys in Transactions for the Sale of Land and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 PAPERS—
DRUG PROBLEM IN VICTORIA—The Honourable Haddon Storey moved, or by leave, That there be laid before this House a copy of the Report of the Interdepartmental Working Party on the Drug Problem in Victoria (Volume 2).
Question—put and resolved in the affirmative.
The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.
The Honourable Evan Walker moved, That the Report be taken in consideration on the next day of meeting.
Question—put and resolved in the affirmative.

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The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Acting Clerk:

Country Roads Board—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Report tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 4 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
- 5 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—On the motion of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Environment Protection Act 1970*, to repeal the *Clean Air Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 DANDENONG VALLEY AUTHORITY (AMENDMENT) BILL—On the motion of the Honourable F. J. Granter, leave was given to bring in a Bill to amend Section 13 of the *Dandenong Valley Authority Act 1963* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 MEDIA CONTROL AND OWNERSHIP—The Honourable D. R. White moved, That there be a Select Committee of eight Members appointed to inquire into and report upon the ownership and control of all media in Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

Member named and suspended—The Honourable D. R. White having been named by the President for wilfully disregarding the authority of the Chair—

The Honourable A. J. Hunt moved, That the Honourable D. R. White be suspended from the service of the Council during the remainder of the sitting.

Question—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton (*Teller*)
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 R. J. Long

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedge (*Teller*)
 R. J. Eddy (*Teller*)
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton

D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative.

Debate on main question continued.

Question—put.

The Council divided.

AYES, 16

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 K. I. Wright

NOES, 25

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 Dr R. W. Howard
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford (*Teller*)
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it passed in the negative.

- 8 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of Notices of Motion, General Business Nos. 2 to 8 inclusive, the Orders of the Day, Government Business, and Orders of the Day, General Business Nos. 1 to 23 inclusive, be postponed until later this day.
- 9 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable R. A. Mackenzie moved, That this Bill be now read a second time.
- The Honourable H. R. Ward moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until the next day of meeting.
- 10 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, General Business, Nos. 25 to 41 inclusive, be postponed until later this day.

- 11 YOUNG FARMER ESTABLISHMENT SCHEME—The Order of the Day having been read for the resumption of the debate on the question, That this House is of opinion that the Young Farmers' Finance Council should be requested to investigate and report as a matter of urgency on the implementation of a Young Farmer Establishment Scheme involving the purchase of some 100 properties a year for initial lease to suitable applicants and their eventual purchase on low deposits at concessional rates of interest—

Debate resumed.

Question—put and resolved in the affirmative.

- 12 SALE OF LAND (DEPOSITS AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable G. A. S. Butler, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 13 DANDENONG VALLEY AUTHORITY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable D. R. White, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 14 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday next at half-past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at sixteen minutes past Eleven o'clock, adjourned until Tuesday next at half past Four o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. F. J. GRANTER—To move, That he have leave to bring in a Bill to amend the *Latrobe Valley Act 1958*.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 5 The Hon. D. M. EVANS—To move, That, in view of the importance of the farming industry to Victoria's economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 6 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 7 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading.
- *2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 3 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- 4 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- 5 VALUATION OF LAND (INTEREST RATE) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 6 BUSINESS NAMES (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *7 DANDENONG VALLEY AUTHORITY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).
- *8 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 9 MILDURA COLLEGE LANDS (EASEMENTS) BILL—(*Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 10 POLICE REGULATION (CHARGES AND APPEALS) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.

- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- *45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—To be considered.
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.

- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- *63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
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GOVERNMENT BUSINESS

Orders of the Day

- *1 LATROBE VALLEY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading.
- 2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 3 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- 4 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading.
- 5 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
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- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE
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reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
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- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM
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STATISTICS, 1979—To be considered.
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- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT)
REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980
(S.R. No. 392/1980)—To be considered.

- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
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- 63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- *64 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- *65 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.

* * *

TUESDAY, 4 NOVEMBER

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading. *Resumption of debate.* (*Hon. W. A. Landeryou*).
- *2 STRATHFIELDSAYE SHIRE (CONDON STREET-CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. H. A. Thomas*).
- *3 FISHERIES (COMMONWEALTH-STATE ARRANGEMENTS) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).

* * *

WEDNESDAY, 5 NOVEMBER

GOVERNMENT BUSINESS

Order of the Day

- *1 ALCOA (PORTLAND ALUMINIUM SMELTER) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 11 and 12

No. 11—Tuesday, 28 October 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the under-mentioned Act presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz.:

Parliamentary Salaries and Superannuation Act.

- 3 ALCOA (PORTLAND ALUMINIUM SMELTER) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to ratify validate approve and otherwise give Effect to an Agreement between the Premier for and on behalf of the State of Victoria and Alcoa of Australia Limited with respect to the establishment of an aluminium smelter at Portland in the State of Victoria and for the Granting of certain other Rights incidental to establishing and carrying on such a smelter and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—The Honourable A. J. Hunt made a Ministerial Statement on apprenticeship courses.

The Honourable G. A. S. Butler moved, That the statement be taken into consideration later this day.

Question—put and resolved in the affirmative.

- 5 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—On the motion (by leave without notice) of the Honourable D. G. Crozier, leave was given to bring in a Bill to validate certain actions taken with regard to the Condon Street—Curtin Street Drainage Scheme prepared by the Shire of Strathfieldsaye, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Fisheries Act* 1968 to enable arrangements with respect to the Management of certain Fisheries to be entered into between, and given Effect to by, the Commonwealth and the State, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 PAPERS—

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—The Honourable N. F. Stacey presented a Report from the Public Accounts and Expenditure Review Committee on the Expenditure from the Advance to the Treasurer 1977–78, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

Education Act 1958—Resumption of land at Montrose—Certificate of the Minister of Education.

Land Conservation Council—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Country Fire Authority Act 1958—Nos. 411 and 412.

Police Regulation Act 1958—No. 410.

Public Service Act 1974—PSD Nos. 113, and 115 to 121.

Town and Country Planning Act 1961—City of Frankston Planning Scheme—Amendment No. 25, 1980.

The Honourable Evan Walker moved, That the Report tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 8 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
- 9 LATROBE VALLEY (AMENDMENT) BILL—On the motion of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Latrobe Valley Act* 1958, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 10 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 11 CRIMES (CLASSIFICATION OF OFFENCES) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable W. A. Landeryou moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 12 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.
The Honourable H. A. Thomas moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 13 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.
The Honourable D. R. White, for the Honourable Evan Walker, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 14 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.

- 15 VALUATION OF LAND (INTEREST RATE) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 BUSINESS NAMES (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 17 DANDENONG VALLEY AUTHORITY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 18 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

- 19 MILDURA COLLEGE LANDS (EASEMENTS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 20 ALCOA (PORTLAND ALUMINIUM SMELTER) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.
Debate ensued.

Question—That the debate be now adjourned—put and resolved in the affirmative.

The Honourable D. G. Crozier moved, That the debate be adjourned until Wednesday week.

The Honourable W. A. Landeryou moved, as an amendment, That the words “until Wednesday week” be omitted with the view of inserting in place thereof the words “for fourteen days”.

Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 23

The Hon. P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
(*Teller*)
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long (*Teller*)
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

NOES, 16

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White
K. I. Wright (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

Ordered—That the debate be adjourned until Wednesday, 5 November.

- 21 POLICE REGULATION (CHARGES AND APPEALS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable R. J. Eddy moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for the establishment of an independent complaints procedure to hear and determine, without cost, grievances from the public relating to members of the Police Force, such machinery to include an investigative unit within the force responsible to and supplemented by investigative personnel attached to the office of Ombudsman and under his control, with an independent tribunal headed by a judge to determine complaints and impose penalties as required”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 26

The Hon. W. R. Baxter
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid (*Teller*)
D. N. Saltmarsh (*Teller*)
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

NOES, 12

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie (*Teller*)
G. A. Sgro (*Teller*)
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole House in Committee.

The Deputy President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

22 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at five minutes past Eleven o'clock, adjourned until tomorrow at a quarter to Four o'clock.

R. K. EVANS
Acting Clerk of the Legislative Council

No. 12—Wednesday, 29 October 1980

- 1 The President took the Chair and read the Prayer.
- 2 MARKET COURT (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Market Court Act 1978’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Magistrates (Summary Proceedings) Act 1975*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting Clerk:

State Insurance Office—Statement of accounts for the year 1979–80.
Statutory Rule under the Cattle Compensation Act 1967—No. 413.

The Honourable W. A. Landeryou moved, That the Accounts tabled by the Acting Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 5 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor, the Notices of Motion, General Business, the Orders of the Day, Government Business, and Orders of the Day, General Business, Nos. 1 to 46 inclusive, be postponed until later this day.
- 6 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979–80—The Order of the Day having been read for the consideration of the Report of the Environment Protection Authority for 1979–80, the Honourable Evan Walker moved, That the Council take note of the Report.

Debate ensued.

The Honourable W. V. Houghton moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 7 AGRICULTURE COMMITTEE—The Honourable D. M. Evans moved, That, in view of the importance of the farming industry to Victoria’s economic welfare, there be a Select Committee of eight Members appointed, to be named the Agriculture Committee, to make recommendations on agricultural matters, its first priority being to continuously assess and recommend works to control erosion, soil quality, salination and water quality and delivery throughout Victoria; the Committee to have power to send for persons, papers and records; three to be the quorum.

Debate ensued.

Question—put.

The Council divided.

AYES, 16

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White
 K. I. Wright (*Teller*)

NOES, 23

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 Haddon Storey
 J. A. Taylor (*Teller*)

And so it passed in the negative.

- 8 LATROBE VALLEY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 9 PATRIOTIC FUNDS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable R. J. Eddy, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 10 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 11 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Wednesday next at a quarter past Three o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twelve minutes past Eleven o'clock, adjourned until Wednesday next at a quarter past Three o'clock.

R. K. EVANS

Acting Clerk of the Legislative Council

Mr President takes the Chair at half past Three o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 5 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 6 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *7 The Hon. B. P. DUNN—To move, That this House expresses its concern over difficulties confronting primary and secondary schools in Victoria due to inflexible staffing policies, and calls on the Government to more adequately meet the staffing needs of schools for the 1981 school year and beyond, and also to preserve a balanced curriculum in schools with declining enrolments.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

GOVERNMENT BUSINESS

Orders of the Day

- *1 MARKET COURT (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading.
- 2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(Hon. W. V. Houghton)—Second reading.
- 3 CORONERS (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading.
- 4 ALCOA (PORTLAND ALUMINIUM SMELTER) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- *5 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 6 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 7 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—(Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 8 LATROBE VALLEY (AMENDMENT) BILL—(Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 9 PATRIOTIC FUNDS (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 10 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 11 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading. Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979–80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978–79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978–79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978–79—To be considered.

- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.

- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
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- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 64 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 65 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- *66 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.

R. K. EVANS
Acting Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

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HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Notice Paper No. 13

Thursday, 6 November 1980

Mr President takes the Chair at a Quarter past Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 4 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 5 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 6 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 7 The Hon. B. P. DUNN—To move, That this House expresses its concern over difficulties confronting primary and secondary schools in Victoria due to inflexible staffing policies, and calls on the Government to more adequately meet the staffing needs of schools for the 1981 school year and beyond, and also to preserve a balanced curriculum in schools with declining enrolments.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *8 The Hon. W. A. LANDERYOU—To move, That this House rejects the recommendations contained in the reports of the Victorian Transport Study entitled “Metropolitan Public Transport” and “Country Passenger Services” and—

requires the Minister of Transport to conduct full examinations of the social and community costs and benefits involved in possible changes to each public transport passenger service in Victoria and full open consultations with those persons likely to be affected by any such change; and

requires reports of such consultations and examinations to be laid on the Table of this House; and

requires that no existing service be permanently removed or replaced prior to such report having been considered by this House.

GOVERNMENT BUSINESS

Orders of the Day

- 1 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 2 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 3 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. H. A. Thomas*).
- 4 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 LATROBE VALLEY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 6 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 7 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 8 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.

- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979–80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES REPORT, 1978–79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978–79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978–79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979–80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978–79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978–79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978–79 AND 1979–80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978–79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978–79 AND 1979–80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979–80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979–80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978–79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979–80—To be considered.

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- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT —(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 64 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 66 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- *67 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- *68 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.

TUESDAY, 11 NOVEMBER**GOVERNMENT BUSINESS****Orders of the Day**

- *1 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- *2 COUNTRY ROADS (ROAD MARKING) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- *3 GIFT DUTY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- *4 PAY-ROLL TAX BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- *5 PROBATE DUTY BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Evan Walker).

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WEDNESDAY, 12 NOVEMBER**GOVERNMENT BUSINESS****Orders of the Day**

- 1 MARKET COURT (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 2 CORONERS (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).

A. R. B. McDONNELL

Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Cocksedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 13 and 14

No. 13—Wednesday, 5 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Lieutenant Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments, viz.:
Police Regulation (Charges and Appeals) Act.
- 3 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Business Franchise (Tobacco) Act 1974' and for other purposes*", and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 COUNTRY ROADS (ROAD MARKING) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 113 of the 'Country Roads Act 1958'*", and desiring the concurrence of the Council therein.
On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1977–78.
Melbourne Underground Rail Loop Authority—Report for the year 1979–80.
Statutory Rules under the following Acts of Parliament:
Aerial Spraying Control Act 1966—No. 416.
Cluster Titles Act 1974—No. 426.
Lotteries Gaming and Betting Act 1966—No. 423.
Milk and Dairy Supervision Act 1958—Nos. 421 and 422.
Motor Boating Act 1961—No. 424.
Police Regulation Act 1958—No. 429.
Road Traffic Act 1958—No. 414.
Seeds Act 1971—No. 417.
Stock (Artificial Breeding) Act 1962—Nos. 418 and 419.
Stock Foods Act 1958—No. 420.
Vegetation and Vine Diseases Act 1958—No. 415.
Town and Country Planning Act 1961—
Flinders—Shire of Flinders Planning Scheme 1962—Amendment No. 129, 1980.

Town and Country Planning Act 1961—(continued)—

Lake Bellfield Planning Scheme—Amendment No. 10.

Shepparton—City of Shepparton Planning Scheme—Amendment No. 56, 1980.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 6 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and the Notices of Motion, General Business, be postponed until later this day.

- 7 MARKET COURT (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable G. A. Sgro moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 8 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 9 CORONERS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 10 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C. J. Kennedy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 11 COUNTRY ROADS (ROAD MARKING) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable G. A. S. Butler, moved That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 12 ALCOA (PORTLAND ALUMINIUM SMELTER) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 6 NOVEMBER

Debate continued.

Question—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 C. Bubb (*Teller*)
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

NOES, 10

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 Evan Walker
 D. R. White (*Teller*)

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable D. G. Crozier moved, That the Bill be now read a third time.

Question—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain (*Teller*)
 D. G. Crozier
 B. P. Dunn
 D. M. Evans (*Teller*)
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxsedge (*Teller*)
 R. J. Eddy (*Teller*)
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 D. R. White

W. V. Houghton
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Bill read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 GIFT DUTY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Gift Duty Act 1971' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 PAY-ROLL TAX BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to alter the general exemption from Liability to Pay-roll Tax, to amend the 'Pay-roll Tax Act 1971' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 PROBATE DUTY BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Probate Duty Act 1962' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 16 GIFT DUTY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 17 PAY-ROLL TAX BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 18 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until this day at Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at forty-five minutes past Three o'clock in the morning, adjourned until this day at Eleven o'clock.

A. R. B. McDONNELL

Clerk of the Legislative Council

No. 14—Thursday, 6 November 1980

- 1 The President took the Chair and read the Prayer.

- 2 SUBORDINATE LEGISLATION COMMITTEE—The Honourable D. G. Crozier moved, by leave, That the Subordinate Legislation Committee have power to inquire into and report upon—

(a) whether there is a need for a systematic programme of consolidation and review of the published subordinate legislation of Victoria;

(b) whether the present arrangements as to publication and public availability of current subordinate legislation are satisfactory; and

(c) whether the present procedure as to disallowance of statutory rules by Parliament is satisfactory.

Question—put and resolved in the affirmative.

- 3 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

National Parks Act 1975—No. 427.

Public Service Act 1974—PSD No. 123.

Teaching Service Act 1958—Teaching Service (Teachers Tribunal) Regulations—Amendment No. 522.

Victoria Grants Commission—Report for the year ended 31 August 1980.

The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 4 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 15 *ante*), having been read:

Debate resumed.

The Honourable D. N. Saltmarsh moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 5 STATE INSURANCE OFFICE FRANCHISE—The Honourable W. A. Landeryou moved, That there be a Select Committee of eight Members appointed to examine and make recommendations as to the franchise of the State Insurance Office; the Committee to have power to send for persons, papers and records; three to be the quorum.

The Honourable H. R. Ward, for the Honourable Haddon Storey, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 6 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 15 *ante*), having been read:

Debate resumed.

The Honourable N. B. Reid moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 7 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at a quarter past Three o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-six minutes past Five o'clock, adjourned until Tuesday next at a quarter past Three o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at Half past Three o'clock

LEGISLATIVE COUNCIL OF VICTORIA

Order of the Day (to take precedence):

- 1 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—
Resumption of debate. (Hon. N. B. Reid).

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 4 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 5 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 6 The Hon. B. P. DUNN—To move, That this House expresses its concern over difficulties confronting primary and secondary schools in Victoria due to inflexible staffing policies, and calls on the Government to more adequately meet the staffing needs of schools for the 1981 school year and beyond, and also to preserve a balanced curriculum in schools with declining enrolments.
- 7 The Hon. W. A. LANDERYOU—To move, That this House ~~rejects~~ the recommendations contained in the reports of the Victorian Transport Study entitled "Metropolitan Public Transport" and "Country Passenger Services" and—
requires the Minister of Transport to conduct full examinations of the social and community costs and benefits involved in possible changes to each public transport passenger service in Victoria and full open

* Notifications to which an asterisk (*) is prefixed appear for the first time.

consultations with those persons likely to be affected by any such change; and

requires reports of such consultations and examinations to be laid on the Table of this House; and

requires that no existing service be permanently removed or replaced prior to such report having been considered by this House.

GOVERNMENT BUSINESS

Orders of the Day

- 1 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 2 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 3 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. H. A. Thomas*).
- 4 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 LATROBE VALLEY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 6 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 7 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 8 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 10 COUNTRY ROADS (ROAD MARKING) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 11 GIFT DUTY (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 12 PAY-ROLL TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 13 PROBATE DUTY BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.

- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
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- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.

- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT —(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 64 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 65 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.

- 66 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 67 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 68 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- *69 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- *70 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).

* * *

WEDNESDAY, 12 NOVEMBER

GOVERNMENT BUSINESS

Orders of the Day

- 1 MARKET COURT (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).
- 2 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President proposes to take the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS**Notices of Motion**

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
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- 7 The Hon. W. A. LANDERYOU—To move, That this House rejects the recommendations contained in the reports of the Victorian Transport Study entitled "Metropolitan Public Transport" and "Country Passenger Services" and—
 - requires the Minister of Transport to conduct full examinations of the social and community costs and benefits involved in possible changes to each public transport passenger service in Victoria and full open consultations with those persons likely to be affected by any such change; and
 - requires reports of such consultations and examinations to be laid on the Table of this House; and
 - requires that no existing service be permanently removed or replaced prior to such report having been considered by this House.

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GOVERNMENT BUSINESS

Orders of the Day

- 1 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 2 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. H. A. Thomas*).
- 3 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 4 LATROBE VALLEY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 6 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 7 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 8 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 9 COUNTRY ROADS (ROAD MARKING) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 10 GIFT DUTY (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 11 PAY-ROLL TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 12 PROBATE DUTY BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 13 MARKET COURT (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).
- 14 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
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- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978–79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978–79 AND 1979–80
—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979–80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979–80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978–79—To be considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
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- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT —(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
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- 66 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 67 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 68 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.

- 69 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 70 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- *71 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- *72 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.

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TUESDAY, 18 NOVEMBER

GOVERNMENT BUSINESS

Orders of the Day

- *1 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- 2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 4 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 5 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- *1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading.
- *2 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(*Hon. Haddon Storey*)—Second reading.
- 3 MAGISTRATES (SUMMARY PROCEEDINGS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 4 STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. H. A. Thomas*).
- 5 FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 6 LATROBE VALLEY (AMENDMENT) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 7 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 8 SALE OF LAND (DEPOSITS AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 9 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 10 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 11 COUNTRY ROADS (ROAD MARKING) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).
- 12 GIFT DUTY (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 13 PAY-ROLL TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 14 PROBATE DUTY BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 15 MARKET COURT (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).
- 16 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.

- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
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- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
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- 69 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 70 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 71 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 72 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- *73 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).

TUESDAY, 18 NOVEMBER
GOVERNMENT BUSINESS

Orders of the Day

- 1 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).

A. R. B. McDONNELL
Clerk of the Legislative Council

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HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

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STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 15, 16 and 17

No. 15—Tuesday, 11 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments, viz.:
Alcoa (Portland Aluminium Smelter) Act.

- 3 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act with respect to the coming into operation of the 'Victorian Film Corporation (Amendment) Act 1980'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 EDUCATIONAL INSTITUTIONS (GUARANTEES) (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Educational Institutions (Guarantees) Act 1976'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Crimes Compensation Tribunal—Report for the year 1979–80.

Gas and Fuel Corporation—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958—No. 430.

National Parks Act 1975—No. 428.

Valuation of Land Act 1960—No. 425.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 6 ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 15 *ante*), having been read—

Debate resumed.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.

Question—put and resolved in the affirmative.

- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until the next day of meeting.

- 8 HOUSE COMMITTEE—The Honourable A. J. Hunt moved, by leave, That until the end of November, the House Committee be empowered to meet during sittings of the Council.

Question—put and resolved in the affirmative.

- 9 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 10 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 11 EDUCATIONAL INSTITUTIONS (GUARANTEES) (AMENDMENT) BILL—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at half past Two o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at forty-four minutes past Ten o'clock, adjourned until tomorrow at half past Two o'clock.

No. 16—Wednesday, 12 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (SEXUAL OFFENCES) BILL**—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the Law relating to Sexual Offences, to amend the *Crimes Act 1958*, the *Evidence Act 1958*, the *Vagrancy Act 1966*, the *Summary Offences Act 1966*, the *Magistrates' Courts Act 1971* and the *Magistrates (Summary Proceedings) Act 1975*, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL**—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Police Offences Act 1958* with respect to restricted publications, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **VICTORIAN TRANSPORT STUDY**—The Honourable D. G. Crozier moved, by leave, That there be laid before this House the Reports of the Victorian Transport Study.

Debate ensued.

Question—put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable D. G. Crozier and ordered to lie on the Table.

- 5 **SUBORDINATE LEGISLATION COMMITTEE—GENERAL INQUIRY**—The Honourable D. N. Saltmarsh presented a Progress Report from the Subordinate Legislation Committee upon a General Inquiry into Subordinate Legislation (Publication, Tabling and Disallowance).

Ordered to lie on the Table and to be printed.

- 6 **PAPERS**—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Marine Act 1958—Nos. 431 and 432.

Public Service Act 1974—PSD No. 127.

Town and Country Planning Act 1961—

Alberton—Shire of Alberton Coastal Planning Scheme—Amendment No. 17.

Echuca—City of Echuca Planning Scheme—Amendments Nos. 40 and 43, 1979.

Latrobe Valley Sub-Regional Planning Scheme 1949—Amendment No. 41.

Lillydale—Shire of Lillydale Planning Scheme 1958—Amendment No. 105.

Werribee—Shire of Werribee Planning Scheme 1963—Amendment No. 72, 1980.

- 7 **POSTPONEMENT OF NOTICES OF MOTION**—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 8 **EDUCATION STAFFING POLICIES**—The Honourable B. P. Dunn moved, That this House expresses its concern over difficulties confronting primary and secondary schools in Victoria due to inflexible staffing policies, and calls on the Government to more adequately meet the staffing needs of schools for the 1981 school year and beyond, and also to preserve a balanced curriculum in schools with declining enrolments.

The Honourable A. J. Hunt moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 9 VICTORIAN TRANSPORT STUDY—The Honourable W. A. Landeryou moved, That this House rejects the recommendations contained in the reports of the Victorian Transport Study entitled “Metropolitan Public Transport” and “Country Passenger Services” and—

requires the Minister of Transport to conduct full examinations of the social and community costs and benefits involved in possible changes to each public transport passenger service in Victoria and full open consultations with those persons likely to be affected by any such change; and

requires reports of such consultations and examinations to be laid on the Table of this House; and

requires that no existing service be permanently removed or replaced prior to such report having been considered by this House.

The Honourable H. G. Baylor moved, as an amendment, That all the words after “House” be omitted with the view of inserting in place thereof “acknowledges the reports of the Victorian Transport Study and calls upon all parties to seriously consider such reports with a view to providing a better transport system for the people of Victoria”.

The Honourable B. P. Dunn moved, as an amendment to the amendment moved by the Honourable H. G. Baylor, That all the words after “and” be omitted with the view of inserting in place thereof “determines that there be a select committee of eight members appointed to enquire into and consider the recommendations contained in the reports and all other aspects of transport in Victoria, and to make recommendations to provide for the present and future transport needs of the State”.

Debate ensued.

Question—That the words proposed to be omitted (from the motion of the Honourable W. A. Landeryou) stand part of the question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
D. R. White

NOES, 26

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest (*Teller*)
H. M. Hamilton
D. K. Hayward (*Teller*)
W. V. Houghton
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford

N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

Question—That the words proposed to be omitted (from the words proposed to be inserted by the Honourable H. G. Baylor) stand part of the proposed insertion—put.

The Council divided.

AYES, 22

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 16

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie (*Teller*)
 G. A. Sgro (*Teller*)
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White
 K. I. Wright

And so it was resolved in the affirmative—Amendment of the Honourable B. P. Dunn negatived.

Question—That the words proposed to be inserted (by the Honourable H. G. Baylor in the motion of the Honourable W. A. Landeryou) be so inserted—put.

The Council divided.

AYES, 22

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles

NOES, 16

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling (*Teller*)

R. Lawson	Evan Walker
R. J. Long	D. R. White (<i>Teller</i>)
J. W. S. Radford	K. I. Wright
(<i>Teller</i>)	
N. B. Reid (<i>Teller</i>)	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative.

Question—That this House acknowledges the reports of the Victorian Transport Study and calls upon all parties to seriously consider such reports with a view to providing a better transport system for the people of Victoria—put.

The Council divided.

AYES, 22	NOES, 16
The Hon. H. G. Baylor	The Hon. W. R. Baxter
P. D. Block	G. A. S. Butler
C. Bubb	Joan Cocksedge
B. A. Chamberlain	B. P. Dunn
D. G. Crozier	R. J. Eddy
F. J. Granter	D. M. Evans (<i>Teller</i>)
J. V. C. Guest	C. J. Kennedy
H. M. Hamilton	D. E. Kent
D. K. Hayward	W. A. Landeryou
W. V. Houghton	R. A. Mackenzie
A. J. Hunt	G. A. Sgro
Glyn Jenkins	H. A. Thomas
R. I. Knowles	I. B. Trayling
R. Lawson	Evan Walker
R. J. Long	D. R. White
J. W. S. Radford	K. I. Wright (<i>Teller</i>)
N. B. Reid	
D. N. Saltmarsh (<i>Teller</i>)	
N. F. Stacey (<i>Teller</i>)	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 13 NOVEMBER

10 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until this day at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at sixteen minutes past Twelve o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 17—Thursday, 13 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 PETITION—LIMITED TENURE TEACHERS—The Honourable Evan Walker presented a Petition from certain citizens of Victoria praying that the policy of limited tenure employment for teachers be abolished and that teachers presently employed on limited tenure be given on-going employment.

Ordered to lie on the Table.

- 3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to take action to reduce the level of annual rate increases being charged to Victorian ratepayers”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 15

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 I. B. Trayling
 J. M. Walton (*Teller*)
 D. R. White
 K. I. Wright

NOES, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley (*Teller*)
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser (*Teller*)
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it passed in the negative.

- 4 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Physiotherapists Registration Board—Report for the year 1979.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1968—No. 435.

Second-hand Dealers Act 1958—No. 434.

- 5 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 6 **MAGISTRATES (SUMMARY PROCEEDINGS) BILL**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time, after debate, and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 7 **STRATHFIELDSAYE SHIRE (CONDON STREET—CURTIN STREET DRAINAGE SCHEME VALIDATION) BILL**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 8 **FISHERIES (COMMONWEALTH—STATE ARRANGEMENTS) BILL**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 9 **LATROBE VALLEY (AMENDMENT) BILL**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to include a specific agreement between Australian Paper Manufacturers Ltd Maryvale Mill and the Latrobe Valley Water and Sewerage Board, stipulating terms and conditions for the disposal of trade wastes”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 25

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb

NOES, 10

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy

W. M. Campbell	D. E. Kent (<i>Teller</i>)
B. A. Chamberlain	W. A. Landeryou
D. G. Crozier	R. A. Mackenzie
B. P. Dunn	G. A. Sgro
Dr K. J. Foley	H. A. Thomas
F. J. Granter	D. R. White (<i>Teller</i>)
J. V. C. Guest	
V. T. Hauser	
D. K. Hayward	
W. V. Houghton	
Dr R. W. Howard	
A. J. Hunt	
Glyn Jenkins	
R. I. Knowles	
R. Lawson	
R. J. Long	
D. N. Saltmarsh	
N. F. Stacey (<i>Teller</i>)	
Haddon Storey	
J. A. Taylor (<i>Teller</i>)	
H. R. Ward	

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

10 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

11 SALE OF LAND (DEPOSITS AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

12 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 9, be postponed until later this day.

13 BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 COUNTRY ROADS (ROAD MARKING) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at half past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at thirty-two minutes past Seven o'clock, adjourned until Tuesday next at half past Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act* 1958 to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 4 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 5 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading.
- 2 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(*Hon. Haddon Storey*)—Second reading.
- 3 PATRIOTIC FUNDS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 4 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—(*from Assembly—Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 6 GIFT DUTY (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 7 PAY-ROLL TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 8 PROBATE DUTY BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 9 MARKET COURT (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 10 CORONERS (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 11 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.

- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE
1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second
reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80
—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL
STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be
considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be
considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM
AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the
Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of
debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF
STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE
NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.

- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 61 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 62 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 63 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 64 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 65 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- 66 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 67 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 68 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 69 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 70 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
- 71 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 72 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 73 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate. (Hon. A. J. Hunt).*

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notices of Motion

- *1 The Hon. W. V. HOUGHTON—To move, That he have leave to bring in a Bill to amend the *Wildlife Act 1975*.
- *2 The Hon. F. J. GRANTER—To move, That he have leave to bring in a Bill to amend the *Sewerage Districts Act 1958* in respect of certain Rebates on Rates in relation to the Construction of Sewers, and for other purposes.
- *3 The Hon. F. J. GRANTER—To move, That he have leave to bring in a Bill to amend the *Forests Act 1958*.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 3 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 4 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 5 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *6 The Hon. W. A. LANDERYOU—To move, That the accounts and financial policies of the Melbourne and Metropolitan Tramways Board, the Victorian Arts Centre and the Victorian Development Corporation be referred to the Public Accounts and Expenditure Review Committee for investigation and report.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

GOVERNMENT BUSINESS

Orders of the Day

- 1 CORONERS (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. R. J. Eddy).*
- 2 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. W. A. Landeryou).*
- 3 MARKET COURT (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. G. A. Sgro).*

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate. (Hon. Haddon Storey).*
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.

- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- 26 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE
1980—To be considered.
- 27 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second
reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 28 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
—To be considered.
- 29 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 30 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80
—To be considered.
- 31 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 32 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 33 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL
STATEMENT THEREON—To be considered.
- 34 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 35 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 36 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 37 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be
considered.
- 38 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 39 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 40 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be
considered.
- 41 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 42 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 43 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM
AUSTRALIAN ROYAL COMMISSION—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 1)—To be considered.
- 45 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 2)—To be considered.
- 46 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 47 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the
Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of
debate.* (*Hon. W. V. Houghton*).
- 48 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 49 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 50 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 51 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 52 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF
STATISTICS, 1979—To be considered.
- 53 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE
NAMES COMMITTEE—To be considered.
- 54 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 55 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 56 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT)
REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.

- 57 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 58 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 59 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 60 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
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- 66 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 67 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 68 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 69 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 70 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey)*.
- 71 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 72 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 73 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate. (Hon. A. J. Hunt)*.
- *74 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- *75 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- *76 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- *77 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.

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TUESDAY, 25 NOVEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(*Hon. Haddon Storey*)—*Second reading—Resumption of debate. (Hon. R. J. Eddy)*.

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TUESDAY, 2 DECEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—*Second reading—Resumption of debate. (Hon. W. A. Landeryou)*.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- *1 SEWERAGE DISTRICTS (REBATES) BILL—(*Hon. F. J. Granter*)—Second reading.
- 2 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *3 APPROPRIATION (1980–81, No. 1) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. Joan Coxsedg*).
- 4 MARKET COURT (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.

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- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
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- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- *77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- *78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- *79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).

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TUESDAY, 25 NOVEMBER
GOVERNMENT BUSINESS

Orders of the Day

- 1 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- *2 WILDLIFE (AMENDMENT) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- *3 TRANSPORT WORKS AND SERVICES BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).

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WEDNESDAY, 26 NOVEMBER
GOVERNMENT BUSINESS

Order of the Day

- *1 FORESTS (PENALTIES) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).

GENERAL BUSINESS

Order of the Day

- 1 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).

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TUESDAY, 2 DECEMBER
GOVERNMENT BUSINESS

Order of the Day

- 1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 18, 19 and 20

No. 18—Tuesday, 18 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
 - Educational Institutions (Guarantees) (Amendment) Act.*
 - Business Franchise (Tobacco) (Amendment) Act.*
 - Country Roads (Road Marking) Act.*
- 3 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Education Act 1958—Technical Teachers Registration Board Regulations 1980.
 - Industrial Training Commission—Report for the year 1979–80.
 - Port Phillip Authority—Report for the year 1979–80.
 - Statutory Rule under the Water Act 1958—No. 433.
 - Town and Country Planning Act 1961—Shire of South Gippsland Planning Scheme—Amendment No. 44, 1980.
 - Victorian Post-Secondary Education Commission—Report for the year 1979–80.
 The Honourable W. A. Landeryou moved, That the Regulations under the Education Act 1958 and the Reports tabled by the Clerk be taken into consideration on the next day of meeting.
 Question—put and resolved in the affirmative.
- 4 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the Notices of Motion, General Business and, after debate, That Order of the Day, Government Business, No. 1, be postponed until later this day.
- 5 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
 The Honourable R. J. Eddy moved, That the debate be now adjourned.
 Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until Tuesday next.
- 6 PATRIOTIC FUNDS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
 Debate resumed.
 The Honourable R. J. Eddy moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until the Parliament has had ample opportunity to examine the accounts and reports required to be laid before both Houses pursuant to section 28 (4) of the *Patriotic Funds Act 1958*”.
 Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 28

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block (*Teller*)
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
(*Teller*)
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
H. R. Ward

NOES, 12

The Hon. G. A. S. Butler
Joan Coxsedg (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas (*Teller*)
I. B. Trayling
Evan Walker
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with an amendment, the House ordered the report to be taken into consideration this day, whereupon the House adopted the report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 7 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 8 VICTORIAN FILM CORPORATION (COMMENCEMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 GIFT DUTY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable R. A. Mackenzie moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to maintain existing general exemptions and include provisions to exempt transfer of—(a) the family home into joint ownership with a *de jure* or *de facto* spouse; and (b) the family farm between full-time farmers and members of their immediate families”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 28

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton (*Teller*)
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 13

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 PAY-ROLL TAX BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. E. Kent moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to include a provision granting to all employers covered by the *Pay-roll Tax Act* 1971, \$1300 for each additional person employed full time in calendar year 1981”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 PROBATE DUTY BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable Evan Walker moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to—(a) exempt all estates valued at less than \$150 000; (b) completely exempt from probate duty estates which are left to—(i) a *de facto* spouse; (ii) a wholly dependent brother or sister; and (iii) a parent by a child; and (c) exempt from probate duty the net value of a farm, where the deceased person was a genuine full time primary producer and the farm is left within the immediate family of such deceased person”.

Debate ensued.

The Honourable D. M. Evans moved, as an amendment to the reasoned amendment moved by the Honourable Evan Walker, That all the words and expressions after “re-drafted to” be omitted with the view of inserting in place thereof “provide for the total abolition of probate duty as from 1 January 1981”.

Question—That the words proposed to be omitted (from the motion for second reading) stand part of the question—put.

The Council divided.

And then the Council, at seventeen minutes past Eleven o'clock, adjourned until tomorrow at a quarter past Two o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 19—Wednesday, 19 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 APPROPRIATION (1980–81, No. 1) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to appropriate certain Sums out of the Consolidated Fund for the Service of the Financial Year 1980–81 and to appropriate the Supplies granted in the last preceding Session of Parliament and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
Geelong Regional Commission—Report for the year 1978–79.
Statutory Rules under the following Acts of Parliament:
Racing Act 1958—No. 437.
State Electricity Commission Act 1958—No. 436.
Supreme Court Act 1958—No. 438.
The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.
Question—put and resolved in the affirmative.
- 4 WILDLIFE (AMENDMENT) BILL—On the motion of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Wildlife Act 1975*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 SEWERAGE DISTRICTS (REBATES) BILL—On the motion of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Sewerage Districts Act 1958* in respect of certain Rebates on Rates in relation to the Construction of Sewers, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 FORESTS (PENALTIES) BILL—On the motion of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Forests Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 8 APPROPRIATION (1980–81, No. 1) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Joan Coxledge moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 9 **FORESTS (PENALTIES) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday next.

- 10 **SMALL BUSINESS TENANCY AGREEMENTS**—The Honourable W. A. Landeryou moved, That there be a Select Committee of eight Members appointed to investigate and report on the need to extend the provisions of the *Landlord and Tenant Act 1958* to cover small business enterprises currently unprotected from the demands of rapacious landlords, and other cognate matters; the Committee to have power to send for persons, papers and records; three to be the quorum.

The Honourable Haddon Storey moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 11 **PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE**—The Honourable W. A. Landeryou moved, That the accounts and financial policies of the Melbourne and Metropolitan Tramways Board, the Victorian Arts Centre and the Victorian Development Corporation be referred to the Public Accounts and Expenditure Review Committee for investigation and report.

The Honourable D. G. Crozier moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 12 **WILDLIFE (AMENDMENT) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 13 **CORONERS (AMENDMENT) BILL**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 14 **TRANSPORT WORKS AND SERVICES BILL**—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to authorize Expenditure on Works and Services and other Purposes relating to Railways and other services*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, and Orders of the Day, General Business, Nos. 1 to 24 inclusive, be postponed until later this day.
- 16 WILDLIFE (SPRING TRAPS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable R. A. Mackenzie moved, That this Bill be now read a second time.
The Honourable W. V. Houghton moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Wednesday next.
- 17 TRANSPORT WORKS AND SERVICES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable D. G. Crozier, moved, That this Bill be now read a second time.
The Honourable R. A. Mackenzie moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 18 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.
Question—put and resolved in the affirmative.
The Honourable A. J. Hunt moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at fifty-seven minutes past Five o'clock, adjourned until tomorrow at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 20—Thursday, 20 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 STAMPS (AMENDMENT NO. 2) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 PUBLIC WORKS AND SERVICES BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to authorize Expenditure on Public Works and Services and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Public Authorities (Contributions) Act 1966' to make provisions with respect to the Payment of Contributions in aid of the Consolidated Fund and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

5 PENALTIES AND SENTENCES BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to consolidate and amend the Law relating to Penalties and Sentences, to amend the *Crimes Act 1958*, the *Magistrates (Summary Proceedings) Act 1975* and the *Community Welfare Services Act 1970* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

6 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Education Act 1958—Resumption of land at Wodonga—Certificate of the Minister of Education.

State Library and National Museum Buildings Committee—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

8 STAMPS (AMENDMENT No. 2) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C. J. Kennedy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

9 PUBLIC WORKS AND SERVICES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

10 PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

11 SEWERAGE DISTRICTS (REBATES) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable D. R. White moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered, after debate—That the debate be adjourned until later this day.

12 PENALTIES AND SENTENCES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until later this day.

- 13 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

- 14 MARKET COURT (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 APPROPRIATION (1980–81, No. 1) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. K. Hayward moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 16 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Motor Car Act 1958—No. 439.

Public Service Act 1974—PSD Nos. 128 and 129.

- 17 APPROPRIATION (1980–81, No. 1) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable C. J. Kennedy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 18 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at a quarter past Three o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty minutes past Five o'clock, adjourned until Tuesday next at a quarter past Three o'clock.

A. R. B. McDONNELL
 Clerk of the Legislative Council

Mr President takes the Chair at Half past Three o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. F. J. GRANTER—To move, That he have leave to bring in a Bill to ratify validate approve and otherwise give Effect to an Agreement between the Forests Commission and Australian Newsprint Mills Limited for the supply of softwood pulpwood from plantations in north-eastern Victoria and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 2 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- 3 SEWERAGE DISTRICTS (REBATES) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 4 WILDLIFE (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).
- 5 APPROPRIATION (1980-81, No. 1) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. C. J. Kennedy).
- 6 TRANSPORT WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *7 STAMPS (AMENDMENT No. 2) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- *8 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- *9 PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- *10 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.

- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978–79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978–79 AND 1979–80—To be considered.
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- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979–80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979–80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979–80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979–80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978–79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979–80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979–80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979–80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979–80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.

- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
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- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- *80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.

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WEDNESDAY, 26 NOVEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 FORESTS (PENALTIES) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).

GENERAL BUSINESS

Order of the Day

- 1 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).

**TUESDAY, 2 DECEMBER
GOVERNMENT BUSINESS**

Order of the Day

- 1 **CRIMES (SEXUAL OFFENCES) BILL**—(*Hon. Haddon Storey*)—Second reading—
Resumption of debate. (Hon. W. A. Landeryou).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Half past Three o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. A. J. HUNT—To move, That he have leave to bring in a Bill to amend the *Teaching Service Act 1958* and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *5 The Hon. EVAN WALKER—To move, That this House censures the Minister of Lands for his failure to take adequate notice of the resolution of the House Committee of this Parliament that they were completely opposed to the removal of the wrought iron and bluestone fence and to the suggestion that the Coles Fountain be erected in the Northern Gardens.
- *6 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of the electoral law of the State of Victoria with respect to the election of Members to the Legislative Council and to make recommendations for desirable amendments thereto; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- *1 SUBORDINATE LEGISLATION (AMENDMENT) BILL—(*Hon. Haddon Storey*)—
Second reading.
- 2 TRANSPORT WORKS AND SERVICES BILL—(*from Assembly—Hon. D. G. Crozier*)
—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 3 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(*Hon. Haddon Storey*)—
Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 4 SEWERAGE DISTRICTS (REBATES) BILL—(*Hon. F. J. Granter*)—Second reading—
Resumption of debate. (*Hon. D. R. White*).
- 5 WILDLIFE (AMENDMENT) BILL—(*Hon. W. V. Houghton*)—Second reading—
Resumption of debate. (*Hon. R. A. Mackenzie*).
- 6 FORESTS (PENALTIES) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption*
of debate. (*Hon. D. E. Kent*).
- *7 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—(*Hon. F. J. Granter*)
—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 8 STAMPS (AMENDMENT No. 2) BILL—(*from Assembly—Hon. Haddon Storey*)—
Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 9 PUBLIC WORKS AND SERVICES BILL—(*from Assembly—Hon. D. G. Crozier*)—
Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- ⊗ 10 PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL—(*from Assembly—*
Hon. Haddon Storey)—Second reading—*Resumption of debate.* (*Hon. R. A.*
Mackenzie). **WALKER**
- *11 VICTORIAN GOVERNMENT TRAVEL AUTHORITY (AMENDMENT) BILL—(*from*
Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.*
(*Hon. D. R. White*).
- *12 EDUCATIONAL GRANTS (CONTINUATION) BILL—(*from Assembly—Hon. A. J.*
Hunt)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- *13 STATE FORESTS WORKS AND SERVICES BILL—(*from Assembly—Hon. F. J. Granter*)
—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- *14 WATER SUPPLY WORKS AND SERVICES BILL—(*from Assembly—Hon. F. J.*
Granter)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).
- *15 HEALTH COMMISSION (AMENDMENT) BILL—(*from Assembly—Hon. W. V.*
Houghton)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- *16 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—(*from Assembly—Hon.*
W. V. Houghton)—Second reading—*Resumption of debate.* (*Hon. D. E.*
Kent).
- *17 AGRICULTURE ACTS (REPEAL) BILL—(*from Assembly—Hon. W. V. Houghton*)
—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- *18 YOUTH, SPORT AND RECREATION (AGREEMENTS) BILL—(*from Assembly—Hon.*
F. J. Granter)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- 19 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second
reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 20 PENALTIES AND SENTENCES BILL—(*Hon. Haddon Storey*)—Second reading—
Resumption of debate. (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second
reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A.*
Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—
Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second
reading.

- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
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- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979-80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979-80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979-80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- *82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- *83 HEALTH ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- *84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- *85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.

* * *

TUESDAY, 2 DECEMBER

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *2 LAND TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- *1 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—Second reading.
- *2 TEACHING SERVICE (AMENDMENT) BILL—(Hon. A. J. Hunt)—Second reading.
- *3 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- *4 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading.
- *5 CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- 6 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- 7 YOUTH, SPORT AND RECREATION (AGREEMENTS) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- 8 SUBORDINATE LEGISLATION (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).
- 9 WILDLIFE (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).
- 10 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 11 TRANSPORT WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 12 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 13 VICTORIAN GOVERNMENT TRAVEL AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. D. R. White).
- 14 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 15 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 16 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 17 HEALTH COMMISSION (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 18 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 19 AGRICULTURE ACTS (REPEAL) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- *20 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- *21 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 22 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 23 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.

- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.

- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979–80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979–80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978–79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979–80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979–80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979–80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979–80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.

- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.
- *86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978-79—To be considered.
- *87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).

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TUESDAY, 2 DECEMBER

GOVERNMENT BUSINESS

Orders of the Day

- 1 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 2 LAND TAX BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. G. A. Sgro*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 21, 22 and 23

No. 21—Tuesday, 25 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
 - Victorian Film Corporation (Commencement) Act.*
 - Gift Duty (Amendment) Act.*
 - Pay-roll Tax Act.*
 - Probate Duty Act.*
 - Market Court (Amendment) Act.*
- 3 LAND TAX BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Land Tax Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein. On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 EDUCATIONAL GRANTS (CONTINUATION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Educational Grants Act 1973’*” and desiring the concurrence of the Council therein. On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 STATE FORESTS WORKS AND SERVICES BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to authorize Expenditure on Works and Services and other purposes relating to State Forests*” and desiring the concurrence of the Council therein. On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 WATER SUPPLY WORKS AND SERVICES BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to authorize Expenditure on Works and Services and other Purposes relating to Irrigation Water Supply Drainage Sewerage Flood Protection and River Improvement, and other purposes*” and desiring the concurrence of the Council therein. On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 HEALTH COMMISSION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Health Commission Act 1977’ and the ‘Hospitals and Charities Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to suspend the operation of certain provisions of the ‘Swine Compensation Act 1967’, to amend the ‘Swine Compensation Act 1967’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 AGRICULTURE ACTS (REPEAL) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to repeal the ‘Brands Act 1928’ and the ‘Cattle Breeding Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 SUBORDINATE LEGISLATION (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Subordinate Legislation Act 1962*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Arts Council—Report for the year 1978–79.

Health Advisory Council—Report for the period ended 30 June 1980.

Science Museum Council—Report for the year 1979–80.

Statutory Rules under the Public Service Act 1974—PSD Nos. 124 and 131.

Teachers Tribunal—Report for the year 1978–79.

Town and Country Planning Act 1961—City of Shepparton Planning Scheme 1953—Amendment No. 45, 1980.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 12 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—On the motion of the Honourable F. J. Granter, leave was given to bring in a Bill to ratify validate approve and otherwise give Effect to an Agreement between the Forests Commission and Australian Newsprint Mills Limited for the supply of softwood pulpwood from plantations in north-eastern Victoria and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 14 LAND TAX BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable G. A. Sgro moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 15 EDUCATIONAL GRANTS (CONTINUATION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.
The Honourable Evan Walker moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 16 STATE FORESTS WORKS AND SERVICES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
The Honourable D. E. Kent moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 17 WATER SUPPLY WORKS AND SERVICES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
The Honourable D. R. White moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 18 HEALTH COMMISSION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable R. J. Eddy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 19 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable Evan Walker, for the Honourable D. E. Kent, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 20 AGRICULTURE ACTS (REPEAL) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable C. J. Kennedy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 21 YOUTH, SPORT AND RECREATION (AGREEMENTS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Youth, Sport and Recreation Act 1972' with respect to the powers of the Minister to enter into agreements and arrangements and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 22 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable D. E. Kent, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 23 YOUTH, SPORT AND RECREATION (AGREEMENTS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable R. J. Eddy, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 24 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.

- 25 APPROPRIATION (1980–81, No. 1) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read.

Question—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 26 VICTORIAN GOVERNMENT TRAVEL AUTHORITY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Victorian Government Travel Authority Act 1977' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable D. R. White moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 27 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until tomorrow at a quarter past Three o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at five minutes past Eleven o'clock, adjourned until tomorrow at a quarter past Three o'clock.

No. 22—Wednesday, 26 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 RESIDENTIAL TENANCIES BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to simplify and modernize the Law relating to Residential Tenancies, to define the Rights and Duties of Landlords and Tenants of Residential Premises, to promote the quick and inexpensive Resolution of Disputes between Landlords and Tenants of Residential Premises, to provide for a Residential Tenancies Tribunal, to amend the ‘Landlord and Tenant Act 1958’, the ‘Ministry of Consumer Affairs Act 1973’ and the ‘Administrative Law Act 1978’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 PUBLIC SERVICE (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Public Service Act 1974’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 HEALTH (REPORTING TO PARLIAMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend certain Acts administered by the Minister of Health to require bodies established under those Acts to submit reports and financial statements to the Minister of Health, to require the Minister of Health to lay such reports and statements before both Houses of Parliament and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend Section 14 of the ‘Criminal Injuries Compensation Act 1972’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 PORT OF MELBOURNE AUTHORITY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Port of Melbourne Authority Act 1958’, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 PRINTING COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Printing Committee have power—(a) to confer with the Printing Committee of the Legislative Assembly and to jointly report thereon to the House; and (b) to send for persons, papers and records.

Question—put and resolved in the affirmative.

- 8 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Metropolitan Fire Brigades Board—Report for the year 1978–79.

Statutory Rules under the following Acts of Parliament:

Parliamentary Salaries and Superannuation Act 1968—No. 441.

Public Service Act 1974—PSD Nos. 132 to 134.

Teaching Service Act 1958—No. 447.

The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 9 TEACHING SERVICE (AMENDMENT) BILL—On the motion of the Honourable A. J. Hunt, leave was given to bring in a Bill to amend the *Teaching Service Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 11 COLES FOUNTAIN—The Honourable Evan Walker moved, That this House censures the Minister of Lands for his failure to take adequate notice of the resolution of the House Committee of this Parliament that they were completely opposed to the removal of the wrought iron and bluestone fence and to the suggestion that the Coles Fountain be erected in the Northern Gardens.

Debate ensued.

Question—put.

The Council divided.

AYES, 16

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas (*Teller*)
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 21

The Hon. H. G. Baylor (*Teller*)
 P. D. Block (*Teller*)
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward

And so it passed in the negative.

- 12 PLANNING APPEALS BOARD BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make Provision for the Establishment and Constitution of a Planning Appeals Board, to confer Jurisdiction thereon, to amend the 'Country Roads Act 1958', the 'Drainage*

Areas Act 1958', the 'Health Act 1958', the 'Local Government Act 1958', the 'Town and Country Planning Act 1961', the 'Port Phillip Authority Act 1966', the 'Strata Titles Act 1967', the 'Environment Protection Act 1970', the 'Cluster Titles Act 1974', the 'Drainage of Land Act 1975' and the 'Central Gippsland (Brown Coal Land Compensation) Act 1980' and for other purposes" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, for the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 LEGISLATIVE COUNCIL ELECTORAL LAW—The Honourable W. A. Landeryou moved, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of the electoral law of the State of Victoria with respect to the election of Members to the Legislative Council and to make recommendations for desirable amendments thereto; the Committee to have power to send for persons, papers and records; three to be the quorum.

Debate ensued.

The Honourable H. R. Ward moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 14 SUBORDINATE LEGISLATION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 15 HEALTH (REPORTING TO PARLIAMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable Joan Coxsege moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 16 PUBLIC SERVICE (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey, for the Honourable A. J. Hunt, moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 17 PORT OF MELBOURNE AUTHORITY (AMENDMENT) BILL—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 7 inclusive, be postponed until later this day.

- 19 STAMPS (AMENDMENT NO. 2) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable C. J. Kennedy moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide for a uniform rate of stamp duty of 2·5 per cent for all registrations or transfers of motor cars or commercial trailers, and to provide higher exemptions from stamp duty in respect of lower-priced and new houses and for first-time home purchasers”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 22	NOES, 16
The Hon. H. G. Baylor	The Hon. W. R. Baxter
P. D. Block	G. A. S. Butler
C. Bubb	Joan Coxsedge
W. M. Campbell	B. P. Dunn
B. A. Chamberlain	R. J. Eddy
D. G. Crozier	D. M. Evans
F. J. Granter	C. J. Kennedy
J. V. C. Guest (<i>Teller</i>)	D. E. Kent
V. T. Hauser	W. A. Landeryou
D. K. Hayward	R. A. Mackenzie
W. V. Houghton	H. A. Thomas
A. J. Hunt	I. B. Trayling (<i>Teller</i>)
Glyn Jenkins	Evan Walker
R. I. Knowles	J. M. Walton (<i>Teller</i>)
R. Lawson	D. R. White
R. J. Long (<i>Teller</i>)	K. I. Wright
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 SEWERAGE DISTRICTS (REBATES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide that land subdivided prior

to the enactment of the *Local Government (Subdivision of Land) Act 1973* be provided with sewerage services from loan funds and, further, to ensure that no major 120A schemes in dispute proceed to completion prior to the Public Bodies Review Committee reporting upon its current Inquiry”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser (*Teller*)
 D. K. Hayward (*Teller*)
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward
 K. I. Wright

NOES, 12

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 21 FORESTS (PENALTIES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 22 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Port Phillip Authority Act 1966' to alter the membership of the Port Phillip Authority, to amend the 'Town and Country Planning Act 1961' and the 'Ministry for Conservation Act 1972' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 23 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 9, be postponed until later this day.

- 24 PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable B. P. Dunn moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted to provide that the additional revenue raised from the Gas and Fuel Corporation should be applied towards the establishment of a uniform tariff for L.P. and natural gas throughout Victoria".

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 34

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 G. A. S. Butler
 W. M. Campbell
 B. A. Chamberlain
 Joan Coxsedge
 D. G. Crozier
 R. J. Eddy
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 C. J. Kennedy
 D. E. Kent
 R. I. Knowles
 R. Lawson
 R. J. Long
 R. A. Mackenzie
 J. W. S. Radford (*Teller*)
 N. B. Reid (*Teller*)
 D. N. Saltmarsh
 Haddon Storey
 J. A. Taylor
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 H. R. Ward
 D. R. White

NOES, 4

The Hon. W. R. Baxter
 B. P. Dunn
 D. M. Evans (*Teller*)
 K. I. Wright (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

25 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 27 NOVEMBER

Debate continued.

Question—put and resolved in the affirmative.
And then the Council, at eight minutes past Twelve o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 23—Thursday, 27 November 1980

- 1 The President took the Chair and read the Prayer.
- 2 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable D. R. White moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to wind up the activities of the Victoria Promotion Committee and to absorb its staff and resources into the Victorian Development Corporation”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 11

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie (*Teller*)
G. A. Sgro
H. A. Thomas
Evan Walker
D. R. White

NOES, 27

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh (*Teller*)
N. F. Stacey (*Teller*)
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

And so it passed in the negative.

- 3 PAPERS—

STATUTE LAW REVISION COMMITTEE—RIDING SCHOOLS—The Honourable J. V. C. Guest presented a Progress Report from the Statute Law Revision Committee upon the *Protection of Animals Act 1966*—Riding Schools, together with Minutes of Evidence.

Ordered to lie on the Table, and the Report to be printed.

* * * * *

CONVEYANCING—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the further and final Report of the Committee of Inquiry into Conveyancing.

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table and to be printed.

The Honourable W. A. Landeryou moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * * * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Labour and Industry Department—Report for the year 1979.

Tramways—Report and statement of accounts of the Melbourne and Metropolitan Tramways Board for the year 1979–80.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

4 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.

5 TEACHING SERVICE (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

6 RESIDENTIAL TENANCIES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable D. R. White moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

7 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

8 CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 10 POLICE OFFENCES (RESTRICTED PUBLICATIONS) BILL—The Order of the Day for resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D. M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 11 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 7 to 10 inclusive, be postponed until later this day.

- 12 TRANSPORT WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 WILDLIFE (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 14 YOUTH, SPORT AND RECREATION (AGREEMENTS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 12, be postponed until later this day.
- 16 VICTORIAN GOVERNMENT TRAVEL AUTHORITY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until an all-party committee has enquired into and reported upon all aspects of the future of tourism in Victoria”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put. The Council divided.

AYES, 25

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 (Teller)

Glyn Jenkins
 R. I. Knowles
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (Teller)
 H. R. Ward
 K. I. Wright

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 G. A. Sgro (Teller)
 H. A. Thomas (Teller)
 I. B. Trayling
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 14, be postponed until later this day.

- 18 STATE FORESTS WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. M. Evans moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 19 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday next at a quarter past Two o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-one minutes past Six o'clock, adjourned until Tuesday next at a quarter past Two o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- 1 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- 2 LAND TAX BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. G. A. Sgro).
- 3 CRIMES (SEXUAL OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 4 TEACHING SERVICE (AMENDMENT) BILL—(Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 5 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 6 SUBORDINATE LEGISLATION (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).
- 7 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).
- 8 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 9 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. M. Evans).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 10 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 11 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 12 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 13 HEALTH COMMISSION (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 14 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 15 AGRICULTURE ACTS (REPEAL) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 16 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 17 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 18 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 19 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.

- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).

- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979-80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979-80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979-80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).

- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978-79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- *88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- *89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
- *90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979-80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

Mr President takes the Chair at Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. D. G. CROZIER—To move, That he have leave to bring in a Bill to amend the *Local Government Act 1958* and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *5 The Hon. C. J. KENNEDY—To move, That this House calls upon the Minister for Local Government to request the Council of the City of Waverley to proceed to direct negotiation with the Municipal Employees Union with a view to early settlement of the current dispute.
- *6 The Hon. R. A. MACKENZIE—To move, That he have leave to bring in a Bill to enable persons to refuse medical treatment in certain circumstances.

GOVERNMENT BUSINESS

Orders of the Day

- *1 CANCER (CANCER REPORTING) BILL—(*Hon. W. V. Houghton*)—Second reading.
- 2 SUBORDINATE LEGISLATION (AMENDMENT) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 3 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 4 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 5 RESIDENTIAL TENANCIES BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 6 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- *7 COURT SECURITY BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 8 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. M. Evans).
- 9 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 10 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).
- 11 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 12 HEALTH COMMISSION (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- 13 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).
- 14 AGRICULTURE ACTS (REPEAL) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. C. J. Kennedy).
- 15 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Joan Coxsedg).
- 16 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 17 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- *18 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Joan Coxsedg).
- *19 POLICE REGULATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- *20 CHARLTON (LAND EXCHANGE) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. H. A. Thomas).
- *21 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. G. A. Sgro).
- *22 RACING (FURTHER AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- *23 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- *24 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- *25 LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. G. A. S. Butler).
- *26 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. C. J. Kennedy).
- *27 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).
- *28 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

- *29 MARINE (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 30 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 31 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
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- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. H. R. Ward).

- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.

- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979-80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979-80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979-80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978-79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).

- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979-80—To be considered.
 *91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979-80—To be considered.
 *92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979-80—To be considered.
 *93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979-80—To be considered.
 *94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
 *95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 *96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

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TUESDAY, 9 DECEMBER
GOVERNMENT BUSINESS

Orders of the Day

- *1 PROTECTION OF ANIMALS BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate. (Hon. Evan Walker).*
 *2 ROAD TRAFFIC (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. J. M. Walton).*

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- 1 CANCER (CANCER REPORTING) BILL—(*Hon. W. V. Houghton*)—Second reading.
- *2 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading.
- *3 LIQUOR CONTROL (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading.
- 4 CRIMES (SEXUAL OFFENCES) BILL—(*Hon. Haddon Storey*)—To be further considered in Committee.
- 5 RESIDENTIAL TENANCIES BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).
- *6 STATE BANK BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 7 AGRICULTURE ACTS (REPEAL) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. C. J. Kennedy*).
- 8 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).
- 9 COURT SECURITY BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 10 PLANNING APPEALS BOARD BILL—(*from Assembly—Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 11 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. M. Evans).
- 12 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 13 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 14 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 15 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Cocksedge).
- 16 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 17 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 18 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Cocksedge).
- 19 POLICE REGULATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 20 CHARLTON (LAND EXCHANGE) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 21 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 22 RACING (FURTHER AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 23 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 24 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 25 LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 26 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 27 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 28 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 29 MARINE (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- *30 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 31 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 32 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
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- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
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- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
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- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
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- 94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
- 95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.
- *97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979-80—To be considered.
- *98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading.

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TUESDAY, 9 DECEMBER
GOVERNMENT BUSINESS

Orders of the Day

- 1 PROTECTION OF ANIMALS BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate. (Hon. Evan Walker).*
- 2 ROAD TRAFFIC (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. J. M. Walton).*

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading.
- 2 LIQUOR CONTROL (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading.
- 3 RESIDENTIAL TENANCIES BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).
- 4 PLANNING APPEALS BOARD BILL—(*from Assembly—Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 STATE FORESTS WORKS AND SERVICES BILL—(*from Assembly—Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. M. Evans*).
- 6 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 7 COURT SECURITY BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 8 PUBLIC WORKS AND SERVICES BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 9 WATER SUPPLY WORKS AND SERVICES BILL—(*from Assembly—Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).
- 10 CANCER (CANCER REPORTING) BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 11 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 12 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 13 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 14 POLICE REGULATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 15 CHARLTON (LAND EXCHANGE) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 16 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 17 RACING (FURTHER AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 18 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 19 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 20 LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 21 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 22 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 23 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 24 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 25 MARINE (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 26 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 27 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 28 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.

- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979–80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978–79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978–79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978–79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979–80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978–79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978–79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978–79 AND 1979–80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978–79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978–79 AND 1979–80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979–80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979–80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.

- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT —(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.

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- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979-80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979-80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979-80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978-79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
- 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979-80—To be considered.
- 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979-80—To be considered.
- 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979-80—To be considered.
- 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979-80—To be considered.
- 94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
- 95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.
- 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979-80—To be considered.
- 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading.

TUESDAY, 9 DECEMBER
GOVERNMENT BUSINESS

Orders of the Day

- 1 PROTECTION OF ANIMALS BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate. (Hon. Evan Walker).*
- 2 ROAD TRAFFIC (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. J. M. Walton).*

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 24, 25, 26 and 27

No. 24—Tuesday, 2 December 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented Messages from His Excellency the Governor informing the Council—That he had, on 28 November, given the Royal Assent to the undermentioned Act presented by him by the Honourable the Speaker of the Legislative Assembly, viz.:
 - Appropriation (1980–81, No. 1) Act.*
 That he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
 - Port of Melbourne Authority (Amendment) Act.*
 - Stamps (Amendment No. 2) Act.*
 - Public Authorities (Contributions) (Amendment) Act.*
 - Criminal Injuries Compensation (Amendment) Act.*
 - Transport Works and Services Act.*
 - Youth, Sport and Recreation (Agreements) Act.*
 - Victorian Government Travel Authority (Amendment) Act.*
- 3 ADOPTION OF CHILDREN (INFORMATION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make provision for access to information concerning adoptions and for that purpose to amend the ‘Adoption of Children Act 1964’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 ROAD TRAFFIC (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Road Traffic Act 1958’, the ‘Motor Car Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 POLICE REGULATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Police Regulation Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 CHARLTON (LAND EXCHANGE) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to provide for the Exchange of certain Lands in the Parish of Charlton East, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend Section 92 of the ‘Building Societies Act 1976’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 RACING (FURTHER AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Racing Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Attorney-General and Solicitor-General Act 1972’ with respect to the Remuneration and Pension of the Solicitor-General*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Community Welfare Services Act 1970’ and the ‘Crimes Act 1958’ to make provision with respect to the Extradition of Persons released from Custody on Conditions and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 LABOUR AND INDUSTRY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Labour and Industry Act 1958’ with respect to the Fees for Registration of Factories, Shops and Market Sites, to make Provision with respect to the Fitting of Protective Frames to Tractors and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 12 PETITIONS—WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented two related Petitions:

(a) from certain residents of Waverley praying for the dismissal of the Waverley Council; and

(b) from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Severally ordered to lie on the Table.

- 13 COURT SECURITY BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to make Provisions in relation to the secure and orderly operation of Courts and other Tribunals, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 14 CANCER (CANCER REPORTING) BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to make provision for the Reporting of Cancer, to amend the *Cancer Act* 1958 and the *Hospitals and Charities Act* 1958, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 15 PROTECTION OF ANIMALS BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Protection of Animals Act* 1966, to amend the *Ministry for Conservation Act* 1972 and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

16 PAPERS—

RAFFLES AND BINGO BOARD—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Raffles and Bingo Permits Board for the year 1979–80.

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

The Honourable W. A. Landeryou moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Emerald Tourist Railway—Statement of accounts for the year 1979–80.

Geelong Waterworks and Sewerage Trust—Statement of accounts for the year 1979–80.

Housing Commission—Report for the year 1979–80.

Housing Advisory Council—Report for the year 1979–80.

State Electricity Commission—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Education Act 1958—No. 442.

Local Government Act 1958—No. 440.

Surveyors Act 1978—Nos. 445 and 446.

Tattersall Consultations Act 1958—No. 443.

Veterinary Surgeons Act 1958—No. 444.

Town and Country Planning Act 1961—

Knox—City of Knox Planning Scheme 1965—Amendment No. 219, 1979.

Portland—Town of Portland Planning Scheme—Amendments No. 17, Part 2A, 1978; and No. 21, Part 1.

Rochester—Shire of Rochester (Rochester Township) Planning Scheme—Amendment No. 12, 1980.

The Honourable Evan Walker moved, That the Reports and Accounts tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 17 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 18 ROAD TRAFFIC (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable J. M. Walton moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 19 POLICE REGULATION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable R. J. Eddy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 20 CHARLTON (LAND EXCHANGE) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable H. A. Thomas moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 21 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
The Honourable G. A. Sgro moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 22 RACING (FURTHER AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
The Honourable R. J. Eddy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 23 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable R. J. Eddy, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 24 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable R. J. Eddy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.

- 25 LABOUR AND INDUSTRY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable G. A. S. Butler moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 26 PROTECTION OF ANIMALS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable Evan Walker moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 27 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.
- 28 TEACHING SERVICE (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.
The Honourable A. J. Hunt moved, That the Bill be now read a third time.
Debate ensued.
Question—put.
The Council divided.

AYES, 28

The Hon. W. R. Baxter
H. G. Baylor (*Teller*)
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
J. V. C. Guest (*Teller*)
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
J. W. S. Radford

NOES, 11

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
Evan Walker
D. R. White (*Teller*)

N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Bill read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 29 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Hairdressers Registration Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 30 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Public Lands and Works Act 1964' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 31 NURSES (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Nurses Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 32 SUPREME COURT (CRIMINAL APPEALS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend Part IX. of the 'Supreme Court Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 33 LIQUOR CONTROL (FEES) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Liquor Control Act 1968' with respect to Licence Fees and the Orderly Marketing of Packaged Beer*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 34 MARINE (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Marine Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 35 **PLANNING APPEALS BOARD BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 36 **ADOPTION OF CHILDREN (INFORMATION) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable Joan Coxsedg, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

And the Council having continued to sit until after Twelve midnight—

WEDNESDAY, 3 DECEMBER

- 37 **COURT SECURITY BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 38 **HAIRDRESSERS REGISTRATION (AMENDMENT) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable C. J. Kennedy, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 39 **PUBLIC LANDS AND WORKS (AMENDMENT) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 40 **NURSES (AMENDMENT) BILL**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 41 **SUPREME COURT (CRIMINAL APPEALS) BILL**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

45 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until this day at a quarter to Two o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty minutes past One o'clock in the morning, adjourned until this day at a quarter to Two o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 25—Wednesday, 3 December 1980

1 The President took the Chair and read the Prayer.

2 PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR—The President reported that, accompanied by Honourable Members, he had this day waited upon His Excellency the Governor and had presented to him the Address of the Legislative Council, adopted on 11 November 1980 in reply to His Excellency the Governor's speech at the opening of Parliament, and that His Excellency the Governor had been pleased to make the following reply:

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

3 PETITION—WAVERLEY COUNCIL—The Honourable D. R. White presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Ordered to lie on the Table.

4 PAPER—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Consumer Affairs—Report of the Director of Consumer Affairs for the year 1979–80.

The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 5 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—On the motion of the Honourable D. G. Crozier, leave was given to bring in a Bill to amend the *Local Government Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.
- 7 WAVERLEY CITY COUNCIL—The Honourable C. J. Kennedy moved, That this House calls upon the Minister for Local Government to request the Council of the City of Waverley to proceed to direct negotiation with the Municipal Employees Union with a view to early settlement of the current dispute.

Debate ensued.

Question—put.

The Council divided.

AYES, 11

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy (*Teller*)
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 D. R. White

NOES, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block (*Teller*)
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton (*Teller*)
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

- 8 REFUSAL OF MEDICAL TREATMENT BILL—On the motion of the Honourable R. A. Mackenzie, leave was given to bring in a Bill to enable persons to refuse medical treatment in certain circumstances, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 OLD COLONISTS' ASSOCIATION (BORROWING POWERS) BILL—The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to authorize the Old Colonists' Association of Victoria to borrow moneys on the security of first mortgage over real property, to amend the 'Old Colonists' Association Act 1955' and for other purposes*" and desiring the concurrence of the Council therein.

The Deputy President ruled the Bill to be a Private Bill.

The Honourable Haddon Storey, for the Honourable W. V. Houghton, moved,
That this Bill be dealt with as a Public Bill.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey, for the Honourable W. V. Houghton, moved,
That this Bill be now read a first time.

Question—put and resolved in the affirmative—Bill read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Railway Construction and Property Board Act 1979’ in relation to the Establishment and Operation of a Railway Construction and Property Fund, and in relation to the Vesting of Crown Land in the Board, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 OLD COLONISTS’ ASSOCIATION (BORROWING POWERS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 12 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable G. A. S. Butler, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 13 STATE BANK BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to constitute the Commissioners of the State Savings Bank of Victoria into the Commissioners of the State Bank of Victoria, to amend the ‘State Savings Bank Act 1958’ in relation thereto and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

- 15 SUBORDINATE LEGISLATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 FORESTS (AUSTRALIAN NEWSPRINT MILLS LIMITED) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 17 STATE BANK BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

Debate ensued.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 18 OLD COLONISTS' ASSOCIATION (BORROWING POWERS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 11 inclusive, be postponed until later this day.

- 20 HEALTH COMMISSION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 CRIMES (SEXUAL OFFENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable W. A. Landeryou moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted so as to provide for the abolition of consensual adult sexual offences except where such acts cause nuisance or annoyance

and to further provide for elimination of other offences except to the extent necessary to protect people below designated ages, and to provide for offences to be created in the terms of the notion of sexual assaults”.

Debate ensued.

The Honourable B. P. Dunn moved, That the debate be adjourned until 24 March 1981.

Question—That the debate be now adjourned—put.

The Council divided.

AYES, 4

The Hon. W. R. Baxter
B. P. Dunn
D. M. Evans (*Teller*)
K. I. Wright (*Teller*)

NOES, 35

The Hon. H. G. Baylor
P. D. Block
C. Bubb
G. A. S. Butler
W. M. Campbell
B. A. Chamberlain
Joan Coxsedge
D. G. Crozier
R. J. Eddy
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser (*Teller*)
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. Lawson
R. J. Long
R. A. Mackenzie
(*Teller*)
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
G. A. Sgro
N. F. Stacey
Haddon Storey
J. A. Taylor
H. A. Thomas
Evan Walker
H. R. Ward
D. R. White

And so it passed in the negative.

Debate continued.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 4 DECEMBER

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

No. 26—Thursday, 4 December 1980

- 1 The President took the Chair and read the Prayer.
- 2 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable D. R. White moved, That the Council do now adjourn, and said he proposed to speak to the subject of “the failure of the Government to provide adequate resources to ensure that Melbourne and Victoria are in the forefront in the arts in Australia”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 11

The Hon. G. A. S. Butler
 Joan Cocksedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 J. M. Walton (*Teller*)
 D. R. White

NOES, 27

The Hon. W. R. Baxter
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

- 3 PETITION—WAVERLEY COUNCIL—The Honourable W. A. Landeryou presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Ordered to lie on the Table.

- 4 PAPERS—

The Honourable Haddon Storey presented, by command of His Excellency the Governor—

Police Department—Report for the year 1979.

Ordered to lie on the Table.

* * * * *

ROAD SAFETY COMMITTEE—TWENTY-FIRST PROGRESS REPORT—The Honourable B. P. Dunn presented the Twenty-first Progress Report from the Road Safety Committee upon Safety Aspects of the Hire and Drive Omnibus, together with Minutes of Evidence and Appendices.

Ordered to lie on the Table, and the Report and Appendices to be printed.

* * * * *

The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Public Service Act 1974—PSD No. 130.

Stamps Act 1958—No. 448.

- 5 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 6 CANCER (CANCER REPORTING) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable W. A. Landeryou moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 7 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.
- 8 CRIMES (SEXUAL OFFENCES) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 9 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.
- 10 STATE BANK BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 AGRICULTURE ACTS (REPEAL) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 SWINE COMPENSATION (PARTIAL SUSPENSION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty-two minutes past Six o'clock, adjourned until tomorrow at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 27—Friday, 5 December 1980

- 1 The President took the Chair and read the Prayer.

- 2 INSTITUTE OF EDUCATIONAL ADMINISTRATION BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to establish a Body Corporate under the Name of the Institute of Educational Administration, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 STANDING ORDERS COMMITTEE—The Honourable W. M. Campbell, on behalf of the Honourable the President (Chairman), presented a General Report from the Standing Orders Committee.

Ordered to lie on the Table and to be printed.

- 4 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 5 INSTITUTE OF EDUCATIONAL ADMINISTRATION BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until later this day.

- 6 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 7 RESIDENTIAL TENANCIES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable K. I. Wright moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until later this day.

- 8 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 15 inclusive, be postponed until later this day.

- 9 BUILDING SOCIETIES (CLAIMS ON LIQUIDATION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 RESIDENTIAL TENANCIES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 11 TRANSPORT (DEREGULATION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to make Provision with respect to the Operation of Commercial Goods Vehicles, to provide that the Victorian Railways Board shall cease to be a Common Carrier, to amend the 'North Geelong to Fyansford Railway Construction Act 1916', the 'Motor Car Act 1958', the 'Railways Act 1958' and the 'Transport Regulation Act 1958', to amend and subsequently repeal the 'Commercial Goods Vehicles Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 SUPERANNUATION BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Police Regulation*

Act 1958', the 'Pensions Supplementation Act 1966', the 'Superannuation Act 1958', Part IV. of the 'Superannuation Act 1975' and for other purposes' and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 13 STATE EMPLOYEES RETIREMENT BENEFITS (ELIGIBILITY) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'State Employees Retirement Benefits Act 1979' and the 'Public Service Act 1974' and for other purposes'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 MOTOR CAR (MISCELLANEOUS PROVISIONS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Motor Car Act 1958' with respect to the Cancellation of Licences and Permits issued under Part III., the use of Breath Analysing Instruments and for other Purposes'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 SUPERANNUATION BILL—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D. M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 STATE EMPLOYEES RETIREMENT BENEFITS (ELIGIBILITY) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 17 MOTOR CAR (MISCELLANEOUS PROVISIONS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable C. J. Kennedy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 18 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at a quarter past Two o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-three minutes past Six o'clock, adjourned until Tuesday next at a quarter past Two o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at Half past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- *5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading.
- 2 LIQUOR CONTROL (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading.
- *3 TRANSPORT (DEREGULATION) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading.
- 4 COURT SECURITY BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 5 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 6 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 7 PROTECTION OF ANIMALS BILL—(Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 8 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 9 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 10 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. M. Evans).
- 11 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 12 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 13 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 14 CANCER (CANCER REPORTING) BILL—(Hon. W. V. Houghton)—Second reading—Resumption of debate (Hon. W. A. Landeryou).
- 15 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 16 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 17 POLICE REGULATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 18 CHARLTON (LAND EXCHANGE) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 19 RACING (FURTHER AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 20 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 21 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 22 LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 23 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 24 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 25 ROAD TRAFFIC (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. J. M. Walton).
- 26 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 27 MARINE (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 28 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- *29 INSTITUTE OF EDUCATIONAL ADMINISTRATION BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- *30 STATE EMPLOYEES RETIREMENT BENEFITS (ELIGIBILITY) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- *31 MOTOR CAR (MISCELLANEOUS PROVISIONS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).

- 32 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 33 PENALTIES AND SENTENCES BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).

- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80
—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL
STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be
considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM
AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY
(VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the
Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of
debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF
STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE
NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT)
REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980
(S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be
considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be
considered.

- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978–79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979–80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978–79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978–79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
- 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979–80—To be considered.

- 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979-80—To be considered.
- 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979-80—To be considered.
- 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979-80—To be considered.
- 94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
- 95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.
- 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979-80—To be considered.
- 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1. The Hon. A. J. HUNT—To move, That there be laid upon the Table of this House a White Paper on Strategies and Structures for Education in Victorian Government Schools.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.

GOVERNMENT BUSINESS

Orders of the Day

- *1 STANDING ORDERS—MOTION FOR ADOPTION OF STANDING ORDERS COMMITTEE RECOMMENDATIONS (*Hon. A. J. Hunt*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *2 ESTATE AGENTS (AMENDMENT) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading.
- *3 STAMPS (AMENDMENT No. 3) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading.
- *4 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—(*from Assembly—Hon. A. J. Hunt*)—Second reading.
- 5 ADOPTION OF CHILDREN (INFORMATION) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Joan Coxsedge*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 6 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 7 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 8 HEALTH (REPORTING TO PARLIAMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 9 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 10 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 11 LIQUOR CONTROL (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 12 LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 13 RACING (FURTHER AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 14 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 15 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 16 STATE FORESTS WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. M. Evans).
- 17 PUBLIC SERVICE (AMENDMENT) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 18 POLICE REGULATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 19 CHARLTON (LAND EXCHANGE) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 20 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 21 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 22 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 23 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 24 ROAD TRAFFIC (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. J. M. Walton).
- 25 MARINE (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 26 INSTITUTE OF EDUCATIONAL ADMINISTRATION BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 27 STATE EMPLOYEES RETIREMENT BENEFITS (ELIGIBILITY) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 28 MOTOR CAR (MISCELLANEOUS PROVISIONS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).

- *29 PARLIAMENTARY COMMITTEES BILL—(from Assembly—Hon. A. J. Hunt)—
Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- *30 JUDGES' SALARIES AND PENSIONS BILL—(from Assembly—Hon. Haddon Storey)
Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 31 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be
further considered in Committee.
- 32 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second
reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 33 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—
Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second
reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A.
Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—
Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second
reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be
considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80
—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES'
REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be
considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be
considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be
considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND
1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED
2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT
THEREON—To be considered.

- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.

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- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
 - 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
 - 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
 - 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
 - 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
 - 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
 - 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
 - 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
 - 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
 - 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
 - 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
 - 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
 - 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
 - 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
 - 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
 - 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
 - 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate. (Hon. A. J. Hunt).*
 - 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
 - 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
 - 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
 - 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
 - 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
 - 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
 - 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. D. G. Crozier).*
 - 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.
 - 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate. (Hon. W. V. Houghton).*
 - 82 ARTS COUNCIL REPORT, 1978–79—To be considered.
 - 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
 - 84 SCIENCE MUSEUM COUNCIL REPORT, 1979–80—To be considered.
 - 85 TEACHERS TRIBUNAL REPORT, 1978–79—To be considered.
 - 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978–79—To be considered.

- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
- 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979–80—To be considered.
- 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979–80—To be considered.
- 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979–80—To be considered.
- 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979–80—To be considered.
- 94 HOUSING COMMISSION REPORT, 1979–80—To be considered.
- 95 HOUSING ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979–80—To be considered.
- 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979–80—To be considered.
- 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading.
- *99 NATIONAL PARKS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- *100 OMBUDSMAN'S REPORT, 1979–80—To be considered.
- *101 CLASSIFICATION OF PUBLICATIONS BOARD REPORT, 1979–80—To be considered.
- *102 RURAL FINANCE COMMISSION REPORT, 1979–80—To be considered.
- *103 SMALL BUSINESS DEVELOPMENT CORPORATION REPORT, 1979–80—To be considered.
- *104 DEPARTMENT OF STATE DEVELOPMENT, DECENTRALIZATION AND TOURISM REPORT, 1979–80—To be considered.
- *105 STATE EMPLOYEES RETIREMENT BENEFITS BOARD, 30 JUNE 1980—To be considered.
- *106 STATE SUPERANNUATION BOARD REPORT, 1979–80—To be considered.
- *107 URBAN LAND AUTHORITY REPORT, 30 JUNE 1980—To be considered.
- *108 STATE RIVERS AND WATER SUPPLY COMMISSION REPORT, 1979–80—To be considered.

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THURSDAY, 11 DECEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 TRANSPORT (DEREGULATION) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. G. A. S. Butler*).

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TUESDAY, 16 DECEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Cocksedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.

GOVERNMENT BUSINESS

Orders of the Day

- 1 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- *2 WEST GATE BRIDGE AUTHORITY BILL—(from Assembly—Hon. D. G. Crozier)—Second reading.
- 3 JUDGES' SALARIES AND PENSIONS BILL—(from Assembly—Hon. Haddon Storey) Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 4 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 5 TRANSPORT (DEREGULATION) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 6 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 7 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 8 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 9 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 10 LIQUOR CONTROL (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- *11 LABOUR AND INDUSTRY (LIFTING OF WEIGHTS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- *12 EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- *13 COUNTRY FIRE AUTHORITY (PENALTIES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 14 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 15 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 16 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 17 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 18 ESTATE AGENTS (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 19 STAMPS (AMENDMENT No. 3) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 20 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 21 ROAD TRAFFIC (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. J. M. Walton).
- 22 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 23 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.

- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).

- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979–80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979–80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978–79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979–80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979–80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979–80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979–80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).

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- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978–79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979–80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978–79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978–79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
- 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979–80—To be considered.
- + 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979–80—To be considered.
- 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979–80—To be considered.
- 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979–80—To be considered.
- 94 HOUSING COMMISSION REPORT, 1979–80—To be considered.
- 95 HOUSING ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979–80—To be considered.
- 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979–80—To be considered.
- 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 99 NATIONAL PARKS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 100 OMBUDSMAN'S REPORT, 1979–80—To be considered.
- 101 CLASSIFICATION OF PUBLICATIONS BOARD REPORT, 1979–80—To be considered.
- 102 RURAL FINANCE COMMISSION REPORT, 1979–80—To be considered.
- 103 SMALL BUSINESS DEVELOPMENT CORPORATION REPORT, 1979–80—To be considered.
- 104 DEPARTMENT OF STATE DEVELOPMENT, DECENTRALIZATION AND TOURISM REPORT, 1979–80—To be considered.
- 105 STATE EMPLOYEES RETIREMENT BENEFITS BOARD, 30 JUNE 1980—To be considered.
- 106 STATE SUPERANNUATION BOARD REPORT, 1979–80—To be considered.

- 107 URBAN LAND AUTHORITY REPORT, 30 JUNE 1980—To be considered.
- 108 STATE RIVERS AND WATER SUPPLY COMMISSION REPORT, 1979–80—To be considered.
- *109 CONSUMER AFFAIRS COUNCIL REPORT, 1979–80—To be considered.
- *110 MINISTERIAL STATEMENT—ROLE, STRUCTURE AND ADMINISTRATION OF LOCAL GOVERNMENT—To be considered.
- *111 EDUCATION STRATEGIES AND STRUCTURES WHITE PAPER—MOTION—That the Council take note of the Paper—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. B. P. Dunn*).

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TUESDAY, 16 DECEMBER
GOVERNMENT BUSINESS

Order of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—*Second reading—Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- *6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.

GOVERNMENT BUSINESS

Orders of the Day

- 1 EDUCATIONAL GRANTS (CONTINUATION) BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 2 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 3 LIQUOR CONTROL (FEES) BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 4 LABOUR AND INDUSTRY (LIFTING OF WEIGHTS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 5 EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 6 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker)
- 7 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 8 TRANSPORT (DEREGULATION) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 9 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 10 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 11 COUNTRY FIRE AUTHORITY (PENALTIES) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 12 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 13 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).
- 14 ESTATE AGENTS (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 15 STAMPS (AMENDMENT No. 3) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 16 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 17 ROAD TRAFFIC (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. J. M. Walton).
- 18 WEST GATE BRIDGE AUTHORITY BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- *19 FISHERIES (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- *20 CRIMES (SEXUAL OFFENCES) BILL—AMENDMENT OF THE LEGISLATIVE ASSEMBLY—To be considered.
- 21 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 22 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 23 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.

- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
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- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
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- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(Hon. Evan Walker)—*Resumption of debate.* (Hon. W. V. Houghton).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
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- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
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- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
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- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.

Friday, 12 December 1980

- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978–79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979–80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978–79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978–79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
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- 95 HOUSING ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 96 STATE ELECTRICITY COMMISSION REPORT, 1979–80—To be considered.
- 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979–80—To be considered.
- 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 99 NATIONAL PARKS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 100 OMBUDSMAN'S REPORT, 1979–80—To be considered.
- 101 CLASSIFICATION OF PUBLICATIONS BOARD REPORT, 1979–80—To be considered.
- 102 RURAL FINANCE COMMISSION REPORT, 1979–80—To be considered.

- 103 SMALL BUSINESS DEVELOPMENT CORPORATION REPORT, 1979-80—To be considered.
- 104 DEPARTMENT OF STATE DEVELOPMENT, DECENTRALIZATION AND TOURISM REPORT, 1979-80—To be considered.
- 105 STATE EMPLOYEES RETIREMENT BENEFITS BOARD REPORT, 30 JUNE 1980—To be considered.
- 106 STATE SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
- 107 URBAN LAND AUTHORITY REPORT, 30 JUNE 1980—To be considered.
- 108 STATE RIVERS AND WATER SUPPLY COMMISSION REPORT, 1979-80—To be considered.
- 109 CONSUMER AFFAIRS COUNCIL REPORT, 1979-80—To be considered.
- 110 MINISTERIAL STATEMENT—ROLE, STRUCTURE AND ADMINISTRATION OF LOCAL GOVERNMENT—To be considered.
- 111 EDUCATION STRATEGIES AND STRUCTURES WHITE PAPER—MOTION—That the Council take note of the Paper—(*Hon. Evan Walker*)—*Resumption of debate. (Hon. B. P. Dunn)*.
- *112 EDUCATION—MINISTER'S REPORT, 1978-79—To be considered.
- *113 TOWN AND COUNTRY PLANNING BOARD REPORT, 1978-79—To be considered.

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TUESDAY, 16 DECEMBER

GOVERNMENT BUSINESS

Order of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—*Second reading—Resumption of debate. (Hon. W. A. Landeryou)*.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 28, 29, 30 and 31

No. 28—Tuesday, 9 December 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
 - Health Commission (Amendment) Act.*
 - Old Colonists' Association (Borrowing Powers) Act.*
 - Nurses (Amendment) Act.*
 - Supreme Court (Criminal Appeals) Act.*
 - Land Tax Act.*
 - Agriculture Acts (Repeal) Act.*
 - Swine Compensation (Partial Suspension) Act.*
 - State Bank Act.*
 - Building Societies (Claims on Liquidation) Act.*
- 3 STANDING ORDERS—The Honourable A. J. Hunt moved, by leave—
 - 1 That—
 - (a) the following be adopted as a Standing Order of the Legislative Council:

“71A. Prior to Questions on Notice being answered, Members may ask Questions without Notice, provided that no Question without Notice shall be asked after the lapse of twenty minutes from the time the President calls on Questions, unless such time be extended at the discretion of the President.”;
 - (b) the following be adopted as a Standing Order of the Legislative Council:

“76A. A Member may give notice of a Question by delivering to the Table a copy of such notice fairly written, and signed by him or on his behalf.”

and that the following consequential amendments be made to Standing Orders 68, 77, 78 and 80:

 - (i) Standing Order 68: Omit “of question or” in line 1.
 - (ii) Standing Order 77:
 - (a) Omit “Question or” in line 2; and
 - (b) Omit “asking such Question or” in lines 5 and 6.
 - (iii) Standing Order 78: Omit “of Question or” in line 2.
 - (iv) Standing Order 80: Omit “of Question or” in line 1;
 - (c) the following amendments be made to Standing Orders 53 and 54:

Standing Order 53:

Omit “And no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate” and insert “No second motion under this Standing Order shall be made during any sitting of the Council.”.

Standing Order 54:

Add "And no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate";

(d) the following be adopted as a Standing Order of the Legislative Council:

"71B. No Ministerial statement may be made until motions proposed pursuant to Standing Orders numbered 53 and 68A and Questions without Notice have been disposed of.";

(e) the following words be added to Standing Order 269:

'unless the Council grants leave for the question "That the Bill be now read a third time" to be proposed forthwith';

(f) the following be adopted as Standing Orders of the Legislative Council:

"150A. If there be only one Member on a side when the doors are locked, the President shall forthwith announce the decision to the Council: Provided that if, on being asked by the President, that Member expresses a wish for his dissent to be recorded in the Minutes of the Proceedings, the Member's dissent shall be so recorded.

150B. Notwithstanding Standing Order 150A, if there be only one Member on a side when the doors are locked and any Member expresses his desire to have the Division recorded in the normal way, the President shall direct an officer at the Table to act as second teller for the minority, and the Division shall be permitted to proceed.";

(g) the following words be added to Standing Order 147:

"Provided that when successive Divisions are taken, and there is no intervening debate, the bells for the ensuing Divisions shall be rung for one minute only"; and

(h) the following be adopted as a Standing Order of the Legislative Council:

'68A. (a) A Member may propose that a definite matter of urgent public importance be brought before the House for discussion by submitting to the President in writing at least two hours before the time fixed for the President to take the Chair—

(i) the subject-matter desired to be discussed; and

(ii) a statement setting out the grounds considered to justify its urgent consideration—

and if the President is satisfied that the matter is of such importance as to warrant urgent consideration, he shall permit the motion to be moved: Provided that, where the President is satisfied that unusual and extreme circumstances did not permit of a matter being submitted to him at least two hours before the time fixed for him to take the Chair, he may waive that requirement.

(b) Discussion upon a matter approved by the President pursuant to this Standing Order shall be entered upon immediately prior to Questions without Notice; a motion being made, without notice, "That the Council take note of . . . (subject)."

(c) A motion under this Standing Order shall not require a seconder, and shall take precedence of a motion for the adjournment of the Council pursuant to Standing Order No. 53.

(d) A motion under this Standing Order may not be amended, nor shall any motion for the adjournment of the debate be entertained.

(e) Not more than one motion under this Standing Order shall be made during any sitting of the Council.

(f) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President shall decide, having regard to their relative urgency, which (if any) of those matters shall be the subject of a motion.

(g) No debate shall be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his ruling; and

2 That the following be the guidelines to be applied in connection with the raising of matters for discussion under Standing Order 68A:

Guidelines

In giving the President prior advice of a notice, a written statement is to accompany such advice, setting out the grounds relied upon for urgency.

In determining urgency, the President considers—

- 1 whether the matter is of recent occurrence;
- 2 whether the subject is being raised at the first opportunity;
- 3 whether the matter is of sufficient public importance to warrant invoking the urgency procedure;
- 4 whether the rights, welfare or security of citizens is in jeopardy; and
- 5 whether there is a distinct probability of the matter being brought before the House in reasonable time by other means.

If the President approves of a subject-matter being brought on for discussion under the procedure, he shall cause—

- 1 the Member who submitted the proposal to be notified that the discussion may proceed; and
- 2 the Party Leaders to be advised of the subject-matter of the motion—

as soon as practicable after having reached his decision.

If the President is not satisfied that a subject-matter should proceed to debate, he shall—

- 1 notify the Member who submitted the proposal accordingly, giving his reasons for rejecting the request; and
- 2 report to the House that he has received representations for a subject-matter to be discussed and give reasons why he decided that it should not proceed.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

4 PETITION—WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Ordered to lie on the Table.

- 5 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

National Parks—Report of the Advisory Council for the year 1979–80.
 Ombudsman—Report for the year 1979–80.
 Publications—Report of the State Classification of Publications Board for the year 1979–80.
 Rural Finance Commission—Report for the year 1979–80.
 Small Business Development Corporation—Report for the year 1979–80.
 State Development—Report of the Department of State Development, Decentralization and Tourism for the year 1979–80.
 State Employees Retirement Benefits Board—Report for the period ended 30 June 1980.
 State Superannuation Board—Report for the year 1979–80.
 Statutory Rules under the Public Service Act 1974—PSD Nos. 135, 136 and 138.
 Town and Country Planning Act 1961—
 Lillydale—Shire of Lillydale Planning Scheme 1958—Amendment No. 124, 1980.
 Ocean Road Planning Scheme—Amendment No. 19 (Shire of Otway).
 Portland—Town of Portland Planning Scheme—Amendment No. 22.
 Urban Land Authority—Report and accounts for the period ended 30 June 1980.

The Honourable W. A. Landeryou moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 6 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Orders of the Day, Government Business, Nos. 1 to 27 inclusive, be postponed until later this day.

- 7 RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable G. A. S. Butler moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide that the Victorian Railway Construction and Property Board be not allowed to sell property on any major lines proposed for closure until there has been full and open consultation with local communities”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 22

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest

NOES, 17

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy

H. M. Hamilton	D. E. Kent
D. K. Hayward	W. A. Landeryou
Dr R. W. Howard	R. A. Mackenzie
A. J. Hunt	G. A. Sgro
Glyn Jenkins	H. A. Thomas (<i>Teller</i>)
R. I. Knowles	I. B. Trayling (<i>Teller</i>)
R. Lawson	Evan Walker
R. J. Long (<i>Teller</i>)	J. M. Walton
J. W. S. Radford (<i>Teller</i>)	D. R. White
N. B. Reid	K. I. Wright
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable D. G. Crozier moved, That the Bill be now read a third time.

Question—put.

The Council divided.

AYES, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 D. N. Saltmarsh (*Teller*)
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

NOES, 13

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Bill read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Land Act 1958—Resumption of land at Melbourne for public purposes—
Certificate of the Minister for Community Welfare Services.

Water Supply—Report of the State Rivers and Water Supply Commission for the year 1979–80 (two papers).

The Honourable W. A. Landeryou moved, That the Report tabled by the Clerk be taken into consideration later this day.

Question—put and resolved in the affirmative.

- 9 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 10 LIQUOR CONTROL (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 11 TRANSPORT (DEREGULATION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable G. A. S. Butler moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

The Honourable D. G. Crozier moved, That the debate be adjourned until Thursday next.

The Honourable W. A. Landeryou moved, as an amendment, That the words “Thursday next” be omitted with the view of inserting in place thereof “Wednesday week”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 26

The Hon. W. R. Baxter
H. G. Baylor
C. Bubb
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr R. W. Howard

NOES, 13

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy (*Teller*)
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Amendment negatived.

Question—That the debate be adjourned until Thursday next—put.

The Council divided.

AYES, 25

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 C. Bubb
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

NOES, 13

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 (*Teller*)
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

12 COURT SECURITY BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
 Debate resumed.

Question—put.

The Council divided.

AYES, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb (*Teller*)

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy

J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Bill read a third time and passed.
 Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 13 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to establish a Post-Secondary Education Remuneration Tribunal and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 PARLIAMENTARY COMMITTEES BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘State Development Committee Act 1958’, the ‘Public Works Committee Act 1958’, the ‘Melbourne and Metropolitan Tramways Act 1958’ and the ‘Parliamentary Committees Act 1968’, to facilitate the Conduct of Public Inquiries and to make provision with respect to the Remuneration of Members and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, for the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 CANCER (CANCER REPORTING) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 PARLIAMENTARY COMMITTEES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 17 PROTECTION OF ANIMALS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable Evan Walker moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted to include a Code of Accepted Farming Practice and provision for an Office of Animal Welfare responsible to the Minister for Conservation".

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

WEDNESDAY, 10 DECEMBER

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans (*Teller*)
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser (*Teller*)
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling (*Teller*)
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 18 JUDGES' SALARIES AND PENSIONS BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Constitution Act 1975' and the 'County Court Act 1958' with respect to the Salaries, Allowances and Pensions of Judges of the Supreme Court and the County Court*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 19 ESTATE AGENTS (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Estate Agents Act 1980' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 JUDGES' SALARIES AND PENSIONS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 21 STAMPS (AMENDMENT No. 3) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Stamps Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until this day at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at three minutes past One o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 29—Wednesday, 10 December 1980

- 1 The President took the Chair and read the Prayer.

- 2 PAPER—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Consumer Affairs Council—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Report tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable I. B. Trayling moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to ensure an equitable local government rating system for Victorian ratepayers”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 14

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling (*Teller*)
 Evan Walker
 D. R. White
 K. I. Wright (*Teller*)

NOES, 21

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley (*Teller*)
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 D. N. Saltmarsh
 N. F. Stacey
 J. A. Taylor

And so it passed in the negative.

- 4 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Notice of Motion, Government Business, the Notices of Motion, General Business, the Orders of the Day, Government Business and Orders of the Day, General Business, Nos. 1 to 97 inclusive, be postponed until later this day.
- 5 REFUSAL OF MEDICAL TREATMENT BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable R. A. Mackenzie moved, That this Bill be now read a second time.
- The Honourable Glyn Jenkins, for the Honourable W. V. Houghton, moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until the next day of meeting.
- 6 STANDING ORDERS—The Order of the Day having been read for the resumption of the debate on the motion for adoption of the recommendations of the Standing Orders Committee (for motion, see page 127 *ante*)—
- Debate resumed.
- Question—put and resolved in the affirmative.
- 7 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
- The Honourable W. A. Landeryou, for the Honourable Evan Walker, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until later this day.

- 8 LIQUOR CONTROL (FEES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable W. A. Landeryou moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide that no licence fees are payable in respect of the liquor defined as ‘prescribed liquor’ in this Bill”.

The Honourable W. R. Baxter moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until later this day.

- 9 WEST GATE BRIDGE AUTHORITY BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to establish the West Gate Bridge Authority as a statutory authority, to confer certain powers on the Authority, to repeal the ‘Lower Yarra Crossing Authority Act 1965’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 SUPERANNUATION BILL—The President announced the receipt of a Message from the Assembly transmitting a Message from His Excellency the Governor, pursuant to the provisions of section 14 of the *Constitution Act 1975*, recommending the following amendments which His Excellency desires to be made in this Bill, and acquainting the Council that the Assembly have agreed to such amendments, and desiring the concurrence of the Council therein:

1 Clause 9, line 16, omit “(10)” and insert “(iv)”.

2 Clause 15, line 11, omit “10 (b)” and insert “15 (b)”.

On the motion of the Honourable A. J. Hunt, the Council agreed to the amendments recommended by His Excellency the Governor and ordered that a Message be sent to the Assembly acquainting them therewith.

- 11 LABOUR AND INDUSTRY (LIFTING OF WEIGHTS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Labour and Industry Act 1958’ with respect to the Lifting of Weights by Members of the Police Force*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 12 MINISTERIAL STATEMENT—LOCAL GOVERNMENT ROLE, STRUCTURE AND ADMINISTRATION—The Honourable D. G. Crozier made a Ministerial Statement on the Final Report of the Board of Review of the Role, Structure and Administration of Local Government in Victoria.

The Honourable W. A. Landeryou moved, That the Ministerial Statement be taken into consideration later this day.

Question—put and resolved in the affirmative.

- 13 STAMPS (AMENDMENT No. 3) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable D. E. Kent, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 14 LABOUR AND INDUSTRY (LIFTING OF WEIGHTS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable G. A. S. Butler, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 15 LIQUOR CONTROL (FEES) BILL—The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time—and on the amendment—That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide that no licence fees are payable in respect of the liquor defined as ‘prescribed liquor’ in this Bill”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block (*Teller*)
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward
 K. I. Wright

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy (*Teller*)
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

- 16 LABOUR AND INDUSTRY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 RACING (FURTHER AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 STATE FORESTS WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Egg Industry Stabilization Act 1973' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, for the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 20 POLICE REGULATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 ATTORNEY-GENERAL AND SOLICITOR-GENERAL BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 22 CHARLTON (LAND EXCHANGE) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 23 PUBLIC LANDS AND WORKS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 24 COUNTRY FIRE AUTHORITY (PENALTIES) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Country Fire Authority Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, for the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 25 FORESTS (PENALTIES) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same without amendment.

- 26 EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable D. E. Kent, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 27 COUNTRY FIRE AUTHORITY (PENALTIES) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable Haddon Storey, moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 28 WHITE PAPER—EDUCATION STRATEGIES AND STRUCTURES IN GOVERNMENT SCHOOLS—The Honourable A. J. Hunt moved, That there be laid before this House a White Paper on Strategies and Structures for Education in Victorian Government Schools.

Question—put and resolved in the affirmative.

The said Paper was thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table and to be printed.

The Honourable Evan Walker moved, That the Council take note of the White Paper.

Debate ensued.

The Honourable B. P. Dunn moved, That the debate be now adjourned.

Debate ensued.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 29 PUBLIC SERVICE (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, and further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 30 PARLIAMENTARY COMMITTEES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 31 MARINE (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 32 INSTITUTE OF EDUCATIONAL ADMINISTRATION BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 33 MOTOR CAR (MISCELLANEOUS PROVISIONS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 34 STATE EMPLOYEES RETIREMENT BENEFITS (ELIGIBILITY) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 35 HEALTH (REPORTING TO PARLIAMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 36 ESTATE AGENTS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 37 LIQUOR CONTROL (FEES) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the Deputy President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendment in the Bill, viz.:

- 1 Clause 4, page 6, lines 2–5, omit “for each day during which the licence is in force in respect of each booth or place specified in the licence from which the liquor is sold or disposed”,

and had made an amendment in the Bill, and asked leave to sit again.

The House ordered the Report from the Committee of the whole to be taken into consideration this day, whereupon the House adopted the Report.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution, and acquainting them that the Council have agreed to an amendment in the Bill, with which they desire the concurrence of the Legislative Assembly.

Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 38 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-six minutes past Eleven o'clock, adjourned until tomorrow at a quarter to Eleven o'clock.

No. 30—Thursday, 11 December 1980

1 The President took the Chair and read the Prayer.

2 FISHERIES (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Fisheries Act 1968’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PETITIONS—

WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

* * *

TRAFFIC—MIDDLE ROAD, CHADSTONE—The Honourable D. N. Saltmarsh presented a Petition from certain residents of Chadstone praying that legislation be enacted to route all vehicles in excess of 1 tonne other than through Middle Road, Chadstone, and as far as is practicable to divert some of the smaller car usage away from such road.

Severally ordered to lie on the Table.

4 PAPERS—

RAILWAY STATUS REPORTS—The Honourable D. G. Crozier moved, by leave, That there be laid before this House copies of Status Reports from the Railway Construction and Property Board relating to the Box Hill Transport Centre and the Frankston Transport Centre.

Question—put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable D. G. Crozier and severally ordered to lie on the Table.

* * *

CONSERVATION OF ENERGY RESOURCES COMMITTEE—TROLLEY BUSES—The Honourable I. B. Trayling presented the Sixth Progress Report from the Conservation of Energy Resources Committee upon Trolley Buses, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table, and the Report and Appendices to be printed.

* * *

PUBLIC BODIES REVIEW COMMITTEE—The Honourable Dr K. J. Foley presented a Report from the Public Bodies Review Committee upon the Activities of the Public Bodies Review Committee, together with Appendices.

Ordered to lie on the Table, and to be printed.

* * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Education—Report of the Minister of Education for the year 1978–79.

Statutory Rules under the following Acts of Parliament:

Abattoir and Meat Inspection Act 1973—No. 453.

Industrial Training Act 1975—No. 452.

Marine Act 1958—No. 449.

Town and Country Planning Act 1961—

Benalla—City of Benalla Planning Scheme—Amendment No. 27.

Camberwell—City of Camberwell Planning Scheme 1954—Amendments Nos. 49 and 50, 1979.

Melbourne Metropolitan Planning Scheme—Amendments No. 34, Part 6 (with map); and No. 115, Part 1B (with map).

Town and Country Planning Board—Report for the year 1978–79.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 5 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 6 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

The Honourable Evan Walker moved, by leave, That the notes as circulated be incorporated in *Hansard*.

Question—put and resolved in the affirmative.

- 7 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 8 JUDGES' SALARIES AND PENSIONS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable W. A. Landeryou moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until a more comprehensive investigation is made into the status and remuneration of members of the judiciary, including whether any salary increase is consistent with current wage and salary fixing principles”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 28

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton

NOES, 12

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedge (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 RESIDENTIAL TENANCIES BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the Deputy President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

- 10 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 to 9 inclusive, be postponed until later this day.

- 11 LIQUOR CONTROL (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.

- 12 RESIDENTIAL TENANCIES BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

And having continued to sit until after Twelve midnight—

FRIDAY, 12 DECEMBER

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.

- 13 CRIMES (SEXUAL OFFENCES) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with an amendment and desiring the concurrence of the Council therein.

Ordered—That the amendment be taken into consideration on the next day of meeting.

- 14 FISHERIES (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable Evan Walker, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 15 WEST GATE BRIDGE AUTHORITY BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable G. A. S. Butler moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 16 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until this day at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-four minutes past Twelve o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 31—Friday, 12 December 1980

- 1 The President took the Chair and read the Prayer.

- 2 PETITION—WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Ordered to lie on the table.

- 3 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the table by the Clerk:

Forests Commission—Report for the year 1979–80.

Friendly Societies—Reports of the Registrar for the years 1978–79 and 1979–80.

Lands—Report of the Department of Crown Lands and Survey for the year 1979–80.

Ombudsman—Report for the quarter ended 30 June 1980.

Railway Construction and Property Board—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Health Act 1958—No. 451.

Post-Secondary Education Act 1978—No. 450.

Public Service Act 1974—PSD Nos. 139 to 143.

Victorian Development Corporation—Report for the year 1979–80.

Victorian Egg Marketing Board—Report for the pool year ended 5 July 1980.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 4 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 5 EDUCATIONAL GRANTS (CONTINUATION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable Evan Walker moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for the establishment of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria’s school children on the basis of needs and priorities, educational experimentation and regionalization”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 28

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward

NOES, 13

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford (*Teller*)
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative.

Bill read a second and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 COMMUNITY WELFARE SERVICES (EXTRADITION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

- 8 EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 LIQUOR CONTROL (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the amendments made in such Bill by the Council.
- 10 LIQUOR CONTROL (FEES) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that the Assembly, having considered the Message of the Council suggesting on the consideration of the Bill in Committee that the Assembly make an amendment in such Bill and acquainting the Assembly that the Council had made an amendment in the Bill, have made the suggested amendment and desire the concurrence of the Council therein, and have agreed to the amendment made by the Council in the Bill.

Ordered—That the foregoing Message be referred to the Committee of the whole on the Bill.

The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill, including the amendment made by the Assembly which was suggested by the Council, without further amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill, including the amendment made by the Assembly which was suggested by the Council, without further amendment.

- 11 LABOUR AND INDUSTRY (LIFTING OF WEIGHTS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 POST-SECONDARY EDUCATION REMUNERATION TRIBUNAL BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 WATER SUPPLY WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable W. R. Baxter moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 14 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 8 and 9, be postponed until later this day.

- 15 PORT PHILLIP AUTHORITY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 MESSAGES FROM THE ASSEMBLY—The President announced the receipt of Messages from the Assembly returning the following Bills and acquainting the Council that they have agreed to the same without amendment:

Mildura Irrigation and Water Trusts Bill.
 Protection of Animals Bill.
 Forests (Australian Newsprint Mills Limited) Bill.
 Sale of Land (Deposits Amendment) Bill.
 Subordinate Legislation (Amendment) Bill.

- 17 COUNTRY FIRE AUTHORITY (PENALTIES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18—ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday next at Two o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at two minutes past Six o'clock, adjourned until Tuesday next at Two o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter past Two o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.

GOVERNMENT BUSINESS

Orders of the Day

- 1 ADOPTION OF CHILDREN (INFORMATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Joan Coxsedge).
- 2 TRANSPORT (DEREGULATION) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 3 WEST GATE BRIDGE AUTHORITY BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 4 FISHERIES (AMENDMENT) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 5 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 6 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. C. J. Kennedy).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 7 ESTATE AGENTS (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 8 STAMPS (AMENDMENT No. 3) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 9 ROAD TRAFFIC (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. J. M. Walton).
- 10 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 11 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. W. R. Baxter).
- 12 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 13 CRIMES (SEXUAL OFFENCES) BILL—AMENDMENT OF THE LEGISLATIVE ASSEMBLY—To be considered.
- 14 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 15 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 16 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978-79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979-80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978-79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978-79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978-79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979-80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978-79—To be considered.

- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978-79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978-79 AND 1979-80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.
- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH
—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978-79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978-79 AND 1979-80
—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979-80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979-80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978-79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978-79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979-80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979-80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979-80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979-80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979-80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.

- 49 LIBRARY COUNCIL REPORT, 1978-79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979-80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979-80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979-80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979-80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.
- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979-80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979-80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979-80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977-78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979-80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979-80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979-80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979-80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate. (Hon. A. J. Hunt).*
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979-80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979-80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979-80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978-79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. D. G. Crozier).*

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- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979-80—To be considered.
 - 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
 - 82 ARTS COUNCIL REPORT, 1978-79—To be considered.
 - 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
 - 84 SCIENCE MUSEUM COUNCIL REPORT, 1979-80—To be considered.
 - 85 TEACHERS TRIBUNAL REPORT, 1978-79—To be considered.
 - 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978-79—To be considered.
 - 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
 - 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
 - 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.
 - 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979-80—To be considered.
 - 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979-80—To be considered.
 - 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979-80—To be considered.
 - 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979-80—To be considered.
 - 94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
 - 95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 - 96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.
 - 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979-80—To be considered.
 - 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
 - 99 NATIONAL PARKS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 - 100 OMBUDSMAN'S REPORT, 1979-80—To be considered.
 - 101 CLASSIFICATION OF PUBLICATIONS BOARD REPORT, 1979-80—To be considered.
 - 102 RURAL FINANCE COMMISSION REPORT, 1979-80—To be considered.
 - 103 SMALL BUSINESS DEVELOPMENT CORPORATION REPORT, 1979-80—To be considered.
 - 104 DEPARTMENT OF STATE DEVELOPMENT, DECENTRALIZATION AND TOURISM REPORT, 1979-80—To be considered.
 - 105 STATE EMPLOYEES RETIREMENT BENEFITS BOARD REPORT, 30 JUNE 1980—To be considered.
 - 106 STATE SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
 - 107 URBAN LAND AUTHORITY REPORT, 30 JUNE 1980—To be considered.
 - 108 STATE RIVERS AND WATER SUPPLY COMMISSION REPORT, 1979-80—To be considered.
 - 109 CONSUMER AFFAIRS COUNCIL REPORT, 1979-80—To be considered.
 - 110 MINISTERIAL STATEMENT—ROLE, STRUCTURE AND ADMINISTRATION OF LOCAL GOVERNMENT—To be considered.
 - 111 EDUCATION STRATEGIES AND STRUCTURES WHITE PAPER—MOTION—That the Council take note of the Paper—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. B. P. Dunn*).
 - 112 EDUCATION—MINISTER'S REPORT, 1978-79—To be considered.
 - 113 TOWN AND COUNTRY PLANNING BOARD REPORT, 1978-79—To be considered.
 - *114 FORESTS COMMISSION REPORT, 1979-80—To be considered.

- *115 FRIENDLY SOCIETIES—REGISTRAR'S REPORTS, 1978-79 AND 1979-80—To be considered.
- *116 LANDS DEPARTMENT REPORT, 1979-80—To be considered.
- *117 OMBUDSMAN'S QUARTERLY REPORT, 30 JUNE 1980—To be considered.
- *118 RAILWAY CONSTRUCTION AND PROPERTY BOARD REPORT, 1979-80—To be considered.
- *119 VICTORIAN DEVELOPMENT CORPORATION REPORT, 1979-80—To be considered.
- *120 EGG MARKETING BOARD REPORT, 1979-80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
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GOVERNMENT BUSINESS

Orders of the Day

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- 2 PLANNING APPEALS BOARD BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 3 ESTATE AGENTS (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 4 PUBLIC WORKS AND SERVICES BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 5 WATER SUPPLY WORKS AND SERVICES BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. W. R. Baxter).
- 6 RESIDENTIAL TENANCIES BILL—(from Assembly—Hon. Haddon Storey)—To be further considered in Committee.
- 7 CRIMES (SEXUAL OFFENCES) BILL—AMENDMENT OF THE LEGISLATIVE ASSEMBLY—To be considered.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 8 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 10 PENALTIES AND SENTENCES BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS REGISTRATION BOARD REPORT, 1979—To be considered.
- 7 COUNTRY FIRE AUTHORITY REPORT, 1978–79—To be considered.
- 8 DRIED FRUITS BOARD ACCOUNTS, 1979—To be considered.
- 9 EDUCATIONAL INSTITUTIONS—GUARANTEES EXECUTED BY THE TREASURER, 1979–80—To be considered.
- 10 GEELONG HARBOR TRUST COMMISSIONERS' ACCOUNTS, 1979—To be considered.
- 11 LIBRARY COUNCIL, NATIONAL MUSEUM AND SCIENCE MUSEUM BUILDING TRUSTEES' REPORT, 1978–79—To be considered.
- 12 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 13 NATIONAL MUSEUM COUNCIL REPORT, 1978–79—To be considered.
- 14 PORTLAND HARBOR TRUST—ACCOUNTS, 1978–79—To be considered.
- 15 POULTRY FARMER LICENSING REVIEW COMMITTEE REPORT, 1979–80—To be considered.
- 16 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1978–79—To be considered.
- 17 RAILWAYS BOARD QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 18 SCIENCE MUSEUM ACCOUNTS, 1978–79—To be considered.
- 19 TRADE UNIONS—REPORTS OF THE REGISTRAR OF FRIENDLY SOCIETIES, 1978–79 AND 1979–80—To be considered.
- 20 VICTORIAN INSTITUTE OF MARINE SCIENCES REPORT, 1978—To be considered.
- 21 VICTORIAN INSTITUTE OF SECONDARY EDUCATION REPORT, 1979—To be considered.
- 22 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS DATED 2 APRIL 1980—To be considered.
- 23 FLUORIDATION—REPORT OF COMMITTEE OF INQUIRY AND MINISTERIAL STATEMENT THEREON—To be considered.
- 24 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 25 MEMBERS OF PARLIAMENT REGISTER OF INTERESTS—SUMMARY OF RETURNS, JUNE 1980—To be considered.

- 26 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 27 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT DIAMOND CREEK SOUTH—To be considered.
- 28 GRAIN ELEVATORS BOARD REPORT, 1978–79—To be considered.
- 29 MINISTRY FOR IMMIGRATION AND ETHNIC AFFAIRS REPORTS, 1978–79 AND 1979–80—To be considered.
- 30 OMBUDSMAN'S QUARTERLY REPORT, 31 MARCH 1980—To be considered.
- 31 PARLIAMENTARY OFFICERS ACT STATEMENTS, 1979–80—To be considered.
- 32 DRUGS—REPORT OF AUSTRALIAN ROYAL COMMISSION (BOOK F) AND MINISTERIAL STATEMENT THEREON—To be considered.
- 33 EXHIBITION TRUSTEES' REPORT, 1979–80—To be considered.
- 34 LEGAL AID COMMISSION REPORT, 30 JUNE 1980—To be considered.
- 35 POISONS ACT PROCLAMATION, 9 SEPTEMBER 1980—To be considered.
- 36 COMMUNITY WELFARE SERVICES DEPARTMENT REPORT, 1978–79—To be considered.
- 37 HOSPITALS SUPERANNUATION BOARD REPORT, 1978–79—To be considered.
- 38 RAILWAYS BOARD REPORT, 1979–80—To be considered.
- 39 STATE SAVINGS BANK REPORTS, STATEMENTS, RETURNS, ETC., 1979–80—To be considered.
- 40 ANTI-CANCER COUNCIL REPORT, 1979–80—To be considered.
- 41 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 42 DRUGS—REPORT ON MATTERS OF PARTICULAR RELEVANCE TO VICTORIA ARISING FROM AUSTRALIAN ROYAL COMMISSION—To be considered.
- 43 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 44 DRUG PROBLEM IN VICTORIA—REPORT OF INTERDEPARTMENTAL WORKING PARTY (VOLUME 2)—To be considered.
- 45 COUNCIL OF ADULT EDUCATION REPORT, 1979–80—To be considered.
- 46 ENVIRONMENT PROTECTION AUTHORITY REPORT, 1979–80—MOTION—That the Council take note of the Report—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 47 GOVERNMENT BUILDINGS ADVISORY COUNCIL REPORT, 1979–80—To be considered.
- 48 LA TROBE UNIVERSITY COUNCIL—REPORT AND STATUTES, 1979—To be considered.
- 49 LIBRARY COUNCIL REPORT, 1978–79—To be considered.
- 50 PUBLIC RECORD OFFICE REPORT, 1979–80—To be considered.
- 51 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1959—ABSTRACT OF STATISTICS, 1979—To be considered.
- 52 SURVEYOR-GENERAL'S REPORT, 1979–80—NATIONAL MAPPING SCHEME AND PLACE NAMES COMMITTEE—To be considered.
- 53 TOTALIZATOR AGENCY BOARD REPORT, 1979–80—To be considered.
- 54 TRANSPORT REGULATION BOARD REPORT, 1979–80—To be considered.
- 55 ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION (AMENDMENT) REGULATIONS 1980 (S.R. No. 402/1980)—To be considered.
- 56 COMMUNITY WELFARE SERVICES (STATUTORY ALLOWANCES) REGULATIONS 1980 (S.R. No. 392/1980)—To be considered.
- 57 MINES (EXPLOSIVES FEES) REGULATIONS 1980 (S.R. No. 368/1980)—To be considered.

- 58 MINES (LEASING FEES) REGULATIONS 1980 (S.R. No. 381/1980)—To be considered.
- 59 MINES (SHAFTS AND TUNNELS) REGULATIONS 1980 (S.R. No. 384/1980)—To be considered.
- 60 RACING (RACECOURSES LICENCES BOARD AMENDMENT) (No. 2) REGULATIONS 1980 (S.R. No. 395/1980)—To be considered.
- 61 RACING (GREYHOUND RACING GROUNDS DEVELOPMENT BOARD FEES) (No. 2) REGULATIONS 1980 (S.R. No. 397/1980)—To be considered.
- 62 COUNTRY ROADS BOARD REPORT, 1979–80—To be considered.
- 63 MINISTERIAL STATEMENT—APPRENTICESHIP COURSES—To be considered.
- 64 LAND CONSERVATION COUNCIL REPORT, 1979–80—To be considered.
- 65 STATE INSURANCE OFFICE ACCOUNTS, 1979–80—To be considered.
- 66 FRIENDLY SOCIETIES AND BENEFIT ASSOCIATIONS—GOVERNMENT STATIST'S REPORT, 1977–78—To be considered.
- 67 MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY REPORT, 1979–80—To be considered.
- 68 VICTORIA GRANTS COMMISSION REPORT, 1979–80—To be considered.
- 69 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 70 CRIMES COMPENSATION TRIBUNAL REPORT, 1979–80—To be considered.
- 71 GAS AND FUEL CORPORATION REPORT, 1979–80—To be considered.
- 72 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 73 TECHNICAL TEACHERS REGISTRATION BOARD REGULATIONS 1980—To be considered.
- 74 INDUSTRIAL TRAINING COMMISSION REPORT, 1979–80—To be considered.
- 75 PORT PHILLIP AUTHORITY REPORT, 1979–80—To be considered.
- 76 VICTORIAN POST-SECONDARY EDUCATION COMMISSION REPORT, 1979–80—To be considered.
- 77 GEELONG REGIONAL COMMISSION REPORT, 1978–79—To be considered.
- 78 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 79 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 80 STATE LIBRARY AND NATIONAL MUSEUM BUILDINGS COMMITTEE REPORT, 1979–80—To be considered.
- 81 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 82 ARTS COUNCIL REPORT, 1978–79—To be considered.
- 83 HEALTH ADVISORY COUNCIL REPORT, 30 JUNE 1980—To be considered.
- 84 SCIENCE MUSEUM COUNCIL REPORT, 1979–80—To be considered.
- 85 TEACHERS TRIBUNAL REPORT, 1978–79—To be considered.
- 86 METROPOLITAN FIRE BRIGADES BOARD REPORT, 1978–79—To be considered.
- 87 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 88 CONVEYANCING—FINAL REPORT OF COMMITTEE OF INQUIRY—To be considered.
- 89 LABOUR AND INDUSTRY DEPARTMENT REPORT, 1979—To be considered.

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- 90 MELBOURNE AND METROPOLITAN TRAMWAYS BOARD REPORT, 1979-80—To be considered.
 - 91 RAFFLES AND BINGO PERMITS BOARD REPORT, 1979-80—To be considered.
 - 92 EMERALD TOURIST RAILWAY ACCOUNTS, 1979-80—To be considered.
 - 93 GEELONG WATERWORKS AND SEWERAGE TRUST—ACCOUNTS, 1979-80—To be considered.
 - 94 HOUSING COMMISSION REPORT, 1979-80—To be considered.
 - 95 HOUSING ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 - 96 STATE ELECTRICITY COMMISSION REPORT, 1979-80—To be considered.
 - 97 CONSUMER AFFAIRS—DIRECTOR'S REPORT, 1979-80—To be considered.
 - 98 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
 - 99 NATIONAL PARKS ADVISORY COUNCIL REPORT, 1979-80—To be considered.
 - 100 OMBUDSMAN'S REPORT, 1979-80—To be considered.
 - 101 CLASSIFICATION OF PUBLICATIONS BOARD REPORT, 1979-80—To be considered.
 - 102 RURAL FINANCE COMMISSION REPORT, 1979-80—To be considered.
 - 103 SMALL BUSINESS DEVELOPMENT CORPORATION REPORT, 1979-80—To be considered.
 - 104 DEPARTMENT OF STATE DEVELOPMENT, DECENTRALIZATION AND TOURISM REPORT, 1979-80—To be considered.
 - 105 STATE EMPLOYEES RETIREMENT BENEFITS BOARD REPORT, 30 JUNE 1980—To be considered.
 - 106 STATE SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
 - 107 URBAN LAND AUTHORITY REPORT, 30 JUNE 1980—To be considered.
 - 108 STATE RIVERS AND WATER SUPPLY COMMISSION REPORT, 1979-80—To be considered.
 - 109 CONSUMER AFFAIRS COUNCIL REPORT, 1979-80—To be considered.
 - 110 MINISTERIAL STATEMENT—ROLE, STRUCTURE AND ADMINISTRATION OF LOCAL GOVERNMENT—To be considered.
 - 111 EDUCATION STRATEGIES AND STRUCTURES WHITE PAPER—MOTION—That the Council take note of the Paper—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. B. P. Dunn*).
 - 112 EDUCATION—MINISTER'S REPORT, 1978-79—To be considered.
 - 113 TOWN AND COUNTRY PLANNING BOARD REPORT, 1978-79—To be considered.
 - 114 FORESTS COMMISSION REPORT, 1979-80—To be considered.
 - 115 FRIENDLY SOCIETIES—REGISTRAR'S REPORTS, 1978-79 AND 1979-80—To be considered.
 - 116 LANDS DEPARTMENT REPORT, 1979-80—To be considered.
 - 117 OMBUDSMAN'S QUARTERLY REPORT, 30 JUNE 1980—To be considered.
 - 118 RAILWAY CONSTRUCTION AND PROPERTY BOARD REPORT, 1979-80—To be considered.
 - 119 VICTORIAN DEVELOPMENT CORPORATION REPORT, 1979-80—To be considered.
 - 120 VICTORIAN EGG MARKETING BOARD REPORT, 1979-80—To be considered.
 - *121 LOCAL AUTHORITIES BENEFITS CONTRACTS ACCOUNT—ACTUARIAL INVESTIGATION, 28 FEBRUARY 1979—To be considered.
 - *122 NATIONAL PARKS DIRECTORS' REPORT, 1979-80—To be considered.
 - *123 TRADE UNIONS—GOVERNMENT STATIST'S REPORT, 1979—To be considered.

- *124 VICTORIAN BROWN COAL COUNCIL REPORT, 1979-80—To be considered.
- *125 VICTORIAN GOVERNMENT TRAVEL AUTHORITY REPORT, 1979-80—To be considered.
- *126 VICTORIAN PUBLIC OFFICES CORPORATION REPORT, 1979-80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 32 and 33

No. 32—Tuesday, 16 December 1980

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented Messages from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz:—
 - Superannuation Act.*
 - State Forests Works and Services Act.*
 - Attorney-General and Solicitor-General Act.*
 - Railway Construction and Property (Amendment) Act.*
 - Forests (Penalties) Act.*
 - Institute of Educational Administration Act.*
 - Public Service (Amendment) Act.*
 - Marine (Amendment) Act.*
 - Judges' Salaries and Pensions Act.*
 - Police Regulation (Amendment) Act.*
 - Labour and Industry (Amendment) Act.*
 - Sale of Land (Deposits Amendment) Act.*
 - Liquor Control (Fees) Act.*
- 3 MESSAGES FROM THE ASSEMBLY—The President announced the receipt of Messages from the Assembly returning the following Bills and acquainting the Council that they have agreed to the same without amendment:
 - Court Security Bill.
 - Teaching Service (Amendment) Bill.
 - Water (Amendment) Bill.
 - Sewerage Districts (Rebates) Bill.
 - Patriotic Funds (Amendment) Bill.
 - Coroners (Amendment) Bill.
 - Cancer (Cancer Reporting) Bill.
 - Mildura College Lands (Easements) Bill.
4. WILDLIFE (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with an amendment and desiring the concurrence of the Council therein.

Ordered—That the amendment be taken into consideration later this day.

- 5 VALUATION OF LAND (INTEREST RATE) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments and desiring the concurrence of the Council therein.

Ordered—That the amendments be now taken into consideration.

And the said amendments were read and are as follows:

- 1 Clause 2, page 2, line 5, after “sub-section (3)” insert “(but not to exceed the maximum rate which at the time of making the Order is approved by the Australian Loan Council for new public securities issued by the State Electricity Commission of Victoria)”.

2 Clause 2, page 2, lines 9–12, omit all the words commencing with “but shall not vary” and ending with “Australia”.

On the motion of the Honourable A. J. Hunt, the Council agreed to the amendments made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

- 6 PETITION—WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

The Honourable C. J. Kennedy moved, That the Petition do lie on the Table.

Debate ensued.

Question—put.

The Council divided.

AYES, 21

The Hon. W. R. Baxter
 G.A.S. Butler
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 J. V. C. Guest
 A. J. Hunt
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. J. Long
 R. A. Mackenzie
 (Teller)
 N. B. Reid
 N. F. Stacey
 J. A. Taylor
 H. A. Thomas (Teller)
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 13

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton
 (Teller)
 V. T. Hauser
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 J. W. S. Radford
 (Teller)
 H. R. Ward

And so it was resolved in the affirmative.

- 7 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Local Authorities Superannuation Act 1958—Report of actuarial investigation into the financial position and sufficiency of the Local Authorities Benefits Contracts Account for the period 1 March 1976 to 28 February 1979.

National Parks—Report of the Director for the year 1979–80.

Statutory Rules under the Public Service Act 1974—PSD Nos. 144, 146 and 147.

Town and Country Planning Act 1961—

Frankston—City of Frankston Planning Scheme—Amendment No. 20, Part 2, 1978.

Melbourne Metropolitan Planning Scheme—Amendments No. 90, Part 4 (with map); No. 114, Part 1A (with forty-two maps); and No. 128.

Trade Unions—Report of the Government Statist for the year 1979.
 Victorian Brown Coal Council—Report for the year 1979–80.
 Victorian Government Travel Authority—Report for the year 1979–80.
 Victorian Public Offices Corporation—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

8 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

9 WILDLIFE (AMENDMENT) BILL—The Order of the Day for the consideration of the amendment made by the Assembly in this Bill having been read, the said amendment was read and is as follows:

Clause 2, page 2, line 14, after “specify” insert “the area,”.

On the motion of the Honourable W. V. Houghton, and after debate, the Council agreed to the amendment made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

10 ADOPTION OF CHILDREN (INFORMATION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable Joan Coxsedg moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time because of the failure of the Government to provide an adequate opportunity for informed community discussion on the provisions of the Bill, the Interim Report of the Adoption Legislation Review Committee, the recommended guidelines for the Adoption Information Services and on the yet to be released Working Papers and Final Report and Recommendations presently being prepared by the Adoption Legislation Review Committee”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 25

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 P. D. Block (*Teller*)
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson

NOES, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling (*Teller*)
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

And having continued to sit until after Twelve midnight—

WEDNESDAY, 17 DECEMBER

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.
- 15 HAIRDRESSERS REGISTRATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put.

The Council divided.

AYES, 22

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans (*Teller*)
 F. J. Granter
 V. T. Hauser
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid (*Teller*)
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy (*Teller*)
 D. E. Kent (*Teller*)
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

- 17 ROAD TRAFFIC (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 STAMPS (AMENDMENT No. 3) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. E. Kent moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for the establishment of a tax avoidance unit under the control of the Comptroller of Stamps for the purposes of examining whether legitimate tax is being evaded or avoided and to provide for reports thereon to be presented to Parliament”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 22

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 V. T. Hauser
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 D. N. Saltmarsh
 (Teller)
 N. F. Stacey (Teller)
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 11

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent (Teller)
 R. A. Mackenzie
 (Teller)
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until this day at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twelve minutes past Two o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No.—33 Wednesday, 17 December 1980

1 The President took the Chair and read the Prayer.

2 PETITION—WAVERLEY COUNCIL—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying for the suspension of the Waverley Council and its replacement with an Administrator pending an election for Council.

Ordered to lie on the Table.

3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of the inconsistency of the statements of the Minister for Local Government with respect to the Melbourne City Council"; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 11

The Hon. G. A. S. Butler
Joan Cocksedge
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie (*Teller*)
H. A. Thomas (*Teller*)
Evan Walker
J. M. Walton
D. R. White

NOES, 22

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward (*Teller*)
A. J. Hunt
R. I. Knowles (*Teller*)
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh

N. F. Stacey
Haddon Storey
H. R. Ward

And so it passed in the negative.

- 4 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Architects Act 1958—No. 454.
Melbourne and Metropolitan Board of Works Act 1958—No. 463.
Mental Health Act 1959—No. 459.
Motor Car Act 1958—No. 455.
Public Service Act 1974—PSD No. 145.

- 5 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 6 WEST GATE BRIDGE AUTHORITY BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable G. A. S. Butler moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to provide for the Country Roads Board to be appointed the successor to the present West Gate Bridge Authority”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 21

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
D. G. Crozier
Dr K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton (*Teller*)
V. T. Hauser
D. K. Hayward
Dr R. W. Howard
(Teller)
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
H. R. Ward

NOES, 14

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
Evan Walker
J. M. Walton (*Teller*)
D. R. White (*Teller*)

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

7 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

8 PUBLIC WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable R. A. Mackenzie moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted so as to provide for funds increased by an amount at least equal to the rate of inflation since the last fund allocation and for the establishment of an asset review committee”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 21

The Hon. W. R. Baxter
H. G. Baylor
C. Bubb
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
N. B. Reid (*Teller*)
N. F. Stacey (*Teller*)
Haddon Storey
H. R. Ward

NOES, 10

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedg (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 PLANNING APPEALS BOARD BILL—The Order of the Day for the resumption of debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 ESTATE AGENTS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question. That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 WATER SUPPLY WORKS AND SERVICES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 RESIDENTIAL TENANCIES BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

And having continued to sit until after Twelve midnight—

THURSDAY, 18 DECEMBER

The President resumed the Chair; and the Honourable D. M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 CRIMES (SEXUAL OFFENCES) BILL—The Order of the Day for the consideration of the amendment made by the Assembly in this Bill having been read, the said amendment was read and is as follows:

Clause 11, lines 23 to 25, omit all words and expressions on these lines and insert—

“18. Any person who—

(a) for the purpose of prostitution solicits or accosts any person in a public place or loiters in a public place; or

(b) in a public place solicits for immoral sexual purposes—
is guilty of an offence.”

The Honourable Haddon Storey moved, That the Council agree to the amendment made by the Assembly in this Bill.

Debate ensued.

Question—put.

The Council divided.

AYES, 21

The Hon. W. R. Baxter
H. G. Baylor (*Teller*)
P. D. Block (*Teller*)
C. Bubb
W. M. Campbell
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
D. N. Saltmarsh
Haddon Storey
H. R. Ward

NOES, 11

The Hon. G. A. S. Butler
Joan Cocksedge
R. J. Eddy
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie (*Teller*)
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the amendment made by the Assembly in the Bill.

14 PAPERS—

The Honourable Haddon Storey presented, by command of His Excellency the Governor—

Superannuation Fund—Report of Twelfth Investigation.

Ordered to lie on the Table.

The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Business Franchise (Tobacco) Act 1974—No. 460.

Country Fire Authority Act 1958—No. 458.

Geelong Harbor Trust Act 1958—No. 464.

Health Act 1958—No. 461.

Motor Boating Act 1961—No. 457.

Pay-roll Tax Act 1971—No. 456.

Post-Secondary Education Act 1978—No. 465.

Public Service Act 1974—PSD Nos. 137 and 148.

Weights and Measures Act 1958—No. 462.

15 DISCHARGE OF ORDERS OF THE DAY—The Honourable A. J. Hunt moved, by leave, That Orders of the Day, General Business, save those relating to Bills and substantive motions, be read and discharged.

Question—put and resolved in the affirmative.

- 16 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified to each Honourable Member by telegram or letter.

Debate ensued.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past Three o'clock in the morning, adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified to each Honourable Member by telegram or letter.

A. R. B. McDONNELL

Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 2 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 3 PENALTIES AND SENTENCES BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—
Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second
reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)
—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second
reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT
—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(*Hon.*
W. A. Landeryou)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—
Resumption of debate. (*Hon. A. J. Hunt*).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon.*
W. A. Landeryou)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR
INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN
DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.*
(*Hon. D. G. Crozier*).
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—
Resumption of debate. (*Hon. W. V. Houghton*).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon.*
W. A. Landeryou)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second
reading—*Resumption of debate.* (*Hon. W. V. Houghton*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. A. J. HUNT—To move, That, pursuant to section 58 of the *Teaching Service Act 1958*, the Teaching Service—Secondary Schools Division (Classification, Salaries, and Allowances) Regulation, Amendment No. 538, be disallowed.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.
- *7 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to amend the *Local Government Act 1958* to ensure that the Subdivisions of Municipal Districts contain approximately equal Numbers of Voters, and for other purposes.
- *8 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to make provision in the Victorian Constitution with respect to Acts and Enactments for the Dismissal of Municipal Councils and for other purposes.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—
Second reading—*Resumption of debate*. (Hon. W. A. Landeryou).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 2 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *3 WATER DRAINAGE BILL—(*Hon. F. J. Granter*)—Second reading.

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- *16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- *17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- *18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- *19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- *20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- *21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- *22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- *23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- *24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- *25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.

- *26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- *27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- *28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- *29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- *30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- *31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- *32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- *33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.

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TUESDAY, 24 MARCH GOVERNMENT BUSINESS

Orders of the Day

- ø*1 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—
(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- ø*2 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- ø*3 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- ø*4 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL

Clerk of the Legislative Council

FRED S. GRIMWADE

President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables Robert Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 34 and 35

No. 34—Tuesday, 10 March 1981

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at half past four o'clock as the time of meeting.
- 2 The President took the Chair and read the Prayer.
- 3 THE LATE HONOURABLE ARCHIBALD TODD—The Honourable A. J. Hunt moved, That this House expresses its sincere sorrow at the death of the Honourable Archibald Todd and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Assembly for the Electoral District of Port Melbourne from 1955 to 1958, and Member of the Legislative Council for the Melbourne West Province from 1958 to 1970.

And other Honourable Members and the President having addressed the House—
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 4 ADJOURNMENT—The Honourable A. J. Hunt moved, That, as a further mark of respect to the memory of the late Honourable Archibald Todd, the House do now adjourn until Eight o'clock this day.

Question—put and resolved in the affirmative.

And then the Council, at six minutes past Five o'clock, adjourned until Eight o'clock this day.

* * *

- 1 The President took the Chair.
- 2 MESSAGES FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented Messages from His Excellency the Governor informing the Council that he had, on 23 December 1980, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:

Racing (Further Amendment) Act.

Charlton (Land Exchange) Act.

Public Lands and Works (Amendment) Act.

Parliamentary Committees Act.

Motor Car (Miscellaneous Provisions) Act.

State Employees Retirement Benefits (Eligibility) Act.

Health (Reporting to Parliament) Act.

Mildura Irrigation and Water Trusts Act.

Protection of Animals Act.

Forests (Australian Newsprint Mills Limited) Act.

Egg Industry Stabilization (Amendment) Act.

Labour and Industry (Lifting of Weights) Act.

Post-Secondary Education Remuneration Tribunal Act.

Subordinate Legislation (Amendment) Act.

Port Phillip Authority (Amendment) Act.

Country Fire Authority (Penalties) Act.

Teaching Service (Amendment) Act.

Water (Amendment) Act.

Sewerage Districts (Rebates) Act.
Patriotic Funds (Amendment) Act.
Coroners (Amendment) Act.
Cancer (Cancer Reporting) Act.
Mildura College Lands (Easements) Act.
Liquor Control (Amendment) Act.
Educational Grants (Continuation) Act.
Community Welfare Services (Extradition) Act.
Court Security Act.
Estate Agents (Amendment) Act.
Fisheries (Amendment) Act.
Stamps (Amendment No. 3) Act.
Road Traffic (Amendment) Act.
Public Works and Services Act.
Wildlife (Amendment) Act.
Valuation of Land (Interest Rate) Act.
Water Supply Works and Services Act.
Hairdressers Registration (Amendment) Act.
Crimes (Sexual Offences) Act.
Adoption of Children (Information) Act.
Transport (Deregulation) Act.
Planning Appeals Board Act.
West Gate Bridge Authority Act.
Residential Tenancies Act.

- 3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of “Recent Appointments by the Government of Victoria”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 27

The Hon. H. G. Baylor (*Teller*)
 C. Bubb (*Teller*)
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh

N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. M. Wright

And so it passed in the negative.

- 4 CORRECTION OF SHORT TITLES BY CLERK OF THE PARLIAMENTS—The Honourable A. J. Hunt moved, by leave, That the Clerk of the Parliaments be empowered to correct the short titles in Bills which may hereafter pass both Houses during the current Session, by omitting “1980” where occurring and inserting “1981”.

Question—put and resolved in the affirmative.

- 5 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill relating to the Application of Laws to regulate the Acquisition of Shares in Companies incorporated in Victoria and Matters connected therewith, to amend the *Companies Act* 1961, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill relating to the Interpretation of certain Provisions relating to Corporations and the Securities Industry, and for certain other matters, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill to make Provision for the Operation of the National Companies and Securities Commission in the State, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—On the motion (by leave without notice) of the Honourable Haddon Storey, leave was given to bring in a Bill relating to the Securities Industry in Victoria, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 COGNATE BILLS—The Honourable Haddon Storey moved, by leave, That this House authorizes and requires the Honourable the President to permit the second readings of the National Companies and Securities Commission (State Provisions) Bill, the Companies (Acquisition of Shares) (Application of Laws) Bill, the Securities Industry (Application of Laws) Bill, and the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill, to be moved and debated concurrently.

Question—put and resolved in the affirmative.

- 10 WATER DRAINAGE BILL—On the motion (by leave without notice) of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Water Act* 1958, the *Local Government Act* 1958, the *Drainage of Land Act* 1975, the *Dandenong Valley Authority Act* 1963, the *Melbourne and Metropolitan Board of Works Act* 1958, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

12 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Albury–Wodonga (Victoria) Corporation—Report and accounts for the year 1978–79.

Building Societies—Report of the Registrar for the year 1978–79.

Education—Report of the Council of Public Education for the year 1979–80.

Fisheries—Report of the Commercial Fisheries Section of the Fisheries and Wildlife Division for the year 1978–79.

Legal Profession Practice Act 1958—Reports of the Lay Observer to the Barristers' Disciplinary Tribunal and the Solicitors' Disciplinary Tribunal for the year 1979–80 (two papers).

Melbourne University—Report of the Council, together with Statutes and Regulations allowed by His Excellency the Governor for the year 1979 (eleven papers).

Melbourne Wholesale Fruit and Vegetable Market Trust—Report and accounts for the year 1979–80.

Portland Harbor Trust—Balance-sheet and statements of accounts for the year 1979–80.

Railways Board—Reports for the quarters ended 30 June, 30 September and 31 December 1980 (three papers).

River Murray Commission—Report for the year 1979–80.

State College of Victoria—Report of the Senate, together with statement of accounts, for the year 1979.

Statutory Rules under the following Acts of Parliament:

Agricultural Chemicals Act 1958—No. 13/1981.

Chiropodists Act 1968—No. 27/1981.

Community Welfare Services Act 1970—No. 25/1981.

Consumer Affairs Act 1972—No. 472/1980.

Country Fire Authority Act 1958—Nos. 1 and 2/1981.

County Court Act 1958—No. 22/1981.

Environment Protection Act 1970—No. 477/1980; and No. 7/1981.

Fisheries Act 1968—No. 492/1980; and Nos. 18 and 32/1981.

Forests Act 1958—Nos. 16 and 38/1981.

Hairdressers Registration Act 1958—No. 493/1980.

Hospitals Superannuation Act 1965—No. 476/1980.

Industrial Training Act 1975—Nos. 467, 471 and 489/1980; and No. 15/1981.

Law Reform Act 1973—No. 17/1981.

Legal Profession Practice Act 1958—Nos. 473, 480 and 496/1980.

Liquor Control Act 1968—No. 35/1981.

Local Government Act 1958—No. 495/1980.

Magistrates' Courts Act 1971, Magistrates (Summary Proceedings) Act 1975, and Landlord and Tenant Act 1958—Nos. 481 and 482/1980.

Marine Act 1958—Nos. 487, 488 and 500/1980; and No. 40/1981.

Milk and Dairy Supervision Act 1958—No. 469/1980.

Motor Boating Act 1961—Nos. 486 and 494/1980.

Motor Car Act 1958—No. 490/1980.

Motor Car Traders Act 1973—No. 485/1980.

Mt Hotham Alpine Resort Act 1972—No. 11/1981.

Optometrists Registration Act 1958—No. 466/1980.

Parliamentary Committees Act 1968—No. 30/1981.

Parliamentary Salaries and Superannuation Act 1968—No. 39/1981.

Physiotherapists Act 1978—No. 470/1980.

Poisons Act 1962—No. 3/1981.

Statutory Rules under the following Acts of Parliament (*continued*):

- Police Regulation Act 1958—No. 484/1980; and Nos. 4 and 12/1981.
- Portland Harbor Trust Act 1958—No. 501/1980; and No. 31/1981.
- Port of Melbourne Authority Act 1958—No. 37/1981.
- Post-Secondary Education Act 1978—No. 483/1980; and Nos. 9 and 14/1981.
- Protection of Animals Act 1966—No. 34/1981.
- Public Service Act 1974—Nos. 479 and 497 to 499/1980; Nos. 8, 23 and 24/1981; and PSD Nos. 149 to 153/1980; and Nos. 2 to 35/1981.
- Public Works Committee Act 1958—No. 29/1981.
- Racing Act 1958—No. 478/1980; and Nos. 19 to 21/1981.
- Road Traffic Act 1958—Nos. 26 and 33/1981.
- Seeds Act 1971—No. 474/1980.
- State Development Committee Act 1958—No. 28/1981.
- State Employees Retirement Benefits Act 1979—No. 491/1980; and No. 10/1981.
- Stock Diseases Act 1968—No. 5/1981.
- Stock Medicines Act 1958—No. 6/1981.
- Supreme Court Act 1958—No. 475/1980.
- Swine Compensation Act 1967—No. 468/1980.
- Wildlife Act 1975—No. 36/1981.

Swan Hill Pioneer Settlement Authority—Accounts and financial statement for the period ended 30 June 1979.

Teacher Housing Authority—Report and accounts for the year 1979–80.

Teaching Service Act 1958—

- Teaching Service (Classification, Salaries and Allowances) Regulations—Amendments Nos. 523, 526, 528, 529, 532, 534 to 536, 538 and 539.
- Teaching Service (Teachers Tribunal) Regulations—Amendments Nos. 524, 525, 527, 530, 531, 533 and 537.

Town and Country Planning Act 1961—

- Ararat—Shire of Ararat (Willaura) Planning Scheme—Amendment No. 2.
- Ballaarat—City of Ballaarat Planning Scheme—Amendments No. 57, 1980; and No. 59.
- Buninyong—Shire of Buninyong Planning Scheme—Amendment No. 13.
- Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme—Amendment No. 16, 1980.
- Frankston—City of Frankston Planning Scheme—Amendments No. 24, 1979; and No. 31, 1980.
- Horsham—City of Horsham Planning Scheme 1973—Amendment No. 56, 1980.
- Kilmore—Shire of Kilmore Planning Scheme—Amendment No. 45, 1980.
- Knox—City of Knox Planning Scheme 1965—Amendments Nos. 204 and 212, 1979.
- Kyabram—Town of Kyabram Planning Scheme—Amendment No. 24, 1980.
- Lillydale—Shire of Lillydale Planning Scheme—Amendment No. 130.
- Lorne Planning Scheme—Amendment No. 1.
- Maffra—Shire of Maffra Planning Scheme (Heyfield Township)—Amendment No. 10.
- Melbourne Metropolitan Planning Scheme—Amendments No. 3, Part 1D (with two maps); No. 114, Part 1B (with five maps); No. 135 (with map); No. 137, Part 1A (with twenty-one maps); and No. 161 (with map).
- Moe—City of Moe Planning Scheme—Amendment No. 55, Part 2.

Town and Country Planning Act 1961 (*continued*):

- Newham and Woodend—Shire of Newham and Woodend Planning Scheme 1975—Amendment No. 9, 1980.
- Portland—Town of Portland Planning Scheme—Amendments Nos. 24 and 26.
- Sale—City of Sale Planning Scheme 1975—Amendment No. 9, 1980.
- Shepparton—City of Shepparton Planning Scheme 1953—Amendments No. 48, 1979; and No. 53, 1980.
- Sherbrooke—Shire of Sherbrooke Planning Scheme—Amendments Nos. 121c and 133.
- Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme—Amendment No. 30.
- Traralgon—City of Traralgon Planning Scheme 1957—Amendments No. 13, 1979; and No. 20, 1980.
- Warragul Planning Scheme 1954—Amendment No. 37, 1980.
- Werribee—Shire of Werribee Planning Scheme 1963—Amendment No. 44A.
- Wimmera—Shire of Wimmera (Horsham Boundary) Planning Scheme—Amendment No. 3, 1980.
- Woorayl—Shire of Woorayl Planning Scheme—Amendments Nos. 42 and 43.

Town and Country Planning Board—Report for the year 1979–80.

Victoria Institute of Colleges—Report of the Council, together with statement of income and expenditure, for the year 1979.

Victorian Public Offices Corporation Act 1974—Report of exercise of powers by the Corporation pursuant to section 9 (2), dated 2 December 1980.

Young Farmers' Finance Council—Report for the year 1980.

Youth, Sport and Recreation—Report of the Director-General for the year 1979–80.

The Honourable Evan Walker moved, That the Reports and Accounts tabled by the Clerk, with the exception of the accounts of the Swan Hill Pioneer Settlement Authority, be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 13 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL, COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL, SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL AND COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—Pursuant to the resolution of the Council, the Orders of the Day for the second readings of these Bills having been read, the Honourable Haddon Storey moved, That these Bills be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered, after debate—That the debate be adjourned until Tuesday, 24 March.

- 14 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 15 PENALTIES AND SENTENCES BILL—DISCHARGE OF ORDER OF THE DAY—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable Haddon Storey moved, That the said Order be discharged.

Question—put and resolved in the affirmative.

Ordered, after debate—That the Bill be withdrawn.

16 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-five minutes past Eleven o'clock, adjourned until tomorrow at Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 35—Wednesday, 11 March 1981

1 The President took the Chair and read the Prayer.

2 PAPERS—

HIGH SCHOOL PRINCIPALS' SALARY INCREASE—The Honourable A. J. Hunt moved, by leave, That there be laid before this House copies of the following documents:

- (i) Decision of the Victorian Teachers Tribunal dated 5 February 1981, including Chairman's statement of dissent;
- (ii) Letter from the Minister of Education to the Tribunal dated 6 February 1981;
- (iii) Letter from the Minister of Education to the President of the Victorian High Schools Principals Association dated 6 February 1981;
- (iv) Letter from the Tribunal to the Minister dated 12 February 1981;
- (v) Letter from the Minister to the Tribunal dated 12 February 1981;
- (vi) Press Statement by the Minister of Education dated 12 February 1981;
- (vii) Letter from the Tribunal to the Minister of Education dated 16 February 1981;
- (viii) Application by the Victorian High Schools Principals Association for salary increase incorporating supplementary submission (November 1980); and
- (ix) Transcript of evidence tendered to Tribunal on 19 November and 10 December 1980.

Debate ensued.

Question—put and resolved in the affirmative.

The said documents were thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table.

* * * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Law Reform Commissioner—Report for the year 1979–80.

West Moorabool Water Board—Report and statement of accounts for the year 1979–80.

The Honourable Joan Coxsedg moved, That the Reports tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 3 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notice of Motion, Government Business, and Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.
- 4 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—On the motion of the Honourable W. A. Landeryou, leave was given to bring in a Bill to amend the *Local Government Act* 1958 to ensure that the Subdivisions of Municipal Districts contain approximately equal Numbers of Voters, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 CONSTITUTION (LOCAL GOVERNMENT) BILL—On the motion of the Honourable W. A. Landeryou, leave was given to bring in a Bill to make provision in the Victorian Constitution with respect to Acts and Enactments for the Dismissal of Municipal Councils and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until later this day.
- 7 CONSTITUTION (LOCAL GOVERNMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. A. Landeryou moved, That this Bill be now read a second time.

The Honourable D. G. Crozier moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Wednesday, 25 March.

- 8 DISALLOWANCE OF TEACHING SERVICE REGULATION—AMENDMENT No. 538—The Honourable A. J. Hunt moved, That, pursuant to section 58 of the *Teaching Service Act* 1958, the Teaching Service—Secondary Schools Division (Classification, Salaries, and Allowances) Regulation, Amendment No. 538, be disallowed.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Debate ensued.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Question—That the debate be adjourned until Tuesday next—proposed.

Debate ensued.

The Honourable A. J. Hunt moved, as an amendment, That the words "Tuesday next" be omitted with the view of inserting in place thereof "this day at Eight o'clock".

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 16

The Hon. G. A. S. Butler
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy (*Teller*)
 D. M. Evans (*Teller*)
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling

NOES, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 (*Teller*)
 D. G. Crozier
 Dr K. J. Foley (*Teller*)
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward

Evan Walker
J. M. Walton
D. R. White
K. I. M. Wright

W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

And so it passed in the negative.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.

Question—That the debate be adjourned until this day at Eight o'clock—put and resolved in the affirmative.

[*The Deputy President left the Chair at 6.17 p.m. and the President resumed the Chair at 8.05 p.m.*]

Debate on motion for disallowance resumed.

The Honourable Evan Walker moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “the Teaching Service—Secondary Schools Division (Classification, Salaries, and Allowances) Regulation, Amendment No. 538, be referred to an all-Party Select Committee for examination and report on the adequacy of the procedures followed by the Tribunal in arriving at its determination prior to the House being called upon to consider the disallowance of such regulation; the Committee to report its findings not later than 7 April 1981”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 27

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
V. T. Hauser (*Teller*)
D. K. Hayward (*Teller*)
W. V. Houghton
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford

NOES, 13

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. M. Wright

And so it was resolved in the affirmative—Amendment negated.

Question—That, pursuant to section 58 of the *Teaching Service Act* 1958, the Teaching Service—Secondary Schools Division (Classification, Salaries, and Allowances) Regulation, Amendment No. 538, be disallowed—put.

The Council divided.

AYES, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 16

The Hon. G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 (*Teller*)
 G. A. Sgro (*Teller*)
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White
 K. I. M. Wright

And so it was resolved in the affirmative.

- 9 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday week at half-past Four o'clock.

Debate ensued.

The Honourable R. A. Mackenzie moved, as an amendment, That the words "Tuesday week" be omitted with the view of inserting in place thereof "Tuesday next".

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb

NOES, 14

The Hon. G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn

W. M. Campbell	R. J. Eddy
B. A. Chamberlain	D. M. Evans
D. G. Crozier	C. J. Kennedy
F. J. Granter	D. E. Kent
J. V. C. Guest	W. A. Landeryou
V. T. Hauser	R. A. Mackenzie
D. K. Hayward	G. A. Sgro
W. V. Houghton	H. A. Thomas (<i>Teller</i>)
Dr R. W. Howard	Evan Walker
A. J. Hunt	D. R. White
Glyn Jenkins	K. I. M. Wright (<i>Teller</i>)
R. I. Knowles	
R. Lawson	
R. J. Long (<i>Teller</i>)	
J. W. S. Radford (<i>Teller</i>)	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative—Amendment negated.

Question—That the Council, at its rising, adjourn until Tuesday week at half-past Four o'clock—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 12 MARCH

Debate continued.

Question—put and resolved in the affirmative.

And then the Council, at fourteen minutes past Twelve o'clock in the morning, adjourned until Tuesday week at half-past Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 2 CRIMES (CLASSIFICATION OF OFFENCES) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 3 WATER DRAINAGE BILL—(*Hon. F. J. Granter*)—Second reading.
- ø4 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- ø5 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- ø6 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

* *Notifications to which an asterisk (*) is prefixed appear for the first time.*

ø *Cognate Bills—Second readings moved and to be debated concurrently pursuant to Order of the House on 10 March 1981.*

- ø7 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.

- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- *34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
- *35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- *36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.

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WEDNESDAY, 25 MARCH
GENERAL BUSINESS

Order of the Day

- *1 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables Robert Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. HADDON STOREY—To move, That he have leave to bring in a Bill to make Provision for the Enforcement of certain Income Tax Judgments of Papua New Guinea, to amend the *Foreign Judgments Act 1962* and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.
- *7 The Hon. W. A. LANDERYOU—To move, That this House declares its opposition to the recommendations contained in the Draft Report of the Industries Assistance Commission entitled "Passenger Motor Vehicles and Components Post-1984 Assistance Arrangements" because, if adopted, it would substantially reduce employment at a time of diminishing employment opportunities in the State of Victoria.
- *8 The Hon. D. K. HAYWARD—To move, That this House urge, the co-operation and support of all sections of the community for the Victorian Government's strategy of jobs from economic growth as contained in the policy statement entitled "Victoria's Strategy for the Eighties".
- *9 The Hon. D. R. WHITE—To move, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report

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upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:

- (i) the financing of the Board of Works Building;
 - (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
 - (iii) the funding of the Thompson Dam;
 - (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act 1958* to improve the Board's overdraft facility; and
 - (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.
- *10 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.

GOVERNMENT BUSINESS

Orders of the Day

- *1 MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading.
- *2 INDUSTRIAL RELATIONS BILL—(from Assembly—Hon. Haddon Storey)—Second reading.
- *3 WILDLIFE (LICENCES) BILL—(Hon. W. V. Houghton)—Second reading.
- *4 BUSINESS NAMES (AMENDMENT) BILL—AMENDMENTS OF THE LEGISLATIVE ASSEMBLY—To be considered.
- *5 NATIONAL PARKS (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 6 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø7 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø8 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø9 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø10 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.

ø Cognate Bills—Second readings moved and to be debated concurrently pursuant to Order of the House on 10 March 1981.

- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
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- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
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- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.

- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- *38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
- *39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
- *40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
- *41 MONASH UNIVERSITY REPORT, 1979—To be considered.
- *42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
- *43 TROTTING CONTROL BOARD REPORT, 1979-80—To be considered.
- *44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.

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TUESDAY, 31 MARCH GOVERNMENT BUSINESS

Order of the Day

- 1 WATER DRAINAGE BILL—(*Hon. F. J. Granter*)—Second reading—*Resumption of debate.* (*Hon. D. R. White*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 36 and 37

No. 36—Tuesday, 24 March 1981

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
- Sewerage Districts (Amendment) Act.*
Dandenong Valley Authority (Amendment) Act.
Latrobe Valley (Amendment) Act.
Fisheries (Commonwealth—State Arrangements) Act.
Summary Offences (Corporation Meetings) Act.
Magistrates (Summary Proceedings) Act.
Police Offences (Restricted Publications) Act.
- 3 MESSAGES FROM THE ASSEMBLY—The President announced the receipt of Messages from the Assembly returning the following Bills and acquainting the Council that they have agreed to the same without amendment:
- Sewerage Districts (Amendment) Bill.
 Dandenong Valley Authority (Amendment) Bill.
 Latrobe Valley (Amendment) Bill.
 Fisheries (Commonwealth—State Arrangements) Bill.
 Summary Offences (Corporation Meetings) Bill.
 Magistrates (Summary Proceedings) Bill.
 Police Offences (Restricted Publications) Bill.
- 4 MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to enable the Melbourne Underground Rail Loop Authority to purchase or, with the consent of the Minister, acquire certain lands in the City of Melbourne, to amend the ‘Melbourne Underground Rail Loop Act 1970’ and for other purposes*” and desiring the concurrence of the Council therein.
- On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to adequately investigate and take appropriate action over allegations of fraudulent practices at the Edenhope Hospital”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy

NOES, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block

C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling (*Teller*)
 Evan Walker
 D. R. White (*Teller*)

C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton (*Teller*)
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 (*Teller*)

A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 K. I. M. Wright

And so it passed in the negative.

- 6 INDUSTRIAL RELATIONS BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Industrial Relations Act 1979’ and the Second Schedule to the ‘Superannuation Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 BUSINESS NAMES (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments and desiring the concurrence of the Council therein.

Ordered—That the amendments be taken into consideration later this day.

- 8 NATIONAL PARKS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to create new National Parks, to amend the *National Parks Act 1975* and the *Mount Hotham Alpine Resort Act 1972* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 WILDLIFE (LICENCES) BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to amend the *Wildlife Act 1975* in relation to Licence Fees for keeping Endangered or Notable Wildlife, and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

10 PAPERS—

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—The Honourable N. F. Stacey presented the following Reports from the Public Accounts and Expenditure Review Committee:

- (i) Report on the Auditor-General’s Reports for 1977–78;

- (ii) Treasury Minute relating to Expenditure from the Advance to the Treasurer 1976-77 and Unpaid Accounts 1976-77; and
- (iii) Progress Report on the Auditor-General's Reports for 1978-79, together with Appendices.

Ordered to lie on the Table, and the Reports to be printed.

* * * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Education Act 1958—Resumption of land at Menzies Creek—Certificate of the Minister of Education.

Greyhound Racing Control Board—Report and accounts for the year 1979-80.

Melbourne and Metropolitan Board of Works—Statement of accounts, together with particulars of rates made, for the year 1979-80.

Monash University—Report of the Council, together with Statutes approved by the Governor in Council, for the year 1979 (seventeen papers).

Police Service Board—Determinations Nos. 327 to 329.

Port of Melbourne Authority—Balance sheet and statement of accounts for the year 1979-80.

Statutory Rules under the following Acts of Parliament:

Community Welfare Services Act 1970—No. 44.

Country Fire Authority Act 1958—Nos. 54 and 55.

Education Act 1958—No. 53.

Health Act 1958—Nos. 50 and 52.

Industrial Training Act 1975—No. 41.

Marine Act 1958—No. 48.

Money Lenders Act 1958—No. 42.

Motor Boating Act 1961—No. 57.

Pharmacists Act 1974—No. 49.

Poisons Act 1962—No. 51.

Police Regulation Act 1958—No. 47.

Public Service Act 1974—PSD Nos. 36 to 38, and 41.

State Bank Act 1958—No. 46.

Taxation Appeals Act 1972—No. 56.

Wildlife Act 1975—Nos. 45, 58 and 59.

Workers Compensation Act 1958—No. 43.

Town and Country Planning Act 1961—

Bairnsdale—Town of Bairnsdale Planning Scheme—Amendment No. 24, Part 1.

Moe—City of Moe Planning Scheme 1966—Amendment No. 56, 1980.

Trotting Control Board—Report and accounts for the year 1979-80.

The Honourable W. A. Landeryou moved, That the following Papers be taken into consideration on the next day of meeting:

Education Act 1958—Resumption of land at Menzies Creek—Certificate of the Minister of Education.

Greyhound Racing Control Board—Report and accounts for the year 1979-80.

Melbourne and Metropolitan Board of Works—Statement of accounts, together with particulars of rates made, for the year 1979-80.

Monash University—Report of the Council, together with Statutes approved by the Governor in Council, for the year 1979.

Police Service Board—Determinations Nos. 327 to 329.

Port of Melbourne Authority—Balance sheet and statement of accounts for the year 1979-80.

Trotting Control Board—Report and accounts for the year 1979-80.

Question—put and resolved in the affirmative.

- 11 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.
- 12 WATER DRAINAGE BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
The Honourable D. R. White moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 13 CRIMES (CLASSIFICATION OF OFFENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
The Honourable Haddon Storey moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.
- 14 NATIONAL PARKS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable Evan Walker moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until the next day of meeting.
- 15 CRIMES (CLASSIFICATION OF OFFENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.
House in Committee.
The Deputy President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 16 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.
Question—put and resolved in the affirmative.
The Honourable A. J. Hunt moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.
And then the Council, at twenty-three minutes past Eleven o'clock, adjourned until tomorrow at Four o'clock.

No. 37—Wednesday, 25 March 1981

- 1 The President took the Chair and read the Prayer.
- 2 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
Statutory Rules under the following Acts of Parliament:
Police Regulation Act 1958—No. 61.
Public Service Act 1974—PSD No. 40.
- 3 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notice of Motion, Government Business, and Notices of Motion, General Business, Nos. 1 to 6 inclusive, be postponed until later this day.
- 4 INDUSTRIES ASSISTANCE COMMISSION—DRAFT RECOMMENDATIONS RE PASSENGER MOTOR VEHICLES AND COMPONENTS—The Honourable W. A. Landeryou moved, That this House declares its opposition to the recommendations contained in the Draft Report of the Industries Assistance Commission entitled “Passenger Motor Vehicles and Components Post-1984 Assistance Arrangements” because, if adopted, they would substantially reduce employment at a time of diminishing employment opportunities in the State of Victoria.

Debate ensued.

The Honourable D. K. Hayward moved, as an amendment, That all the words after “this House” be omitted with the view of inserting in place thereof ‘supports the strong stand taken by the Government of Victoria in opposition to the recommendations contained in the Draft Report of the Industries Assistance Commission entitled “Passenger Motor Vehicles and Components Post-1984 Assistance Arrangements” and commends the Premier’s efforts to have the report rejected by the Federal Government in view of the harm that the Commission’s proposals would do to Victorian industry, and to employment generally’.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and passed in the negative.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.

Question—That this House supports the strong stand taken by the Government of Victoria in opposition to the recommendations contained in the Draft Report of the Industries Assistance Commission entitled “Passenger Motor Vehicles and Components Post-1984 Assistance Arrangements” and commends the Premier’s efforts to have the report rejected by the Federal Government in view of the harm that the Commission’s proposals would do to Victorian industry, and to employment generally—put and resolved in the affirmative.

- 5 STRATEGY OF JOBS FROM ECONOMIC GROWTH—The Honourable D. K. Hayward moved, That this House urges the co-operation and support of all sections of the community for the Victorian Government’s strategy of jobs from economic growth as contained in the policy statement entitled “Victoria’s Strategy for the Eighties”.

The Honourable Evan Walker, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 6 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 9 and 10, be postponed until later this day.
- 7 MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.
The Honourable Evan Walker, for the Honourable G. A. S. Butler, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 8 FOREIGN JUDGMENTS (AMENDMENT) BILL—On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to make Provision for the Enforcement of certain Income Tax Judgments of Papua New Guinea, to amend the *Foreign Judgments Act* 1962 and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 9 INDUSTRIAL RELATIONS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable Evan Walker, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 10 WILDLIFE (LICENCES) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
The Honourable Evan Walker moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 11 FOREIGN JUDGMENTS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable Evan Walker, for the Honourable Joan Coxledge, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 12 BUSINESS NAMES (AMENDMENT) BILL—The Order of the Day for the consideration of the amendments made by the Assembly in this Bill having been read, the said amendments were read and are as follows:
- 1 Clause 1, line 7, omit "1980" and insert "1981".
 - 2 Clause 4, line 28, omit "1980" and insert "1981".
 - 3 Clause 8, line 41, omit "1980" and insert "1981".
 - 4 Clause 8, page 5, line 8, after "Commissioner" insert "within one month of the date of the change or within such further time as the Commissioner allows".

5 Clause 14, omit sub-clause (2) and insert:

'(2) In section 24 of the Principal Act, for paragraph (b) there shall be substituted the following paragraph:

“(b) a copy of or extract from a document lodged or filed with the Commissioner given and certified by him under section 22 (1) (b);”.

On the motion of the Honourable Haddon Storey, and after debate, the Council agreed to the amendments made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

13 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until Tuesday next at half-past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at thirty-one minutes past Nine o'clock, adjourned until Tuesday next at half-past Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notice of Motion

- *1 The Hon. HADDON STOREY—To move, That he have leave to bring in a Bill to amend the *Supreme Court Act 1958*, the *County Court Act 1958*, the *Property Law Act 1958*, the *Transfer of Land Act 1958* and the *Magistrates' Courts Act 1971* with respect to the Payment of Interest on certain Unpaid Moneys.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.
- 7 The Hon. D. R. WHITE—To move, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:
 - (i) the financing of the Board of Works Building;
 - (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
 - (iii) the funding of the Thompson Dam;
 - (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act 1958* to improve the Board's overdraft facility; and

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.
- 8 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- *9 The Hon. W. R. BAXTER—To move, That this House notes the recommendations of the Young Farmers' Finance Council 1980 Report and calls on the Government to immediately implement an effective Young Farmer Establishment Scheme.

GOVERNMENT BUSINESS

Orders of the Day

- 1 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 2 MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. G. A. S. Butler).
- 3 INDUSTRIAL RELATIONS BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 4 WILDLIFE (LICENCES) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- *5 FOREIGN JUDGMENTS (AMENDMENT) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. Joan Coxsedge).
- 6 NATIONAL PARKS (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 7 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø8 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø9 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø10 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø11 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.

ø Cognate Bills—Second readings moved and to be debated concurrently pursuant to Order of the House on 10 March 1981.

- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.

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- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
 - 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
 - 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
 - 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
 - 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
 - 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
 - 41 MONASH UNIVERSITY REPORT, 1979—To be considered.
 - 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
 - 43 TROTTING CONTROL BOARD REPORT, 1979-80—To be considered.
 - 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
 - *45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson; R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GOVERNMENT BUSINESS

Notices of Motion

- *1 The Hon. HADDON STOREY—To move, That he have leave to bring in a Bill to revise the Statute Law.
- *2 The Hon. HADDON STOREY—To move, That he have leave to bring in a Bill to make further provision with respect to the construction of Wills, to amend the *Wills Act* 1958, and for other purposes.

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. M. EVANS—To move, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resource use areas.
- 7 The Hon. D. R. WHITE—To move, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:
 - (i) the financing of the Board of Works Building;
 - (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
 - (iii) the funding of the Thompson Dam;
 - (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act* 1958 to improve the Board's overdraft facility; and

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.
8. The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
9. The Hon. W. R. BAXTER—To move, That this House notes the recommendations of the Young Farmers' Finance Council 1980 Report and calls on the Government to immediately implement an effective Young Farmer Establishment Scheme.
- State / *10 The Hon. J. V. C. GUEST—To move, That this House deplores and rejects the proposal by the Leader of the Opposition for a Resource Rent Tax of indefinite character.
- *11 The Hon. R. A. MACKENZIE—To move, That this House expresses its opposition to the proposal to site a toxic trade waste treatment and disposal plant at Avalon and urgently requests the Environment Protection Authority to propose safer alternative sites.
- *12 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- *13 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the House Builders' Liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- *14 The Hon. EVAN WALKER—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Latrobe Valley; the Committee to have power to send for persons, papers and records; three to be the quorum.
- *15 The Hon. R. A. MACKENZIE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Geelong Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- to / *16 The Hon. D. E. KENT—To move, That there be a Select Committee of eight Members appointed ~~to~~ inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the West Gippsland Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- *17 The Hon. JOAN COXSEGE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Western Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- *18 The Hon. C. J. KENNEDY—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the South Eastern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

- *19 The Hon. G. A. Sgro—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Northern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- *1 FORESTS (AMENDMENT) BILL—(Hon. F. J. Granter)—Second reading.
- *2 PENALTY INTEREST RATES BILL—(Hon. Haddon Storey)—Second reading.
- 3 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 4 NATIONAL PARKS (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 5 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø6 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø7 COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø8 SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- ø9 COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).

ø Cognate Bills—Second readings moved and to be debated concurrently pursuant to Order of the House on 10 March 1981.

- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
- 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
- 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.

- 41 MONASH UNIVERSITY REPORT, 1979—To be considered.
- 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
- 43 TROTting CONTROL BOARD REPORT, 1979-80—To be considered.
- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- *47 BUILDING INDUSTRY LONG SERVICE LEAVE REPORT, 1979-80—To be considered.

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TUESDAY, 7 APRIL

GOVERNMENT BUSINESS

Orders of the Day

- *1 HEALTH (EXEMPTIONS) BILL—(*from Assembly—Hon. W. V. Houghton*)—*Second reading—Resumption of debate.* (*Hon. Evan Walker*).
- *2 LAND (AMENDMENT) BILL (No. 2)—(*from Assembly—Hon. W. V. Houghton*)—*Second reading—Resumption of debate.* (*Hon. D. E. Kent*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 38 and 39

No. 38—Tuesday, 31 March 1981

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments, viz.:

Business Names (Amendment) Act.

- 3 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable C. J. Kennedy moved, That the Council do now adjourn, and said he proposed to speak to the subject of "The failure of the Government to provide sufficient funds to school councils of State schools so as to ensure that no charges are made against parents and pupils"; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

NOES, 29

The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 D. N. Saltmarsh (*Teller*)
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. M. Wright

And so it passed in the negative.

- 4 HEALTH (EXEMPTIONS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Health Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 LAND (AMENDMENT) BILL (No. 2)—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Land Act 1958', to make Provision for the payment of Allowances and Travelling Expenses to certain Members of Local Land Advisory Committees to make Provision for certain Certificates of the Secretary for Lands to be admissible in Evidence, to provide for the Surrender of certain Lands, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—CONSULTANTS—The Honourable D. K. Hayward moved, by leave, That this House empowers the Public Accounts and Expenditure Review Committee to commission any person or persons to investigate and report to the Committee on any aspect of the subject-matter under investigation by the Committee.

Debate ensued.

Question—put and resolved in the affirmative.

- 7 FORESTS (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable F. J. Granter, leave was given to bring in a Bill to amend the *Forests Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

8 PAPERS—

NATIONAL COMPANIES AND SECURITIES COMMISSION—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report and Financial Statements of the National Companies and Securities Commission for the period ended 30 June 1980.

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

The Honourable W. A. Landeryou moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Building Industry Long Service Leave Board—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Audit Act 1958—No. 60.

Public Service Act 1974—PSD Nos. 43 to 46, and No. 50.

Teaching Service Act 1958—Teaching Service (Teachers Tribunal) Regulations—Amendment No. 540.

Town and Country Planning Act 1961:

Alexandra—Shire of Alexandra Planning Scheme—Amendment No. 14, 1980.

Town and Country Planning Act 1961—*continued*:

Grenville—Shire of Grenville Planning Scheme—Amendment No. 8.

Knox—City of Knox Planning Scheme 1965—Amendment No. 221, 1980.

Mildura—City of Mildura Planning Scheme—Amendments Nos. 35 and 39, 1980.

Mornington—Shire of Mornington Planning Scheme—Amendment No. 129, 1980.

Woorayl—Shire of Woorayl Planning Scheme—Amendment No. 45, 1980.

The Honourable Evan Walker moved, That the Building Industry Long Service Leave Board Report for 1979–80 be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 9 PENALTY INTEREST RATES BILL—On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to amend the *Supreme Court Act 1958*, the *County Court Act 1958*, the *Property Law Act 1958*, the *Transfer of Land Act 1958* and the *Magistrates' Courts Act 1971* with respect to the Payment of Interest on certain Unpaid Moneys, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 POSTPONEMENT OF NOTICES OF MOTION AND ORDER OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Order of the Day, Government Business, No. 1, be postponed until later this day.
- 11 MELBOURNE UNDERGROUND RAIL LOOP (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable G. A. S. Butler moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House refuses to read this Bill a second time until studies have been conducted by VicRail or the Ministry of Transport on the effect the proposed closures of suburban railway services will have on the Melbourne Underground Rail Loop, and are presented to this House".

The President said—

Mr Butler has moved an amendment which proposes that the House refuses to read the Bill a second time until studies have been conducted by VicRail or the Ministry of Transport in relation to the proposed suburban rail closures, and so forth. I draw the attention of Mr Butler to the fact that the Bill is specific. It deals with an area of land which is described in clause 4 as the hatched area. Clause 3 is specific in that it gives the Authority the power to purchase land in the hatched area or acquire compulsorily the right, title or interest in any street, lane or road set out on that land. The Bill is specific, dealing with land.

However, the amendment suggests that the House should direct its attention to matters other than those contained in the Bill. It deals with the proposed closure of suburban railway services and the effect that that will have on the Melbourne underground rail loop. It has little, except in the most tenuous way, to do with the Bill before the House. The House has had ample opportunity of debating the matters that have been proposed to be widened in the amendment. During this sessional period a debate has taken place on the Victorian Transport Study and on several pertinent Bills. I do not believe the proposed amendment relates closely enough to the Bill before the House and I therefore rule the amendment out of order."

Debate on main question resumed.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 HEALTH (EXEMPTIONS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie, for the Honourable Evan Walker, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 13 LAND (AMENDMENT) BILL (No. 2)—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable D. E. Kent, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered, after debate—That the debate be adjourned until Tuesday next.

- 14 INDUSTRIAL RELATIONS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 WILDLIFE (LICENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 FOREIGN JUDGMENTS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 17 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at nineteen minutes past Eleven o'clock, adjourned until tomorrow at Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 39—Wednesday, 1 April 1981

- 1 The President took the Chair and read the Prayer.
- 2 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
 - Statutory Rules under the following Acts of Parliament:
 - Industrial Training Act 1975—No. 65.
 - Public Authorities Marks Act 1958—No. 62.
 - Public Service Act 1974—No. 64; PSD Nos. 47 to 49.

The Honourable Evan Walker moved, That the Industrial Training (Footwear Trades Apprenticeship) Regulations 1981 (S.R. No. 65/1981) be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.
- 3 STATUTE LAW REVISION BILL—On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to revise the Statute Law, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 WILLS BILL—On the motion of the Honourable Haddon Storey, leave was given to bring in a Bill to make further provision with respect to the Construction of Wills, to amend the *Wills Act* 1958, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 MULTIPLE USE OF M.M.B.W. CATCHMENT AREAS—The Honourable D. M. Evans moved, That this House requests the Government to require the Melbourne and Metropolitan Board of Works to proceed with the development of the Board's water supply catchment areas as multiple resources use areas.

Debate ensued.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.
- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 7 to 9 inclusive, be postponed until later this day.
- 8 RESOURCE RENT TAX—The Honourable J. V. C. Guest moved, That this House deplores and rejects the proposal by the State Leader of the Opposition for a Resource Rent Tax of indefinite character.

Debate ensued.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 9 TOXIC TRADE WASTES—The Honourable R. A. Mackenzie moved, That this House expresses its opposition to the proposal to site a toxic trade waste treatment and disposal plant at Avalon and urgently requests the Environment Protection Authority to propose safer alternative sites.

Debate ensued.

The Honourable W. V. Houghton moved, That the debate be now adjourned.

Debate ensued.

Motion, by leave, withdrawn.

Debate on main question resumed.

The Honourable Glyn Jenkins moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 10 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 12 to 19 inclusive, be postponed until later this day.

- 11 FORESTS (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 12 PENALTY INTEREST RATES BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable G. A. Sgro moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 13 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive, be postponed until later this day.

- 14 NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL, COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL, SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL, AND COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL—The Order of the Day having been read for the resumption of the debate on the question, That these Bills be now read a second time (pursuant to the resolution of the Council on 10 March 1981)—

Debate resumed.

Question—put and resolved in the affirmative—Bills read a second time.

The Honourable Haddon Storey moved, by leave, That these Bills be now read a third time.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 2 APRIL

Question—put and resolved in the affirmative.

Ordered—That the Bills be transmitted to the Assembly with Messages desiring their concurrence therein.

- 15 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to authorize the Appointment of Commissioners to administer the City of Melbourne for a limited Period, to remove the Council of that City from Office and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered, after debate—That the debate be adjourned until later this day.

- 17 ADJOURNMENT—The Honourable D. G. Crozier moved, That the Council, at its rising, adjourn until Tuesday next at half past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable D. G. Crozier moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty-three minutes past Twelve o'clock in the morning, adjourned until Tuesday next at half past Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. R. WHITE—To move, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:
 - (i) the financing of the Board of Works Building;
 - (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
 - (iii) the funding of the Thompson Dam;
 - (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act 1958* to improve the Board's overdraft facility; and
 - (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.
- 7 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 8 The Hon. W. R. BAXTER—To move, That this House notes the recommendations of the Young Farmers' Finance Council 1980 Report and calls on the Government to immediately implement an effective Young Farmer Establishment Scheme.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 9 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 10 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the House Builders' Liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- 11 The Hon. EVAN WALKER—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Latrobe Valley; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 12 The Hon. R. A. MACKENZIE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Geelong Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 13 The Hon. D. E. KENT—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the West Gippsland Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 14 The Hon. JOAN COXSEGE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Western Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 15 The Hon. C. J. KENNEDY—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the South Eastern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 16 The Hon. G. A. SGRO—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Northern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- *1 STATUTE LAW REVISION BILL—(*Hon. Haddon Storey*)—Second reading.
- *2 WILLS BILL—(*Hon. Haddon Storey*)—Second reading.
- *3 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading.
- 4 HEALTH (EXEMPTIONS) BILL—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).
- 5 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 6 LAND (AMENDMENT) BILL (No. 2)—(*from Assembly—Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. D. E. Kent*).

- 7 FORESTS (AMENDMENT) BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. E. Kent).
- 8 PENALTY INTEREST RATES BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. G. A. Sgro).
- 9 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 10 NATIONAL PARKS (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.

- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
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- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
- 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
- 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
- 41 MONASH UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
- 43 TROTTER CONTROL BOARD REPORT, 1979-80—To be considered.
- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
- *48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
- *49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- *50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- *51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

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PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. D. R. WHITE—To move, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:
 - (i) the financing of the Board of Works Building;
 - (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
 - (iii) the funding of the Thompson Dam;
 - (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act 1958* to improve the Board's overdraft facility; and
 - (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.
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- 12 The Hon. R. A. MACKENZIE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Geelong Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 13 The Hon. D. E. KENT—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the West Gippsland Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 14 The Hon. JOAN COXSEGE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Western Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 15 The Hon. C. J. KENNEDY—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the South Eastern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 16 The Hon. G. A. SGRO—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Northern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- *1 VICTORIAN COLLEGE OF THE ARTS BILL—(from Assembly—Hon. A. J. Hunt)—
Second reading.
- 2 WILLS BILL—(Hon. Haddon Storey)—Second reading.
- *3 POLICE REGULATION (APPOINTMENTS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 4 LAND (AMENDMENT) BILL (No. 2)—(from Assembly—Hon. W. V. Houghton)—
Second reading—Resumption of debate. (Hon. D. E. Kent).
- 5 PENALTY INTEREST RATES BILL—(Hon. Haddon Storey)—Second reading—
Resumption of debate. (Hon. G. A. Sgro).

- 6 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 7 NATIONAL PARKS (AMENDMENT) BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- 8 HEALTH (EXEMPTIONS) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- †9 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
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- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
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- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
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- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.

† Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.

- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
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- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
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- 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).

- *52 ADULT PAROLE BOARD REPORT, 1979-80—To be considered.
- *53 DANDENONG VALLEY AUTHORITY REPORT, 1979-80—To be considered.
- *54 DEAKIN UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- *55 HISTORIC BUILDINGS PRESERVATION COUNCIL REPORT, 1978-79—To be considered.
- *56 LIQUOR CONTROL COMMISSION REPORT, 1979-80—To be considered.
- *57 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
- *58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- *59 MINISTERIAL STATEMENT—ORGANIZATION OF T.A.F.E.—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate. (Hon. Evan Walker).*

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At 6 o'clock—

- *1 JOINT SITTING IN THE LEGISLATIVE ASSEMBLY CHAMBER—Appointments to Adult Education and Victorian Institute of Secondary Education Councils.

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TUESDAY, 14 APRIL GOVERNMENT BUSINESS

Order of the Day

- 1 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate. (Hon. W. A. Landeryou).*

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 40 and 41

No. 40—Tuesday, 7 April 1981

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:
Melbourne Underground Rail Loop (Amendment) Act.
Industrial Relations Act.
- 3 POLICE REGULATION (APPOINTMENTS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend Part I. of the 'Police Regulation Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 VICTORIAN INSTITUTE OF SECONDARY EDUCATION AND ADULT EDUCATION COUNCILS—The President announced the receipt of the following communication from the Minister of Education:

5 March 1981

Dear Mr President,

There is provision in the *Education Act 1958* and in the *Victorian Institute of Secondary Education Act 1976* for the appointment by the Governor in Council to the governing bodies of the Council of Adult Education and the Council of the Victorian Institute of Secondary Education respectively in each case of three Members of Parliament recommended for appointment by a joint sitting of the Legislative Council and the Legislative Assembly.

I should be grateful if you could arrange for such a joint sitting to recommend Members for appointment to the following vacancies:

Council of Adult Education—(Section 66 (1) (c) *Education Act 1958*)

Member in place of Jeffrey Gibb Kennett for the term ending 4 December 1981.

Victorian Institute of Secondary Education Council—(Section 5 (1) (a) *Victorian Institute of Secondary Education Act 1976*)

Members to fill the positions recently occupied by the Hon. Bernard Phillip Dunn MLC, Charles Race Thorson Mathews MP and Donald James Mackinnon MP for the term ending 10 January 1985.

I have addressed a similar letter to the Speaker of the Legislative Assembly.

Yours sincerely,

A. J. HUNT
Minister of Education

- 5 JOINT SITTING—The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to meet the Council for the purpose of sitting and voting together to choose three Members of the Parliament of Victoria to be recommended for appointment to the Council of the Victorian Institute of Secondary Education and one Member of the Parliament of Victoria to be recommended for appointment to the Council of Adult Education, and proposing that the place and time of such meeting be the Legislative Assembly Chamber on Wednesday next at Six o'clock, and desiring the concurrence of the Council.

The Honourable A. J. Hunt moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose three Members of the Parliament of Victoria to be recommended for appointment to the Council of the Victorian Institute of Secondary Education and one Member of the Parliament of Victoria to be recommended for appointment to the Council of Adult Education and, as proposed by the Legislative Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday next at Six o'clock.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.

- 6 PETITION—CARA HOUSE AND INSTITUTIONAL CARE ALTERNATIVES—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying that funds be provided to ensure the continued operation of Cara House, and for the commitment to accelerate the provision of alternatives to institutional care to be honoured.

Ordered to lie on the Table.

- 7 PAPERS—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Parole Board—Report for the year 1979–80.

Dandenong Valley Authority—Report and statement of accounts for the year ended 30 September 1980.

Deakin University—Report and accounts, together with statutes approved by the Governor in Council, for the year 1979 (ten papers).

Historic Buildings Preservation Council—Report for the year 1978–79.

Liquor Control Commission—Report and statement of accounts for the year 1979–80.

Melbourne Fire Brigades Superannuation Board—Report for the year 1979–80.

National Parks Act 1975—Notices dated 2 April 1981 of Minister's consent to a Miner's Right and Search Licences under the *Mines Act* 1958 (two papers).

Statutory Rules under the following Acts of Parliament:

Audit Act 1958—No. 69.

Liquor Control Act 1968—No. 66.

Public Service Act 1974—No. 63; PSD No. 42.

Second-hand Dealers Act 1958—No. 67.

Town and Country Planning Act 1961—Melbourne Metropolitan Planning Scheme—Amendments No. 120, Part 1A (with forty-two maps); and No. 139, Part 1A (with eight maps).

The Honourable Evan Walker moved, That the Reports and the Notices of Consent under the *National Parks Act* 1975 tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

8 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

9 STATUTE LAW REVISION BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable Haddon Storey moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

10 STATUTE LAW REVISION BILL—The Honourable Haddon Storey moved, by leave, That the proposals contained in this Bill be referred to the Statute Law Revision Committee for examination and report.

Question—put and resolved in the affirmative.

11 POLICE REGULATION (APPOINTMENTS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

12 POSTPONEMENT OF ORDERS OF THE DAY—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 2 to 6 inclusive, be postponed until later this day.

13 FORESTS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

14 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable W. A. Landeryou moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted to provide for a power of general competence".

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 29

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block

NOES, 13

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy (Teller)

C. Bubb	C. J. Kennedy (<i>Teller</i>)
W. M. Campbell	D. E. Kent
B. A. Chamberlain	W. A. Landeryou
D. G. Crozier	R. A. Mackenzie
B. P. Dunn	G. A. Sgro
D. M. Evans	H. A. Thomas
Dr K. J. Foley	I. B. Trayling
F. J. Granter	Evan Walker
J. V. C. Guest	J. M. Walton
V. T. Hauser	D. R. White
D. K. Hayward	
W. V. Houghton	
Dr R. W. Howard	
A. J. Hunt	
Glyn Jenkins	
R. I. Knowles	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey (<i>Teller</i>)	
Haddon Storey	
J. A. Taylor (<i>Teller</i>)	
H. R. Ward	
K. I. M. Wright	

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

- 15 MINISTERIAL STATEMENT—TECHNICAL AND FURTHER EDUCATION—The Honourable A. J. Hunt made a Ministerial Statement relating to the organization of Technical and Further Education.

The Honourable Evan Walker moved, That the Ministerial Statement be now taken into consideration.

Question—put and resolved in the affirmative.

The Honourable Evan Walker moved, That the Council take note of the Ministerial Statement.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 16 VICTORIAN COLLEGE OF THE ARTS BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to provide for the reconstitution of the Victorian College of the Arts and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

The Honourable D. G. Crozier moved, That the debate be adjourned until Tuesday next.

The Honourable W. A. Landeryou moved, as an amendment, That the words “Tuesday next” be omitted with the view of inserting in place thereof “Tuesday six months”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 24

The Hon. H. G. Baylor (*Teller*)
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward (*Teller*)

NOES, 14

The Hon. W. R. Baxter
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 (*Teller*)
 G. A. Sgro (*Teller*)
 H. A. Thomas
 Evan Walker
 D. R. White
 K. I. M. Wright

And so it was resolved in the affirmative.

Question—That the debate be adjourned until Tuesday next—put.

The Council divided.

AYES, 24

The Hon. H. G. Baylor
 P. D. Block (*Teller*)
 C. Bubb (*Teller*)
 W. M. Campbell
 B. A. Chamberlain

NOES, 14

The Hon. W. R. Baxter
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans (*Teller*)

D. G. Crozier	C. J. Kennedy
F. J. Granter	D. E. Kent
J. V. C. Guest	W. A. Landeryou
V. T. Hauser	R. A. Mackenzie
D. K. Hayward	G. A. Sgro
W. V. Houghton	H. A. Thomas
Dr R. W. Howard	Evan Walker
A. J. Hunt	D. R. White (<i>Teller</i>)
Glyn Jenkins	K. I. M. Wright
R. I. Knowles	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	

And so it was resolved in the affirmative.

- 18 LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

And having continued to sit until after Twelve midnight—

WEDNESDAY, 8 APRIL

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 19 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until this day at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debated ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-nine minutes past One o'clock in the morning, adjourned until this day at Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 41—Wednesday, 8 April 1981

- 1 The President took the Chair and read the Prayer.

- 2 PETITION—CARA HOUSE AND INSTITUTIONAL CARE ALTERNATIVES—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying that funds be provided to ensure the continued operation of Cara House, and for the commitment to accelerate the provision of alternatives to institutional care to be honoured, and moved, That it do lie on the Table and be read by the Clerk.

Question—put and resolved in the affirmative.

The Clerk read the Petition.

- 3 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1968—No. 78.

Industrial Training Act 1975—No. 73.

Marine Act 1958—No. 74.

Ministry for the Arts Act 1972—No. 76.

Post-Secondary Education Act 1978—No. 75.

Public Service Act 1974—PSD No. 51.

Racing Act 1958—No. 68.

Victorian Film Corporation Act 1976—No. 77.

The Honourable Evan Walker moved, That the Fishing (Scallop) Regulations 1981 (S.R. No. 78) tabled by the Clerk be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 4 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

- 5 MMBW FINANCIAL OPERATIONS—The Honourable D. R. White moved, That the Public Accounts and Expenditure Review Committee be required as a matter of urgency to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works, especially:

- (i) the financing of the Board of Works building;
- (ii) the legislative requirement of the Board to set aside funds in a sinking fund;
- (iii) the funding of the Thomson Dam;
- (iv) the need for amendment of the *Melbourne and Metropolitan Board of Works Act 1958* to improve the Board's overdraft facility; and
- (v) the accumulation by the Board of short-term deposits in excess of \$140 million at a time when there are thousands of unsewered homes, the water distribution system is inadequate, and the western trunk sewer is in urgent need of replacement.

Debate ensued.

Interruption—

- 6 JOINT SITTING—The President announced that the time had arrived for this House to meet the Assembly in the Assembly Chamber for the purpose of sitting and voting together to choose three Members of the Parliament of Victoria to be recommended for appointment to the Council of the Victorian Institute of Secondary Education and one Member of the Parliament of Victoria to be recommended for appointment to the Council of Adult Education.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned—

The President reported that this House met the Legislative Assembly this day in the Assembly Chamber for the purpose of sitting and voting together to choose Members of the Parliament of Victoria to be recommended for appointment to the Council of the Victorian Institute of Secondary Education and the Council of Adult Education, and that—

The Honourable Bernard Phillip Dunn, MLC;
Donald James Mackinnon, Esquire, MP; and
Mrs Pauline Therese Toner, MP

had been duly chosen to be recommended for appointment to the Council of the Victorian Institute of Secondary Education; and

The Honourable Hector Roy Ward, MLC
had been duly chosen to be recommended for appointment to the Council of Adult Education.

7 MMBW FINANCIAL OPERATIONS—

Debate resumed on the question to require the Public Accounts and Expenditure Review Committee to examine and report upon the financial operations of the Melbourne and Metropolitan Board of Works.

Question—put.

The Council divided.

AYES, 13	NOES, 28
The Hon. G. A. S. Butler	The Hon. W. R. Baxter
Joan Cocksedge	H. G. Baylor
R. J. Eddy	P. D. Block
C. J. Kennedy	C. Bubb
D. E. Kent (<i>Teller</i>)	W. M. Campbell
W. A. Landeryou	D. G. Crozier
R. A. Mackenzie	B. P. Dunn
G. A. Sgro	D. M. Evans
H. A. Thomas	Dr K. J. Foley (<i>Teller</i>)
I. B. Trayling (<i>Teller</i>)	F. J. Granter
Evan Walker	J. V. C. Guest (<i>Teller</i>)
J. M. Walton	H. M. Hamilton
D. R. White	V. T. Hauser
	D. K. Hayward
	W. V. Houghton
	Dr R. W. Howard
	A. J. Hunt
	Glyn Jenkins
	R. I. Knowles
	R. Lawson
	R. J. Long
	J. W. S. Radford
	N. B. Reid
	D. N. Saltmarsh
	N. F. Stacey
	J. A. Taylor
	H. R. Ward
	K. I. M. Wright

And so it passed in the negative.

- 8 LIQUIFIED PETROLEUM GAS SUBSIDY (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Liquified Petroleum Gas Subsidy Act 1980’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 STATE ELECTRICITY COMMISSION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘State Electricity Commission Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to revoke the Permanent Reservations of certain Lands and for Purposes connected therewith*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 POSTPONEMENT OF NOTICE OF MOTION—Ordered—That the consideration of Notice of Motion, General Business, No. 7, be postponed until later this day.

- 12 YOUNG FARMER ESTABLISHMENT SCHEME—The Honourable W. R. Baxter moved, That this House notes the recommendations of the Young Farmers’ Finance Council 1980 Report and calls on the Government to immediately implement an effective Young Farmer Establishment Scheme.

The Honourable N. B. Reid moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 13 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 9 to 16 inclusive, be postponed until later this day.

- 14 LIQUIFIED PETROLEUM GAS SUBSIDY (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable Evan Walker, for the Honourable G. A. S. Butler, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 15 STATE ELECTRICITY COMMISSION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

16. REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie, for the Honourable H. A. Thomas, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

17. POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 6 inclusive, be postponed until later this day.

18. NATIONAL PARKS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 9 APRIL

Debate continued.

The Honourable D. M. Evans moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until a proper economic impact statement has been prepared to enable the Land Conservation Council to take all economic aspects into account in its final recommendations”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 30

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 G. A. S. Butler
 W. M. Campbell
 Joan Coxsedge
 D. G. Crozier
 R. J. Eddy
 F. J. Granter
 J. V. C. Guest (*Teller*)
 H. M. Hamilton (*Teller*)
 V. T. Hauser
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 C. J. Kennedy
 D. E. Kent
 R. I. Knowles
 W. A. Landeryou
 R. Lawson
 R. J. Long
 R. A. Mackenzie
 J. W. S. Radford
 N. B. Reid

NOES, 4

The Hon. W. R. Baxter
 B. P. Dunn
 D. M. Evans (*Teller*)
 K. I. M. Wright (*Teller*)

G. A. Sgro
 N. F. Stacey
 H. A. Thomas
 Evan Walker
 H. R. Ward
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

19 ADJOURNMENT—The Honourable D. G. Crozier moved, That the Council, at its rising, adjourn until Tuesday next at a quarter to Four o'clock.

Question—put and resolved in the affirmative.

And then the Council, at thirty-four minutes past Two o'clock in the morning, adjourned until Tuesday next at a quarter to Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

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Mr President takes the Chair at Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 7 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 8 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act* 1958 with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- 9 The Hon. EVAN WALKER—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Latrobe Valley; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 10 The Hon. R. A. MACKENZIE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Geelong Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

** Notifications to which an asterisk (*) is prefixed appear for the first time.*

- 11 The Hon. D. E. KENT—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the West Gippsland Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 12 The Hon. JOAN COXSEGE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Western Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 13 The Hon. C. J. KENNEDY—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the South Eastern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 14 The Hon. G. A. SGRO—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Northern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- 1 VICTORIAN COLLEGE OF THE ARTS BILL—(from Assembly—Hon. A. J. Hunt)—Second reading.
- 2 WILLS BILL—(Hon. Haddon Storey)—Second reading.
- 3 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 4 LAND (AMENDMENT) BILL (No. 2)—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 5 POLICE REGULATION (APPOINTMENTS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- *6 LIQUIFIED PETROLEUM GAS SUBSIDY (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 7 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- *8 REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- *9 STATE ELECTRICITY COMMISSION (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 10 HEALTH (EXEMPTIONS) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 11 PENALTY INTEREST RATES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- †12 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Haddon Storey).

† Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate.* (*Hon. Haddon Storey*).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. H. R. Ward*).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate.* (*Hon. A. J. Hunt*).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. Haddon Storey*).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
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- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
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- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
- 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
- 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
- 52 ADULT PAROLE BOARD REPORT, 1979-80—To be considered.
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- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.

Tuesday, 14 April 1981

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- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(Hon. Evan Walker)—*Resumption of debate. (Hon. Evan Walker).*
- *60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- *61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (Hon. W. R. Baxter)—*Resumption of debate. (Hon. N. B. Reid).*

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at Twelve o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House recognizes that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, and recommends that a deposit system be introduced on all non-destructible beverage containers sold in Victoria.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 7 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 8 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- 9 The Hon. EVAN WALKER—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Latrobe Valley; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 10 The Hon. R. A. MACKENZIE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Geelong Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

** Notifications to which an asterisk (*) is prefixed appear for the first time.*

- 11 The Hon. D. E. KENT—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the West Gippsland Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 12 The Hon. JOAN COXSEGE—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Western Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 13 The Hon. C. J. KENNEDY—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the South Eastern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 14 The Hon. G. A. SGRO—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Northern Metropolitan Region; the Committee to have power to send for persons, papers and records; three to be the quorum.

GOVERNMENT BUSINESS

Orders of the Day

- *1 CHIROPRACTORS AND OSTEOPATHS (REGISTRATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading.
- *2 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—(Hon. D. G. Crozier)—Second reading.
- *3 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading.
- 4 PENALTY INTEREST RATES BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. G. A. Sgro).
- 5 LAND (AMENDMENT) BILL (No. 2)—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. D. E. Kent).
- 6 POLICE REGULATION (APPOINTMENTS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 7 LIQUIFIED PETROLEUM GAS SUBSIDY (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. G. A. S. Butler).
- 8 REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. H. A. Thomas).
- 9 STATE ELECTRICITY COMMISSION (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 10 HEALTH (EXEMPTIONS) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 11 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- †12 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Haddon Storey).

† Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.

GENERAL BUSINESS

Orders of the Day

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- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
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- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
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- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
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- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
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- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
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- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
- 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
- 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
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- 57 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.

- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. Evan Walker*).
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (*Hon. W. R. Baxter*)—*Resumption of debate.* (*Hon. N. B. Reid*).
- *62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTEDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- *63 HEALTH COMMISSION REPORT, 1979–80—To be considered.
- *64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS—AMENDMENTS NOS. 541 TO 543—To be considered.

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TUESDAY, 21 APRIL

GOVERNMENT BUSINESS

Orders of the Day

- 1 WILLS BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate.* (*Hon. R. J. Eddy*).
- *2 PORT OF MELBOURNE AUTHORITY (LANDS) BILL—(*from Assembly—Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).

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TUESDAY, 28 APRIL

GOVERNMENT BUSINESS

Order of the Day

- 1 VICTORIAN COLLEGE OF THE ARTS BILL—(*from Assembly—Hon. A. J. Hunt*)—Second reading—*Resumption of debate.* (*Hon. Evan Walker*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 42 and 43

No. 42—Tuesday, 14 April 1981

- 1 The President took the Chair and read the Prayer.
- 2 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable R. A. Mackenzie moved, That the Council do now adjourn, and said he proposed to speak to the subject of “the failure of the Government to take action to initiate further enquiries into the sinking of the fishing vessel *Shark* on 18 March 1978 at Lakes Entrance”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 15

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy (*Teller*)
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 Evan Walker
 D. R. White
 K. I. M. Wright

NOES, 23

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser (*Teller*)
 D. K. Hayward (*Teller*)
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 H. R. Ward

And so it passed in the negative.

- 3 PORT OF MELBOURNE AUTHORITY (LANDS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend Part IV. of the Second Schedule to the ‘Port of Melbourne Authority Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—On the motion (by leave without notice) of the Honourable D. G. Crozier, leave was given to bring in a Bill to amend the *Local Government Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable D. G. Crozier, leave was given to bring in a Bill to amend Division 1A of Part XLIX. of the *Local Government Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

6 PAPERS—

DRUG PROBLEM IN VICTORIA—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Interdepartmental Working Party on the Drug Problem in Victoria (Volume 1).

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table, in lieu of that tabled on 21 October 1980.

The Honourable Evan Walker moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Health Commission—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Boilers and Pressure Vessels Act 1970—No. 94.

Country Fire Authority Act 1958—No. 87.

Industrial Training Act 1975—Nos. 70 to 72.

Public Service Act 1974—PSD Nos. 52 and 53.

Racing Act 1958—No. 79.

Teaching Service Act 1958—Teaching Service (Classification, Salaries and Allowances) Regulations—Amendments Nos. 541 to 543.

Town and Country Planning Act 1961—

Cranbourne—Shire of Cranbourne (Western Port) Planning Scheme—Amendment No. 15, 1980.

Eppalock Planning Scheme (Shire of Strathfieldsaye)—Amendment No. 3.

Horsham—City of Horsham Planning Scheme 1973—Amendment No. 57, 1980.

Lake Tyers to Cape Howe Coastal Planning Scheme—Amendment No. 5.

Melbourne Metropolitan Planning Scheme—Amendments No. 120, Part 3A (with ten maps); and No. 120, Part 5 (with map).

Woorayl—Shire of Woorayl Planning Scheme—Amendment No. 46, 1980.

The Honourable Evan Walker moved, That the Report of the Health Commission for 1979–80 and the Teaching Service (Classification, Salaries and Allowances) Regulations, Amendments Nos. 541 to 543, be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 8 VICTORIAN COLLEGE OF THE ARTS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.
The Honourable Evan Walker moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday, 28 April.
- 9 WILLS BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
The Honourable R. J. Eddy moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 10 PORT OF MELBOURNE AUTHORITY (LANDS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.
The Honourable R. J. Eddy, for the Honourable R. A. Mackenzie, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
- 11 LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
Debate resumed.
The Honourable W. A. Landeryou moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until—(a) a full open public inquiry is conducted into the Melbourne City Council and the report of that inquiry is presented to the House; (b) the Government makes a full disclosure of the reasons for its dismissal of the Melbourne City Council; and (c) the Local Government Advisory Board has inquired into any changes to the boundaries and structure of the Council and the Board’s recommendations are made public and submitted to a referendum of the ratepayers of Melbourne and any other Council affected by the recommendations”.
Debate ensued.
And the Council having continued to sit until after Twelve midnight—

WEDNESDAY, 15 APRIL

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.
The Council divided.

AYES, 20

The Hon. H. G. Baylor
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
F. J. Granter

NOES, 14

The Hon. W. R. Baxter
G. A. S. Butler (*Teller*)
Joan Coxsedge (*Teller*)
B. P. Dunn
R. J. Eddy
D. M. Evans

J. V. C. Guest
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 (*Teller*)

A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 J. A. Taylor
 H. R. Ward

C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 D. R. White
 K. I. M. Wright

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put.

The Council divided.

AYES, 20

The Hon. H. G. Baylor
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford (*Teller*)
 N. B. Reid
 N. F. Stacey
 J. A. Taylor
 H. R. Ward

NOES, 14

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedgè
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy (*Teller*)
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 D. R. White
 K. I. M. Wright

And so it was resolved in the affirmative—Bill read a second time.

The Honourable D. G. Crozier moved, That the Bill be now committed.

Question—put.

The Council divided.

AYES, 20

The Hon. H. G. Baylor
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 D. K. Hayward
 W. V. Houghton

NOES, 14

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedgè
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou

Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid (*Teller*)
 N. F. Stacey
 J. A. Taylor
 H. R. Ward (*Teller*)

R. A. Mackenzie
(Teller)
 G. A. Sgro (*Teller*)
 H. A. Thomas
 D. R. White
 K. I. M. Wright

And so it was resolved in the affirmative—Bill committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable D. G. Crozier moved, That the Bill be now read a third time.
 Question—put.

The Council divided.

AYES, 20

The Hon. H. G. Baylor
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey (*Teller*)
 J. A. Taylor (*Teller*)
 H. R. Ward

NOES, 12

The Hon. W. R. Baxter
 G. A. S. Butler
 B. P. Dunn
 R. J. Eddy (*Teller*)
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 D. R. White (*Teller*)
 K. I. M. Wright

And so it was resolved in the affirmative—Bill read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 CHIROPRACTORS AND OSTEOPATHS (REGISTRATION) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend section 8 of the 'Chiropractors and Osteopaths Act 1978' with respect to the Registration of Persons practising Chiropractic and Osteopathy before 1 January 1979*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council at its rising, adjourn until this day at a quarter to Twelve o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at nineteen minutes past Four o'clock in the morning, adjourned until this day at a quarter to Twelve o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 43—Wednesday, 15 April 1981

- 1 The President took the Chair and read the Prayer.
- 2 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
 - Statutory Rules under the following Acts of Parliament:
 - Coal Mines Act 1958—No. 121.
 - Country Fire Authority Act 1958—No. 111.
 - Forests Act 1958—No. 123.
 - Marine Act 1958—No. 101.
- 3 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 to 8 inclusive, be postponed until later this day.
- 4 COGNATE DEBATE—The Honourable Evan Walker moved, by leave, That this House authorizes and requires the Honourable the President to permit the cognate propositions contained in Notices of Motion, General Business, Nos. 10 to 14 inclusive, also to be debated on the Question embraced in Notice of Motion, General Business, No. 9.

Question—put and resolved in the affirmative.
- 5 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—The Honourable Evan Walker moved, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of social and community need, and related environmental and planning issues, in the Latrobe Valley; the Committee to have power to send for persons, papers and records; three to be the quorum.

Debate ensued on this question and, pursuant to the Order of the House this day, on cognate questions resulting from Motions on Notice in the names of:

 - The Honourable R. A. Mackenzie with respect to the Geelong Region;
 - The Honourable D. E. Kent with respect to the West Gippsland Region;
 - The Honourable Joan Coxsedg with respect to the Western Metropolitan Region;
 - The Honourable C. J. Kennedy with respect to the South Eastern Metropolitan Region; and
 - The Honourable G. A. Sgro with respect to the Northern Metropolitan Region.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday, 28 April.

- 6 CHIROPRACTORS AND OSTEOPATHS (REGISTRATION) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday, 28 April.

- 7 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

- 8 PENALTY INTEREST RATES BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P. D. Block having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 9 FLEMINGTON LAND BILL—The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act relating to certain Crown Land in the Parish of Dousta Galla*" and desiring the concurrence of the Council therein.

The Deputy President ruled the Bill to be a Private Bill.

The Honourable A. J. Hunt moved, That this Bill be dealt with as a Public Bill.

Debate ensued.

Motion, by leave, withdrawn.

Ordered—That the Bill be read a first time later this day.

- 10 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—The Deputy President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments and desiring the concurrence of the Council therein.

Ordered—That the amendments be taken into consideration later this day.

- 11 LAND (AMENDMENT) BILL (No. 2)—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Question—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment—proposed.

The Honourable B. P. Dunn moved, as an amendment, That the words "but protest at the inclusion in the Bill of a provision identical with that contained in a Bill already passed by the Legislative Council and transmitted for the concurrence of the Legislative Assembly in this present Session" be added to the Message.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment, and conveying the terms of the protest embraced in the foregoing resolution.

- 12 FLEMINGTON LAND BILL—The Order of the Day for the first reading of this Bill was read.

The Deputy President having announced that this Bill had previously been ruled to be a Private Bill—

The Honourable A. J. Hunt moved, That this Bill be dealt with as a Public Bill.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That this Bill be now read a first time.

Question—put and resolved in the affirmative—Bill read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment,

- 13 POLICE REGULATION (APPOINTMENTS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 LIQUIFIED PETROLEUM GAS SUBSIDY (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 REVOCATION AND EXCISION OF CROWN RESERVATIONS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 16 STATE ELECTRICITY COMMISSION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Motor Car Act 1958' with respect to the Mass and Dimension Limits of Motor Cars, to amend the 'Stamps Act 1958' and for purposes connected therewith*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 18 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday, 28 April at half-past Four o'clock.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifteen minutes past Five o'clock, adjourned until Tuesday, 28 April at half-past Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at a Quarter to Five o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- *3 The Hon. D. M. EVANS—To move, That this House, recognizing that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, recommends that all non-destructible beverage containers be designed to fit a recycling programme, have a scrap or return value, and that a return system be developed using the present collection agencies and encouraging the involvement of local government on a commercially-viable basis.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 7 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 8 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—(Hon. D. G. Crozier)
—Second reading.
- 2 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *3 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading.
- *4 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—AMENDMENTS OF THE LEGISLATIVE ASSEMBLY—To be considered.
- 5 CHIROPRACTORS AND OSTEOPATHS (REGISTRATION) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 6 VICTORIAN COLLEGE OF THE ARTS BILL—(from Assembly—Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 7 WILLS BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. R. J. Eddy).
- 8 PORT OF MELBOURNE AUTHORITY (LANDS) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. R. A. Mackenzie).
- 9 HEALTH (EXEMPTIONS) BILL—(from Assembly—Hon. W. V. Houghton)—Second reading—Resumption of debate. (Hon. Evan Walker).
- 10 WATER DRAINAGE BILL—(Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- †11 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Haddon Storey).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—Resumption of debate. (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—Resumption of debate. (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—Resumption of debate. (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—Resumption of debate. (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. W. V. Houghton).

† Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.

- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate.* (*Hon. H. R. Ward*).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate.* (*Hon. W. V. Houghton*).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
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- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
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- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
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- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
- 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
- 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
- 41 MONASH UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
- 43 TROTTER CONTROL BOARD REPORT, 1979-80—To be considered.
- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.

- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
- 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
- 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
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- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. Evan Walker*).
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (*Hon. W. R. Baxter*)—*Resumption of debate.* (*Hon. N. B. Reid*).
- 62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 63 HEALTH COMMISSION REPORT, 1979-80—To be considered.
- 64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS —AMENDMENTS Nos. 541 TO 543—To be considered.
- *65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (*Hon. Evan Walker and others*)—*Resumption of debate.* (*Hon. R. A. Mackenzie*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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Mr President takes the Chair at a Quarter past Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. D. M. EVANS—To move, That this House, recognizing that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, recommends that all non-destructible beverage containers be designed to fit a recycling programme, have a scrap or return value, and that a return system be developed using the present collection agencies and encouraging the involvement of local government on a commercially-viable basis.
- 4 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 5 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 6 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 7 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 8 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act* 1958 with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- *9 The Hon. W. A. LANDERYOU—To move, That the Statute Law Revision Committee be required urgently to proceed with its investigations into the Constitution and, specifically, with the aspect relating to the role of Upper Houses, with a view to reporting its findings to the Parliament at the commencement of the Spring sittings.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading.
- 2 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—AMENDMENTS OF THE LEGISLATIVE ASSEMBLY—To be considered.
- 3 WILLS BILL—(*Hon. Haddon Storey*)—To be further considered in Committee.
- †4 STATUTE LAW REVISION BILL—(*Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. Haddon Storey).*

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(*Hon. G. A. Sgro*)—Second reading—*Resumption of debate. (Hon. Haddon Storey).*
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate. (Hon. H. R. Ward).*
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(*Hon. Evan Walker*)—Second reading—*Resumption of debate. (Hon. A. J. Hunt).*
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(*Hon. Dr K. J. Foley*)—*Resumption of debate. (Hon. W. A. Landeryou).*
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (*Hon. B. P. Dunn*)—*Resumption of debate. (Hon. A. J. Hunt).*
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. Haddon Storey).*
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. D. G. Crozier).*
- 13 WILDLIFE (SPRING TRAPS) BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate. (Hon. W. V. Houghton).*
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (*Hon. W. A. Landeryou*)—*Resumption of debate. (Hon. H. R. Ward).*
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(*Hon. R. A. Mackenzie*)—Second reading—*Resumption of debate. (Hon. W. V. Houghton).*
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
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† *Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.*

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- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
 - 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
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 - 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
 - 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
 - 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
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 - 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
 - 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
 - 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
 - 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
 - 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).

- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT
(*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
- 52 ADULT PAROLE BOARD REPORT, 1979–80—To be considered.
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- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. Evan Walker*).
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (*Hon. W. R. Baxter*)—*Resumption of debate.* (*Hon. N. B. Reid*).
- 62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 63 HEALTH COMMISSION REPORT, 1979–80—To be considered.
- 64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS—AMENDMENTS NOS. 541 TO 543—To be considered.
- 65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (*Hon. Evan Walker and others*)—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- *66 ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS—REPORT, 1979–80—To be considered.
- *67 DECENTRALIZED INDUSTRY HOUSING AUTHORITY REPORT, 1979–80—To be considered.
- *68 SOIL CONSERVATION AUTHORITY REPORT, 1979–80—To be considered.
- *69 LAW REFORM (ADVISORY COUNCIL FEES AND ALLOWANCES) (AMENDMENT) REGULATIONS 1981 (S.R. No. 133/1981)—To be considered.

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TUESDAY, 5 MAY

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—(*Hon. D. G. Crozier*)—*Second reading—Resumption of debate.* (*Hon. G. A. S. Butler*).
- 2 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—(*from Assembly—Hon. Haddon Storey*)—*Second reading—Resumption of debate.* (*Hon. G. A. S. Butler*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

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PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

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PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

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STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 4 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 5 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 6 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
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GOVERNMENT BUSINESS

Orders of the Day

- *1 TRANSPORT REGULATION (ASSIGNMENT OF LICENCES) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading.
- *2 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—(from Assembly—Hon. D. G. Crozier)—Second reading.
- 3 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—AMENDMENTS OF THE LEGISLATIVE ASSEMBLY—To be considered.

** Notifications to which an asterisk (*) is prefixed appear for the first time.*

- *4 SUPPLY (1981-82, No. 1) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- †5 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.

† *Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.*

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- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
 - 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
 - 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
 - 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
 - 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
 - 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
 - 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
 - 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
 - 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
 - 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
 - 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
 - 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
 - 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
 - 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
 - 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
 - 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
 - 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
 - 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
 - 41 MONASH UNIVERSITY COUNCIL REPORT, 1979—To be considered.
 - 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
 - 43 TROTTING CONTROL BOARD REPORT, 1979-80—To be considered.
 - 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
 - 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
 - 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
 - 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
 - 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
 - 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
 - 52 ADULT PAROLE BOARD REPORT, 1979-80—To be considered.
 - 53 DANDENONG VALLEY AUTHORITY REPORT, 1979-80—To be considered.

- 54 DEAKIN UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 55 HISTORIC BUILDINGS PRESERVATION COUNCIL REPORT, 1978-79—To be considered.
- 56 LIQUOR CONTROL COMMISSION REPORT, 1979-80—To be considered.
- 57 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate. (Hon. Evan Walker).*
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981) —To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (*Hon. W. R. Baxter*)—*Resumption of debate. (Hon. N. B. Reid).*
- 62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 63 HEALTH COMMISSION REPORT, 1979-80 —To be considered.
- 64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS —AMENDMENTS NOS. 541 TO 543—To be considered.
- 65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (*Hon. Evan Walker and others*) *Resumption of debate. (Hon. D. E. Kent).*
- 66 ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS—REPORT, 1979-80—To be considered.
- 67 DECENTRALIZED INDUSTRY HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 68 SOIL CONSERVATION AUTHORITY REPORT, 1979-80—To be considered.
- 69 LAW REFORM (ADVISORY COUNCIL FEES AND ALLOWANCES) (AMENDMENT) REGULATIONS 1981 (S.R. No. 133/1981)—To be considered.
- *70 DEVELOPMENT OF SPORT IN VICTORIA—GREEN PAPER—To be considered.
- *71 ROAD SAFETY COMMITTEE—REPORT ON RESTRAINT OF CHILDREN—To be considered.
- *72 OMBUDSMAN'S QUARTERLY REPORT, 30 SEPTEMBER 1980 —To be considered.
- *73 POLICE SERVICE BOARD DETERMINATION No. 336—To be considered.
- *74 NON-DESTRUCTIBLE BEVERAGE CONTAINERS—MOTION RECOMMENDING RECYCLING PROGRAMME (*Hon. D. M. Evans*)—*Resumption of debate. (Hon. Evan Walker).*

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TUESDAY, 5 MAY

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—(*Hon. D. G. Crozier*)
- Second reading—*Resumption of debate. (Hon. G. A. S. Butler).*
- 2 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—(*from Assembly—Hon. Haddon Storey*)—Second reading—*Resumption of debate. (Hon. G. A. S. Butler).*

Thursday, 30 April 1981

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- *3 PORT FAIRY LAND BILL—(*Hon. W. V. Houghton*)—Second reading—*Resumption of debate.* (*Hon. R. A. Mackenzie*).
- 4 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(*Hon. D. G. Crozier*)—Second reading—*Resumption of debate.* (*Hon. W. A. Landeryou*).

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

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LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 44, 45 and 46

No. 44—Tuesday, 28 April 1981

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, on 23 April 1981, given the Royal Assent to the undermentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz.:

Local Government (City of Melbourne) Act.

Flemington Land Act.

Police Regulation (Appointments) Act.

Land (Amendment) Act.

Liquefied Petroleum Gas Subsidy (Amendment) Act.

Revocation and Excision of Crown Reservations Act.

State Electricity Commission (Amendment) Act.

3 PAPERS—

INTER-GOVERNMENT RELATIONS—The Honourable Haddon Storey moved, by leave, That there be laid before this House a copy of the Report of the Advisory Council for Inter-Government Relations for the year ended 31 August 1980.

Question—put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable Haddon Storey and ordered to lie on the Table.

The Honourable Evan Walker moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Decentralized Industry Housing Authority—Report for the year 1979–80.

Education Act 1958—Resumption of land at Frankston—Certificates of the Minister of Education (two papers).

Poisons Act 1962—Proclamation dated 7 April 1981 amending Schedules to the Act.

Soil Conservation Authority—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Appeal Costs Fund Act 1964—No. 131.

Boilers and Pressure Vessels Act 1970—No. 95.

Building Industry Long Service Leave Act 1975—No. 93.

Chiropractors and Osteopaths Act 1978—No. 152.

Companies Act 1961—No. 132.

Consumer Affairs Act 1972—No. 81.

Co-operation Act 1958—No. 128.

Co-operative Housing Societies Act 1958—No. 127.

Country Fire Authority Act 1958—Nos. 106 to 110, and 112 to 117.

Dental Technicians Act 1972—Nos. 150 and 151.

Statutory Rules under the following Acts of Parliament (*continued*):

- Discharged Servicemen's Preference Act 1943—No. 130.
- Environment Protection Act 1970—Nos. 82 and 83.
- Extractive Industries Act 1966—No. 120.
- Forests Act 1958—No. 86.
- Groundwater Act 1969—No. 119.
- Home Finance Act 1962—No. 126.
- Industrial Training Act 1975—Nos. 92 and 105.
- Labour and Industry Act 1958—No. 91.
- Law Reform Act 1973—No. 133.
- Lotteries Gaming and Betting Act 1966—No. 129.
- Marine Act 1958—Nos. 102 and 134.
- Mines Act 1958—No. 122.
- Motor Car Act 1958—No. 84.
- Motor Car Traders Act 1973—No. 85.
- National Parks Act 1975—No. 100.
- Public Service Act 1974—PSD Nos. 54 and 55.
- Racing Act 1958—Nos. 80, 96 to 99, and 125.
- Reference Areas Act 1978—No. 89.
- Road Traffic Act 1958—Nos. 103 and 104.
- Scaffolding Act 1971—No. 90.
- Stamps Act 1958—No. 124.
- Stock Medicines Act 1958—No. 157.
- Supreme Court Act 1958—No. 135.
- Supreme Court Act 1958 and Residential Tenancies Act 1980—No. 138.
- Survey Co-ordination Act 1958—No. 145.
- Victorian Brown Coal Council Act 1978—No. 118.
- Youth, Sport and Recreation Act 1972—No. 88.
- Teaching Service Act 1958—Teaching Service (Teachers Tribunal) Regulations—Amendments Nos. 544 to 546.
- Town and Country Planning Act 1961—
 - Echuca—City of Echuca Planning Scheme—Amendment No. 47, 1980.
 - Eildon Reservoir Planning Scheme—Amendment No. 26 (Shire of Mansfield).
 - Knox—City of Knox Planning Scheme 1965—Amendment No. 200, Part 1, 1978.
 - Melbourne Metropolitan Planning Scheme—Amendments No. 164 (with map); and No. 165 (with map).
 - Portland—Town of Portland Planning Scheme—Amendment No. 27.
 - Waratah Bay Planning Scheme—Amendments No. 1, 1980 and No. 8A.
 - Woorayl—Shire of Woorayl Planning Scheme—Amendment No. 47, 1980.

The Honourable Evan Walker moved, That the Report of the Decentralized Industry Housing Authority for 1979–80, the Report of the Soil Conservation Authority for 1979–80, and Statutory Rule No. 133 under the *Law Reform Act* 1973 be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 4 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.
- 5 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable G. A. S. Butler moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 6 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 7 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable G. A. S. Butler moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 8 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.
- 9 CHIROPRACTORS AND OSTEOPATHS (REGISTRATION) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 10 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.
- 11 WILLS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.
- Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.
- 12 PORT OF MELBOURNE AUTHORITY (LANDS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time and, by leave, read a third time and passed.
- Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 HEALTH (EXEMPTIONS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—
- Debate resumed.
- The Honourable Evan Walker moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until such time as Part XII. of the *Health Act* 1958 and the regulations relating thereto are consolidated and modernized.”
- Debate ensued.
- Question—That the words proposed to be omitted stand part of the question—put.
- The Council divided.

AYES, 28

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 J. A. Taylor
 H. R. Ward (*Teller*)
 K. I. M. Wright

NOES, 13

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas (*Teller*)
 I. B. Trayling (*Teller*)
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 14 WATER DRAINAGE BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P. D. Block having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 15 VICTORIAN COLLEGE OF THE ARTS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 16 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at nineteen minutes past Ten o'clock, adjourned until tomorrow at Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 45—Wednesday, 29 April 1981

- 1 The President took the Chair and read the Prayer.

- 2 SUPPLY (1981–82, No. 1) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to make Interim Provision for the Appropriation of Moneys out of the Consolidated Fund for the Service of the Financial Year 1981–82*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 RURAL FINANCE AND SETTLEMENT COMMISSION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend Section 25 of the ‘Rural Finance and Settlement Commission Act 1961’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 TRANSPORT REGULATION (ASSIGNMENT OF LICENCES) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Transport Regulation Act 1958’ with respect to the Assignment of Rights under Licences issued under that Act and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 PETITION—CARA HOUSE AND INSTITUTIONAL CARE ALTERNATIVES—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying that funds be provided to ensure the continued operation of Cara House, and for the commitment to accelerate the provision of alternatives to institutional care to be honoured.

Ordered to lie on the Table.

6 PAPERS—

GREEN PAPER—DEVELOPMENT OF SPORT—The Honourable F. J. Granter moved, by leave, That there be laid before this House a copy of the Green Paper on the Development of Sport in Victoria.

Question—put and resolved in the affirmative.

The said Paper was thereupon presented by the Honourable F. J. Granter and ordered to lie on the Table.

The Honourable Evan Walker moved, That the Paper be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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ROAD SAFETY COMMITTEE—CHILD RESTRAINT—The Honourable H. M. Hamilton presented the Twenty-Second Progress Report from the Road Safety Committee upon Restraint of Children Under Eight in the Rear Seats of Motor Cars, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table, and the Report and Appendices to be printed.

The Honourable Evan Walker moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

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The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Ombudsman—Report for the quarter ended 30 September 1980.

Police Service Board—Determinations Nos. 330 to 337.

Statutory Rules under the following Acts of Parliament:

Chiropodists Act 1968—No. 149.

Dentists Act 1972—No. 153.

Dried Fruits Act 1958—No. 158.

Extractive Industries Act 1966—No. 143.

Farm Produce Merchants and Commission Agents Act 1965—No. 154.

Health Act 1958—No. 148.

Local Government Act 1958—No. 139.

Magistrates' Courts Act 1971—No. 144.

Marine Act 1958—No. 140.

Milk and Dairy Supervision Act 1958—No. 155.

Milk Pasteurization Act 1958—No. 156.

Physiotherapists Act 1978—No. 146.

Poisons Act 1962—Nos. 141 and 147.

Police Offences Act 1958—No. 159.

Valuation of Land Act 1960—No. 160.

The Honourable Evan Walker moved, That the Report of the Ombudsman for the quarter ended 30 September 1980 and Determination No. 336 of the Police Service Board be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

8 NON-DESTRUCTIBLE BEVERAGE CONTAINERS—The Honourable D. M. Evans moved, That this House, recognizing that littering by non-destructible materials is wasteful of resources, environmentally damaging and preventable, recommends that all non-destructible beverage containers be designed to fit a recycling programme, have a scrap or return value, and that a return system be developed using the present collection agencies and encouraging the involvement of local government on a commercially-viable basis.

Debate ensued.

The Honourable W. A. Landeryou, for the Honourable Evan Walker, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

9 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of Notices of Motion, General Business, Nos. 4 to 9 inclusive, be postponed until later this day.

10 RURAL FINANCE AND SETTLEMENT COMMISSION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 SUPPLY (1981–82, No. 1) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton, for the Honourable Haddon Storey, moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

12 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

13 PORT FAIRY LAND BILL—By leave, on the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to authorize the Granting of Leases of certain Crown Land in the Township of Port Fairy, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 STATUTE LAW REVISION COMMITTEE—CONSTITUTION—The Honourable W. A. Landeryou moved, That the Statute Law Revision Committee be required urgently to proceed with its investigations into the Constitution and, specifically, with the aspect relating to the role of Upper Houses, with a view to reporting its findings to the Parliament at the commencement of the Spring sittings.
- Debate ensued.
- The Honourable Haddon Storey moved, as an amendment, That the word “required” be omitted with the view of inserting in place thereof “advised of the need”.
- Question—That the word proposed to be omitted stand part of the question—put and negatived.
- Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.
- Question—That the Statute Law Revision Committee be advised of the need urgently to proceed with its investigations into the Constitution and, specifically, with the aspect relating to the role of Upper Houses, with a view to reporting its findings to the Parliament at the commencement of the Spring sittings—put and resolved in the affirmative.
- 15 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to constitute a Victorian Economic Development Corporation, to repeal the ‘Victorian Development Corporation Act 1973’ and the ‘State Development Decentralization and Tourism Act 1978’ and for other purposes*” and desiring the concurrence of the Council therein.
- On the motion of the Honourable A. J. Hunt, for the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 16 PORT FAIRY LAND BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.
- The Honourable R. A. Mackenzie moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
- 17 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, and Orders of the Day, General Business, Nos. 1 to 64 inclusive, be postponed until later this day.
- 18 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—The Order of the Day having been read for the resumption of the cognate debate (pursuant to the resolution of the Council on 15 April 1981) on the questions, That Select Committees be appointed to investigate social and community need in designated regions (for motion, see page 212 *ante*)—
- Debate resumed.
- The Honourable D. E. Kent moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until the next day of meeting.
- 19 WILLS BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
- House in Committee.

The President resumed the Chair, and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill, with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

20 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty minutes past Eleven o'clock, adjourned until tomorrow at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 46—Thursday, 30 April 1981

1 The President took the Chair and read the Prayer.

2 GOVERNMENT EMPLOYEE HOUSING AUTHORITY BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to establish a Government Employee Housing Authority, to make provision with respect to Housing Accommodation for Government Employees, to repeal the ‘Teacher Housing Act 1970’, to amend certain other enactments, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PAPER—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Motor Accidents Board—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

4 POSTPONEMENT OF NOTICES OF MOTION AND ORDERS OF THE DAY—Ordered—That the consideration of the Notices of Motion, General Business, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

5 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—The Order of the Day for the consideration of the amendments made by the Assembly in this Bill having been read, the said amendments were read and are as follows:

1 Clause 1, line 7, omit “1980” and insert “1981”.

2 Clause 4, lines 9–12, omit the words and expressions on these lines and insert “any waste (being waste in respect of which an Order is in force under section 20 (11) exempting the occupier of the premises or a class of persons including the occupier of the premises from all or any of the provisions of Part III. with respect to the holding of licences) is or is likely to be discharged or emitted into the atmosphere”.

- 3 Clause 4, line 16, omit "(c)" and insert "(a) fails to comply or".
- 4 Clause 4, line 21, omit "(d)" and insert "(b)".
- 5 Clause 4, line 23, omit "(e)" and insert "(c)".
- 6 Clause 4, line 25, omit "(f)" and insert "(d)".
- 7 Clause 4, line 27, omit "an" and insert "a preliminary".
- 8 Clause 4, line 28, omit "owner or".
- 9 Clause 4, line 29, omit "An" and insert "The preliminary".
- 10 Clause 4, line 30, omit "may contain" and insert "that an air pollution abatement notice containing".
- 11 Clause 4, page 3, line 8, after this line insert—

"shall be served upon the occupier by the authority unless the occupier requests a conference pursuant to sub-section (3) within 30 days from the service of the preliminary air pollution abatement notice.

(3) An occupier who receives a preliminary air pollution abatement notice may, within 30 days from the date of service of the notice, request by application in writing to the Authority a conference to discuss the contents of the preliminary notice and to state any grounds of objection to the notice, and request the Authority to consider proposals to achieve the objectives of the notice by other means.

(4) The Authority may, within 60 days from the service of a preliminary air pollution abatement notice, appoint any person (whether a member of the Authority or not) to convene a conference between the occupier and such other persons as the Authority thinks fit.

(5) A person who has convened a conference pursuant to sub-section (4) shall report the results of the conference to the Authority, and may make such recommendations to the Authority as he thinks fit.

(6) After considering any stated grounds of objection and the report of any person who has convened a conference under sub-section (4), the Authority shall—

(a) confirm its preliminary air pollution abatement notice with or without modifications, and serve an air pollution abatement notice on the occupier; or

(b) cancel its preliminary air pollution abatement notice.

(7) Where the Authority fails to receive a request for a conference pursuant to sub-section (3) from an occupier served with a preliminary air pollution abatement notice, the Authority shall, after 30 days and not more than 60 days from the service of the preliminary air pollution abatement notice, serve an air pollution abatement notice on that occupier.

(8) An air pollution abatement notice may require the occupier—

(a) to ensure that the emission or discharge to which the notice relates is reduced by an amount or to a level specified in the notice or otherwise in accordance with the notice (the emission or discharge being measured at such points inside or outside the premises as are specified in the notice);

(b) to submit to the Authority such information (including plans and specifications for plant or equipment) in relation to the means whereby the emission or discharge to which the notice relates may be reduced or controlled, as is specified in the notice;

(c) to install, alter, maintain or operate (as the case requires) apparatus, plant or structures to prevent or control the emission or discharge to which the notice relates; or

(d) to do any two or more of the acts or things mentioned in paragraphs (a), (b) and (c)."

12 Clause 4, page 3, line 9, omit "(3)" and insert "(9)".

13 Clause 4, page 3, line 11, at the end of the line insert "and may specify a period within which the requirement is to be complied with".

14 Clause 4, page 3, line 12, omit "(4)" and insert "(10)".

15 Clause 4, page 3, lines 17-20, omit the words and expressions on these lines and insert—

"(11) Where an air pollution abatement notice has been served pursuant to this section, the Authority may by notice in writing served on the person on whom the first-mentioned notice was served—

(a) extend the period (if any) for compliance with a requirement of the notice, if it is satisfied that the circumstances of the case justify an extension of that period; and

(b) revoke or vary any requirement of the first-mentioned notice."

16 Clause 4, page 3, line 21, omit "(6)" and insert "(12)".

17 Clause 4, page 3, line 27, omit "(7)" and insert "(13)".

18 Clause 4, page 3, line 44, omit "Environment Protection Appeal Board" and insert "Planning Appeals Board".

19 Clause 4, page 4, line 10, after this line insert—

"(4) Where at the date of commencement of this section, section 2 (1) of the *Planning Appeals Board Act* 1980 has not yet come into operation, a reference in this section to the Planning Appeals Board shall, from the date of commencement of this section until the date of commencement of section 2 (1) of the *Planning Appeals Board Act* 1980, be read and construed as if it were a reference to the Environment Protection Appeal Board.

(5) Any reference in section 32 (1) (b) of the *Planning Appeals Board Act* 1980 to section 32A (1) of this Act shall on and from the date of commencement of this section be read and construed as if it included a reference to sub-section (1) of this section."

The Honourable W. V. Houghton moved, That the Council agree to amendments Nos. 1 to 10 made by the Assembly.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

6 SUPPLY (1981-82, No. 1) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

7 ENVIRONMENT PROTECTION (CLEAN AIR) BILL—The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to amendments Nos. 1 to 10 made by the Assembly—

Debate resumed.

Question—put and resolved in the affirmative.

AMENDMENT No. 11:

The Honourable W. V. Houghton moved, That the words "shall be served" at the beginning of the proposed insertion be omitted with the view of inserting in place thereof "and shall, if having regard to the matters mentioned in sub-section (1) it is reasonable to serve an air pollution abatement notice, be served".

Debate ensued.

Question—put and resolved in the affirmative.

The Honourable Evan Walker moved, That in the proposed new sub-section (5) to be inserted, after "shall" insert "within 60 days from the date of his appointment under sub-section (4)".

Debate ensued.

Question—put and resolved in the affirmative.

The Honourable W. V. Houghton moved, That in the proposed new sub-section (6) to be inserted, after "(a)" insert "if having regard to the matters mentioned in sub-section (1) it is reasonable to serve an air pollution abatement notice,".

Question—put and resolved in the affirmative.

The Honourable W. V. Houghton moved, That in the proposed new sub-section (7) to be inserted, before "serve" insert "if having regard to the matters mentioned in sub-section (1) it is reasonable to serve an air pollution abatement notice".

Question—put and resolved in the affirmative.

Question—That the Council agree to amendment No. 11 made by the Assembly, as amended by the foregoing resolutions—put and resolved in the affirmative.

The Honourable W. V. Houghton moved, That the Council agree to amendments Nos. 12 to 19 made by the Assembly.

Question—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to some of the amendments made in such Bill by the Legislative Assembly and have agreed to one of the amendments with amendments, with which they desire the concurrence of the Legislative Assembly.

- 8 TRANSPORT REGULATION (ASSIGNMENT OF LICENCES) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable D. G. Crozier, moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 9 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt, for the Honourable D. G. Crozier, moved, That this Bill be now read a second time.

The Honourable D. R. White moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 10 GOVERNMENT EMPLOYEE HOUSING AUTHORITY BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton, for the Honourable F. J. Granter, moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou, for the Honourable Evan Walker, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

- 11 SUPPLY (1981–82, No. 1) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until Tuesday next at a quarter to Four o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-eight minutes past Five o'clock, adjourned until Tuesday next at a quarter to Four o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

Mr President takes the Chair at Four o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 4 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979-80.
- 5 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 6 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 7 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—(Hon. D. G. Crozier) —Second reading—*Resumption of debate.* (Hon. G. A. S. Butler).
- 2 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. G. A. S. Butler).
- 3 PORT FAIRY LAND BILL—(Hon. W. V. Houghton)—Second reading—*Resumption of debate.* (Hon. R. A. Mackenzie).
- 4 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- 5 TRANSPORT REGULATION (ASSIGNMENT OF LICENCES) BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).
- 6 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—Resumption of debate. (Hon. D. R. White).
- *7 GOVERNMENT EMPLOYEE HOUSING AUTHORITY BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. Evan Walker).
- †8 STATUTE LAW REVISION BILL—(Hon. Haddon Storey)—Second reading—Resumption of debate. (Hon. Haddon Storey).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—Resumption of debate. (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—Resumption of debate. (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—Resumption of debate. (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—Resumption of debate. (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—Resumption of debate. (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.

† Proposals in Bill referred to Statute Law Revision Committee 7 April 1981.

- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.
- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979-80—To be considered.
- 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
- 26 RIVER MURRAY COMMISSION REPORT, 1979-80—To be considered.
- 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
- 28 TEACHER HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979-80—To be considered.
- 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
- 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
- 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
- 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979-80—To be considered.
- 34 LAW REFORM COMMISSIONER'S REPORT, 1979-80—To be considered.
- 35 WEST MOORABOOL WATER BOARD REPORT, 1979-80—To be considered.
- 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(Hon. W. A. Landeryou)—Second reading.
- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(Hon. W. A. Landeryou)—Second reading—*Resumption of debate.* (Hon. D. G. Crozier).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
- 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979-80—To be considered.
- 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979-80—To be considered.
- 41 MONASH UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979-80—To be considered.
- 43 TROTTERING CONTROL BOARD REPORT, 1979-80—To be considered.
- 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
- 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (Hon. D. K. Hayward)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979-80—To be considered.
- 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
- 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (Hon. D. M. Evans)—*Resumption of debate.* (Hon. D. E. Kent).
- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (Hon. J. V. C. Guest)—*Resumption of debate.* (Hon. W. A. Landeryou).

- 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (Hon. R. A. Mackenzie)—*Resumption of debate.* (Hon. Glyn Jenkins).
- 52 ADULT PAROLE BOARD REPORT, 1979–80—To be considered.
- 53 DANDENONG VALLEY AUTHORITY REPORT, 1979–80—To be considered.
- 54 DEAKIN UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 55 HISTORIC BUILDINGS PRESERVATION COUNCIL REPORT, 1978–79—To be considered.
- 56 LIQUOR CONTROL COMMISSION REPORT, 1979–80—To be considered.
- 57 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1979–80—To be considered.
- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(Hon. Evan Walker)—*Resumption of debate.* (Hon. Evan Walker).
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (Hon. W. R. Baxter)—*Resumption of debate.* (Hon. N. B. Reid).
- 62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 63 HEALTH COMMISSION REPORT, 1979–80—To be considered.
- 64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS—AMENDMENTS NOS. 541 TO 543—To be considered.
- 65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (Hon. Evan Walker and others)—*Resumption of debate.* (Hon. D. E. Kent).
- 66 ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS—REPORT, 1979–80—To be considered.
- 67 DECENTRALIZED INDUSTRY HOUSING AUTHORITY REPORT, 1979–80—To be considered.
- 68 SOIL CONSERVATION AUTHORITY REPORT, 1979–80—To be considered.
- 69 LAW REFORM (ADVISORY COUNCIL FEES AND ALLOWANCES) (AMENDMENT) REGULATIONS 1981 (S.R. No. 133/1981)—To be considered.
- 70 DEVELOPMENT OF SPORT IN VICTORIA—GREEN PAPER—To be considered.
- 71 ROAD SAFETY COMMITTEE—REPORT ON RESTRAINT OF CHILDREN—To be considered.
- 72 OMBUDSMAN'S QUARTERLY REPORT, 30 SEPTEMBER 1980—To be considered.
- 73 POLICE SERVICE BOARD DETERMINATION No. 336—To be considered.
- 74 NON-DESTRUCTIBLE BEVERAGE CONTAINERS—MOTION RECOMMENDING RECYCLING PROGRAMME (Hon. D. M. Evans)—*Resumption of debate.* (Hon. Evan Walker).
- *75 MOTOR ACCIDENTS BOARD REPORT, 1979–80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 4 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 5 The Hon. N. F. STACEY—To move, That this House requests the Victorian Secondary Teachers' Association in the interests of children and parents to abandon the condonement of school strikes without due notice.
- 6 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 7 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.

GOVERNMENT BUSINESS

Orders of the Day

- 1 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—(Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. W. A. Landeryou).
- 2 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. D. R. White).
- 3 GOVERNMENT EMPLOYEE HOUSING AUTHORITY BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. Evan Walker).
- *4 ECONOMIC DEVELOPMENT BILL—(from Assembly—Hon. D. G. Crozier)—Second reading—*Resumption of debate.* (Hon. D. R. White).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *5 HOUSING (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- *6 URBAN RENEWAL (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—*Resumption of debate.* (Hon. G. A. Sgro).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—*Resumption of debate.* (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—*Resumption of debate.* (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—*Resumption of debate.* (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—*Resumption of debate.* (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—*Resumption of debate.* (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—*Resumption of debate.* (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
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- 26 RIVER MURRAY COMMISSION REPORT, 1979–80—To be considered.
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- 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
- 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
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- 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
- 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979–80—To be considered.
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- 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
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- 65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (*Hon. Evan Walker and others*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 66 ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS—REPORT, 1979-80—To be considered.
- 67 DECENTRALIZED INDUSTRY HOUSING AUTHORITY REPORT, 1979-80—To be considered.
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- 72 OMBUDSMAN'S QUARTERLY REPORT, 30 SEPTEMBER 1980—To be considered.
- 73 POLICE SERVICE BOARD DETERMINATION No. 336—To be considered.
- 74 NON-DESTRUCTIBLE BEVERAGE CONTAINERS—MOTION RECOMMENDING RECYCLING PROGRAMME (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. Evan Walker*).
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TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Eleven o'clock

LEGISLATIVE COUNCIL OF VICTORIA

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Notices of Motion

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GOVERNMENT BUSINESS

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- *1 PENALTIES AND SENTENCES BILL (No. 2)—(from Assembly—Hon. Haddon Storey)—Second reading.
- *2 EDUCATION (AMENDMENT) BILL—(Hon. A. J. Hunt)—Second reading.
- *3 FIREARMS (SHOOTERS' LICENCES) BILL—(from Assembly—Hon. Haddon Storey) Second reading.
- *4 PORT BELLARINE TOURIST RESORT BILL—(from Assembly—Hon. A. J. Hunt) —Second reading.
- 5 HOUSING (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. R. J. Eddy).

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TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

Mr President takes the Chair at Ten o'clock

LEGISLATIVE COUNCIL OF VICTORIA

GENERAL BUSINESS

Notices of Motion

- 1 The Hon. W. A. LANDERYOU—To move, That there be a Select Committee of eight Members appointed to inquire into and report upon all aspects of superannuation; the Committee to have power to send for persons, papers and records; three to be the quorum.
- 2 The Hon. W. A. LANDERYOU—To move, That he have leave to bring in a Bill to abolish a certain Inhumane Punishment and for other purposes.
- 3 The Hon. W. A. LANDERYOU—To move, That this House expresses its concern at the many inadequacies of the Government handling of the Green Paper "Strategies and Structures for Education in Victoria", and in particular the failure of the Government to—(a) provide sufficient time to allow for an adequate community response; and (b) provide coherent options for community consideration in the Paper itself.
- 4 The Hon. W. A. LANDERYOU—To move, That the House take note of the Report of the Director of Consumer Affairs for 1979–80.
- 5 The Hon. D. R. WHITE—To move, That this House recommends to His Excellency the Governor in Council that the State Development Committee be empowered to inquire into and report on all aspects of economic development in key provincial centres such as Geelong, Ballarat, Bendigo, the Latrobe Valley, Wodonga and Portland.
- 6 The Hon. W. R. BAXTER—To move, That there be referred to the Statute Law Revision Committee for examination and report the question of the adequacy or otherwise of the house builders' liability provisions of the *Local Government Act 1958* with a view to identifying anomalies which are impinging upon the smooth and satisfactory operation of the Act.
- *7 The Hon. R. LAWSON—To move, That this House take note of the need for Australian society to conserve non-renewable energy sources and for that reason it urges local government and other building control authorities to authorize and encourage techniques of building that will lead to the conservation of energy; further that this House urges the introduction of incentives for the use of natural energy sources to service new and existing buildings.

GOVERNMENT BUSINESS

Orders of the Day

- 1 FIREARMS (SHOOTERS' LICENCES) BILL—(from Assembly—Hon. Haddon Storey)
—Second reading—*Resumption of debate.* (Hon. R. J. Eddy).
- *2 MOTOR BOATING (AMENDMENT) BILL—(from Assembly—Hon. Haddon Storey)
—Second reading—*Resumption of debate.* (Hon. G. A. Sgro).
- *3 MOTOR CAR (PENSIONER CONCESSIONS) BILL—(from Assembly—Hon. Haddon Storey)—Second reading—*Resumption of debate.* (Hon. G. A. S. Butler).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *4 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL—(from Assembly—Hon. F. J. Granter)—Second reading—Resumption of debate. (Hon. D. R. White).
- 5 EDUCATION (AMENDMENT) BILL—(Hon. A. J. Hunt)—Second reading—Resumption of debate. (Hon. W. A. Landeryou).

GENERAL BUSINESS

Orders of the Day

- 1 PUBLIC SERVICE (EMPLOYMENT OF ALIENS) BILL—(Hon. G. A. Sgro)—Second reading—Resumption of debate. (Hon. Haddon Storey).
- 2 HOSPITALS REMUNERATION TRIBUNAL (MEDICAL FEES) BILL—(Hon. W. A. Landeryou)—Second reading.
- 3 LOCAL GOVERNMENT (SECURITY GLAZING) BILL—(Hon. W. A. Landeryou)—Second reading.
- 4 PUBLIC RECORDS (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 5 VAGRANCY (AMENDMENT) BILL—(Hon. W. A. Landeryou)—Second reading.
- 6 CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. H. R. Ward).
- 7 HISTORIC BUILDINGS (HISTORIC AREAS) BILL—(Hon. Evan Walker)—Second reading—Resumption of debate. (Hon. A. J. Hunt).
- 8 PARLIAMENTARY ELECTORAL PROCESS—MOTION AFFIRMING PRINCIPLES OF CONDUCT—(Hon. Dr K. J. Foley)—Resumption of debate. (Hon. W. A. Landeryou).
- 9 STATE INSURANCE OFFICE FRANCHISE—MOTION FOR SELECT COMMITTEE—(Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 10 EDUCATION—MOTION RE INFLEXIBLE STAFFING POLICIES (Hon. B. P. Dunn)—Resumption of debate. (Hon. A. J. Hunt).
- 11 SMALL BUSINESS TENANCY AGREEMENTS—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—Resumption of debate. (Hon. Haddon Storey).
- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—MOTION FOR INVESTIGATION OF FINANCES OF TRAMWAYS BOARD, ARTS CENTRE AND VICTORIAN DEVELOPMENT CORPORATION (Hon. W. A. Landeryou)—Resumption of debate. (Hon. D. G. Crozier).
- 13 WILDLIFE (SPRING TRAPS) BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. W. V. Houghton).
- 14 LEGISLATIVE COUNCIL ELECTORAL LAW—MOTION FOR SELECT COMMITTEE (Hon. W. A. Landeryou)—Resumption of debate. (Hon. H. R. Ward).
- 15 REFUSAL OF MEDICAL TREATMENT BILL—(Hon. R. A. Mackenzie)—Second reading—Resumption of debate. (Hon. W. V. Houghton).
- 16 ALBURY-WODONGA (VICTORIA) CORPORATION REPORT, 1978-79—To be considered.
- 17 BUILDING SOCIETIES—REGISTRAR'S REPORT, 1978-79—To be considered.
- 18 COUNCIL OF PUBLIC EDUCATION REPORT, 1979-80—To be considered.
- 19 COMMERCIAL FISHERIES SECTION REPORT, 1978-79—To be considered.
- 20 BARRISTERS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 21 SOLICITORS' DISCIPLINARY TRIBUNAL—LAY OBSERVER'S REPORT, 1979-80—To be considered.
- 22 MELBOURNE UNIVERSITY COUNCIL REPORT, 1979—To be considered.
- 23 MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET TRUST REPORT, 1979-80—To be considered.

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- 24 PORTLAND HARBOR TRUST—ACCOUNTS, 1979–80—To be considered.
 - 25 RAILWAYS BOARD QUARTERLY REPORTS, 30 JUNE, 30 SEPTEMBER AND 31 DECEMBER 1980—To be considered.
 - 26 RIVER MURRAY COMMISSION REPORT, 1979–80—To be considered.
 - 27 STATE COLLEGE OF VICTORIA SENATE REPORT, 1979—To be considered.
 - 28 TEACHER HOUSING AUTHORITY SUPPLEMENTED REPORT, 1979–80—To be considered.
 - 29 TOWN AND COUNTRY PLANNING BOARD REPORT, 1979–80—To be considered.
 - 30 VICTORIA INSTITUTE OF COLLEGES COUNCIL REPORT, 1979—To be considered.
 - 31 VICTORIAN PUBLIC OFFICES CORPORATION—REPORT OF EXERCISE OF POWERS, 2 DECEMBER 1980—To be considered.
 - 32 YOUNG FARMERS' FINANCE COUNCIL REPORT, 1980—To be considered.
 - 33 YOUTH, SPORT AND RECREATION—DIRECTOR-GENERAL'S REPORT, 1979–80—To be considered.
 - 34 LAW REFORM COMMISSIONER'S REPORT, 1979–80—To be considered.
 - 35 WEST MOORABOOL WATER BOARD REPORT, 1979–80—To be considered.
 - 36 LOCAL GOVERNMENT (EQUALITY OF REPRESENTATION) BILL—(*Hon. W. A. Landeryou*)—Second reading.
 - 37 CONSTITUTION (LOCAL GOVERNMENT) BILL—(*Hon. W. A. Landeryou*)—Second reading—*Resumption of debate.* (*Hon. D. G. Crozier*).
 - 38 EDUCATION ACT CERTIFICATE—RESUMPTION OF LAND AT MENZIES CREEK—To be considered.
 - 39 GREYHOUND RACING CONTROL BOARD REPORT, 1979–80—To be considered.
 - 40 MELBOURNE AND METROPOLITAN BOARD OF WORKS ACCOUNTS, 1979–80—To be considered.
 - 41 MONASH UNIVERSITY COUNCIL REPORT, 1979—To be considered.
 - 42 PORT OF MELBOURNE AUTHORITY ACCOUNTS, 1979–80—To be considered.
 - 43 TROTTING CONTROL BOARD REPORT, 1979–80—To be considered.
 - 44 POLICE SERVICE BOARD DETERMINATIONS NOS. 327 TO 329—To be considered.
 - 45 STRATEGY OF JOBS FROM ECONOMIC GROWTH—MOTION URGING CO-OPERATION AND SUPPORT (*Hon. D. K. Hayward*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - 46 NATIONAL COMPANIES AND SECURITIES COMMISSION REPORT, PERIOD ENDED 30 JUNE 1980—To be considered.
 - 47 BUILDING INDUSTRY LONG SERVICE LEAVE BOARD REPORT, 1979–80—To be considered.
 - 48 INDUSTRIAL TRAINING (FOOTWEAR TRADES APPRENTICESHIP) REGULATIONS 1981 (S.R. No. 65/1981)—To be considered.
 - 49 MMBW CATCHMENTS—MOTION RE DEVELOPMENT AS MULTIPLE RESOURCE USE AREAS (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. D. E. Kent*).
 - 50 RESOURCE RENT TAX—MOTION DEPLORING AND REJECTING PROPOSAL (*Hon. J. V. C. Guest*)—*Resumption of debate.* (*Hon. W. A. Landeryou*).
 - 51 TOXIC TRADE WASTE DISPOSAL—MOTION OPPOSING PROPOSED AVALON PLANT (*Hon. R. A. Mackenzie*)—*Resumption of debate.* (*Hon. Glyn Jenkins*).
 - 52 ADULT PAROLE BOARD REPORT, 1979–80—To be considered.
 - 53 DANDENONG VALLEY AUTHORITY REPORT, 1979–80—To be considered.
 - 54 DEAKIN UNIVERSITY COUNCIL REPORT, 1979—To be considered.
 - 55 HISTORIC BUILDINGS PRESERVATION COUNCIL REPORT, 1978–79—To be considered.
 - 56 LIQUOR CONTROL COMMISSION REPORT, 1979–80—To be considered.

- 57 METROPOLITAN FIRE BRIGADES SUPERANNUATION BOARD REPORT, 1979-80—To be considered.
- 58 NATIONAL PARKS ACT—MINISTER'S NOTICES OF CONSENT UNDER MINES ACT DATED 2 APRIL 1981—To be considered.
- 59 MINISTERIAL STATEMENT—ORGANIZATION OF TAFE—MOTION—That the Council take note of the Ministerial Statement—(*Hon. Evan Walker*)—*Resumption of debate.* (*Hon. Evan Walker*).
- 60 FISHING (SCALLOP) REGULATIONS 1981 (S.R. No. 78/1981)—To be considered.
- 61 YOUNG FARMER ESTABLISHMENT SCHEME—MOTION FOR IMPLEMENTATION (*Hon. W. R. Baxter*)—*Resumption of debate.* (*Hon. N. B. Reid*).
- 62 DRUG PROBLEM IN VICTORIA—REPORT OF THE INTERDEPARTMENTAL WORKING PARTY (VOLUME 1)—To be considered.
- 63 HEALTH COMMISSION REPORT, 1979-80—To be considered.
- 64 TEACHING SERVICE (CLASSIFICATION, SALARIES AND ALLOWANCES) REGULATIONS—AMENDMENTS Nos. 541 TO 543—To be considered.
- 65 SOCIAL AND COMMUNITY NEED IN DESIGNATED REGIONS—COGNATE MOTIONS FOR SELECT COMMITTEES (*Hon. Evan Walker and others*)—*Resumption of debate.* (*Hon. D. E. Kent*).
- 66 ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS—REPORT, 1979-80—To be considered.
- 67 DECENTRALIZED INDUSTRY HOUSING AUTHORITY REPORT, 1979-80—To be considered.
- 68 SOIL CONSERVATION AUTHORITY REPORT, 1979-80—To be considered.
- 69 LAW REFORM (ADVISORY COUNCIL FEES AND ALLOWANCES) (AMENDMENT) REGULATIONS 1981 (S.R. No. 133/1981)—To be considered.
- 70 DEVELOPMENT OF SPORT IN VICTORIA—GREEN PAPER—To be considered.
- 71 ROAD SAFETY COMMITTEE—REPORT ON RESTRAINT OF CHILDREN—To be considered.
- 72 OMBUDSMAN'S QUARTERLY REPORT, 30 SEPTEMBER 1980—To be considered.
- 73 POLICE SERVICE BOARD DETERMINATION No. 336—To be considered.
- 74 NON-DESTRUCTIBLE BEVERAGE CONTAINERS—MOTION RECOMMENDING RECYCLING PROGRAMME (*Hon. D. M. Evans*)—*Resumption of debate.* (*Hon. Evan Walker*).
- 75 MOTOR ACCIDENTS BOARD REPORT, 1979-80—To be considered.
- 76 HOUSING COMMISSION SUPPLEMENTED REPORT, 1979-80—To be considered.
- 77 STATUTE LAW REVISION COMMITTEE—REPORT ON PECUNIARY INTERESTS OF COUNCILLORS—To be considered.
- 78 PUBLIC BODIES REVIEW COMMITTEE—REPORT ON FUTURE STRUCTURES FOR WATER MANAGEMENT—To be considered.
- 79 EQUAL OPPORTUNITY BOARD REPORT, 1979-80—To be considered.
- 80 PUBLIC SERVICE DETERMINATIONS Nos. 56, 58 AND 60—To be considered.
- 81 SUPREME COURT (COSTS) RULES 1981 (S.R. No. 136/1981)—To be considered.
- 82 VICTORIAN DAIRY INDUSTRY AUTHORITY REPORT, 1979-80—To be considered.
- *83 PARLIAMENT HOUSE ACCOMMODATION STRATEGY PLAN—To be considered.
- *84 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—REPORT ON EXPENDITURE FROM TREASURER'S ADVANCE 1978-79—To be considered.
- *85 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—TREASURY MINUTE ON ASPECTS OF FINANCIAL ASSISTANCE TO BUS OPERATORS—To be considered.
- *86 CONSERVATION OF ENERGY RESOURCES COMMITTEE—REPORT ON LPG AS A FUEL IN THE STATE GOVERNMENT FLEET—To be considered.

- *87 PUBLIC BODIES REVIEW COMMITTEE—REPORT ON AUDIT AND REPORTING OF PUBLIC BODIES—To be considered.
- *88 ALBURY-WODONGA (VICTORIA) CORPORATION INTERIM REPORT, 1979-80—To be considered.
- *89 ARTS COUNCIL REPORT, 1979-80—To be considered.
- *90 EQUAL OPPORTUNITY COMMISSIONER'S REPORT, 1979-80—To be considered.
- *91 GEELONG REGIONAL COMMISSION REPORT, 1979-80—To be considered.
- *92 NATIONAL MUSEUM COUNCIL REPORT, 1979-80—To be considered.
- *93 OMBUDSMAN'S QUARTERLY REPORT, 31 DECEMBER 1980—To be considered.
- *94 THIRD PARTY INSURANCE PREMIUMS COMMITTEE REPORT, 1979-80—To be considered.

A. R. B. McDONNELL
Clerk of the Legislative Council

FRED S. GRIMWADE
President

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN

CHAIRMAN OF COMMITTEES—The Honourable W. M. Campbell.

TEMPORARY CHAIRMEN—The Honourables P. D. Block, B. A. Chamberlain, D. M. Evans, V. T. Hauser, R. J. Long, I. B. Trayling and J. M. Walton.

SELECT COMMITTEES

COMPANY TAKE-OVERS (JOINT)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford.

CONSERVATION OF ENERGY RESOURCES (JOINT)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling.

HOUSE (JOINT)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans, Dr K. J. Foley, W. A. Landeryou and I. B. Trayling.

LIBRARY (JOINT)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey.

PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles, N. F. Stacey and K. I. M. Wright.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (JOINT)—The Honourables C. Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey.

PUBLIC BODIES REVIEW (JOINT)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White.

ROAD SAFETY (JOINT)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas.

STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker.

STATUTE LAW REVISION (JOINT)—The Honourables Joan Coxsedg, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton.

SUBORDINATE LEGISLATION (JOINT)—The Honourables D. E. Kent and D. N. Saltmarsh.

* * *

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 47, 48, 49 and 50

No. 47—Tuesday, 5 May 1981

- 1 The President took the Chair and read the Prayer.
- 2 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—The Honourable A. J. Hunt presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:

Chiropractors and Osteopaths (Registration) Act.

Port of Melbourne Authority (Lands) Act.

Rural Finance and Settlement Commission (Amendment) Act.

Supply (1981–82, No. 1) Act.

- 3 ECONOMIC DEVELOPMENT BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act with respect to the Economic Development of Victoria, to amend the ‘Decentralized Industry Incentive Payments Act 1972’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 PRINTING COMMITTEE—The Honourable A. J. Hunt moved, by leave, That the Printing Committee be empowered to meet during the suspension of the sitting for dinner this day.

Question—put and resolved in the affirmative.

- 5 ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53—The Honourable W. A. Landeryou moved, That the Council do now adjourn, and said he proposed to speak to the subject of “The failure of the Government to honour its repeated promises to the people of Victoria that it would obtain a better deal in funding in real terms if a Liberal Government was elected to the Commonwealth Parliament”; and six other Honourable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

AYES, 12

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling

NOES, 28

The Hon. H. G. Baylor (*Teller*)
 P. D. Block (*Teller*)
 C. Bubb
 W. M. Campbell
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley

Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. M. Wright

And so it passed in the negative.

- 6 SUPPLEMENTED REPORTS—The Honourable A. J. Hunt moved, by leave, That supplemented reports of the Housing Commission for 1979–80 and the Teacher Housing Authority for 1979–80 be laid upon the Table, and be accepted in lieu of the reports already laid upon the Table by the Clerk on 2 December 1980 and 10 March 1981 respectively.

Debate ensued.

Question—put and resolved in the affirmative.

The said reports were thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table.

The Honourable Evan Walker moved, That the supplemented reports be taken into consideration on the next day of meeting.

Debate ensued.

Question—put and resolved in the affirmative.

- 7 COLLEGES OF ADVANCED EDUCATION—The Honourable A. J. Hunt moved, by leave, That in relation to the development of Victorian Colleges of Advanced Education during the 1982–84 triennium, there be laid before this House a copy of:

Recommendations to the Minister of Education about relationships among a number of Victorian Colleges of Advanced Education;

Summary of recommendations to the Minister of Education about relationships among a number of Victorian Colleges of Advanced Education; and

A telex message (No. 2214) of 30 April 1981 to State Ministers of Education from the Commonwealth Minister for Education.

Question—put and resolved in the affirmative.

The said documents were thereupon presented by the Honourable A. J. Hunt and ordered to lie on the Table.

- 8 GEELONG LANDS BILL—On the motion (by leave without notice) of the Honourable W. V. Houghton, leave was given to bring in a Bill to revoke the Reservations of certain Lands at Geelong and for Purposes connected therewith, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

9 PETITIONS—The Honourable C. J. Kennedy presented the following Petitions from certain citizens of Victoria:

- (a) praying that funds be provided to ensure the continued operation of Cara House, and for the commitment to accelerate the provision of alternatives to institutional care to be honoured; and
- (b) praying that sufficient funds be provided to school councils of State primary, technical and high schools so as to ensure that no charges are made against parents and pupils.

Severally ordered to lie on the Table.

10 PAPERS—

STATUTE LAW REVISION COMMITTEE—The Honourable D. M. Evans presented Reports from the Statute Law Revision Committee on:

- (a) Pecuniary Interests of Municipal Councillors, together with Extracts and Summaries from the Proceedings of the Committee, Appendices and Minutes of Evidence; and
- (b) the Statute Law Revision Bill, together with an Appendix and Minutes of Evidence.

Severally ordered to lie on the Table, and the Report upon Pecuniary Interests of Municipal Councillors together with Extracts and Summaries from the Proceedings of the Committee and the Appendices, and the Report upon the Statute Law Revision Bill and Appendix to be printed.

* * *

PUBLIC BODIES REVIEW COMMITTEE—FUTURE WATER MANAGEMENT STRUCTURES—The Honourable Dr K. J. Foley presented a Report from the Public Bodies Review Committee on Future Structures for Water Management, together with Appendices and a Summary of Extracts from the Proceedings of the Committee, and including a Report to the Committee from the Public Service Board of Victoria—Consultancy and Management Review Division—on the Performance and Structure of Local Water and Sewerage Authorities in Victoria.

Ordered to lie on the Table, and the Report on Future Structures for Water Management, together with the Appendices and the Summary of Extracts from the Proceedings of the Committee to be printed.

* * *

The Honourable Evan Walker moved, That the Reports of the Statute Law Revision Committee and the Public Bodies Review Committee tabled this day be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Education Act 1958—Resumption of land at Daylesford—Certificate of the Minister of Education.

Equal Opportunity Board—Report for the year 1979–80.

Statutory Rules under the following Acts of Parliament:

Health Act 1958—Nos. 162 and 163.

Mines Act 1958—No. 161.

Public Service Act 1974—PSD Nos. 56, 58 and 60.

Statutory Rules under the following Acts of Parliament (*continued*):

Stock Foods Act 1958—No. 142.

Supreme Court Act 1958—No. 136.

Supreme Court Act 1958 and Companies Act 1961—No. 137.

Town and Country Planning Act 1961:

Ararat—City of Ararat Planning Scheme 1953—Amendments No. 25, 1980; and No. 26.

Ballarat—Shire of Ballarat Planning Scheme—Amendment No. 10.

Buninyong—Shire of Buninyong Planning Scheme—Amendment No. 12.

Croydon—City of Croydon Planning Scheme 1961—Amendment No. 101.

Lillydale—Shire of Lillydale Planning Scheme 1958—Amendment No. 132, 1981.

Melbourne Metropolitan Planning Scheme—Amendment No. 168 (with map).

Mildura—City of Mildura Planning Scheme—Amendments Nos. 38 and 40, 1980.

Moe—City of Moe Planning Scheme 1966—Amendment No. 59, 1980.

Port Fairy Planning Scheme 1959—Amendment No. 10.

Sale—City of Sale Planning Scheme 1975—Amendment No. 10, 1980.

Shepparton—City of Shepparton Planning Scheme 1953—Amendment No. 55, 1980.

Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme—Amendment No. 33.

Warragul Planning Scheme 1954—Amendments No. 36, 1979; and No. 40.

Werribee—Shire of Werribee Planning Scheme 1963—Amendment No. 69, 1979.

Victorian Dairy Industry Authority—Report for the year 1979–80.

The Honourable Evan Walker moved, That the Reports, and the Statutory Rules under the Public Service Act 1974 and the Supreme Court Act 1958 (S.R. No. 136) be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

- 11 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 12 ECONOMIC DEVELOPMENT BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable D. R. White, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 13 LOCAL GOVERNMENT (LAND LIABLE TO FLOODING) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 H. R. Ward

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 18 HOUSING (AMENDMENT) BILL—The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Housing Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, for the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 19 POSTPONEMENT OF ORDERS OF THE DAY—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 7 inclusive, be postponed until later this day.

- 20 STATUTE LAW REVISION BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 21 DISCHARGE OF ORDER OF THE DAY—The Honourable Haddon Storey moved, by leave, That the Order of the Day for the consideration of the Report of the Statute Law Revision Committee on the Statute Law Revision Bill be read and discharged.

Question—put and resolved in the affirmative.

- 22 HOUSING (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 23 GEELONG LANDS BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P. D. Block having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 24 MOTOR CAR (MASS AND DIMENSION LIMITS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable G. A. S. Butler moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be not read a second time until an examination of the effects of the proposed changes to mass and dimension regulations on traffic problems in Melbourne’s northern and western suburbs has been made and a report presented to Parliament as to intended measures of alleviation of those problems”.

And the Council having continued to sit until after Twelve midnight—

WEDNESDAY, 6 MAY

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 25 URBAN RENEWAL (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Urban Renewal Act 1970’, the ‘Housing Act 1958’ and the ‘Local Government Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 26 TRANSPORT REGULATION (ASSIGNMENT OF LICENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 27 TAXI LICENCES—The Honourable G. A. S. Butler moved, by leave, That this House, recognizing the ability of the Transport Regulation Board to exercise its absolute discretion in considering applications for the assignment of certain licences under the *Transport Regulation Act 1958*, records its opinion that this discretion be exercised to permit taxi owners the greatest possible freedom in the use of their licence asset, provided that—(a) no assignment application be approved where it is apparent that such approval would lead to a diminution of the benefit or condition of any employee or unduly disadvantage any third person; and (b) no such assignment should be approved except where the proposed assignee is a person with satisfactory experience in the taxi industry.

Debate ensued.

Question—put and resolved in the affirmative.

- 28 URBAN RENEWAL (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable G. A. Sgro moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 29 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until this day at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty minutes past One o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL

Clerk of the Legislative Council

No. 48—Wednesday, 6 May 1981

- 1 The President took the Chair and read the Prayer.
- 2 HOSPITALS AND CHARITIES (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Hospitals and Charities Act 1958’, to make further provision with respect to the Relief of aged, disabled or handicapped Persons, to enable Scheduled Hospitals to enter into Agreements with Benevolent Societies and Institutions with respect to the Transfer of Assets, the Use of Property and the Provision of Services and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 LAND CONSERVATION (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend section 3 of the ‘Land Conservation Act 1970’ to make provision with respect to an additional Member of the Land Conservation Council*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 STAMPS (MISCELLANEOUS AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Stamps Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 EDUCATION (AMENDMENT) BILL—On the motion (by leave without notice) of the Honourable A. J. Hunt, leave was given to bring in a Bill to amend the *Education Act 1958* and the *Teaching Service Act 1958* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 SUBORDINATE LEGISLATION COMMITTEE—GENERAL INQUIRY—The Honourable D. N. Saltmarsh presented the Final Report from the Subordinate Legislation Committee upon a General Inquiry into Subordinate Legislation (Consolidation and Review), together with an Appendix.

Ordered to lie on the Table, and to be printed.

- 7 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

- 8 HOSPITALS AND CHARITIES (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 9 LAND CONSERVATION (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 10 STAMPS (MISCELLANEOUS AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 11 LOCAL GOVERNMENT (HOUSE BUILDERS’ LIABILITY AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable K. I. M. Wright moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be re-drafted to require inclusion in the Sale Note and Contract of Sale of advice to the purchaser as to the status of House Builders’ Liability insurance”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

- 12 VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.

- 13 MESSAGES FROM THE ASSEMBLY—The President announced the receipt of Messages from the Assembly returning the following Bills and acquainting the Council that they have agreed to the same without amendment:

Local Government (Land Liable to Flooding) Bill.

Geelong Lands Bill.

Statute Law Revision Bill.

- 14 LOCAL GOVERNMENT (SHIRES OF MELTON AND BULLA) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend Part XLA. of the 'Local Government Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15 RURAL FINANCE (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Rural Finance Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 16 LOCAL GOVERNMENT (SHIRES OF MELTON AND BULLA) BILL—This Bill was, according to order and after debate, read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 RURAL FINANCE (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable D. E. Kent moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

18 CROWN LAND (RESERVES) (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Crown Land (Reserves) Act 1978’*” and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

19 LAND CONSERVATION (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time.

The Honourable D. M. Evans moved, by leave, That it be an instruction to the Committee that they have power to consider new clauses to—(a) omit the two persons to be appointed to the Land Conservation Council from a panel of names submitted by the Conservation Council of Victoria; (b) allow for one person nominated from a panel of three names submitted by the Municipal Association of Victoria and one person nominated from a panel of three names submitted by the Victorian Trades Hall Council, respectively, to be appointed by the Governor in Council to the Land Conservation Council; and (c) allow for the Director of Finance or his nominee to be a member of the Land Conservation Council.

Question—put and negatived.

The Honourable F. J. Granter, for the Honourable W. V. Houghton moved, by leave, That the Bill be now read a third time.

Question—put and resolved in the affirmative—Bill read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 CROWN LAND (RESERVES) (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter, for the Honourable W. V. Houghton, moved, That this Bill be now read a second time.

The Honourable Evan Walker moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

21 STAMPS (MISCELLANEOUS AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable R. A. Mackenzie moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof ‘this Bill be withdrawn and re-drafted to provide for the removal of the anomaly whereby the purchaser of a “spec” home pays duty on the value of the home and the land’.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 22 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 23 GOVERNMENT EMPLOYEE HOUSING AUTHORITY BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 24 FIREARMS (SHOOTERS' LICENCES) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend Part III. and Part IV. of the 'Firearms Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, for the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 25 RAILWAYS (LONG SERVICE LEAVE) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend Section 187 of the 'Railways Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 26 ECONOMIC DEVELOPMENT BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and re-drafted to provide for the activities of the Ministry of Economic Development to be directed at increasing the rate of economic growth in Victoria maximizing employment opportunities in the State and increasing the rate of development of regional growth centres in Victoria".

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. A. Chamberlain having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.

- 27 PORT BELLARINE TOURIST RESORT BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to ratify validate approve and otherwise give effect to an Agreement between the Premier for and on behalf of the State of Victoria and Grawin Proprietary Limited with respect to the Development of Land near Portarlinton in the State of Victoria for the purpose of the Establishment of a Tourist Resort, to provide for the Rezoning of the Land in the Tourist Resort Area, to establish a Committee of Management of Crown Lands in the Tourist Resort Area and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 28 ADOPTION OF CHILDREN (INFORMATION) (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Adoption of Children (Information) Act 1980' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable A. J. Hunt, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 29 BUILDING SOCIETIES (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Building Societies Act 1976'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 30 RAILWAYS (LONG SERVICE LEAVE) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 31 BUILDING SOCIETIES (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.

The Honourable J. M. Walton moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until the next day of meeting.

- 32 CROWN LAND (RESERVES) (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable D. M. Evans having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 33 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 34 URBAN RENEWAL (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable G. A. Sgro moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until an adequate allocation of funds is provided for urban renewal”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 27

The Hon. H. G. Baylor
P. D. Block
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr K. J. Foley (*Teller*)

NOES, 11

The Hon. G. A. S. Butler
Joan Cocksedge
R. J. Eddy (*Teller*)
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas

F. J. Granter	Evan Walker
J. V. C. Guest (<i>Teller</i>)	D. R. White
H. M. Hamilton	
V. T. Hauser	
D. K. Hayward	
A. J. Hunt	
Glyn Jenkins	
R. I. Knowles	
R. Lawson	
R. J. Long	
J. W. S. Radford	
N. B. Reid	
D. N. Saltmarsh	
N. F. Stacey	
Haddon Storey	
J. A. Taylor	
H. R. Ward	
K. I. M. Wright	

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 35 PENALTIES AND SENTENCES BILL (No. 2)—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to consolidate and amend the Law relating to Penalties and Sentences, to amend the 'Crimes Act 1958', the 'Magistrates (Summary Proceedings) Act 1975' and the 'Community Welfare Services Act 1970' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 36 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Eleven o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after Twelve midnight—

THURSDAY, 7 MAY

Debate continued.

Question—put and resolved in the affirmative.

And then the Council, at nine minutes past Twelve o'clock in the morning, adjourned until this day at a quarter to Eleven o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 49—Thursday, 7 May 1981

1 The President took the Chair and read the Prayer.

2 PETITION—CARA HOUSE AND INSTITUTIONAL CARE ALTERNATIVES—The Honourable C. J. Kennedy presented a Petition from certain citizens of Victoria praying that funds be provided to ensure the continued operation of Cara House, and for the commitment to accelerate the provision of alternatives to institutional care to be honoured.

Ordered to lie on the Table.

3 PAPERS—

PARLIAMENT HOUSE ACCOMMODATION—The Honourable B. P. Dunn moved, by leave, That there be laid before this House a copy of the Strategy Plan for the review of accommodation in Parliament House, Victoria, being undertaken by the Joint House Committee.

Question—put and resolved in the affirmative.

The said Strategy Plan was thereupon presented by the Honourable B. P. Dunn and ordered to lie on the Table.

The Honourable Evan Walker moved, That the Plan be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE—The Honourable N. F. Stacey presented the following Reports from the Public Accounts and Expenditure Review Committee:

(a) the Report on the Expenditure from the Advance to the Treasurer 1978–79; and

(b) the Treasury Minute relating to Aspects of Financial Assistance to Bus Operators.

Severally ordered to lie on the Table, and to be printed.

The Honourable Evan Walker moved, That the Reports be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

CONSERVATION OF ENERGY RESOURCES COMMITTEE—L.P.G. AND THE STATE GOVERNMENT FLEET—The Honourable I. B. Trayling presented the Seventh Progress Report from the Conservation of Energy Resources Committee upon Liquefied Petroleum Gas as a Fuel in the State Government Fleet, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table, and the Report and Appendices to be printed.

The Honourable Evan Walker moved, That the Report be taken into consideration later this day.

Question—put and resolved in the affirmative.

* * *

ROAD SAFETY COMMITTEE—ALCOHOL AND FIRST YEAR DRIVERS—The Honourable H. M. Hamilton presented the Twenty-third Progress Report from the Road Safety Committee upon Alcohol Prohibition for First Year Drivers, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table, and the Report and Appendices to be printed.

* * *

PUBLIC BODIES REVIEW COMMITTEE—PUBLIC BODIES' AUDIT AND REPORTING—The Honourable Dr K. J. Foley presented a Report from the Public Bodies Review Committee upon Audit and Reporting of Public Bodies, together with Appendices, and including a Report to the Committee from Touche Ross Services Pty. on a Study of the Audit and Reporting Responsibilities of Public Bodies in Victoria.

Ordered to lie on the Table, and the Report on Audit and Reporting of Public Bodies and its Appendices to be printed.

The Honourable N. F. Stacey moved, That the Report be taken into consideration on the next day of meeting.

Question—put and resolved in the affirmative.

* * *

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Albury-Wodonga (Victoria) Corporation—Interim report and accounts for the year 1979–80.

Arts Council—Report for the year 1979–80.

Equal Opportunity—Report of the Commissioner for Equal Opportunity for the year 1979–80.

Geelong Regional Commission—Report for the year 1979–80.

National Museum—Report of the Council for the year 1979–80.

Ombudsman—Report for the quarter ended 31 December 1980.

Statutory Rules under the Public Service Act 1974—PSD Nos. 57, 59, and 61 to 66.

Third Party Insurance—Report of the Premiums Committee for the year 1979–80.

The Honourable Evan Walker moved, That the Reports be taken into consideration on the next day of meeting.

Debate ensued.

Question—put and resolved in the affirmative.

4 **POSTPONEMENT OF NOTICES OF MOTION**—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

5 **PENALTIES AND SENTENCES BILL (No. 2)**—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy, for the Honourable W. A. Landeryou, moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

6 **EDUCATION (AMENDMENT) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable A. J. Hunt moved, That this Bill be now read a second time.

The Honourable W. A. Landeryou moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

7 **FIREARMS (SHOOTERS' LICENCES) BILL**—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable R. J. Eddy moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 8 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 9 HOUSING (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable R. J. Long having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 PORT BELLARINE TOURIST RESORT BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton moved, That this Bill be now read a second time.

The Honourable R. A. Mackenzie moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 11 POSTPONEMENT OF ORDER OF THE DAY—Ordered—That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

- 12 BUILDING SOCIETIES (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 RURAL FINANCE (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 LOCAL GOVERNMENT (HOUSE BUILDERS' LIABILITY AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same without amendment.

- 15 MOTOR BOATING (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Motor Boating Act 1961'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable W. V. Houghton, for the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

16 HOSPITALS AND CHARITIES (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable R. J. Eddy moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this House refuses to read this Bill a second time until further representations have been made by Victoria to the Commonwealth Government seeking amendments to the Commonwealth *Aged or Disabled Persons Homes Act 1954* so as to permit Victorian public hospitals to receive Commonwealth financial assistance in respect of nursing homes and nursing home services”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 23

The Hon. H. G. Baylor

P. D. Block

B. P. Dunn

D. M. Evans

Dr K. J. Foley

F. J. Granter

H. M. Hamilton

V. T. Hauser

D. K. Hayward

W. V. Houghton

Dr R. W. Howard

(Teller)

A. J. Hunt

Glyn Jenkins

R. Lawson

R. J. Long

J. W. S. Radford

N. B. Reid

D. N. Saltmarsh (Teller)

N. F. Stacey

Haddon Storey

J. A. Taylor

H. R. Ward

K. I. M. Wright

NOES, 10

The Hon. G. A. S. Butler

R. J. Eddy

C. J. Kennedy

D. E. Kent (Teller)

W. A. Landeryou

R. A. Mackenzie

(Teller)

G. A. Sgro

I. B. Trayling

Evan Walker

D. R. White

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable P. D. Block having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 MOTOR CAR (PENSIONER CONCESSIONS) BILL—The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Motor Car Act 1958’*” and desiring the concurrence of the Council therein.
- On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 18 MOTOR BOATING (AMENDMENT) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable G. A. Sgro moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until later this day.
- 19 MOTOR CAR (PENSIONER CONCESSIONS) BILL—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.
- The Honourable G. A. S. Butler moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until later this day.
- 20 PENALTIES AND SENTENCES BILL (No. 2)—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
- Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 21 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to amend the ‘Melbourne and Metropolitan Board of Works Act 1958’ and for other purposes*” and desiring the concurrence of the Council therein.
- On the motion of the Honourable F. J. Granter, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
- The Order of the Day for the second reading of this Bill having been read, the Honourable F. J. Granter moved, That this Bill be now read a second time.
- The Honourable R. A. Mackenzie, for the Honourable D. R. White, moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until later this day.
- 22 PORT BELLARINE TOURIST RESORT BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
- House in Committee.

The President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

23 ADJOURNMENT—The Honourable A. J. Hunt moved, That the Council, at its rising, adjourn until tomorrow at a quarter to Ten o'clock.

Question—put and resolved in the affirmative.

The Honourable A. J. Hunt moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty minutes past Six o'clock, adjourned until tomorrow at a quarter to Ten o'clock.

A. R. B. McDONNELL
Clerk of the Legislative Council

No. 50—Friday, 8 May 1981

1 The President took the Chair and read the Prayer.

2 LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Labour and Industry Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Hospitals Superannuation Act 1965—No. 167.

Medical Practitioners Act 1970—No. 166.

Pharmacists Act 1974—No. 168.

Public Service Act 1974—PSD Nos. 67 and 68.

4 POSTPONEMENT OF NOTICES OF MOTION—Ordered—That the consideration of the Notices of Motion, General Business, be postponed until later this day.

5 FIREARMS (SHOOTERS' LICENCES) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—The Order of the Day for the second reading of this Bill having been read, the Honourable Haddon Storey moved, That this Bill be now read a second time.

The Honourable G. A. S. Butler moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 7 MOTOR BOATING (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 MOTOR CAR (PENSIONER CONCESSIONS) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

The Honourable G. A. S. Butler moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to have the proposed concessions made retrospective to 1 January 1980”.

Debate ensued.

The Honourable Haddon Storey moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until later this day.

- 9 MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

The Honourable D. R. White moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to require the Melbourne and Metropolitan Board of Works to grant an option to land-owners affected by private sewerage schemes as to their inclusion therein”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 22

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley
 F. J. Granter
 V. T. Hauser
 D. K. Hayward (*Teller*)
 W. V. Houghton
 Dr R. W. Howard

NOES, 10

The Hon. G. A. S. Butler
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas (*Teller*)
 I. B. Trayling
 Evan Walker
 D. R. White

Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it was resolved in the affirmative—Amendment negated.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole House in Committee.

The Deputy-President resumed the Chair; and the Honourable V. T. Hauser having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 MELBOURNE UNDERGROUND RAIL LOOP (BORROWING POWERS) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for “*An Act to increase the Borrowing Powers of the Melbourne Underground Rail Loop Authority*” and desiring the concurrence of the Council therein.

On the motion of the Honourable D. G. Crozier, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable D. G. Crozier moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.

Bill read a second time and, by leave, read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 MOTOR CAR (PENSIONER CONCESSIONS) BILL—The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time, and on the amendment of the Honourable G. A. S. Butler, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and re-drafted to have the proposed concessions made retrospective to 1 January 1980”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

The Council divided.

AYES, 23

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr K. J. Foley

NOES, 8

The Hon. G. A. S. Butler
 R. J. Eddy
 C. J. Kennedy
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling (*Teller*)
 D. R. White (*Teller*)

H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford (*Teller*)
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it was resolved in the affirmative—Amendment negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put.

The Council divided.

AYES, 21

The Hon. H. G. Baylor (*Teller*)
 P. D. Block
 C. Bubb
 W. M. Campbell
 D. G. Crozier
 B. P. Dunn
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor
 H. R. Ward

NOES, 9

The Hon. G. A. S. Butler (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 R. A. Mackenzie (*Teller*)
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 INDUSTRIAL TRAINING (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly transmitting a Bill for "*An Act to amend the 'Industrial Training Act 1975' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honourable Haddon Storey, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

The Order of the Day for the second reading of this Bill having been read, the Honourable W. V. Houghton, for the Honourable Haddon Storey, moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

AYES, 21

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward (*Teller*)

NOES, 9

The Hon. G. A. S. Butler
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable W. M. Campbell having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

And the said amendment was read and is as follows:

Clause 24, line 34, omit "50 (2) (c)" and insert "40 (2) (c)".

On the motion of the Honourable Haddon Storey, the Council agreed to the amendment made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

- 17 WATER DRAINAGE BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments and desiring the concurrence of the Council therein.

Ordered—That the amendments be now taken into consideration.

And the said amendments were read and are as follows:

- 1 Clause 6, page 3, line 10, omit "60" and insert "90".
- 2 Clause 8, page 6, line 18, omit "A person shall not" and insert "No person knowingly shall".
- 3 Clause 12, line 10, omit 'word "extra"' and insert 'words "extra rate"'.
- 4 Clause 12, line 11, omit 'word "drainage"' and insert 'words "drainage rate"'.

On the motion of the Honourable F. J. Granter, and after debate, the Council agreed to the amendments made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

- 18 NATIONAL PARKS (AMENDMENT) BILL—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with amendments and desiring the concurrence of the Council therein.

The Honourable W. V. Houghton moved, That the amendments be now taken into consideration.

Debate ensued.

Question—put.

The Council divided.

AYES, 18

NOES, 7

The Hon. H. G. Baylor (*Teller*)
 P. D. Block (*Teller*)
 C. Bubb
 W. M. Campbell
 B. P. Dunn
 Dr K. J. Foley
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 W. V. Houghton
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 Haddon Storey
 J. A. Taylor
 H. R. Ward

The Hon. G. A. S. Butler
 R. J. Eddy
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas
 I. B. Trayling (*Teller*)
 Evan Walker

And so it was resolved in the affirmative.

And the said amendments were read and are as follows:

- 1 Schedule, Part A, page 11, paragraph (*m*), omit "Plans Office" (where first occurring) and insert "Plan Office".

2 Schedule, Part A, page 11, paragraph (*m*), omit "Plans Office" (where second occurring) and insert "Plan Office".

3 Schedule, Part A, paragraph (*n*), page 12, omit "59A" and insert "59B".

On the motion of the Honourable W. V. Houghton, the Council agreed to the amendments made by the Assembly, and ordered that a Message be sent to the Assembly acquainting them therewith.

19 MESSAGES FROM THE ASSEMBLY—The President announced the receipt of Messages from the Assembly—

Returning the following Bills and acquainting agreement to the amendments made in such Bills by the Council:

Victorian College of the Arts Bill.

Victorian Economic Development Corporation Bill.

Economic Development Bill.

Health (Exemptions) Bill.

Returning the Environment Protection (Clean Air) Bill and acquainting agreement to the amendments made by the Council on the amendment of the Assembly in such Bill.

Returning the Wills Bill and acquainting agreement to the same without amendment.

20 PAPERS—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Companies Act 1961—No. 171.

Labour and Industry Act 1958—No. 164.

Marine Act 1958—No. 169.

Money Lenders Act 1958—No. 170.

21 ADJOURNMENT—The Honourable Haddon Storey moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified to each Honourable Member by telegram or letter.

Question—put and resolved in the affirmative.

The Honourable Haddon Storey moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at eighteen minutes past Eleven o'clock, adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified to each Honourable Member by telegram or letter.

A. R. B. McDONNELL
Clerk of the Legislative Council

MESSAGES RECEIVED AFTER THE FINAL
ADJOURNMENT OF BOTH HOUSES AND BEFORE
THE PROROGATION

SESSION 1980-81

Messages were received from His Excellency the Governor informing the Council that he had, on the dates mentioned hereunder, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz:—

On 12 May 1981—

Adoption of Children (Information) (Amendment) Act
Building Societies (Amendment) Act
Geelong Lands Act
Hospitals and Charities (Amendment) Act
Land Conservation (Amendment) Act
Local Government (House Builders' Liability Amendment) Act
Local Government (Land Liable to Flooding) Act
Local Government (Shires of Melton and Bulla) Act
Railways (Long Service Leave) Act
Rural Finance (Amendment) Act
Stamps (Miscellaneous Amendment) Act
Transport Regulation (Assignment of Licences) Act

On 19 May 1981—

Companies (Acquisition of Shares) (Application of Laws) Act
Companies and Securities (Interpretation and Miscellaneous Provisions)
(Application of Laws) Act
Crown Land (Reserves) (Amendment) Act
Economic Development Act
Environment Protection (Clean Air) Act
Firearms (Shooters' Licences) Act
Government Employee Housing Authority Act
Health (Exemptions) Act
Housing (Amendment) Act
Industrial Training (Amendment) Act
Labour and Industry (Amendment) Act
Melbourne and Metropolitan Board of Works (Amendment) Act
Melbourne Underground Rail Loop (Borrowing Powers) Act
Motor Boating (Amendment) Act
Motor Car (Mass and Dimension Limits) Act
Motor Car (Pensioner Concessions) Act
National Companies and Securities Commission (State Provisions) Act
National Parks (Amendment) Act
Penalties and Sentences Act
Port Bellarine Tourist Resort Act
Securities Industry (Application of Laws) Act
Statute Law Revision Act
Urban Renewal (Amendment) Act

Victorian College of the Arts Act
Water Drainage Act
Wills Act

On 26 May 1981—

Crimes (Classification of Offences) Act
Local Government (Further Amendment) Act
Victorian Economic Development Corporation Act



Victoria Government Gazette

No. 87—Tuesday, 25 August 1981

PROCLAMATION

PROROGUING PARLIAMENT AND FIXING THE TIME
FOR HOLDING THE THIRD SESSION OF THE
FORTY-EIGHTH PARLIAMENT OF VICTORIA

PROCLAMATION

By His Excellency the Governor of the State of Victoria
and its Dependencies in the Commonwealth of Australia,
&c., &c., &c.

Whereas the Parliament of Victoria stands adjourned
until such day and hour as may be fixed by the President
of the Legislative Council and the Speaker of the Legisla-
tive Assembly respectively.

Now, I, the Governor of the State of Victoria, in the
Commonwealth of Australia, do by this my Proclamation
prorogue the said Parliament of Victoria until Tuesday, 8
September 1981, and I do hereby fix Tuesday, 8 September
1981 aforesaid, at the hour of half-past two o'clock in the
afternoon, as the time for the commencement and holding
of the next Session of the said Parliament of Victoria, for
the despatch of business, in the Parliament Houses, situate
in Spring Street, in the City of Melbourne.

And the Honourable the Members of the Legislative
Council and the Members of the Legislative Assembly are
hereby required to give their attendance at the said time
and place accordingly.

Given under my Hand and the Seal of the State of
Victoria aforesaid, at Melbourne, this twenty-fifth
day of August in the year of Our Lord One
thousand nine hundred and eighty-one and in the
thirtieth year of the reign of Her Majesty Elizabeth
the Second, Queen of Australia.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Premier

GOD SAVE THE QUEEN!

SELECT COMMITTEES

SESSION 1980-81

- COMPANY TAKE-OVERS (Joint)—The Honourables R. Lawson, R. A. Mackenzie and J. W. S. Radford. (Appointed 9 September 1980—*See* Act No. 7727 s. 44A).
- CONSERVATION OF ENERGY RESOURCES (Joint)—The Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling. (Appointed 9 September 1980—*See* Act No. 8851 s. 2).
- HOUSE (Joint)—The Honourables the President (*ex officio*), B. P. Dunn, D. M. Evans Dr K. J. Foley, W. A. Landeryou and I. B. Trayling. (Appointed 9 September 1980—*See* Act No. 7727 s. 45).
- LIBRARY (Joint)—The Honourables the President, D. M. Evans, C. J. Kennedy, G. A. Sgro and N. F. Stacey. (Appointed 9 September 1980).
- PRINTING—The Honourables the President, G. A. S. Butler, B. P. Dunn, R. I. Knowles N. F. Stacey and K. I. M. Wright. (Appointed 9 September 1980).
- PUBLIC ACCOUNTS AND EXPENDITURE REVIEW (Joint)—The Honourables Clive Bubb, G. A. S. Butler, D. K. Hayward and N. F. Stacey. (Appointed 9 September 1980—*See* Act No. 7727 s. 4).
- PUBLIC BODIES REVIEW (Joint)—The Honourables B. A. Chamberlain, Dr K. J. Foley and D. R. White. (Appointed 9 September 1980—*See* Act No. 7727 s. 48A).
- ROAD SAFETY (Joint)—The Honourables B. P. Dunn, H. M. Hamilton and H. A. Thomas. (Appointed 12 June 1979—*See* Act No. 9252 s. 2).
- STANDING ORDERS—The Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker. (Appointed 9 September 1980).
- STATUTE LAW REVISION (Joint)—The Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton. (Appointed 9 September 1980—*See* Act No. 7727 s. 37).
- SUBORDINATE LEGISLATION (Joint)—The Honourables D. E. Kent and D. N. Saltmarsh. (Appointed 9 September 1980—*See* Act No. 7727 s. 41).

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 1

Tuesday, 23 September 1980

No. 1.—MILDURA IRRIGATION AND WATER TRUSTS BILL.—Proposed new clause AA
(to follow clause 5)—

AA. Section 131A of the Principal Act shall be amended as follows:

(a) In sub-section (1) for the word “Where” there shall be substituted the expression “Subject to sub-section (3), where”; and

(b) After sub-section (2) there shall be inserted the following sub-sections:

“(3) Where in any year the Trust has under this Division borrowed moneys for purposes other than the exercise of the powers conferred on the Trust by section 90B and the total amount so borrowed is in excess of the amount for the time being specified for the purposes of this section, the provisions of sub-section (1) shall not apply in respect of that excess.

(4) The Minister may from time to time specify an amount for the purposes of this section.”

—(Hon. F. J. Granter)

Question—That proposed new clause AA be now read a second time and added to the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 23

The Hon. H. G. Baylor (*Teller*)
C. Bubb
B. A. Chamberlain
B. P. Dunn
D. M. Evans (*Teller*)
Dr. K. J. Foley
F. J. Granter
H. M. Hamilton
D. K. Hayward
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

Noes, 12

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedg (*Teller*)
R. J. Eddy
C. J. Kennedy
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101: INTRODUCTION TO PHILOSOPHY

2024

PHILOSOPHY 101: INTRODUCTION TO PHILOSOPHY

PHILOSOPHY 101

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PHILOSOPHY 101

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 2
—

Wednesday, 1 October 1980

No. 1—SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—Clause 2.

At the end of section 17 of the Principal Act there shall be inserted the following sub-section:

“(3) Where at a general meeting of a corporation a person wilfully fails to obey a ruling or direction given in good faith by the chairman presiding at the meeting for the preservation of order at the meeting, the chairman may verbally direct any member of the police force who is present to remove such person from the hall, room or building in which the meeting is being held or the neighbourhood thereof and the member of the police force shall remove such person accordingly.

—(Hon. Haddon Storey)

Amendment proposed—That the words “the chairman may verbally direct any member of the police force who is present to remove such person from the hall, room or building in which the meeting is being held or the neighbourhood thereof and the member of the police force shall remove such person accordingly” be omitted with the view of inserting in place thereof—

“such person shall be liable to be removed from the meeting if the meeting so resolves or where because the meeting has been so disrupted that it is not practicable to put such a resolution to the meeting the Chairman so directs.

(4) Where a person is liable to be removed from a meeting under sub-section (3) the Chairman may verbally direct any member of the police force who is present to remove such person from the hall, room or building in which the meeting is being held or the neighbourhood thereof and the member of the police force shall remove such person accordingly.”

—(Hon. Haddon Storey)

Question—That the proposed amendment be agreed to—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes 25

The Hon. H. G. Baylor
P. D. Block (*Teller*)
C. Bubb (*Teller*)
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward

Noes 12

The Hon. G. A. S. Butler
Joan Coxedge
R. J. Eddy (*Teller*)
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 Haddon, Storey
 J. A. Taylor
 K. I. Wright

And so it was resolved in the affirmative.

No. 2.—SUMMARY OFFENCES (CORPORATION MEETINGS) BILL—Clause 2 (*as amended*).

At the end of section 17 of the Principal Act there shall be inserted the following sub-section:

“(3) Where at a general meeting of a corporation a person wilfully fails to obey a ruling or direction given in good faith by the chairman presiding at the meeting for the preservation of order at the meeting, such person shall be liable to be removed from the meeting if the meeting so resolves or where because the meeting has been so disrupted that it is not practicable to put such a resolution to the meeting the Chairman so directs.

(4) Where a person is liable to be removed from a meeting under sub-section (3) the Chairman may verbally direct any member of the police force who is present to remove such person from the hall, room or building in which the meeting is being held or the neighbourhood thereof and the member of the police force shall remove such person accordingly.

—(*Hon. Haddon Storey*)

Question—That clause 2, as amended, stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 24

The Hon. H. G. Baylor
 P. D. Block
 C. Bubbs
 B. A. Chamberlain (*Teller*)
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest (*Teller*)
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 K. I. Wright

Noes, 11

The Hon. G. A. S. Butler
 Joan Coxedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent (*Teller*)
 R. A. Mackenzie (*Teller*)
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 3
 —

Tuesday, 21 October 1980

NO. 1—PARLIAMENTARY SALARIES AND SUPERANNUATION BILL—Clause 3.

The Principal Act is hereby amended as follows:

- (a) In the interpretation of "Third Party" in section 3 for the word "twelve" there shall be substituted the word "eleven";
- (b) In section 6 (2) in the column headed "Office" for the words "if at least six members of the Third Party" there shall be substituted the words "if at least four members of the Third Party"; and
- (c) In section 7 (4) for the words "a recognized party which consists of fourteen members at least of the Parliament of which party no member is a responsible Minister of the Crown" there shall be substituted the words "a Third Party".

—(*Hon. A. J. Hunt*)

Question—That clause 3 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 22

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 Dr. K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser (*Teller*)
 D. K. Hayward (*Teller*)
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 H. R. Ward

Noes, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas
 I. B. Trayling (*Teller*)
 Evan Walker
 D. R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—————
No. 4
 —————

Tuesday, 28 October 1980

No. 1.—POLICE REGULATION (CHARGES AND APPEALS) BILL—Clause 2.

After section 69 (3) of the Principal Act there shall be inserted the following sub-sections:

* * * * *

(5) The divisions of the Board may sit concurrently.”.

—(*Hon. Haddon Storey*)

Amendment proposed—That the words “and any person who appears before the Board shall have the right to legal representation” be inserted to follow “concurrently” in proposed sub-section (5).

—(*Hon. R. J. Eddy*)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided—The Hon. V. T. Hauser in the Chair.

Ayes, 12

The Hon. G. A. S. Butler
 Joan Coxsedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White (*Teller*)

Noes, 26

The Hon. W. R. Baxter
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard (*Teller*)
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

No. 2.—POLICE REGULATION (CHARGES AND APPEALS) BILL—Clause 7.

After section 90 of the Principal Act there shall be inserted the following section:

“90A. (1) When the Police Discipline Board or the Police Service Board hears any matter arising out of a complaint made by a person who is not a member of the force the proceedings shall be open to the public unless the relevant Board otherwise orders.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the words “unless the relevant Board otherwise orders” in proposed section 90A be omitted.

—(Hon. R. J. Eddy)

Question—That the words proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. V. T. Hauser in the Chair.

Ayes, 26
 The Hon. W. R. Baxter
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (Teller)
 R. J. Long (Teller)
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 12
 The Hon. G. A. S. Butler (Teller)
 Joan Coxsedg (Teller)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

No. 3.—POLICE REGULATION (CHARGES AND APPEALS) BILL—Clause 8.

After section 91 of the Principal Act there shall be inserted the following section:

“91A. (1) Where a charge against a member of the force disposed of under section 88 (5) arises out of a complaint made by a person who is not a member of the force and the Chief Commissioner considers that a different order should have been made by the Board the Chief Commissioner may, if he is satisfied that an appeal should be brought in the interests of the discipline of the force, appeal in accordance with this section to the Police Service Board constituted in accordance with Section 70 (2A).

(2) Where any such appeal is made the appeal shall operate to stay the execution of the order appealed from.

(3) Notice in writing of such appeal shall be lodged with the secretary to the Police Service Board within ten days after the Chief Commissioner has been notified of the order which is the subject of the appeal and such notice shall state the grounds of the appeal.

(4) A copy of the notice of appeal shall be delivered to the member of the force who is the subject of the order within the same period of ten days.

(5) The time and place for the hearing of the appeal shall be fixed by the Chairman of the Police Service Board and notice thereof shall be given to the Chief Commissioner and the member.

(6) The Police Service Board shall hear and determine the matter and for that purpose may exercise any of the powers of a judge of the county court.

(7) On any appeal under this section the Police Service Board shall if it thinks that a different order should have been made imposing a different punishment (whether more or less severe) may make an order imposing any punishment which the Police Discipline Board may impose pursuant to section 88 (5) in substitution therefor as it thinks ought to have been made.

(8) The decision of the Police Service Board shall be final and shall be given effect to accordingly.”.

—(Hon. Haddon Storey)

Question—That clause 8 stand part of the Bill—put.

Committee divided—The Hon. V. T. Hauser in the Chair.

Ayes, 26

The Hon. W. R. Baxter
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford (*Teller*)
N. B. Reid (*Teller*)
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

Noes, 13

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy (*Teller*)
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 5

Thursday, 13 November 1980

No. 1.—BUSINESS FRANCHISE (TOBACCO) (AMENDMENT) BILL—Clause 3.

In section 5 (1) of the Principal Act—

- (a) in paragraph (a) for the expression “; or” there shall be substituted the expression “; ”;
- (b) in paragraph (b) for the expression “officer—” there shall be substituted the expression “officer; or”; and
- (c) after paragraph (b) there shall be inserted the following paragraph:
“(c) to any member of the police force—”.

—(*Hon. Haddon Storey*)

Question—That clause 3 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
Dr. K. J. Foley
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
R. I. Knowles
R. Lawson
R. J. Long
D. N. Saltmarsh (*Teller*)
N. F. Stacey (*Teller*)
Haddon Storey
J. A. Taylor
H. R. Ward

Noes, 10

The Hon. G. A. S. Butler
Joan Coxsedge
D. M. Evans
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie (*Teller*)
G. A. Sgro
H. A. Thomas
D. R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 6
 —

Wednesday, 19 November 1980

No. 1.—CORONERS (AMENDMENT) BILL—Clause 2.

Section 15 of the Principal Act is hereby amended as follows:

* * * * *

(b) For sub-section (2) there shall be substituted the following sub-sections:

“(2) Where the evidence is recorded in writing the record shall be read over to and signed by the witness.

(2A) Notwithstanding anything to the contrary in Part VI. of the *Evidence Act* 1958 where the evidence of a witness is recorded by means of shorthand, stenotype machine, sound recording apparatus or any other means prescribed by the regulations the evidence shall not be recorded in hand writing, and in any such case it shall not be necessary for any evidence as so recorded to be read or played over to the witness and be signed by the witness and the coroner or for their signatures to be appended or affixed thereto.”.

—(Hon. Haddon Storey)

Amendment proposed—That paragraph (b) be omitted with the view of inserting in place thereof:

(b) For sub-section (2) there shall be substituted the following sub-section:

“(2) Where the evidence is recorded in writing or by means of shorthand, stenotype machine, sound recording apparatus or any other means prescribed by the regulations the depositions so taken or transcribed shall be read over to and signed by the witnesses respectively who have been examined.”.

—(Hon. R. J. Eddy)

Question—That the paragraph proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

The Hon. H. G. Baylor
 P. D. Block
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 Dr. K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins

Noes, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas (*Teller*)
 I. B. Trayling
 J. M. Walton
 D. R. White

R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey (*Teller*)
Haddon Storey
J. A. Taylor (*Teller*)
H. R. Ward
K. I. Wright

And so it was resolved in the affirmative—Amendment negatived.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 7
 —

Wednesday, 26 November 1980

No. 1.—SEWERAGE DISTRICTS (REBATES) BILL—Clause 2.

(a) After section 87A of the Principal Act there shall be inserted the following sections:

‘87B. (1) Where pursuant to section 120A an owner of land is liable for payment of any costs arising out of the construction of a sewer, then, unless the Minister in writing directs otherwise, the Sewerage Authority shall, as determined in this section, grant to the owner a rebate on the rates payable to the Sewerage Authority in respect of the land.

(2) The rebate so granted by the Sewerage Authority—

(a) shall for each year be an amount equivalent—

(i) to 50 per centum of the full rates for that year payable by the owner in respect of the land; or

(ii) to 10 per centum of the amount the owner is required to pay as his share of the cost of the scheme and by way of contribution—
 whichever is less; and

(b) shall be deducted annually from the full rates as determined by the Sewerage Authority over a period of ten years.

(3) In sub-section (2), “full rates”, in respect of any year, means the amount which would have been payable by way of rates for that year by an owner of land to the Sewerage Authority where no rebate or remission is granted.

87C. (1) Where on the coming into operation of the *Sewerage Districts (Rebates) Act 1980* an owner of land is pursuant to section 120A, liable for payment of or has so paid any costs arising out of the construction of a sewer which were incurred before the coming into operation of that Act, then, unless the Minister in writing directs otherwise the Sewerage Authority shall grant him a rebate in the same manner as is granted to an owner referred to in section 87B.

(2) The provisions of section 87B shall, with such modifications as are necessary, apply to and with respect to an owner of land referred to in this section, and without affecting the generality of the foregoing, in particular with the modification that in section 87B (2) (b) the ten-year period referred to shall be deemed to have commenced with the year when the Sewerage Authority first granted the rebate.

87D. (1) The rebate so granted to an owner of land—

(a) applies only to the person to whom it is granted as owner (in this section called the “contributing owner”); and

(b) is not transferable to a subsequent owner of the land—

and on the contributing owner ceasing to be owner of the land all outstanding moneys due from him in respect of costs arising out of the construction of the sewer shall forthwith become payable by him to the Sewerage Authority.

(2) Where an owner of land to whom a rebate is granted defaults on payment of any instalment, further entitlement to a rate rebate by that owner shall cease unless the Sewerage Authority determines otherwise.’

(b) In section 120A of the Principal Act—

(i) in sub-section (1) for the words “may recover” there shall be substituted the expression “may, subject to sub-section (1AA), recover”;

(ii) after sub-section (1) there shall be inserted the following sub-section:

“(1AA) The maximum amount recoverable by a Sewerage Authority from an owner of land pursuant to sub-section (1) shall be limited to an amount determined by or calculated pursuant to a scale or formula determined by the Minister.”;

(iii) in sub-section (3)—

the word “and” appearing at the end of paragraph (d) is repealed;

after paragraph (d) there shall be inserted the following paragraph and expression:

“(da) a statement relating to the granting of a rebate of rates to owners of such land; and”;

(iv) for sub-section (13) there shall be substituted the following sub-section:

“(13) Where the Sewerage Authority resolves to adopt the scheme (whether with or without modifications)—

(a) it shall forthwith send or cause to be sent to the Minister for his sanction details of the scheme as adopted, and also send or cause to be sent to the Minister any other particulars that he may from time to time require; and

(b) it shall not commence construction of the works required to carry out the scheme until it has received the sanction of the Minister.”

—(Hon. F. J. Granter)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh (Teller)
Haddon Storey
J. A. Taylor (Teller)
H. R. Ward
K. I. Wright

Noes, 12

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
R. A. MacKenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton (Teller)
D. R. White (Teller)

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
 WEEKLY REPORT OF DIVISIONS IN
 COMMITTEE OF THE WHOLE COUNCIL

—
 No. 8
 —

Tuesday, 2 December 1980

No. 1.—TEACHING SERVICE (AMENDMENT) BILL—Clause 1.

(1) This Act may be cited as the *Teaching Service (Amendment) Act* 1980.

(2) In this Act the *Teaching Service Act* 1958 is called the Principal Act.

(3) This Act shall come into operation on the day on which it receives the Royal Assent.

—(Hon. A. J. Hunt)

Question—That clause 1 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubbs
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr. K. J. Foley
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford (*Teller*)
 N. B. Reid (*Teller*)
 N. F. Stacey
 Haddon Storey
 H. R. Ward
 K. I. Wright

Noes, 11

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxside (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 D. R. White

And so it was resolved in the affirmative.

No. 2.—TEACHING SERVICE (AMENDMENT) BILL—Clause 2.

In section 4 (2) of the Principal Act after paragraph (c) there shall be inserted the following paragraph:

“(ca) to determine appeals against the standing down of members of the teaching service by the Director-General;”.

—(Hon. A. J. Hunt)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 27

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr. K. J. Foley
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson (*Teller*)
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 11

The Hon. G. A. S. Butler
 Joan Cocksedge
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 D. R. White

And so it was resolved in the affirmative.

NO. 3.—TEACHING SERVICE (AMENDMENT) BILL—Clause 3.

After section 57A of the Principal Act there shall be inserted the following section:

“57B. (1) Any member of the teaching service who has been stood down by the Director-General may appeal to the Tribunal against his standing down.

(2) An appeal under this section shall be made in the prescribed form or in a form to the like effect.

(3) On its determination of any appeal the Tribunal may—

- (a) confirm the standing down of the member;
- (b) direct that the member be immediately re-instated in his employment;
- (c) alter or modify the terms on which the member has been stood down;
- (d) specify a date upon which the standing down of a member is to be terminated—

and in determining the appeal the Tribunal may make such order as it thinks fit as to the entitlement of the member to any salary, wages or other remuneration or to any allowances that, but for his standing down, would be payable to him as a member in respect of any period when he is stood down.

(4) The determination of any appeal under this section by the Tribunal shall be final and shall be given effect to by the Director-General and every other person affected thereby.”

—(*Hon. A. J. Hunt*)

Question—That clause 3 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 27

- The Hon. W. R. Baxter
- H. G. Baylor
- P. D. Block
- C. Bubb
- B. A. Chamberlain
- D. G. Crozier
- B. P. Dunn
- D. M. Evans
- Dr. K. J. Foley
- F. J. Granter
- J. V. C. Guest
- V. T. Hauser
- D. K. Hayward
- W. V. Houghton
- Dr. R. W. Howard (*Teller*)
- A. J. Hunt
- Glyn Jenkins
- R. Lawson
- R. J. Long
- J. W. S. Radford
- N. B. Reid
- D. N. Saltmarsh
- N. F. Stacey
- Haddon Storey
- J. A. Taylor
- H. R. Ward
- K. I. Wright (*Teller*)

Noes, 11

- The Hon. G. A. S. Butler
- Joan Coxsedge
- R. J. Eddy
- C. J. Kennedy
- D. E. Kent (*Teller*)
- W. A. Landeryou
- R. A. Mackenzie (*Teller*)
- G. A. Sgro
- H. A. Thomas
- Evan Walker
- D. R. White

And so it was resolved in the affirmative.

No. 4.—TEACHING SERVICE (AMENDMENT) BILL—Clause 4.

In section 74 (1) of the Principal Act after paragraph (d) there shall be inserted the following paragraph:

“(da) the standing down of members of the teaching service;”.

—(*Hon. A. J. Hunt*)

Question—That clause 4 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

- The Hon. W. R. Baxter
- H. G. Baylor
- P. D. Block
- C. Bubb
- B. A. Chamberlain
- D. G. Crozier
- B. P. Dunn
- D. M. Evans
- Dr. K. J. Foley
- F. J. Granter
- J. V. C. Guest
- V. T. Hauser (*Teller*)
- D. K. Hayward (*Teller*)
- W. V. Houghton
- Dr. R. W. Howard
- A. J. Hunt
- Glyn Jenkins
- R. Lawson
- J. W. S. Radford
- N. B. Reid

Noes, 10

- The Hon. G. A. S. Butler
- Joan Coxsedge
- R. J. Eddy
- C. J. Kennedy
- D. E. Kent
- W. A. Landeryou
- R. A. Mackenzie
- G. A. Sgro (*Teller*)
- H. A. Thomas (*Teller*)
- D. R. White

D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright.

And so it was resolved in the affirmative.

No. 5.—TEACHING SERVICE (AMENDMENT) BILL.—Clause 5.

Any regulation made under the Principal Act before the commencement of this Act in relation to the standing down of members of the teaching service shall for all purposes be as valid and effectual as if it had been made after the commencement of this Act.

—(Hon. A. J. Hunt)

Question—That clause 5 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 27

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr. K. J. Foley (*Teller*)
F. J. Granter
J. V. C. Guest (*Teller*)
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

Noes, 11

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
Evan Walker
D. R. White (*Teller*)

And so it was resolved in the affirmative.

No. 6.—TEACHING SERVICE (AMENDMENT) BILL—

Question—That the Chairman report the Bill to the House without amendment—put.

Committee divided—The Hon W. M. Campbell in the Chair.

Ayes, 27

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain (*Teller*)
D. G. Crozier
B. P. Dunn
D. M. Evans

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedg (*Teller*)
R. J. Eddy (*Teller*)
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro

Dr. K. J. Foley
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long (*Teller*)
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

H. A. Thomas
Evan Walker
D. R. White

And so it was resolved in the affirmative.

LEGISLATIVE COUNCIL OF VICTORIA
 WEEKLY REPORT OF DIVISIONS IN
 COMMITTEE OF THE WHOLE COUNCIL

No. 9

Tuesday, 9 December 1980

No. 1.—RAILWAY CONSTRUCTION AND PROPERTY (AMENDMENT) BILL—Clause 3.

Before section 32 of the Principal Act there shall be inserted the following section:

'32A. (1) For the purposes of this Act there shall be a Fund to be known as the Railway Construction and Property Fund (hereinafter referred to as "the Fund").

* * * * *

(5) The Board may invest moneys in the Fund in such manner as the Treasurer from time to time approves.'

—(*Hon. D. G. Crozier*)

Amendment proposed—That the following sub-section be inserted after sub-section (5) of proposed section 32A of the Principal Act:

"() All moneys in the Fund on the thirtieth day of June in each year shall be transferred to the Victorian Railways Board."

—(*Hon. G. A. S. Butler*)

Question—That the expression proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 17

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedg
 B. P. Dunn
 R. J. Eddy
 D. M. Evans (*Teller*)
 C. J. Kennedy
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White
 K. I. Wright

Noes, 22

The Hon. H. G. Baylor
 P. D. Block (*Teller*)
 C. Bubb (*Teller*)
 D. G. Crozier
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

And so it passed in the negative.

No. 2.—COURT SECURITY BILL—Clause 2.

In this Act, unless inconsistent with the context or subject-matter—

“Authorized officer” means in relation to any court a member of the police force and in relation to a particular court means a person who is appointed by the clerk of the court to be an authorized officer of that court for the purposes of this Act.

“Clerk” in relation to a court means—

- (a) in the case of the Supreme Court the Prothonotary;
- (b) in the case of the County Court, the Registrar of the County Court;
- (c) in the case of a Magistrates’ Court or a Coroners Court, the clerk of that court;
- (d) in the case of any other court the person prescribed by the regulations to be the clerk of that court.

“Court” includes the Supreme Court and the County Court and other inferior courts of record and any tribunal body or person which is by law entitled to hear receive and examine evidence and is prescribed by the regulations to be a tribunal body or person which is a court for the purposes of this Act.

“Court premises” means in relation to a court the premises occupied in connexion with the operations of the court and the precincts and immediate environs of those premises.

“Explosive substance” has the same meaning as in Division 8 of Part I. of the *Crimes Act 1958*.

“Firearms” has the same meaning as in the *Firearms Act 1958*.

“Offensive weapon” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use.

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. R. J. Long in the chair.

Ayes, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubbs
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh (*Teller*)
 N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 12

The Hon. G. A. S. Butler
 Joan Cocksedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

No. 3.—COURT SECURITY BILL—Clause 3.

(1) An authorized officer may demand from a person who is on court premises that person's name and address, his reason for being on the premises and evidence of his identity.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the word “An” in sub-clause (1) be omitted with the view of inserting in place thereof “Subject to any limitations or restrictions provided by the rules an”.

—(Hon. Haddon Storey)

Question—That the amendment be agreed to—put.

Committee divided—The Hon. R. J. Long in the Chair.

Ayes, 26

- The Hon. W. R. Baxter
- H. G. Baylor
- P. D. Block (*Teller*)
- C. Bubb
- B. A. Chamberlain
- D. G. Crozier
- B. P. Dunn
- D. M. Evans
- F. J. Granter
- H. M. Hamilton
- V. T. Hauser
- D. K. Hayward
- W. V. Houghton
- Dr. R. W. Howard
- A. J. Hunt
- Glyn Jenkins
- R. I. Knowles
- R. Lawson
- J. W. S. Radford
- N. B. Reid
- D. N. Saltmarsh
- N. F. Stacey
- Haddon Storey
- J. A. Taylor (*Teller*)
- H. R. Ward
- K. I. Wright

Noes, 12

- The Hon. G. A. S. Butler
- Joan Coxsedge
- R. J. Eddy
- C. J. Kennedy
- D. E. Kent
- W. A. Landeryou
- R. A. Mackenzie (*Teller*)
- G. A. Sgro
- H. A. Thomas (*Teller*)
- Evan Walker
- J. M. Walton
- D. R. White

And so it was resolved in the affirmative.

No. 4.—COURT SECURITY BILL—Clause 3.

* * * * *

(3) An authorized officer may require—

- (a) a person who is on court premises to submit to a search of his person and personal effects if the authorized person believes that it is in the interest of security that such a search should be made; or
- (b) a person who is on or about to enter any court premises to deposit any personal effects with the authorized officer.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That sub-clause (3) be omitted with the view of inserting the following sub-clause in place thereof:

(3) Subject to any limitations or restrictions provided by the rules an authorized officer may if he believes that it is necessary in the interest of security require—

- (a) a person who is on court premises to submit to a search of his person and such of his personal effects as may reasonably be capable of concealing any firearm explosive substance or offensive weapon; or
- (b) a person who is on or about to enter any court premises to deposit with the authorized officer any personal effects reasonably capable of concealing any firearm explosive substance or offensive weapon.

—(Hon. Haddon Storey)

Question—That the sub-clause proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. R. J. Long in the Chair.

Ayes, 12

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
Evan Walker
J. M. Walton (*Teller*)
D. R. White (*Teller*)

Noes, 26

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb (*Teller*)
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans (*Teller*)
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

And so it passed in the negative.

No. 5.—COURT SECURITY BILL—Clause 3, as amended.

(1) Subject to any limitations or restrictions provided by the rules an authorized officer may demand from a person who is on court premises that person's name and address, his reason for being on the premises and evidence of his identity.

(2) Any person who in response to a demand under sub-section (1)—

- (a) fails or refuses to supply any of the information;
- (b) gives false information; or
- (c) provides any false evidence of identity—

shall be guilty of an offence against this Act.

Penalty: \$1000.

(3) Subject to any limitations or restrictions provided by the rules an authorized officer may if he believes that it is necessary in the interest of security require—

- (a) a person who is on court premises to submit to a search of his person and such of his personal effects as may reasonably be capable of concealing any firearm explosive substance or offensive weapon; or
- (b) a person who is on or about to enter any court premises to deposit with the authorized officer any personal effects reasonably capable of concealing any firearm explosive substance or offensive weapon.

(4) A person who refuses to comply with a requirement under sub-section (3) shall be guilty of an offence against this Act.

Penalty: \$1000.

(5) A person who fails or refuses to comply with a demand under sub-section (1) or a requirement under sub-section (3) or who does not satisfy the authorized officer that he has a proper reason for being on or wishing to enter into the court premises may be refused entry to or removed by an authorized officer from the court premises, but nothing in this section shall authorize a person to be refused entry to or to be removed from a court if there is room in the court and if that person—

- (a) has indicated that he desires to see the proceedings of a court or that he has other lawful business in or about the court; and
- (b) has complied with any requirements made under this section.

—(Hon. Haddon Storey)

Question—That clause 3, as amended, stand part of the Bill—put.

Committee divided—The Hon. R. J. Long in the Chair.

Ayes, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubbs
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton (Teller)
 V. T. Hauser (Teller)
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 12

The Hon. G. A. S. Butler (Teller)
 Joan Coxsedg (Teller)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

No. 6.—COURT SECURITY BILL—Clause 6.

The Governor in Council may make regulations for or with respect to any matter authorized or required to be prescribed for the purposes of this Act or any matter that is necessary or convenient for better securing public order and safety in the courts.

—(Hon. Haddon Storey)

Question—That clause 6 stand part of the Bill—put.

Committee divided—The Hon. R. J. Long in the Chair.

Ayes, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward (*Teller*)
 W. V. Houghton
 Dr. R. W. Howard (*Teller*)
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 12

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

No. 7.—CANCER (CANCER REPORTING) BILL—Clause 3.

After section 58 of the Principal Act there shall be inserted the following expression:

‘PART III.—CANCER REPORTING

59. (1) In this Part unless inconsistent with the context or subject-matter—

* * * * *

(2) This Part does not apply to or in relation to any type of neoplasm of the skin other than melanoma.

* * * * *

—(Hon. W. V. Houghton)

Amendment proposed—That sub-section (2) of proposed section 59 of the Principal Act be omitted.

—(Hon. W. A. Landeryou)

Question—That the expression proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 22

The Hon. H. G. Baylor (*Teller*)
P. D. Block (*Teller*)
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

Noes, 16

The Hon. W. R. Baxter
G. A. S. Butler
Joan Cocksedge
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie (*Teller*)
G. A. Sgro
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White
K. I. Wright (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

Wednesday, 10 December 1980 (morning)

No. 8.—PROTECTION OF ANIMALS BILL—Clause 2.

In section 3 of the Principal Act after the interpretation of “Animal” there shall be inserted the following interpretations:

* * * * *

“Minister” means Minister of Agriculture.

—(*Hon. W. V. Houghton*)

Amendment proposed—That the word “Agriculture” appearing in the interpretation of “Minister” be omitted with the view of inserting in place thereof “Conservation”.

—(*Hon. Evan Walker*)

Question—That the word proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb (*Teller*)
B. A. Chamberlain (*Teller*)
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
Glyn Jenkins
R. I. Knowles

Noes, 11

The Hon. G. A. S. Butler
Joan Cocksedge
R. J. Eddy
C. J. Kennedy
D. E. Kent
R. A. Mackenzie
G. A. Sgro (*Teller*)
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White (*Teller*)

R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it was resolved in the affirmative—Amendment negated.

No. 9.—PROTECTION OF ANIMALS BILL—Clause 4.

In the *Ministry for Conservation Act 1972* in Part I. of the Schedule the expression “*Protection of Animals Act 1966, No. 7432*” shall be repealed.

—(Hon. W. V. Houghton)

Question—That clause 4 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 26

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard (*Teller*)
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 11

The Hon. G. A. S. Butler
 Joan Cocksedge (*Teller*)
 R. J. Eddy (*Teller*)
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

Wednesday, 10 December 1980

No. 10.—LIQUOR CONTROL (FEES) BILL—Clause 2.

(1) The Principal Act is hereby amended as follows:

* * * * *

(b) For section 11A. (2) there shall be substituted the following sub-section:

“(2) The Commission may determine—

(a) different prices for packaged beer according to the type, description or brand of the beer or the type, description or size of the package in which the beer is to be sold or disposed of; and

(b) different prices at which beer, in respect of which determinations have been made under paragraph (a), may be sold in different parts of Victoria.”;

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That paragraph (b) of proposed sub-section (2) of section 11A of the Principal Act be omitted.

—(Hon. W. A. Landeryou)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 24

The Hon. W. R. Baxter
H. G. Baylor
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest (Teller)
H. M. Hamilton
D. K. Hayward (Teller)
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. J. Long
J. W. S. Radford
N. B. Reid
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

Noes, 12

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy (Teller)
D. E. Kent (Teller)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative—Amendment negated.

No. 11.—LIQUOR CONTROL (FEES) BILL—Clause 2.

(1) The Principal Act is hereby amended as follows:

* * * * *

(f) In paragraphs (a), (c), (d) and (f) of section 156 (1) for the expression “8 per centum” there shall be substituted the expression “9 per centum”;

* * * * *

—(Hon. Haddon Storey)

Motion made and question put—That it be a suggestion to the Assembly that they make the following amendment in the Bill, viz:

Clause 2, page 3, lines 14–16, omit all words and expressions on these lines [i.e., clause 2 (1) (f)].

—(Hon. W. A. Landeryou)

The Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 12

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy

Noes, 24

The Hon. W. R. Baxter
H. G. Baylor
C. Bubb (Teller)
B. A. Chamberlain

D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie (*Teller*)
 G. A. Sgro (*Teller*)
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. J. Long (*Teller*)
 J. W. S. Radford
 N. B. Reid
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

No. 12.—LIQUOR CONTROL (FEES) BILL—Clause 3.

* * * * *

(6) In the case of an application for the grant of a new licence for the year commencing on 1 January 1981 or any part thereof the Commission shall finally and conclusively fix the amount of any fee payable on a percentage basis under this Act as being—

(a) the amount equal to the sum of 9 per centum of the estimated annual purchases of liquor for sale and disposal under the licence; and

* * * * *

—(*Hon. Haddon Storey*)

Motion made and question put—That it be a suggestion to the Assembly that they make the following amendment in the Bill, viz:

Clause 3, line 37, for the expression “9 per centum” there shall be substituted the expression “8 per centum” [i.e., in clause 3 (6) (a)].

—(*W. A. Landeryou*)

The Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 12
 The Hon. G. A. S. Butler
 Joan Cocksedge
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling (*Teller*)
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

Noes, 24
 The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. J. Long
 J. W. S. Radford (*Teller*)
 N. B. Reid (*Teller*)
 N. F. Stacey

Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

And so it passed in the negative.

Thursday, 11 December 1980

No. 13.—RESIDENTIAL TENANCIES BILL—Clause 1.

* * * * *

(3) This Act is divided into Parts and Divisions as follows:

* * * * *

Part III.—Rents, Security Deposits and Other Charges ss. 55–84.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the words “Security Deposits” be omitted.

—(Hon. D. R. White)

Question—That the words proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 27

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain (*Teller*)
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest (*Teller*)
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

Noes, 12

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White (*Teller*)

And so it was resolved in the affirmative—Amendment negated.

No. 14.—RESIDENTIAL TENANCIES BILL—Clause 2.

2. In this Act, unless inconsistent with the context or subject-matter—

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the expression “(1)” be inserted after the expression “2.”.

—(Hon. D. R. White)

Question—That the expression proposed to be inserted be so inserted—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 16

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg (Teller)
B. P. Dunn
R. J. Eddy (Teller)
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White
K. I. Wright

Noes, 23

The Hon. H. G. Baylor (Teller)
P. D. Block (Teller)
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

And so it passed in the negative.

No. 15.—LIQUOR CONTROL (AMENDMENT) BILL—Clause 13, as amended.

Section 26 of the Principal Act shall be amended as follows:

- (a) In sub-section (1) (d) for the words “and half-past eleven in the evening on any day other than a Sunday or Good Friday” there shall be substituted the words “and one in the following morning on any day other than a Sunday or Good Friday but including the hour of twelve midnight to one in the morning on Sunday”;
- (b) In sub-section (1) (e)—
- (i) for the words “half-past two” there shall be substituted the word “three”; and
 - (ii) for the words “and half-past eleven in the evening” there shall be substituted the words “in the evening and one in the following morning”;
- (c) After sub-section (1) there shall be inserted the following sub-sections:
- “(1A) The Commission may grant or renew an hotelkeeper’s licence under this section subject to such terms, conditions, restrictions and limitations as it sees fit.
- (1B) A licensed hotelkeeper may apply to the Commission for authorization to allow him to trade between the hours of ten in the morning and eleven in the evening on those days on which summer time (within the meaning of the *Summer Time Act 1972*) is observed and those hours shall be deemed to be ordinary trading hours for the purposes of this Act.”;
- (d) In sub-section (2) for the words “and conditions” there shall be substituted the words “conditions, restrictions and limitations”;
- (e) For sub-section (9) there shall be substituted the following sub-sections:
- “(9) Where in accordance with paragraph (b) (i) of the interpretation of “Ordinary trading hours” in section 5 the ordinary trading hours of a licensed premises on any day except a Sunday, Anzac Day or Good Friday

are between the hours of ten in the morning and ten in the evening on any day other than a day on which summer time (within the meaning of the *Summer Time Act 1972*) is observed and on those days between the hours of ten in the morning and eleven in the evening the licensee may sell and dispose of liquor on the licensed premises for a period of not less than eight consecutive hours of those ordinary trading hours and that period of eight consecutive hours shall be between twelve noon and eight in the evening.

(10) Where in accordance with paragraph (b) (ii) of the interpretation of "Ordinary trading hours" in section 5 the ordinary trading hours of a licensed premises on any day except a Sunday, Anzac Day or Good Friday are fixed by the Commission pursuant to sub-section (8) of this section the licensee may sell and dispose of liquor on the licensed premises for a period of not less than eight consecutive hours of those ordinary trading hours.

(11) A licensee shall cause a notice setting out the ordinary trading hours and the minimum trading hours of his licensed premises to be exhibited in prominent letters and figures on a conspicuous part of the licensed premises both on or adjacent to the main entrance thereto and inside the premises.

(12) For the purposes of this section the words "minimum trading hours" mean the hours during which the licensee sells and disposes of liquor pursuant to sub-section (9) or (10).

(13) For the purpose of this section the words "optional trading hours" means any hours of the ordinary trading hours of a licensed premises other than the minimum trading hours.

(14) A licensee who has complied with sub-section (11) may close any public bar-room on the licensed premises to the public during optional trading hours and paragraphs (d) and (e) of section 97 (1) shall not apply where he does so.

(15) Where a licensee has closed a public bar-room pursuant to sub-section (14) he shall not sell dispose of or supply liquor in or from any other bar-room on the licensed premises unless liquor of the kind normally available in the public bar-room is available at the same price as that at which similar liquor is normally provided in the public bar-room.

Penalty—\$100.

—(Hon. Haddon Storey)

Question—That clause 13, as amended, stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 23

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
B. P. Dunn
F. J. Granter
J. V. C. Guest
V. T. Hauser (Teller)
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
R. I. Knowles
R. Lawson
R. J. Long

Noes, 12

G. A. S. Butler
R. J. Eddy
C. J. Kennedy (Teller)
D. E. Kent (Teller)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward
 D. R. White

And so it was resolved in the affirmative.

No. 16.—RESIDENTIAL TENANCIES BILL—Clause 5.

Where an amount greater than the sum of \$1500 but not exceeding \$3000 is prescribed by the regulations as the monetary limit for the purposes of the jurisdiction of the Tribunal under this Act, a reference in this Act to \$1500 is a reference to the amount so prescribed.

—(*Hon. Haddon Storey*)

Amendment proposed—That the expression “\$1500” (where first occurring) be omitted with the view of inserting in place thereof the expression “\$6000”.

—(*Hon. D. R. White*)

Question—That the expression proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 17
 The Hon. H. G. Baylor
 P. D. Block
 C. Bubbs (*Teller*)
 B. A. Chamberlain
 D. G. Crozier
 V. T. Hauser
 W. V. Houghton
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 14
 The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie (*Teller*)
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White
 K. I. Wright (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

No. 17.—RESIDENTIAL TENANCIES BILL—Clause 17.

Subject to this Act, the Tribunal has jurisdiction to hear and determine an application under this Act relating to any matter arising in relation to a tenancy agreement of premises situated in Victoria.

—(*Hon. Haddon Storey*)

Amendment proposed—That the word “exclusive” be inserted after the word “has”

—(*Hon. D. R. White*)

Question—That the word proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 10
 The Hon. G. A. S. Butler
 Joan Cocksedge
 R. J. Eddy

Noes, 20
 The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block

C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 G. A. Sgro (*Teller*)
 I. B. Trayling (*Teller*)
 Evan Walker
 D. R. White

C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 V. T. Hauser
 W. V. Houghton
 Dr. R. W. Howard (*Teller*)
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid (*Teller*)
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

And so it passed in the negative.

No. 18.—RESIDENTIAL TENANCIES BILL—Clause 44.

* * * * *

(2) A duly qualified legal practitioner may conduct the case of a party to proceedings before the Tribunal where—

* * * * *

(c) the proceedings relate to an order for possession under section 130 or 131; or

* * * * *

—(*Hon. Haddon Storey*)

Amendment proposed—That paragraph (c) in sub-clause (2) be omitted.

—(*Hon. D. R. White*)

Question—That the expression proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. R. J. Long in the Chair.

Ayes, 23

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 J. V. C. Guest
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward (*Teller*)
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 J. W. S. Radford
 N. B. Reid
 Haddon Storey
 J. A. Taylor
 H. R. Ward
 K. I. Wright

Noes, 11

The Hon. G. A. S. Butler (*Teller*)
 Joan Coxsedg (*Teller*)
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 I. B. Trayling
 Evan Walker
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

No. 19.—RESIDENTIAL TENANCIES BILL—Clause 57.

Where, under a tenancy agreement, the amount of the rent payable in respect of one week does not exceed \$100 or, where a greater amount is prescribed for

the purposes of this section, that greater amount, a person shall not demand or require the payment of rent under the agreement more than one month before it accrues due.

Penalty: \$200.

—(*Hon. Haddon Storey*)

Question—That clause 57 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

<p>Ayes, 22</p> <p>The Hon. W. R. Baxter H. G. Baylor C. Bubb B. A. Chamberlain D. G. Crozier B. P. Dunn J. V. C. Guest H. M. Hamilton V. T. Hauser D. K. Hayward W. V. Houghton Dr. R. W. Howard Glyn Jenkins R. I. Knowles (<i>Teller</i>) R. Lawson R. J. Long J. W. S. Radford N. B. Reid Haddon Storey J. A. Taylor (<i>Teller</i>) H. R. Ward K. I. Wright</p>	<p>Noes, 10</p> <p>The Hon. G. A. S. Butler (<i>Teller</i>) Joan Cocksedge (<i>Teller</i>) R. J. Eddy C. J. Kennedy D. E. Kent R. A. Mackenzie G. A. Sgro I. B. Trayling Evan Walker D. R. White</p>
--	--

And so it was resolved in the affirmative.

Friday, 12 December 1980

No. 20.—EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—Clause 2.

In section 1 (3) of the Principal Act for the expression “28 February 1981” there shall be substituted the expression “29 February 1984”.

—(*Hon. W. V. Houghton*)

Amendment proposed—That the expression “29 February 1984” be omitted with the view of inserting in place thereof the expression “28 February 1991”.

—(*Hon. D. M. Evans*)

Question—That the expression proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

<p>Ayes, 21</p> <p>The Hon. H. G. Baylor P. D. Block C. Bubb B. A. Chamberlain D. G. Crozier F. J. Granter H. M. Hamilton V. T. Hauser D. K. Hayward (<i>Teller</i>) W. V. Houghton A. J. Hunt Glyn Jenkins</p>	<p>Noes, 16</p> <p>The Hon. W. R. Baxter G. A. S. Butler Joan Cocksedge B. P. Dunn R. J. Eddy (<i>Teller</i>) D. M. Evans (<i>Teller</i>) C. J. Kennedy D. E. Kent W. A. Landeryou R. A. Mackenzie G. A. Sgro I. B. Trayling</p>
---	--

R. I. Knowles
R. Lawson (*Teller*)
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
J. A. Taylor
H. R. Ward

Evan Walker
J. M. Walton
D. R. White
K. I. Wright

And so it was resolved in the affirmative—Amendment negated.

No. 21.—EGG INDUSTRY STABILIZATION (AMENDMENT) BILL—Clause 5.

In section 5 (6) of the Principal Act for the expression “(6) The” there shall be substituted the expression “(6) Subject to the general direction of the Minister, the”.

—(*Hon. W. V. Houghton*)

Question—That clause 5 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 21

The Hon. H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh (*Teller*)
N. F. Stacey (*Teller*)
J. A. Taylor
H. R. Ward

Noes, 15

The Hon. W. R. Baxter
G. A. S. Butler
Joan Cocksedge
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy (*Teller*)
D. E. Kent (*Teller*)
W. A. Landeryou
G. A. Sgro
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White
K. I. Wright

And so it was resolved in the affirmative.

No. 22.—PORT PHILLIP AUTHORITY (AMENDMENT) BILL—Clause 2.

In section 2 of the Principal Act—

* * * * *

(c) in the interpretation of “foreshore” for paragraph (a) there shall be substituted the following paragraph:

“(a) which abut the waters of Port Phillip Bay and are between low water mark and an imaginary line following the course of high water mark at a distance of 200 metres landward from high water mark; and”;

* * * * *

—(*Hon. W. V. Houghton*)

Amendment proposed—That the following paragraph be inserted to follow paragraph (c) in clause 2:

() in the interpretation of “foreshore” after paragraph (b) (iii) insert—

“(iv) any privately owned land which inhibits the total management of the Port Phillip foreshore—”

—(*Hon. Evan Walker*)

Question—That the paragraph proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 11

The Hon. G. A. S. Butler (*Teller*)
Joan Cocksedge
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie (*Teller*)
H. A. Thomas
I. B. Trayling
Evan Walker
D. R. White

Noes, 25

The Hon. W. R. Baxter
H. G. Baylor (*Teller*)
P. D. Block (*Teller*)
C. Bubb
D. M. Evans
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. Wright

And so it passed in the negative.

No. 23.—PORT PHILLIP AUTHORITY (AMENDMENT) BILL—Clause 5.

After section 5 of the Principal Act there shall be inserted the following sections:

“5A. Subject to the general direction and control of the Minister, the Authority shall—

* * * * *

(e) consider submissions in respect of proposed management plans and submit final management plans for the approval of the Minister.

* * * * *

—(*Hon. W. V. Houghton*)

Amendment proposed—That the following paragraphs be inserted to follow paragraph (e) in proposed section 5A of the Principal Act:

- (f) co-ordinate works to be carried out by public authorities and committees of management on land reserved for the protection of the foreshore;
- (g) approve proposed works and improvements on land reserved for the protection of the foreshore; and
- (h) advise the Minister on any matter on which its advice is sought by the Minister.

—(*Hon. Evan Walker*)

Question—That the paragraphs proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 13

The Hon. W. R. Baxter
G. A. S. Butler
Joan Cocksedge (*Teller*)
R. J. Eddy
D. M. Evans

Noes, 21

The Hon. H. G. Baylor
P. D. Block
C. Bubb
F. J. Granter
J. V. C. Guest (*Teller*)

C. J. Kennedy
D. E. Kent
R. A. Mackenzie
H. A. Thomas
I. B. Trayling
Evan Walker
D. R. White (*Teller*)
K. I. Wright

H. M. Hamilton (*Teller*)
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

And so it passed in the negative.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

No. 10

Tuesday, 16 December 1980

No. 1—ADOPTION OF CHILDREN (INFORMATION) BILL—Clause 3.

After section 14 of the Principal Act there shall be inserted the following section:

‘14A. (1) Where the Court makes an order for the adoption of a child whose birth is registered in Victoria and in relation to whom—

- (a) a consent referred to in section 28A has been given by a parent of the child; or
- (b) a statement referred to in that section has been made by a parent of the child—

the Court shall include in the order—

- (c) where a consent is, or consents are, so given, a statement of the giving of the consent or consents; and
- (d) where a statement is so made, a copy of the statement or, where each parent has made such a statement, a copy of each such statement—

and, where as the result of the giving of a consent, or consents, under section 28A, there is not any other person entitled to give consent under that section in relation to the order, a notification to the effect that the child is entitled, upon attaining the age of eighteen years, to obtain an extract from, or certified copy of, the entry in the Register of Births relating to his birth.

(2) In this section, “parent” has the same meaning as in section 28A.’

—(Hon. W. V. Houghton)

Question—That clause 3 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 21

The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 B. A. Chamberlain (*Teller*)
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 D. K. Hayward (*Teller*)
 W. V. Houghton
 Dr R. W. Howard
 A. J. Hunt
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

No. 2—ADOPTION OF CHILDREN (INFORMATION) BILL—Clause 4.

After section 19 of the Principal Act there shall be inserted the following section:

“19A. (1) The Director-General shall, in respect of each adoption negotiated or arranged by him or on his behalf, keep his records of that adoption for twenty years after the adoption order is made.

(2) A private adoption agency shall in respect of each adoption negotiated or arranged by it or on its behalf—

(a) keep its records of that adoption for twenty years after the adoption order is made; or

(b) give such records to the Director-General.

(3) Where the approval of a private adoption agency is revoked or suspended, the agency shall give its records of adoptions negotiated or arranged by it or on its behalf to the Director-General.

(4) Where the Director-General receives records of an adoption from a private adoption agency under sub-section (2) or (3), he shall keep the records until the expiration of the period of twenty years after the adoption order was made.

(5) Where under the regulations records of an adoption made after the commencement of the *Adoption of Children (Information) Act 1980* are required to be kept for a period exceeding twenty years after the adoption order is made, the Director-General or the private adoption agency, as the case may be, shall keep the records in accordance with the regulations.

(6) Nothing in this section applies to records of adoptions where the adoption order was made before the commencement of the *Adoption of Children (Information) Act 1980*.

(7) In this section, a reference to a private adoption agency includes a reference to a charitable organization whose approval as such an agency has been revoked or suspended.”

—(Hon. W. V. Houghton)

Question—That clause 4 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 16

The Hon. H. G. Baylor
C. Bubb
B. A. Chamberlain
F. J. Granter
H. M. Hamilton
D. K. Hayward
W. V. Houghton
Dr R. W. Howard (*Teller*)
R. I. Knowles (*Teller*)
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh
Haddon Storey
J. A. Taylor
H. R. Ward

Noes, 13

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent (*Teller*)
R. A. Mackenzie (*Teller*)
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative.

No. 3—ADOPTION OF CHILDREN (INFORMATION) BILL—Clause 6.

After section 28 of the Principal Act there shall be inserted the following sections:

‘28A. (1) Where an adoption is being negotiated or arranged of a child whose birth is registered in Victoria, a parent of that child may, at any time before an order for the adoption of the child is made under this Act—

- (a) give consent in or to the effect of the prescribed form to the child being permitted, when he has attained the age of eighteen years, to obtain an extract from, or certified copy of, the entry in the Register of Births relating to his birth; or
- (b) make a statement in or to the effect of the prescribed form stating that the parent does not so consent for the reasons set out in the statement.

(2) In this section, “parent” in relation to a child—

- (a) unless paragraph (b), (c) or (d) applies, means a parent named in the entry in the Register of Births relating to the birth of the child;
- (b) where two parents are so named in relation to the child but one of whom is dead or cannot be found, means the surviving parent so named or, where there is a guardian, the guardian and that surviving parent;
- (c) where two parents are so named in relation to the child but both of whom are dead or cannot be found, means the guardian or, where there is more than one, the guardians, of the child; and
- (d) where only one parent is named in relation to the child and that parent is dead or cannot be found, means the guardian or, where there is more than one, the guardians of the child.

(3) A reference in sub-section (2) to a guardian of a child does not include a reference to a person who is a guardian by reason only of the operation of section 31.

(4) A consent or statement under sub-section (1) shall be filed in the court by which the order for the adoption of the child is made.

28B. (1) Where an order is made for the adoption of a child whose birth is registered in Victoria, a parent of the child who did not give consent under section 28A (1) (a) or who made a statement under section 28A (1) (b), may at any time give consent in or to the effect of the prescribed form, attested as prescribed, to the child being permitted on or after attaining the age of eighteen years to obtain an extract from, or certified copy of the entry in the Register of Births relating to his birth.

(2) In sub-section (1), “parent” has the same meaning as in section 28A.

(3) A consent under sub-section (1) shall be sent to the Director-General or, where the arrangements for the adoption were made by a private adoption agency, the principal officer of the agency who shall cause the consent to be filed in the Court by which the order for adoption to which it relates is made.

(4) The prescribed officer of the Court receiving a consent under this section shall send a copy of the consent to the Government Statist together with information sufficient to identify the adoption order to which it relates.

(5) The Government Statist shall, on receiving a copy of a consent under sub-section (4)—

- (a) place a copy with the memorandum of the relevant adoption order in the Register of Adoptions kept by him; and
- (b) where, as a result of the giving of the consent, there is not any other person entitled to file consent under this section in relation to the adoption order—make a notification on the memorandum of the adoption order to the

effect that the child is entitled, upon attaining the age of eighteen years, to obtain an extract from, or certified copy of, the entry in the Register of Births relating to his birth.

(6) Where a consent in relation to an adoption order is given under this section by a person by whom a statement under section 28A included in the order was made—

- (a) the statement ceases to have effect; and
- (b) the Government Statist shall make a record on the adoption order to that effect.’

—(Hon W. V. Houghton)

Question—That clause 6 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20
 The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 B. A. Chamberlain
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long (*Teller*)
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 10
 The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 I. B. Trayling
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White (*Teller*)

And so it was resolved in the affirmative.

No. 4—ADOPTION OF CHILDREN (INFORMATION) BILL—Clause 7.

For the heading preceding section 57 and for sections 57, 58 and 59 of the Principal Act there shall be substituted the following headings and sections:

‘PART V.—GENERAL

DIVISION 1—REGISTRATION OF ORDERS

57. (1) The prescribed officer of the Court shall cause a memorandum, in accordance with the prescribed form, of each adoption order to be sent to the Government Statist who shall register the adoption—

- (a) by endorsing on the memorandum an official number and placing the memorandum in a Register of Adoptions kept by him; and
- (b) making an entry in the Adopted Children Register kept by him of the prescribed particulars ascertained from the memorandum.

(2) The prescribed officer of the Court shall cause a copy of each order for the discharge of an adoption order to be sent to the Government Statist who shall, where the order is for the discharge of an adoption order that has been registered in the Register of Adoptions, register the order—

- (a) by placing it with the adoption order to which it relates in the Register of Adoptions kept by him; and
- (b) by making a notation of the discharge in the entry in the Adopted Children Register kept by him and, where the order relates to a person whose

birth is registered in Victoria, in the entry in the Register of Births relating to the birth.

58. Where the Court makes an adoption order or an order for the discharge of an adoption order, and the Prothonotary or the Registrar of the County Court (as the case requires) has reason to believe that the birth of the child to which the order relates is registered in another State or in a Territory of the Commonwealth or in any country proclaimed by the Governor in Council for the purposes of section 42 (2A) he shall, as soon as practicable, cause a memorandum in accordance with the prescribed form, of the adoption order or a copy of the order for the discharge of an adoption order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to such officer of that State, Territory or country having functions in relation to the registration of births as is prescribed.

59. Where the Government Statist receives, in relation to a person whose birth is registered in Victoria, a memorandum or copy of an order for the adoption of the person made (whether or not by a court) under the law in force in another State or in a Territory of the Commonwealth or made in a country outside the Commonwealth and the Territories of the Commonwealth and recognized under Part III. or of an order for the discharge of such an order, certified in writing to be a true memorandum or copy by a person authorized so to certify under the law of that State, Territory or country, he shall—

- (a) in the case of an order for adoption, register the adoption—
 - (i) by endorsing on the memorandum or copy an official number and placing the memorandum or copy in the Register of Adoptions kept by him; and
 - (ii) by making an entry in the Adopted Children Register kept by him of the prescribed particulars ascertained from the memorandum or copy; or
- (b) in the case of an order for the discharge of an order for adoption that has been registered in the Register of Adoptions, register the order—
 - (i) by placing it with the order for adoption to which it relates in the Register of Adoptions kept by him; and
 - (ii) by making a notation of the discharge in the entry in the Adopted Children Register kept by him to which it relates and in the entry in the Register of Births relating to the birth of the person.

59A. Where the Government Statist receives, in relation to a person whose birth is registered in Victoria, an order of the Supreme Court making a declaration under section 43 with respect to a foreign adoption and a memorandum or copy of the order or other instrument by which the adoption is effected, he shall register the adoption—

- (a) by endorsing on the memorandum or copy an official number and placing the memorandum or copy in the Register of Adoptions kept by him; and
- (b) by making an entry in the Adopted Children Register kept by him of the prescribed particulars ascertained from the memorandum or copy.

59B. (1) Upon registration under this Division of a memorandum or copy of an order for adoption relating to a person whose birth is registered in Victoria, the Government Statist shall mark with the word “adopted” the entry in the Register of Births relating to the birth.

(2) Upon registration under this Division of a memorandum or copy of an order for adoption relating to a person who has previously been adopted in Victoria, the Government Statist shall mark with the word “adopted” the entry in the Adopted Children Register relating to that person.

(3) The Government Statist shall not, except in accordance with this Act or an order of the Court, open for inspection, or issue an extract from, or copy of, an entry in the Register of Births or in the Adopted Children Register marked with the word "adopted".

59C. (1) The Government Statist shall cause an index to be made to the Register of Adoptions and to the Adopted Children Register in such a manner as to make traceable the connexion between the relevant entries in the Adopted Children Register and the Register of Births relating to a person whose birth is registered in Victoria.

(2) Except as otherwise provided in this Act, the Government Statist shall not open for inspection or search the index referred to in sub-section (1).

59D. The Register of Adoptions shall not be open for inspection or search and a person shall not be furnished with an extract from, or copy of, a memorandum or order or copy of an order kept in that register.

59E. (1) The Government Statist shall, without making a distinction between entries in the Register of Births and entries in the Adopted Children Register, make in the General Index of Births an entry of the necessary particulars of each entry made in the Adopted Children Register.

(2) The index referred to in sub-section (1) shall be open for search subject to the provisions of the *Registration of Births Deaths and Marriages Act 1959*.

59F. Upon application, the Government Statist shall, subject to section 59B (3), issue, subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the *Registration of Births Deaths and Marriages Act 1959*, an extract from, or certified copy of, an entry in the Adopted Children Register.

59G. (1) Where an order for adoption is discharged, being an order—

- (a) relating to a person—
 - (i) whose birth is registered in Victoria; or
 - (ii) an entry relating to whose previous adoption is entered in the Adopted Children Register; and
- (b) a memorandum or copy of which is registered under this Division—
the Government Statist shall—
- (c) delete the word "adopted" in the entry relating to the birth in the Register of Births or in the Adopted Children Register, as the case may be; and
- (d) where the order relates to the name of the person, mark the entry in the Register of Births or Adopted Children Register with particulars of the order.

(2) Where an order for adoption is discharged, being an order a memorandum or copy of which is registered under this Division, the Government Statist, notwithstanding the deletion of the word "adopted" from the entry in the Register of Births or the Adopted Children Register, shall not issue an extract from, or copy of, that entry if the order for the discharge provides to that effect.

59H. The provisions of section 40 of the *Registration of Births Deaths and Marriages Act 1959* apply with respect to the Adopted Children Register.

DIVISION 2—ACCESS TO ENTRY IN REGISTER OF BIRTHS

59I. In this Division, unless the contrary intention appears—

"Adopted person" means a person—

- (a) who has attained the age of eighteen years; and

(b) an order for whose adoption was made on the date of, or after the commencement of the *Adoption of Children (Information) Act 1980*.

“Court” in relation to an application under this Division by an adopted person means a judge in chambers of the County Court.

59J. (1) A person shall not make an application under this Division to the Court or the Government Statist unless he has attended an interview with an approved counsellor.

(2) An approved counsellor who holds an interview with a person as referred to in sub-section (1) shall give to that person a certificate in or to the effect of the prescribed form stating that the person attended the interview.

59K. (1) An adopted person may make application to the Government Statist to ascertain whether a notification has been made under section 14A or 28B in relation to his adoption, or order for his adoption.

(2) Upon application by an adopted person under this section, the Government Statist shall inform the applicant whether or not a notification in relation to his adoption, or order for his adoption, has been made under section 14A or 28B.

59L. (1) Where a notification in relation to the adoption, or order for the adoption, of a person has been made under section 14A or 28B, the adopted person may make application to the Government Statist for the issue of an extract from, or certified copy of, the entry in the Register of Births relating to his birth.

(2) An application under sub-section (1) shall be accompanied by a copy of a certificate under section 59J stating that the applicant has attended an interview as referred to in that section.

(3) Upon application by an adopted person under this section, the Government Statist shall, subject to the same terms, conditions and regulations as to payment of fees or otherwise as are applicable under the *Registration of Births Deaths and Marriages Act 1959*, issue an extract from, or certified copy of, the entry in the Register of Births relating to the birth of that person.

59M. (1) An adopted person, not being a person in relation to whose adoption, or order for whose adoption, a notification has been made under section 14A or 28B, may make application to the Court for an order under this section permitting him to obtain an extract from, or certified copy of, the entry, if any, in the Register of Births in Victoria relating to his birth.

(2) An application under sub-section (1) shall be accompanied by a copy of a certificate under section 59J stating that the applicant has attended an interview as referred to in that section.

(3) Upon application by an adopted person under sub-section (1), the Court may order the Director-General or another person—

(a) to ascertain or cause to be ascertained whether the birth of the person is registered in Victoria; and

(b) if the birth is so registered, to seek or cause to be sought the consent of each parent named in the entry of the birth to the making of an order referred to in sub-section (1).

(4) The Government Statist shall, on production to him of an order of the Court under sub-section (3), furnish information to the prescribed person in relation to that order stating—

(a) whether the adopted person to whom the order relates is a person whose birth is registered in Victoria; and

(b) if the birth is so registered, the name and address of each parent as shown in the entry in the Register of Births relating to the birth.

(5) Where an order is made under sub-section (3) in relation to an adopted person whose birth is registered in Victoria, the prescribed person in relation to that order shall make such inquiries as are reasonably necessary to ascertain—

- (a) whether each of the parents named in the entry in the Register of Births relating to the birth of the adopted person consents to the person being permitted to obtain an extract from, or certified copy of, that entry;
- (b) whether any such parent refuses to give such consent; and
- (c) whether any such parent is dead or cannot be found.

(6) A prescribed person in making inquiries under sub-section (5) shall, with due regard for the interests of persons of whom, or in relation to whom, he makes inquiries, exercise care and discretion and shall not disclose confidential information acquired by him in the course of those inquiries except in so far as is necessary for the purposes of his report under sub-section (7).

(7) The prescribed person shall, on completion of the inquiries under sub-section (6), report to the Court on the result of the inquiries and the Court—

- (a) where the prescribed person reports that each of the parents of the adopted person consents to the adopted person being permitted to obtain an extract from, or certified copy of, the entry in the Register of Births relating to the birth of that person, shall make an order directing the Government Statist to issue to that person such an extract or copy; or
- (b) where the prescribed person reports that any such parent refuses to grant such consent or is dead or cannot be found, may, after consideration of all the circumstances (including any statement included in the order for the adoption of the adopted person in accordance with section 14A (1) (d), not being a statement that has ceased to have effect by reason of section 28B)—
 - (i) make an order directing the Government Statist to issue to the adopted person such an extract or copy; or
 - (ii) refuse to make such an order.

(8) In this section, “prescribed person” in relation to an order of the Court under sub-section (3) means—

- (a) where the order is directed to the Director-General—the Director-General or an approved counsellor authorized by the Director-General to act in relation to the order; or
- (b) where the order is directed to another person—that other person.

59N. Except as provided in this Act, a person shall not disclose to any other person information acquired by the first-mentioned person under section 59M that would enable the other person to trace the connexion between that information and a particular entry in the Adopted Children Register.

59O. Upon application by an adopted person and upon production of an order of the Court made under section 59M (6) relating to the adopted person, the Government Statist shall, subject to the same terms, conditions and regulations as to payment of fees or otherwise as are applicable under the *Registration of Births Deaths and Marriages Act 1959* issue an extract from, or certified copy of, the entry in the Register of Births relating to the birth of that person.

DIVISION 3—ACCESS TO INFORMATION

59P. Unless the Court otherwise orders, a report to the Court under section 12, or any part of such a report, shall not be made available to any person, including a party to the proceedings.

59Q. (1) Except as provided by this Act, the records of proceedings under this Act shall not be open to inspection.

(2) Where—

- (a) in relation to an adoption order made before the commencement of the *Adoption of Children (Information) Act* 1980 by the Supreme Court, the Supreme Court, or a judge in chambers of the Supreme Court makes an order to the effect that the Government Statist is authorized to issue to a specified person an extract from, or certified copy of, an entry marked with the word “adopted” in the Register of Births or in the Adopted Children Register relating to the birth of that person; or
- (b) in relation to such an adoption order made by the County Court, the County Court, or a judge in chambers of the County Court makes such an order—

the Government Statist upon application by that person and upon production of the order, shall, subject to the same terms, conditions and regulations as to payment of fees or otherwise as are applicable under the *Registration of Births Deaths and Marriages Act* 1959, issue an extract from, or certified copy of, that entry.

(3) Where an adoption order has been made before the commencement of the *Adoption of Children (Information) Act* 1980 by the Supreme Court or the County Court, the court or a judge of the court, which made the order may make an order authorizing a copy of the adoption order or any other document on the file relating to the adoption to be made available to any person named in the order.

59R. (1) An adopted person—

- (a) an order for whose adoption was made on the date of, or after, the commencement of the *Adoption of Children (Information) Act* 1980;
- (b) who—
 - (i) has attained the age of eighteen years; or
 - (ii) has not attained that age but has obtained the consent of each of his adoptive parents to the making of an application under this section; and
- (c) who has, and, in the case of a person who has not attained the age of eighteen years, whose adoptive parents have, attended an interview with an approved counsellor and obtained a certificate in or to the effect of the prescribed form recording his, or their, attendance at the interview—

may make application to a judge in chambers of the County Court for an order under this section—

- (d) permitting him to obtain information from the records of proceedings under this Act or, where the adoption was negotiated or arranged by or on behalf of the Director-General or a private adoption agency, from the records of the Director-General or that agency;
- (e) requiring the Director-General to seek or cause to be sought certain information from the parent or parents of the person named in the entry in the Register of Births relating to that person.

(2) An application under this section shall—

- (a) be accompanied by a copy of a certificate under paragraph (c) of sub-section (1) stating that the applicant has, and, in the case of an applicant who has not attained the age of eighteen years, whose adoptive parents have, attended an interview as referred to in that paragraph;
- (b) state the nature of the information sought; and
- (c) state the reasons why the information is sought.

(3) A judge to whom application is made under this section may, if in all the circumstances of the case he thinks fit, make any one or more of the following orders:

- (a) An order requiring the Government Statist to give to the applicant such information relating to the applicant as is specified in the order, being information kept by him in the Register of Adoptions;
 - (b) An order requiring the Director-General or a private adoption agency to give to the applicant such information relating to the applicant as is specified in the order and is ascertainable from the records kept by or on behalf of the Director-General or the agency, as the case may be;
 - (c) Where the records of a private adoption agency have been given to the Director-General under section 19A, an order requiring the Director-General to give to the applicant such information relating to the applicant as is specified in the order and is ascertainable from those records;
 - (d) An order requiring the Director-General to seek or cause to be sought specified information from the parent or parents named in the entry in the Register of Births relating to that person.
- (4) Where an order is made under this section—
- (a) the Government Statist, the Director-General or a private adoption agency, as the case may be, shall on application by the adopted person, give such information to which the order relates as the applicant requests; and
 - (b) the Director-General shall, in accordance with the order, seek, or cause an approved counsellor to seek, the information specified in the order and the Director-General or approved counsellor shall give to the applicant such of that information as the Director-General or approved counsellor obtains.

(5) The Director-General or approved counsellor in making inquiries under sub-section (4) shall, with due regard for the interests of persons of whom, or in relation to whom, he makes inquiries, exercise care and discretion and shall not disclose confidential information acquired by him in the course of those inquiries except in so far as is necessary for the purposes of giving to the applicant information to which the order relates.

(6) The Government Statist shall, on production to him of an order of the Court under this section furnish information to the Director-General or to an approved counsellor authorized by the Director-General to act in relation to the order stating—

- (a) whether the adopted person is a person whose birth is registered in Victoria; and
- (b) if the birth is so registered, the name and address of each parent as shown in the entry in the Register of Births relating to the birth of that person.

(7) Nothing in this section authorizes, and an order under this section shall not require, the giving of information that names or otherwise identifies a person as the father of an adopted person unless the person is named as the father in the entry in the Register of Births relating to the adopted person or, where the birth of the adopted person is not registered in Victoria, in the record of his birth kept in the place where the birth is registered or otherwise officially recorded.

(8) Except as provided in this Act, the Director-General or an approved counsellor shall not disclose to any other person information acquired by the Director-General

or the approved counsellor under this section that would enable the other person to trace the connexion between that information and a particular entry in the Adopted Children Register.

DIVISION 4—MISCELLANEOUS.

Question—That clause 7 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20

The Hon. W. R. Baxter
H. G. Baylor
C. Bubb
B. A. Chamberlain
B. P. Dunn
D. M. Evans
F. J. Granter
H. M. Hamilton
D. K. Hayward
W. V. Houghton
Dr R. W. Howard
R. I. Knowles
R. Lawson
R. J. Long
N. B. Reid (*Teller*)
D. N. Saltmarsh (*Teller*)
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

Noes, 10

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedge (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
R. A. Mackenzie
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative.

No. 5—FISHERIES (AMENDMENT) BILL—Clause 9.

After Part VI. of the Principal Act there shall be inserted the following Part:

“PART VIA.—FISH DISEASE

* * * * *

43D. (1) Any inspector of fisheries may at any time and at any place in Victoria seize and remove any fish which he believes on reasonable grounds are suffering from a notifiable disease or exhibiting any notifiable symptom from any Victorian waters.

* * * * *

(7) No compensation shall be paid to or be payable to any person for any loss or damage suffered by the destruction of any fish or eggs of fish in the course of carrying out an order made under sub-section (5).”

* * * * *

—(*Hon. W. V. Houghton*)

Amendment proposed—That sub-section (7) of proposed section 43D of the Principal Act be omitted.

—(*Hon. Evan Walker*)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 16

The Hon. H. G. Baylor (*Teller*)
C. Bubb
B. A. Chamberlain
F. J. Granter
D. K. Hayward
W. V. Houghton

Noes, 13

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedge
B. P. Dunn
R. J. Eddy (*Teller*)
D. M. Evans (*Teller*)

Dr R. W. Howard
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward

C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 J. M. Walton

And so it was resolved in the affirmative—Amendment negated.

No. 6—TRANSPORT (DEREGULATION) BILL—Clause 1.

* * * * *

(2) The several provisions of this Act shall come into operation as follows:

* * * * *

(b) Parts II. and IV. shall come into operation on 1 January 1981;

* * * * *

—(*Hon. D. G. Crozier*)

Amendment proposed—That the expression “1 January 1981” be omitted with the view of inserting in place thereof “1 July 1981”.

—(*Hon. G. A. S. Butler*)

Question—That the expression proposed to be omitted stand part of the clause—put.
 Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 18
 The Hon. H. G. Baylor
 P. D. Block
 C. Bubbs (*Teller*)
 B. A. Chamberlain
 D. G. Crozier
 F. J. Granter
 V. T. Hauser
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey (*Teller*)
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 13
 The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Cocksedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 R. A. Mackenzie
 I. B. Trayling
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negated.

Wednesday, 17 December 1980
(morning)

No. 7—TRANSPORT (DEREGULATION) BILL—Clause 4.

After section 12A of the Principal Act there shall be inserted the following section:

“12B.

* * * * *

(3) The Minister shall cause a copy of every determination of policy made by him under sub-section (2) to be served on the Board and to be published in the *Government Gazette*.

* * * * *

—(*Hon. D. G. Crozier*)

Amendment proposed—The the following sub-sections be inserted to follow sub-section (3) of proposed section 12B of the Principal Act:

“() A copy of every determination made under sub-section (2) shall be laid before both Houses of Parliament within ten sitting days of the making thereof.

() Every determination made under sub-section (2) shall have effect unless disallowed by resolution of either House of Parliament.”

—(Hon. G. A. S. Butler)

Question—That the expression proposed to be inserted be so inserted—put.

Committee divided—The Hon W. M. Campbell in the Chair.

Ayes, 11

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy
C. J. Kennedy
D. E. Kent (*Teller*)
R. A. Mackenzie (*Teller*)
H. A. Thomas
I. B. Trayling
Evan Walker
J. M. Walton
D. R. White

Noes, 21

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
V. T. Hauser (*Teller*)
W. V. Houghton
Dr R. W. Howard
R. I. Knowles
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh
N. F. Stacey (*Teller*)
Haddon Storey
J. A. Taylor
H. R. Ward

And so it passed in the negative.

No. 8—TRANSPORT (DEREGULATION) BILL—Clause 13.

After Part III. of the Principal Act there shall be inserted the following Part:

“PART IV.—COMMERCIAL GOODS VEHICLES

* * * * *

57. (1) Subject to this section, the Governor in Council may by Order published in the *Government Gazette* amend the Third Schedule—

- (a) by deleting from column one of Part B of that Schedule a class, kind or description of goods and the radius specified in relation to those goods in column two of Part B of that Schedule;
- (b) by increasing the radius specified in column two of Part B of that Schedule in relation to any class, kind or description of goods mentioned in column one of Part B of that Schedule;
- (c) by deleting from column one of Part C of that Schedule a class, kind or description of goods and particulars of transportation specified in relation to those goods in column two of Part C of that Schedule; or
- (d) by amending the particulars of transportation specified in column two of Part C of that Schedule in relation to any class, kind or description of goods mentioned in column one of Part C of that Schedule in such a manner as to render the restrictions imposed by this Part on the carriage of any such goods less stringent.

(2) Where—

- (a) the Minister directs the Board to consider an amendment to the Third Schedule specified by him being an amendment that the Governor in Council may make by Order under sub-section (1);
- (b) it appears to the Board desirable that the Third Schedule be amended in any manner specified in sub-section (1); or
- (c) any person by writing addressed to the secretary of the Board submits that the Third Schedule should be amended in any such manner—

the Board may (in its absolute discretion) cause to be published in the *Government Gazette* a notice—

- (d) describing the purport of the proposed amendment;
- (e) specifying a day (not being less than seven days after the publication of the notice) upon which the Board proposes to consider the proposed amendment; and
- (f) calling upon all persons interested in the proposed amendment to appear (either by themselves or by some persons on their behalf) before the Board on that day and call evidence relevant to the proposed amendment.

(3) The Board shall, after taking into consideration all evidence tendered to it in accordance with this section in respect of a proposed amendment and any other matter which appears to it to be relevant to the proposed amendment, determine to do one of the following—

- (a) Recommend to the Minister that the Third Schedule be amended in such manner as is specified by the Board ; or
- (b) Recommend to the Minister that no amendment be made to the Third Schedule.

(4) An Order made by the Governor in Council under this section shall take effect from such day as is specified in the Order being a day not earlier than the day on which the Order is published in the *Government Gazette* pursuant to sub-section (1).

(5) A copy of every Order made under this section shall be laid before both Houses of Parliament as soon as practicable after it is made.

* * * * *

—(Hon. D. G. Crozier)

Amendment proposed—That proposed section 57 of the Principal Act be omitted.

—(Hon. G. A. S. Butler)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 17

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 B. A. Chamberlain (*Teller*)
 D. G. Crozier
 F. J. Granter
 V. T. Hauser (*Teller*)
 W. V. Houghton
 Dr R. W. Howard
 R. I. Knowles
 R. Lawson
 N. B. Reid

Noes, 14

The Hon. W. R. Baxter
 G. A. S. Butler
 Joan Coxsedge
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent
 R. A. Mackenzie
 H. A. Thomas (*Teller*)
 I. B. Trayling (*Teller*)
 Evan Walker

D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

J. M. Walton
D. R. White

And so it was resolved in the affirmative—Amendment negated.

Wednesday, 17 December 1980

No. 9—PLANNING APPEALS BOARD BILL—Clause 6.

(1) The chief chairman—

- (a) shall be a barrister and solicitor of the Supreme Court of not less than eight years' standing;
- (b) shall be appointed by the Governor in Council;
- (c) subject to this Act, shall hold office for a period of ten years or until he attains the age of 72 years (whichever first occurs) but shall be eligible for re-appointment;
- (d) shall be a full-time member;
- (e) shall be entitled to be paid such salary and allowance as is for the time being payable to a puisne Judge of the Supreme Court pursuant to section 82 (2) of the *Constitution Act 1975*; and
- (f) shall not in respect of his office as chief chairman be subject to the provisions of the *Public Service Act 1974*.

* * * * *

—(Hon. A. J. Hunt)

Amendment proposed—That paragraph (a) in sub-clause (1) be omitted with the view of inserting in place thereof the following paragraph:

() shall be a judge of the County Court;

—(Hon. Evan Walker)

Question—That the paragraph proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 17

The Hon. H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
F. J. Granter
J. V. C. Guest
D. K. Hayward (*Teller*)
Dr R. W. Howard (*Teller*)
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
N. B. Reid
D. N. Saltmarsh
N. F. Stacey
H. R. Ward

Noes, 14

The Hon. W. R. Baxter
G. A. S. Butler
Joan Coxsedg
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas (*Teller*)
Evan Walker
J. M. Walton
D. R. White (*Teller*)

And so it was resolved in the affirmative—Amendment negated.

No. 10—RESIDENTIAL TENANCIES BILL—Clause 63.

(1) A tenant under a tenancy agreement—

- (a) who considers that the rent payable under the tenancy agreement is excessive having regard to the fact that the landlord has reduced or withdrawn any goods, services or facilities provided with the rented premises; or

(b) who has received notice from the landlord of an increase of the rent payable under the tenancy agreement and who considers that the increase is excessive—

may in writing request the Director to investigate and report on the matter.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the words “having regard to the fact that the landlord has reduced or withdrawn any goods, services or facilities provided with the rented premises” in paragraph (a) in sub-clause (1) be omitted.

—(Hon. D. R. White)

Question—That the words proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest (*Teller*)
V. T. Hauser
D. K. Hayward (*Teller*)
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
D. N. Saltmarsh
Haddon Storey
H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedge (*Teller*)
R. J. Eddy
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

NO. 11—RESIDENTIAL TENANCIES BILL—Clause 63.

* * * * *

(2) For the purposes of this section, rent under a tenancy agreement shall be regarded as excessive if it is significantly more than the rent payable for comparable rented premises let under a tenancy agreement by a landlord, other than a public statutory authority, in the locality of the first-mentioned rented premises and the following factors shall also be taken into account:

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the words “significantly more than” in sub-clause (2) be omitted with the view of inserting in place thereof “more than the rent which ought reasonably to be payable for the rented premises having regard to”.

—(Hon. D. R. White)

Question—That the words proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 19

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedge
R. J. Eddy (*Teller*)
C. J. Kennedy

D. G. Crozier
 B. P. Dunn
 F. J. Granter
 J. V. C. Guest (*Teller*)
 V. T. Hauser
 D. K. Hayward
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson (*Teller*)
 R. J. Long
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward

D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negated.

No. 12—RESIDENTIAL TENANCIES BILL—Clause 64.

* * * * *

(3) The Tribunal, upon receiving an application under sub-section (1), may, if it is of the opinion that having regard to the Director's report and to the matters mentioned in section 63 (2), make an order declaring the rent or proposed rent to be excessive and determining the maximum amount of rent payable in respect of the premises.

* * * * *

—(*Hon. Haddon Storey*)

Amendment proposed—That all the words and expressions from “sub-section (1)” to “of the premises” in sub-clause (3) be omitted with the view of inserting in place thereof “sub-section (1), shall make an order determining the rent or proposed rent to be excessive and determining the maximum amount of rent payable in respect of the premises, unless the landlord satisfies the Tribunal that, having regard to the Director's report and the matters mentioned in section 63, the rent or proposed rent is not excessive.”.

—(*Hon. D. R. White*)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 19

The Hon. W. R. Baxter
 H. G. Baylor (*Teller*)
 P. D. Block
 C. Bubbb (*Teller*)
 D. G. Crozier
 B. P. Dunn
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 Evan Walker
 J. M. Walton (*Teller*)
 D. R. White

And so it was resolved in the affirmative—Amendment negated.

No. 13—RESIDENTIAL TENANCIES BILL—Clause 88.

(1) Subject to sub-section (2) a person shall not refuse, or instruct or permit his agent to refuse, to let premises to another person under a tenancy agreement on the ground that the other person intends to live on the premises with a child.

Penalty: \$200.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That the words “or state that he will refuse or instruct or permit his agent to state that he will refuse” be inserted to follow the word “refuse” (where second occurring) in sub-clause (1).

—(Hon. D. R. White)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 11

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie (*Teller*)
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White

Noes, 19

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
B. P. Dunn
F. J. Granter
J. V. C. Guest
V. T. Hauser (*Teller*)
D. K. Hayward
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long (*Teller*)
D. N. Saltmarsh
Haddon Storey
H. R. Ward

And so it passed in the negative.

Thursday, 18 December 1980 (morning)

No. 14—RESIDENTIAL TENANCIES BILL—Clause 122.

* * * * *

(3) A landlord who obtains possession of rented premises in respect of which a notice to vacate has been given on a ground mentioned in paragraph (a), (c), (d) or (e) of sub-section (1) shall not, unless the Tribunal otherwise determines, let the premises as a residence to a person other than a person referred to in paragraph (d) of sub-section (1) before the expiration of the period of six months after the day on which the notice was given.

Penalty: \$500.

—(Hon. Haddon Storey)

Amendment proposed—That the word “six” in sub-clause (3) be omitted with the view of inserting in place thereof “12”.

—(Hon. D. R. White)

Question—That the word proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 17

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block (*Teller*)
D. G. Crozier
B. P. Dunn
F. J. Granter
J. V. C. Guest
V. T. Hauser
D. K. Hayward (*Teller*)
Dr R. W. Howard
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
D. N. Saltmarsh
Haddon Storey
H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedg (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
Evan Walker
J. M. Walton
D. R. White (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

No. 15—RESIDENTIAL TENANCIES BILL—Clauses 123 and 124.

123. (1) The landlord under a tenancy agreement may give to the tenant notice to vacate the rented premises specifying a termination date that is not less than six months after the date on which the notice is given.

(2) A notice given under sub-section (1) in respect of a fixed term tenancy agreement is of no effect—

(a) where the agreement includes a provision enabling the landlord or the tenant to determine the agreement by notice (otherwise than on the grounds of a breach of the agreement)—if—

(i) the period after the giving of the notice and before the termination date specified in the notice is less than the period of notice required under that provision; or

(ii) the termination date specified in the notice is a date other than a date on which under that provision the agreement may be determined; or

(b) in any other case—if it specifies a termination date that is earlier than the end of the term of the tenancy agreement.

124. (1) Where an order is in force under section 64 in respect of rented premises, the landlord is not entitled to give a notice to vacate under section 123.

(2) Where the landlord under a tenancy agreement gives a notice to vacate under section 123 and, before the termination date specified in the notice, an order in respect of the premises is made under section 64, the notice to vacate is void as from the date on which the order is made.

—(*Hon. Haddon Storey*)

Question—That clauses 123 and 124 stand part of the Bill—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 19

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
B. P. Dunn
F. J. Granter
J. V. C. Guest

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy (*Teller*)
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie (*Teller*)
H. A. Thomas

V. T. Hauser
 D. K. Hayward
 Dr R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles (*Teller*)
 R. Lawson
 R. J. Long
 D. N. Saltmarsh (*Teller*)
 Haddon Storey
 H. R. Ward

Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative.

No. 16—RESIDENTIAL TENANCIES BILL—Clause 131.

* * * * *

(4) An order for possession of premises under sub-section (3) shall provide—

- (a) that the Registrar shall forthwith issue a warrant of possession against all persons for the time being occupying the premises; or
- (b) that notice in or to the effect of the form prescribed for the purposes of this section be served forthwith on all persons for the time being occupying the premises requiring them to appear and show cause before the Tribunal on a day after the expiration of seven days after the date of the notice why a warrant of possession should not be issued.

* * * * *

—(*Hon. Haddon Storey*)

Amendment proposed—That paragraph (a) in sub-clause (4) be omitted.

—(*Hon. D. R. White*)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 19

The Hon. W. R. Baxter
 H. G. Baylor
 P. D. Block
 C. Bubbs
 D. G. Crozier
 B. P. Dunn
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser (*Teller*)
 D. K. Hayward
 Dr R. W. Howard (*Teller*)
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 Haddon Storey
 H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy (*Teller*)
 D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie
 H. A. Thomas
 Evan Walker
 J. M. Walton
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

No. 17—RESIDENTIAL TENANCIES BILL—Clause 153.

(1) After section 43 of the *Landlord and Tenant Act* 1958 there shall be inserted the following sections:

“ * * * * *

43c. Where premises are immediately before the expiration of the period of one year after the date of commencement of section 153 of the *Residential Tenancies*

Act 1980 prescribed premises and the premises are registered in the Register of Prescribed Premises pursuant to the provisions of section 43B, the premises shall cease to be subject to the provisions of this Part on the expiration of that period.

43D. (1) Where, by virtue of the operation of any provision of this Part (other than section 43C) premises which are registered in the Register of Prescribed Premises cease to be prescribed premises, the person who, immediately before the premises ceased to be prescribed premises, was the lessor of the premises shall forthwith give notice to the Director that the premises have ceased to be prescribed premises.

(2) Where the Director receives a notice under sub-section (1) or otherwise becomes aware that premises are not or have ceased to be prescribed premises, he shall without delay cause the Register of Prescribed Premises to be amended accordingly.

43E. As soon as practicable after the date of commencement of section 153 of the *Residential Tenancies Act* 1980, the Director shall take such steps as he considers appropriate to publicize the fact that, if application for registration of prescribed premises is not made within six months after the date of commencement of section 153 of the *Residential Tenancies Act* 1980, the premises will cease to be prescribed premises on the second anniversary of that date of commencement but if application for registration is made within that period of six months, the premises will cease to be prescribed premises on the first anniversary of that date of commencement, and that premises which cease to be prescribed will no longer be subject to the provisions of the *Landlord and Tenant Act* 1958 relating to rent control and eviction.

* * * * *

—(Hon. Haddon Storey)

Amendment proposed—That proposed sections 43C, 43D and 43E of the *Landlord and Tenant Act* 1958 be omitted.

—(Hon. D. R. White)

Question—That the words and expressions proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. D. M. Evans in the Chair.

Ayes, 19

The Hon. W. R. Baxter
H. G. Baylor
P. D. Block
C. Bubb
D. G. Crozier
B. P. Dunn
F. J. Granter
J. V. C. Guest (*Teller*)
V. T. Hauser
D. K. Hayward
Dr R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson (*Teller*)
R. J. Long
D. N. Saltmarsh
Haddon Storey
H. R. Ward

Noes, 11

The Hon. G. A. S. Butler
Joan Coxsedge (*Teller*)
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
H. A. Thomas
Evan Walker
J. M. Walton (*Teller*)
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 11
 —

Wednesday, 8 April, 1981
(morning)

No. 1.—LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL—Clause 18.

Section 254 of the Principal Act shall be amended as follows:

* * * * *

(c) After sub-section (6H) there shall be inserted the following sub-section:

“(6HA) If the council of a municipality is of the opinion that circumstances exist which render a determination of a minimum fee made by the Municipal Valuation Fees Committee under sub-section (6H) inappropriate it may advise that Committee of those circumstances and request it to re-determine the minimum fee to be paid for the making of a general valuation of rateable property within the municipal district and the Municipal Valuation Fees Committee upon such a request being made shall take into consideration the matters raised by the council and, if the council so requires, shall permit a person or persons to appear before it on behalf of the council to make submissions with respect to the request and it shall re-determine the minimum fee and the fee so re-determined shall, for the purposes of paragraph (b) of sub-section (6I), be deemed to be the fee determined by the Municipal Valuation Fees Committee.”.

—(*Hon. D. G. Crozier*)

Amendment proposed—That the expression “sub-section” in proposed sub-section (6HA) of section 254 of the Principal Act be omitted with the view of inserting in place thereof the expression “sub-sections”.

—(*Hon. K. I. M. Wright*)

Question—That the expression proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 33

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 G. A. S. Butler (*Teller*)
 B. A. Chamberlain
 Joan Coxsedge
 D. G. Crozier
 R. J. Eddy
 F. J. Granter
 J. V. C. Guest
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton

Noes, 4

The Hon. W. R. Baxter
 B. P. Dunn
 D. M. Evans (*Teller*)
 K. I. M. Wright (*Teller*)

Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
C. J. Kennedy
D. E. Kent
R. I. Knowles
W. A. Landeryou
R. Lawson
R. J. Long
R. A. Mackenzie
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh
G. A. Sgro
N. F. Stacey
Haddon Storey
J. A. Taylor (*Teller*)
Evan Walker
H. R. Ward
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 12
 —

Wednesday, 15 April 1981
(morning)

No. 1.—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 8.

(1) For the purpose of the exercise and discharge of their responsibilities, liabilities, rights, powers, authorities, duties and functions, the Commissioners shall hold meetings, which shall be convened by the Chairman at least once in each month at which—

(a) two Commissioners shall form a quorum; and

(b) the Chairman shall preside and, in the event of equality of voting, shall have, in addition to his original vote, a second or casting vote.

(2) The Commissioners shall meet at the times and places specified by the Chairman.

(3) Notwithstanding anything in any Act, regulation, rule or by-law but subject to this Act the Commissioners may regulate their own proceedings.

—(Hon. D. G. Crozier)

Amendment proposed—That the following sub-clause be inserted to follow sub-clause (2):

“() All such meetings shall be open to the public and any person may make application to inspect any files, minutes, documents, records or similar materials relevant to any decision made by the Commissioners and following any such application the Chairman shall make available such files, minutes, documents, records or similar material within seven days.”

—(Hon. W. A. Landeryou)

Question—That the sub-clause proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 9

The Hon. G. A. S. Butler
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 D. R. White

Noes, 23

The Hon. W. R. Baxter
 H. G. Baylor
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 F. J. Granter
 J. V. C. Guest
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford

N. B. Reid
 N. F. Stacey (*Teller*)
 J. A. Taylor
 H. R. Ward (*Teller*)
 K. I. M. Wright

And so it passed in the negative.

NO. 2.—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 8.

(For text see Division No. 1)

—(*Hon. D. G. Crozier*)

Question—That clause 8 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

<p>Ayes, 19</p> <p>The Hon. H. G. Baylor C. Bubb B. A. Chamberlain D. G. Crozier F. J. Granter J. V. C. Guest D. K. Hayward W. V. Houghton Dr. R. W. Howard A. J. Hunt Glyn Jenkins R. I. Knowles R. Lawson R. J. Long J. W. S. Radford (<i>Teller</i>) N. B. Reid (<i>Teller</i>) N. F. Stacey J. A. Taylor H. R. Ward</p>	<p>Noes, 13</p> <p>The Hon. W. R. Baxter G. A. S. Butler B. P. Dunn R. J. Eddy D. M. Evans C. J. Kennedy D. E. Kent (<i>Teller</i>) W. A. Landeryou R. A. Mackenzie (<i>Teller</i>) G. A. Sgro H. A. Thomas D. R. White K. I. M. Wright</p>
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And so it was resolved in the affirmative.

NO. 3.—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 9.

It shall be the duty of the Commissioners during their term of office to ensure that the functions of the Corporation are carried out in the most efficient and economic manner possible and for that purpose the Commissioners may take such measures as appear to them to be necessary or desirable to improve the administration organization staffing and procedures of the Corporation.

—(*Hon. D. G. Crozier*)

Amendment proposed—That the words “in consultation with employees and their representatives” be inserted after “Commissioners” (where second occurring).

—(*Hon. W. A. Landeryou*)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

<p>Ayes, 9</p> <p>The Hon. G. A. S. Butler R. J. Eddy C. J. Kennedy D. E. Kent W. A. Landeryou R. A. Mackenzie G. A. Sgro (<i>Teller</i>)</p>	<p>Noes, 23</p> <p>The Hon. W. R. Baxter H. G. Baylor C. Bubb B. A. Chamberlain D. G. Crozier B. P. Dunn D. M. Evans</p>
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H. A. Thomas
D. R. White (*Teller*)

F. J. Granter
J. V. C. Guest
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson (*Teller*)
R. J. Long (*Teller*)
J. W. S. Radford
N. B. Reid
N. F. Stacey
J. A. Taylor
H. R. Ward
K. I. M. Wright

And so it passed in the negative.

No. 4.—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 9.

(For text see Division No. 3)

—(*Hon. D. G. Crozier*)

Question—That clause 9 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 19

The Hon. H. G. Baylor
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
J. V. C. Guest
D. K. Hayward (*Teller*)
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles (*Teller*)
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
N. F. Stacey
J. A. Taylor
H. R. Ward

Noes, 13

The Hon. W. R. Baxter
G. A. S. Butler (*Teller*)
B. P. Dunn
R. J. Eddy
D. M. Evans
C. J. Kennedy
D. E. Kent (*Teller*)
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
D. R. White
K. I. M. Wright

And so it was resolved in the affirmative.

No. 5—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 10.

* * * * *

(4) During their examination the Commissioners shall make progress reports to the Minister at intervals of not more than three months, and they shall complete their examination as soon as practicable and forward their final report and recommendations to the Minister.

—(*Hon. D. G. Crozier*)

Amendment proposed—That the words “as soon as practicable” in sub-clause (4) be omitted with the view of inserting in place thereof “within twelve months”.

—(*Hon. W. A. Landeryou*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 23
The Hon. W. R. Baxter
H. G. Baylor
C. Bubb
B. A. Chamberlain (*Teller*)
D. G. Crozier
B. P. Dunn
D. M. Evans
F. J. Granter
J. V. C. Guest (*Teller*)
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
N. F. Stacey
J. A. Taylor
H. R. Ward
K. I. M. Wright

Noes, 9
The Hon. G. A. S. Butler
R. J. Eddy (*Teller*)
C. J. Kennedy (*Teller*)
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
D. R. White

And so it was resolved in the affirmative—Amendment negatived.

NO. 6—LOCAL GOVERNMENT (CITY OF MELBOURNE) BILL—Clause 10.

(For text see Division No. 5)

—(*Hon. D. G. Crozier*)

Amendment proposed—That the word “Minister” (where second occurring) in sub-clause (4) be omitted with the view of inserting in place thereof “Parliament”.

—(*Hon. W. A. Landeryou*)

Question—That the word proposed to be omitted stand part of the clause—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 19
The Hon. H. G. Baylor
C. Bubb
B. A. Chamberlain
D. G. Crozier
F. J. Granter
J. V. C. Guest
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard (*Teller*)
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
N. F. Stacey
J. A. Taylor (*Teller*)
H. R. Ward

Noes, 13
The Hon. W. R. Baxter
G. A. S. Butler
B. P. Dunn
R. J. Eddy
D. M. Evans (*Teller*)
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
D. R. White
K. I. M. Wright (*Teller*)

And so it was resolved in the affirmative—Amendment negatived.

LEGISLATIVE COUNCIL OF VICTORIA
WEEKLY REPORT OF DIVISIONS IN
COMMITTEE OF THE WHOLE COUNCIL

—
No. 13
 —

Tuesday, 5 May 1981

No. 1.—GEELONG LANDS BILL—Clause 2.

The Crown grant Volume 1778 Folio 467 and the Orders in Council made 17 March 1885, 24 March 1938 and 1 February 1956 respectively and any other Order in Council or proclamation insofar as it reserves or affects the land delineated and shown hatched on the plan in the Schedule are hereby revoked.

—(*Hon. W. V. Houghton*)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. P. D. Block in the Chair.

Ayes, 26

The Hon. H. G. Baylor
 C. Bubb
 B. A. Chamberlain
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr. K. J. Foley (*Teller*)
 F. J. Granter
 J. V. C. Guest
 H. M. Hamilton (*Teller*)
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 N. B. Reid
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 10

The Hon. G. A. S. Butler
 Joan Coxsedg
 R. J. Eddy
 C. J. Kennedy (*Teller*)
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie (*Teller*)
 G. A. Sgro
 Evan Walker
 D. R. White

And so it was resolved in the affirmative.

Wednesday, 6 May 1981

No. 2.—VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—Clause 3.

In this Act unless inconsistent with the context or subject-matter—

* * * * *

“Preferred industry” means an industry employing advanced technology or which manufactures or processes wholly or partly for export interstate or overseas.

* * * * *

—(*Hon. D. G. Crozier*)

Amendment proposed—That the following interpretation be inserted after the interpretation of “Preferred industry”:

““Regional growth centres” includes the regions of Ballarat, Bendigo, Geelong, Latrobe Valley, Portland, Shepparton, Wodonga and other areas identified by the Minister following recommendations by the Policy and Research Unit as growth areas in Victoria.”

—(Hon. D. R. White)

Question—That the expression proposed to be inserted be so inserted—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 12

The Hon. G. A. S. Butler (*Teller*)
Joan Coxsedge
R. J. Eddy
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling (*Teller*)
Evan Walker
D. R. White

Noes, 27

The Hon. H. G. Baylor
C. Bubb
W. M. Campbell
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr. K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford
N. B. Reid
D. N. Saltmarsh (*Teller*)
N. F. Stacey (*Teller*)
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. M. Wright

And so it passed in the negative.

No. 3.—VICTORIAN ECONOMIC DEVELOPMENT CORPORATION BILL—Clause 12.

* * * * *

(2) Without limiting the generality of sub-section (1), the Corporation shall have the power—

* * * * *

(o) to sell and to grant leases of land;

* * * * *

—(Hon. D. G. Crozier)

Amendment proposed—That the following paragraphs be inserted to follow paragraph (o) in sub-clause (2):

“() to enter into arrangements and agreements for the provision of community facilities and services in association with establishment carrying on extension or development of preferred industry or regional growth centres;
() to acquire equity, or enter into joint ventures with private enterprise, in preferred industry;”

—(Hon. D. R. White)

Question—That the paragraphs proposed to be inserted be so inserted—put.
Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 12

The Hon. G. A. S. Butler
Joan Coxsedg (Teller)
R. J. Eddy (Teller)
C. J. Kennedy
D. E. Kent
W. A. Landeryou
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling
J. M. Walton
D. R. White

Noes, 27

The Hon. H. G. Baylor
C. Bubb
B. A. Chamberlain
D. G. Crozier
B. P. Dunn
D. M. Evans
Dr. K. J. Foley
F. J. Granter
J. V. C. Guest
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
A. J. Hunt
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
J. W. S. Radford (Teller)
N. B. Reid (Teller)
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward
K. I. M. Wright

And so it passed in the negative.

Thursday, 7 May 1981

No. 4.—PORT BELLARINE TOURIST RESORT BILL—Second Schedule.

* * * * *

PART B

The *Geelong Regional Interim Development Order 1975* shall be amended as follows:

* * * * *

5. In Clause 26 after condition 22 there shall be inserted the following condition—

“Condition 23

Specified Use—Shops

Conditions for use or development thereof:

(a) Within the Port Bellarine Resort Development Zone the total gross floor area of all shops shall not exceed 4500 m².

—(Hon. W. V. Houghton)

Amendment proposed—That the expression “4500 m²” be omitted from item 5 with the view of inserting the place thereof “3000 m²”.

—(Hon. R. A. Mackenzie)

Question—That the expression proposed to be omitted stand part of the Schedule—put.
Committee divided—The Hon. V. T. Hauser in the Chair.

Ayes, 18

The Hon. P. D. Block (Teller)
C. Bubb (Teller)
B. P. Dunn
D. M. Evans

Noes, 10

The Hon. G. A. S. Butler
Joan Coxsedg
R. J. Eddy
C. J. Kennedy

F. J. Granter
 H. M. Hamilton
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 A. J. Hunt
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 N. B. Reid
 Haddon Storey
 J. A. Taylor
 H. R. Ward

D. E. Kent (*Teller*)
 W. A. Landeryou
 R. A. Mackenzie (*Teller*)
 G. A. Sgro
 H. A. Thomas
 Evan Walker

And so it was resolved in the affirmative—Amendment negated.

Friday, 8 May 1981

No. 5.—FIREARMS (SHOOTERS' LICENCES) BILL—Clause 2.

(1) In section 22AA (4) of the Principal Act—

(a) in paragraph (a) (ii)—

(i) for the expression “any additional fees applicable under paragraph (b) and subject to the *Game Act 1958*” there shall be substituted the expression “an additional fee of \$5 for each year or part of a year of the unexpired period of the licence and subject to the *Wildlife Act 1975*”;

(ii) for the words “any animal or bird” there shall be substituted the words “duck, quail, snipe or deer”; and

(b) paragraph (b) is repealed.

(2) In section 22AA (7) of the Principal Act—

(a) in paragraph (a) for the expression “\$2” there shall be substituted the expression “\$5”; and

(b) in paragraph (b) for the expression “\$6” there shall be substituted the expression “\$15”.

(3) In section 22AA (3) of the Principal Act for the expression “\$2 or \$6 (as the case requires) referred to in sub-section (7)” there shall be substituted the expression “the fees referred to in sub-section (4) and sub-section (7), as the case requires”.

(4) In section 22AA (8) of the Principal Act—

(a) in paragraph (b) sub-paragraph (ii) is repealed; and

(b) in paragraph (c), sub-paragraph (ii), for the expression “*Game Act 1958*” there shall be substituted the expression “*Wildlife Act 1975*”.

—(*Hon. Haddon Storey*)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 23
 The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 D. G. Crozier
 B. P. Dunn
 D. M. Evans
 Dr. K. J. Foley (*Teller*)

Noes, 10
 The Hon. G. A. S. Butler
 R. J. Eddy
 C. J. Kennedy
 D. E. Kent
 W. A. Landeryou
 R. A. Mackenzie
 G. A. Sgro (*Teller*)

F. J. Granter
 H. M. Hamilton
 V. T. Hauser
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard (*Teller*)
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 J. W. S. Radford
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

H. A. Thomas
 Evan Walker
 D. R. White (*Teller*)

And so it was resolved in the affirmative.

No. 6.—MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL—Clause 2.

The Principal Act is amended as follows:

- (a) In section 36 after the word “books” (wherever occurring) there shall be inserted the words “and records”;
- (b) In the first paragraph of section 49 for the words “two months” there shall be substituted the words “five months”.

—(*Hon. F. J. Granter*)

Amendment proposed—That paragraph (b) be omitted.

—(*Hon. D. R. White*)

Question—That the paragraph proposed to be omitted stand part of the clause—put.

Committee divided—The Hon. V. T. Hauser in the Chair.

Ayes, 19

The Hon. H. G. Baylor
 P. D. Block
 C. Bubb
 D. G. Crozier
 Dr. K. J. Foley
 F. J. Granter
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long (*Teller*)
 J. W. S. Radford
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor (*Teller*)
 H. R. Ward

Noes, 12

The Hon. G. A. S. Butler (*Teller*)
 B. P. Dunn
 R. J. Eddy
 D. M. Evans
 C. J. Kennedy
 D. E. Kent (*Teller*)
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White

And so it was resolved in the affirmative—Amendment negatived.

No. 7.—LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—Clause 4.

After section 80F of the Principal Act there shall be inserted the following section:

“80G. (1) The council of a municipality may apply to the Minister for an order exempting shopkeepers of shops in its municipal district from being required to close and keep closed their shops in accordance with this Part, because the shops are situated in a tourist precinct.

(2) The application shall specify—

- (a) the hours;
- (b) the days of the week; and
- (c) the class or classes of goods which are sold in the shops—in respect of which exemption is sought.

(3) The Minister shall refer the application to the Minister responsible for tourism for report on the question whether any or all of the shops are situated in a tourist precinct.

(4) The Minister, after considering the report of the Minister responsible for tourism, may make an order granting exemption, subject to such conditions limitations and restrictions as he thinks fit, in respect of any shop or shops which in his opinion is or are offering for sale goods which are attractive to tourists, but no order shall—

- (a) exempt any shopkeeper from being required to close and keep closed his shop on Good Friday or Anzac Day in accordance with this Part; or
- (b) operate to permit the sale or disposal of liquor within the meaning of the *Liquor Control Act* 1968 by any shopkeeper at any time when he would, but for the order, be required to close and keep closed his shop in accordance with this Part.

(5) The Minister may at any time by order amend vary or revoke an order of exemption, but an order of exemption shall, subject to any amendment or variation, operate from year to year until revoked.

(6) The Minister shall cause every order made pursuant to this section to be published in the *Government Gazette*.

(7) The provisions of this Part requiring shops to be closed and kept closed shall not apply to anything done or omitted to be done by a shopkeeper in relation to a shop to which an exemption under this section applies at a time when the exemption applies, which act or omission is in accordance with the conditions limitations and restrictions of the order of exemption.

(8) In this section “tourist precinct” means a place or district within a municipal district that is visited regularly by tourists throughout the year.”

—(Hon. Haddon Storey)

Question—That clause 4 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20

The Hon. H. G. Baylor
 P. D. Block
 C. Bubbs
 D. G. Crozier
 Dr. K. J. Foley
 F. J. Granter
 H. M. Hamilton (*Teller*)
 V. T. Hauser (*Teller*)
 D. K. Hayward
 W. V. Houghton
 Dr. R. W. Howard
 Glyn Jenkins
 R. I. Knowles
 R. Lawson
 R. J. Long
 D. N. Saltmarsh
 N. F. Stacey
 Haddon Storey
 J. A. Taylor
 H. R. Ward

Noes, 10

The Hon. G. A. S. Butler
 B. P. Dunn
 R. J. Eddy (*Teller*)
 C. J. Kennedy (*Teller*)
 R. A. Mackenzie
 G. A. Sgro
 H. A. Thomas
 I. B. Trayling
 Evan Walker
 D. R. White

And so it was resolved in the affirmative.

No. 8.—LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—Clause 6.

In section 198 (1A) (b) (ii) of the Principal Act for the words “a bank account specified in the authority by a person” there shall be substituted the expression “an account in a bank or society within the meaning of the *Building Societies Act* 1976 specified in the authority by the person employed”.

—(Hon. Haddon Storey)

Question—That clause 6 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair.

Ayes, 20

The Hon. H. G. Baylor
C. Bubb
D. G. Crozier
B. P. Dunn
Dr. K. J. Foley
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward (*Teller*)
W. V. Houghton
Dr. R. W. Howard
Glyn Jenkins
R. I. Knowles (*Teller*)
R. Lawson
R. J. Long
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor
H. R. Ward

Noes, 9

The Hon. G. A. S. Butler
R. J. Eddy
C. J. Kennedy
R. A. Mackenzie
G. A. Sgro (*Teller*)
H. A. Thomas (*Teller*)
I. B. Trayling
Evan Walker
D. R. White

And so it was resolved in the affirmative.

No. 9.—LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2)—Clause 7.

At the end of the Fifth Schedule of the Principal Act there shall be inserted the following expression:

“Shops for the sale of swimming pools, swimming pool equipment or supplies for swimming pools.”.

—(Hon. Haddon Storey)

Question—That clause 7 stand part of the Bill—put.

Committee divided—The Hon. W. M. Campbell in the Chair

Ayes, 19

The Hon. H. G. Baylor (*Teller*)
C. Bubb (*Teller*)
D. G. Crozier
B. P. Dunn
Dr. K. J. Foley
F. J. Granter
H. M. Hamilton
V. T. Hauser
D. K. Hayward
W. V. Houghton
Dr. R. W. Howard
Glyn Jenkins
R. I. Knowles
R. Lawson
R. J. Long
D. N. Saltmarsh
N. F. Stacey
Haddon Storey
J. A. Taylor

Noes, 9

The Hon. G. A. S. Butler
R. J. Eddy
C. J. Kennedy
R. A. Mackenzie
G. A. Sgro
H. A. Thomas
I. B. Trayling (*Teller*)
Evan Walker
D. R. White (*Teller*)

And so it was resolved in the affirmative.

PARLIAMENT OF VICTORIA

MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE HOUSES OF PARLIAMENT OF THE
STATE OF VICTORIA

To choose

- (1) Three Members to be recommended for appointment to the
Council of the Victorian Institute of Secondary Education
and
- (2) One Member to be recommended for appointment to the
Council of Adult Education.

8 April 1981

*Held in accordance with the provisions of section 5 of the
Victorian Institute of Secondary Education Act 1976 (No. 8904) and
section 66 of the Education Act 1958 (No. 6240).*

MELBOURNE
F. D. ATKINSON, GOVERNMENT PRINTER
1981

MINUTES OF THE PROCEEDINGS

of the

JOINT SITTING

held in the

LEGISLATIVE ASSEMBLY CHAMBER

Wednesday, 8 April 1981

The Members of the Legislative Council and the Members of the Legislative Assembly having, pursuant to resolutions of the two Houses, assembled in the Legislative Assembly Chamber—

1 ELECTION OF PRESIDENT—The Premier, the Honourable R. J. Hamer, E.D., M.P., moved—That the Honourable Sidney James Plowman, M.P., Speaker of the Legislative Assembly, be appointed President of this Joint Sitting; which motion, being seconded by the Leader of the Opposition, F. N. Wilkes, Esquire, M.P., was resolved in the affirmative.

The Honourable Sidney James Plowman, having expressed his acknowledgement for the honour conferred upon him by the Joint Sitting, then took the Chair.

2 RULES OF PROCEDURE—The President announced that section 5 of the *Victorian Institute of Secondary Education Act 1976* and section 66 of the *Education Act 1958* provided that the Joint Sitting shall be conducted in accordance with rules adopted for the purpose by Members at the Sitting. Accordingly, the Honourable R. J. Hamer, E.D., M.P., submitted the following rules of procedure for the consideration of Honourable Members, and moved that they be adopted as the rules of procedure of this Joint Sitting:

- 1 On any debate arising the same shall be conducted according to Parliamentary usage.
- 2 A Member, addressing himself to the President, shall propose Members/a Member to be recommended for appointment to the..... (as the case may be) and any such proposal shall be duly seconded. When any Member is so proposed, his proposer shall state that such Member is willing to be so recommended for appointment, if chosen.
- 3 If no more than the required number of Members are proposed and seconded for the various vacancies, the President shall declare such Member(s) as having been chosen to be recommended for appointment thereto.
- 4 If more than the required number of Members is proposed and seconded in respect of the vacancies, the Member(s) to be recommended for appointment shall be chosen by ballot in the following manner.

- 5 In the ballot for the vacancies on each governing body, the President shall announce the names of the Members proposed and shall cause each Member present to be provided with a ballot paper initialled by the Clerks of the two Houses. The Member shall write on such ballot paper the name(s) of the Member(s) he wishes to be recommended for appointment; and if any ballot paper contains more than the appropriate number of names, it shall be rejected. Having marked his ballot paper as provided, the Member voting shall place it in a ballot box provided for the purpose.
- 6 The President shall appoint three Members to be scrutineers, who, with the Clerks shall ascertain the number of votes for each Member. The Member who shall be reported to have the greatest number of votes shall, in the case of a single vacancy, be deemed to be duly chosen to be recommended for appointment. In the case of a multiple vacancy, the appropriate number of Members who shall be reported to have the greatest number of votes shall be deemed to be duly chosen to be recommended for appointment. In case of doubt arising through two or more Members having an equality of votes, the scrutineers, by drawing lots, shall determine which of such Members shall be duly chosen to be recommended for appointment.
- 7 No informal vote shall be taken into account.
- 8 The President shall be entitled to a vote.
- 9 As soon as a ballot has been concluded the President shall declare:
 "That.....have/has been
 chosen to be recommended for appointment to.....
(as the case may be)."
- 10 The President shall advise the appropriate Minister of the Members chosen to be recommended for appointment to the respective governing bodies.
- 11 The records of the proceedings and the ballot papers shall be retained by the Clerk of the Parliaments of the State of Victoria, who shall be the custodian thereof, and shall keep the ballot papers safely for one year and thereafter destroy them.

F. N. Wilkes, Esquire, M.P., seconded the motion.

Question—put and resolved in the affirmative.

- 3 MEMBERS PROPOSED AND CHOSEN TO BE RECOMMENDED FOR APPOINTMENT TO THE COUNCIL OF THE VICTORIAN INSTITUTE OF SECONDARY EDUCATION—The President announced that, the rules having been adopted, he was now prepared to receive proposals from Honourable Members with regard to three Members to be recommended for appointment to the Council of the Victorian Institute of Secondary Education.

The Honourable R. J. Hamer, E.D., M.P., proposed the Honourable Bernard Phillip Dunn, M.L.C., Donald James Mackinnon, Esquire, M.P., and Mrs Pauline Therese Toner, M.P., for recommendation for appointment to the Council, and stated that they were willing to be recommended, if chosen, which proposal was seconded by F. N. Wilkes, Esquire, M.P.

The President, having asked if there were any further proposals and there being no further proposals thereupon declared that the Honourable Bernard Phillip Dunn, M.L.C., Donald James Mackinnon, Esquire, M.P., and Mrs Pauline Therese Toner, M.P., has been chosen to be recommended for appointment to the Council of the Victorian Institute of Secondary Education.

4 MEMBER PROPOSED AND CHOSEN TO BE RECOMMENDED FOR APPOINTMENT TO THE COUNCIL OF ADULT EDUCATION—The President announced that he was now prepared to receive proposals from Honourable Members with regard to a Member to be recommended for appointment to the Council of Adult Education.

The Honourable R. J. Hamer, E.D., M.P., proposed the Honourable Hector Roy Ward, M.L.C., for recommendation for appointment to the Council, and stated that he was willing to be recommended, if chosen, which proposal was seconded by F. N. Wilkes, Esquire, M.P.

The President, having asked if there were any further proposals and there being no further proposals thereupon declared that the Honourable Hector Roy Ward, M.L.C., had been chosen to be recommended for appointment to the Council of Adult Education.

5 The President declared the Joint Sitting closed.

A. R. B. McDONNELL

Clerk of the Legislative Council

J. H. CAMPBELL

Clerk of the Legislative Assembly

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THE UNIVERSITY OF CHICAGO

PH.D. THESIS

VICTORIA

COMMITTEE OF INQUIRY INTO
CONVEYANCING

Further and Final Report

Ordered to be printed

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QUESTION

1. The following table shows the number of people who attended a concert in each of the five years from 2010 to 2014.

Year: 2010, 2011, 2012, 2013, 2014
Number of people: 1200, 1500, 1800, 2100, 2400

ANSWER

1. The number of people who attended the concert in each year is as follows:

Committee of Inquiry into Conveyancing

FURTHER AND FINAL REPORT

On 19 October 1979, this Committee delivered an interim report dealing with conveyancing costs and the application of deposit moneys pending the completion of a contract for the sale of land. At the conclusion of that report we pointed out that, although our terms of reference were wide enough to enable us to do so, we were an inappropriate body to attempt a detailed examination of all aspects of conveyancing law and practice in Victoria. We did, however, say that various matters had been brought to the attention of the Committee during its consideration of the question of conveyancing costs and that we would turn our attention to them in due course. We now do so.

SALE NOTES

Most sales of real estate in Victoria, other than auction sales, are concluded through estate agents and involve the use, in the first instance, of a sale note followed by the substitution of a formal contract of sale.

Section 93 of the *Legal Profession Practice Act* 1958 prohibits an unqualified person from drawing, filling up or preparing any instrument creating or regulating rights between parties or relating to real or personal property where the act is done for or in expectation of any fee, gain or reward. In our interim report we mentioned (page 3) section 8 (2) of the *Estate Agents Act* 1958 which purported to modify section 93 of the *Legal Profession Practice Act* 1958 in the case of estate agents but did not appear to achieve its purpose. In the *Estate Agents Act* 1980 the situation has been corrected and section 10 (3), the equivalent of the old section 8 (2), now provides that an estate agent who fills up or obtains a signature to any contract prepared by a barrister or solicitor or any standard form of contract approved by the Council of the Law Institute of Victoria or prescribed by rules under the Act shall not be guilty of an offence against section 93 where what is done is not done in expectation of any fee, gain or reward, other than his appropriate commission.

Under Rule 6 (1) of the Rules of the Estate Agents Committee 1964 (which continue in force under section 3 (2) (b) of the 1980 Act) an estate agent is prohibited from using a form of sale note or contract to give effect to any sale or purchase of any real estate unless:

- (i) in the case of a printed sale note it is according to the form in the second schedule to the rules; or
- (ii) in the case of a printed contract it is according to the form in the third schedule to the rules or any standard form of contract approved by the Council of the Law Institute of Victoria; or
- (iii) it has been prepared by and endorsed with the name of a duly qualified legal practitioner authorized to act by one of the parties to the transaction.

In addition to the prohibition imposed by Rule 6 (1), it has, for reasons which we need not detail here, the effect of prescribing two standard forms of contract, namely, a printed sale note in the form contained in the second schedule and a printed formal contract of sale in the form contained in the third schedule. See *Koikas v. Green Park Constructions Pty. Ltd.* (1970) VR 142.

Thus by a combination of section 10 (3) of the 1980 Act and Rule 6 (1) an estate agent in filling up or obtaining a signature to a contract is effectively restricted to the prescribed form of sale note, the prescribed form of contract of sale, a contract prepared by a barrister or solicitor or a standard form of contract approved by the Council of the Law Institute.

As we have said, in the case of most sales other than auction sales, an estate agent fills up and obtains the signature of the purchaser to a sale note. The sale note is invariably, for the reasons set out above, in the prescribed form. That form provides space in which to set out the basic, minimum particulars required for a contract for the sale of land and provides that the sale is "... upon the conditions of sale contained in the form of Contract of Sale prescribed under section 8 of the *Estate Agents Act* 1958 . . .". The only form so prescribed (other than the sale note itself) is the form contained in the third schedule to the rules. The prescribed form of sale note goes on to provide, amongst other things, that any contract may be tendered to the purchaser by prepaid post addressed to the purchaser at the address given. There is provision for the signature of the purchaser under the words:—

"I, the abovenamed Purchaser, acknowledge that I have this day purchased the above described property upon the conditions and for the price stated. I agree, if and when required by the Vendor, to execute a further document setting out the said conditions of sale in detail."

At the bottom of the sale note there is also provision for the signature of the vendor under the words "I confirm the above sale."

The use of the sale note and, in particular, of the form of sale note prescribed by the Rules, has a number of unsatisfactory features.

Whilst the sale note may give the appearance of merely recording an intention to enter into a binding contract at some future time, if sufficient particulars are filled in and no conditions are added suspending its operation, it is a binding contract itself. The prescribed form speaks of a contract to be tendered to the purchaser and of the execution of a further document by him. The Rules themselves appear to draw a distinction between a sale note and a contract. However, whilst a further formal contract is normally executed, the sale note itself ordinarily constitutes a contract.

Furthermore, until a sale note signed by the purchaser is also signed by the vendor it is a contract which is enforceable against the purchaser alone. See *Instruments Act* 1958, section 126. It is unusual for a vendor to sign a sale note at the same time as a purchaser and sometimes he does not sign it at all.

No doubt from an estate agent's point of view it is desirable to conclude a binding sale as soon as possible. He is able to do this by obtaining a purchaser's signature to a sale note. But at the time the purchaser signs a sale note he may not be aware that he is entering into a contract which is enforceable against him and will usually not have had the opportunity to obtain legal advice. He may be acting on the spur of the moment or be influenced by the sales methods of the estate agent.

Frequently, sale notes are filled up in such a manner as to give insufficient information about such matters as encumbrances or zoning for town planning purposes and terms are added which are inexpertly formulated and give rise to future disputes.

Although a purchaser is bound under the terms of the sale note to “. . . execute a further document setting out the said conditions of the sale in detail” if and when required to do so by the vendor, this merely means that the vendor may require the purchaser to sign a formal contract of sale in the form prescribed under section 8 of the *Estate Agents Act* 1958 containing such additional terms as are contained in the sale note. If a formal contract is executed it will replace the sale note, but this does not mean that there is necessarily an opportunity for the purchaser to vary any of the obligations imposed by the sale note. In practice it is usual for a purchaser to consult his solicitor after he has signed a sale note and for the solicitor to negotiate with the vendor’s solicitor the terms of a formal contract of sale, which is often not in the prescribed form. But, of course, the purchaser’s solicitor is very much inhibited in those negotiations when his client is legally bound by a sale note.

There are three printed forms for a formal contract of sale which are in use in Victoria and two of them contain identical terms and conditions. The two which are identical are called respectively the Real Estate Agents’ contract and the Institute contract, the latter name indicating that the form is approved by the Councils of the Law Institute of Victoria and the Real Estate and Stock Institute of Victoria. These two forms contain the terms and conditions prescribed in the Rules of the Estate Agents Committee 1964. The third form is called the 1964 Copyright contract which is a form drawn for sale commercially. Conflict can arise where (as is often the case) a solicitor prefers the Copyright contract which is, of course, not the prescribed form of contract required by the sale note. It is convenient to put on one side for the moment the difficulties arising from the availability of the different forms of printed contract and to return to them later.

The use of sale notes to bind a purchaser pending the execution of a formal contract of sale is a practice which is confined to Victoria. It is, as we have said, a practice which has many unsatisfactory features. Nevertheless it is a practice which is now firmly established and it would, we think, be unnecessarily disruptive to attempt to eliminate it entirely.

COOLING OFF PERIOD

The Committee has reached the conclusion that the problems arising from the use of the sale note would largely disappear if it were deprived of its binding effect for a limited period. In other words, we consider that in general a purchaser should have a limited cooling off period after he has entered into a contract for the purchase of real estate during which time he can withdraw from the contract without being in breach of its terms. The cooling off period would serve as a protection against impetuous buying or persuasive sales techniques and would enable the purchaser to obtain legal advice. The cooling off period which we recommend is three business days.

There has been provision in South Australia for a cooling off period since 1974 and in New South Wales since 1978. Section 88 of the South Australian Land and Business Agents Act 1973–1975 provides for a cooling off period of two clear business days during which the purchaser under a contract for the sale of real estate may rescind the contract and obtain the return of any moneys paid by him with the exception, if the contract so provides, of a deposit not exceeding twenty-five dollars. The section does not apply in respect of certain purchasers including bodies corporate, estate agents and legal practitioners. It does not apply where the sale is by auction or where the purchaser has before executing the contract sought and received independent advice from a legal practitioner. The New South Wales provision which is contained in sections 1B to 1E of the *Land Vendors Act* 1964 as amended by the *Land Vendors (Amendment) Act*

1978, is more elaborate. It enables a person who has executed an instrument offering to buy land or accepting an offer to sell land to serve a notice within two days after the execution of the instrument in which event the instrument will be deemed never to have been executed. The sections apply also to options to buy or sell land. Any moneys paid before the service of the notice, including any deposit, may be recovered. A notice may not be served by land agents or barristers or solicitors or where the instrument in question is attested by an independent solicitor or clerk of petty sessions who certifies that he has explained to the purchaser the effect of the instrument before he executed it. The sections do not apply in the case of sale by auction. The relevant sections of the South Australian and New South Wales Acts are set out in full in Attachment 1.

The Real Estate and Stock Institute of Victoria submitted to the Committee that it should not recommend the introduction of a cooling off period. Whilst it was conceded that effective use had been made of it in relation to unsolicited door to door selling, it was pointed out that the sale of real estate does not involve door to door selling nor is it ordinarily unsolicited. The view of the Real Estate and Stock Institute is that the introduction of a cooling off period would unduly slow down the procedure of buying and selling land and result in protracted uncertainty in relation to particular transactions. The Real Estate and Stock Institute warns that the cooling off period may be used as a time-buyer for purchasers who are either shopping around or not prepared to make up their minds.

Experience in South Australia and New South Wales suggests that the view of the Real Estate and Stock Institute is not well-founded. Insofar as there is a danger that purchasers may abuse a cooling off period, we think that there is an adequate safeguard in allowing a small non-refundable deposit such as that provided by the South Australian legislation. We would add that because of the use of sale notes by estate agents in Victoria, the need for a cooling off period is perhaps greater here than in other States. In our view, if a cooling off period is introduced, the form of prescribed sale note should be amended so as to contain a conspicuous notice advising purchasers of their rights and of the use which might be made of the period to obtain legal advice. The Committee believes that the cooling off period should be three business days in duration and should not be available to purchasers who are bodies corporate, estate agents, sub-agents, barristers or solicitors. It should not apply in the case of a person who has received independent legal advice from a solicitor before executing a contract and it should not apply in the case of an auction sale.

CAVEAT VENDOR

In the ordinary conveyancing transaction the contract of sale is made before the purchaser has satisfied himself as to the vendor's title and other matters affecting the land to be conveyed. Often a purchaser enters into a contract of sale without ever having searched the title to the land. After entering into the contract the purchaser is entitled to deliver requisitions on title to the vendor. Strictly speaking, requisitions on title are demands made by a purchaser to ensure that the vendor passes a good title, but the term is loosely used to embrace enquiries in relation to various matters affecting the land. Those enquiries will extend to matters such as easements, rights of way or other encumbrances not disclosed by the usual searches, whether any notices have been served under various statutes such as the *Country Roads Act* or the *Housing Act*, whether the land is subject to land tax and, if so, whether it has been paid, whether there has been compliance with the relevant covenants of any mortgage, and so on. In addition

to directing these enquiries to the vendor, the prudent purchaser will make his own searches concerning such matters as zoning under town planning legislation. Of course the various requisitions, enquiries and searches are, in most cases, carried out on behalf of the purchaser by the solicitor acting for him.

Failure by the vendor to comply with a requisition on title strictly so-called will entitle the purchaser to rescind the contract (see *Transfer of Land Act*, Table A., Clause 2) but unsatisfactory answers to other enquiries or unsatisfactory results from searches other than searches as to title may or may not provide the purchaser with a remedy depending upon the terms of the contract of sale and the nature of the matter to which the purchaser objects. There is, of course, a considerable amount of law upon this topic but the point which we would make is that there is no obligation upon the vendor to provide any information (except as to latent defects of title or quality) if the purchaser does not seek it. There are even some areas in which it is not clear whether the vendor must supply information even if it is sought. The transaction proceeds upon the principle of *caveat emptor* and the Committee has devoted much of its time to considering whether the principle should not be reversed, at least to some limited extent, so that it becomes *caveat vendor* (perhaps more accurately, *caveat venditor*).

In South Australia, an obligation to disclose certain matters has been imposed upon vendors of real estate for a number of years and the evidence before the Committee was that this was a preferable system. Under section 90 of the South Australian Land and Business Agents Act 1973–1975 a vendor of land must serve upon the purchaser at least ten days before the date of settlement a statement containing particulars of all mortgages, charges and prescribed encumbrances affecting the land, specifying which are not to be discharged or satisfied before the date of settlement. If the vendor obtained his title to the land within the twelve months preceding the date of the contract of sale, he must also include in the statement particulars of all transactions involving transfer of title to the land occurring within that period including particulars of the consideration for which the title was transferred in pursuance of each of those transactions. Where an agent acts for the vendor or purchaser of any land the agent must serve on the purchaser a statement containing the result of prescribed enquiries made by him to obtain particulars of the mortgages, charges and prescribed encumbrances to which the land is subject. Where the provisions of section 90 are not complied with the purchaser may apply to a court for damages or an order avoiding the contract. Where there is a sale by auction, the auctioneer is obliged to make the statements required by the section available for perusal by members of the public at his office for at least three business days before the auction and at the place of the auction for at least thirty minutes before the auction commences. Section 90 of the Land and Business Agents Act 1973–1975 is set out in full in Attachment 2.

The Committee believes that the *caveat emptor* approach in Victoria has its shortcomings. The onus is in general placed upon the purchaser, who does not have the same ease of access to the information as does the vendor, to satisfy himself that a good title, free from encumbrances and other restrictions, can be obtained from the vendor. In certain respects it is clearly more appropriate that the onus should in the first instance lie upon the vendor to establish title and the absence of restrictions affecting the land.

The Law Institute supported the introduction of the *caveat vendor* principle, although it had reservations about the amount of information which the vendor should be required to supply. Whilst it was of the view that the South Australian legislation did not go far enough, it felt that to require a vendor to supply at the time a contract was made all the certificates containing the information which

the purchaser would eventually need would unnecessarily inhibit the conclusion of a sale and that it should be sufficient if the vendor were required to give appropriate warranties, breach of which would entitle the purchaser to avoid the contract and recover any moneys paid.

The Law Institute's view was reflected in the submission of the Real Estate and Stock Institute. The latter body's support for the caveat vendor principle was dependent upon its leading to the early signing of a binding contract of sale. The Real Estate and Stock Institute did not favour extending the vendor's obligation beyond the disclosure of information relating to title and in this respect supported the view of the Law Institute that a vendor should not be required to produce all relevant certificates before a contract was concluded but that he should be required to give warranties, breach of which would entitle the purchaser to avoid the contract and recover any deposit already paid.

The Committee has reached the conclusion that it is desirable that present practice be varied so as to place upon the vendor the onus of providing sufficient information to disclose any defects in title, any mortgages, charges or encumbrances and any restrictions upon the use of land in question. Although the South Australian legislation provides that such information be supplied before settlement, in the Committee's view it is preferable that it be supplied before the purchaser incurs any obligations over which there can be future dispute. It is recommended that there be legislation (amendment of the *Sale of Land Act 1962* would seem appropriate) requiring a vendor, before he obtains the signature of a purchaser or a person acting on behalf of a purchaser to any contract, agreement or document in respect of the sale of real estate which is legally binding upon or intended legally to bind the purchaser, to supply to that purchaser or person acting on his behalf the following:

- (a) an extract of title suitably certified and, where the title does not stand in the name of the vendor, evidence of the vendor's capacity to sell;
- (b) particulars of all mortgages and charges affecting the land, setting out the amount secured thereby and any default made thereunder;
- (c) a description of all easements, covenants and other encumbrances (registered or unregistered) affecting the land and particulars of any existing breach thereof;
- (d) where the sale is to be by a terms contract, a statement setting out:
 - (i) the balance of purchase money owing to the unpaid vendor;
 - (ii) the balance of purchase money which will be owing to the unpaid vendor at the end of the contract period if the purchaser makes only the payments (including interest) required by the contract;
 - (iii) a summary of the obligations of the mortgagor under any mortgage to be taken over by the purchaser;
- (e) particulars of any planning scheme affecting the land and of the effect thereof (including zoning) upon the land;
- (f) particulars of all unpaid rates and taxes affecting the land and of any interest payable upon any arrears;

- (g) a statement whether the *Local Government (House Builder's Liability) Act 1973* affects the land and, if so, whether there is in force an approved indemnity, guarantee or insurance policy complying with the requirements of the Act;
- (h) particulars of all notices affecting the land which have not been complied with;
- (i) particulars of any insurance policy over the property.

The vendor should be deemed to warrant the truth and completeness of the information supplied and breach of the warranty should entitle the purchaser to avoid the contract at any time before settlement or, in the case of a terms sale, before possession or entitlement to rents and profits, and to recover any moneys paid under the contract.

SALES ON VENDOR'S TERMS

Whilst we think that in general it is preferable that an onus be placed upon a vendor to disclose the matters to which we have referred, in relation to one type of transaction the adoption of our recommendation would have particular significance. That type of transaction is known as a sale on vendor's terms.

Terms contracts involving the payment of the purchase price by instalments and the payment of interest on the outstanding balance, are, of course, a familiar feature of the real estate market. Under the *Sale of Land Act 1962* there is some curtailment of the extent to which sales of land may be made upon terms. A person is not able to sell any land under the *Transfer of Land Act* pursuant to a terms contract (which is defined) unless at the date of making the contract he is registered as the proprietor or is entitled to become registered as the proprietor. Where land is subject to a mortgage, no terms contract may be entered into with respect to the land unless the mortgage relates only to the land being sold and the contract provides that the consideration for the sale of the land shall be satisfied to the extent of any mortgage money owing at the date upon which the purchaser is entitled to possession or receipt of the rents and profits of the land sold, by the purchaser assuming as from that date the obligations of the mortgagor under the mortgage. Provision is also made for a purchaser under a terms contract to convert the transaction into one in which the purchaser becomes registered as the proprietor of the land sold and the vendor becomes mortgagee under a mortgage to secure the amount representing the unpaid balance of purchase price. Since the *Sale of Land Act* came into operation a number of problems previously associated with terms contracts have disappeared. However, problems still exist with sales upon vendor's terms. The expression "a sale on vendor's terms" strictly speaking means nothing more than a sale where the vendor is prepared to accept payment by instalments together with interest upon the unpaid balance of purchase price and it is obvious that in some circumstances, particularly with some commercial transactions, such a sale is desirable from the point of view of both the vendor and the purchaser.

However, there are some sales upon vendor's terms which place the purchaser in an unduly burdensome position. Generally these occur where a purchaser is attracted by the fact that only a deposit is required initially and payment of the balance of purchase price is by instalments, even although the purchase price may be well above the cash market value of the property purchased. The deposit required may be small in relation to the purchase price and the interest rate on the unpaid balance of purchase price is high. The weekly or other periodic instalments called for by the contract are barely sufficient to

cover the interest charged and do little to reduce the unpaid balance of purchase price and the overall term of the contract is so short that by the time the whole of the balance of purchase price becomes payable, the purchaser has barely paid more than the deposit in reduction of the principal sum owing.

Often the harshness of vendor's terms sales of this type is exacerbated by the fact that the unpaid vendor has mortgaged the property and the mortgage falls due for redemption at the time the purchaser is obliged to pay the whole of the unpaid balance of the purchase price or at some earlier time. If, as is normally the case, there is compliance with the provisions of the *Sale of Land Act 1962*, the contract will require the purchaser to find an amount sufficient to discharge the mortgage.

Evidence of the occurrence of these low-deposit vendor's terms sales was presented to the Committee by Mr. Peter Collins, M.L.A., and the report of the Consumer Affairs Council of Victoria for the year ending 30 June 1979, makes reference to them in the following terms:

“As a general rule property sold on vendor terms attracts a higher price than it would do if sold for cash. The Ministry has had many representations made to it on behalf of purchasers who have found themselves in grave difficulties after entering into this type of contract. In all these cases, the purchaser has paid a relatively small deposit, virtually all of the periodic payments are absorbed in paying the interest as a result of which little if anything is being paid off the capital, which has to be paid in full say in 3–5 years. If the property market is appreciating rapidly, as it was a few years ago, the value of a particular property bought on vendor terms could increase to a degree sufficient to allow it to be re-financed at the end of the terms contract. However, when market values are relatively stable, as they are at present, purchasers of property on vendor terms can find the re-financing of a vendor terms contract to be well nigh impossible as the re-financing institutions will generally only lend 80% of the cash price valuation of the property. The fundamental problem of course is that many would-be purchasers do not understand the implications of vendor terms contracts.”

The Committee agrees with the last sentence in the passage just quoted. The fundamental problem with vendor's terms contracts is the ignorance of some purchasers who enter into contracts upon terms with which, given their financial resources, they cannot possibly comply. They do so without considering, or obtaining advice as to, the long-term implications. They are generally poorer people, often migrants. The properties involved are by and large located in certain discernible areas.

The Committee does not think that the answer is the prohibition of all sales upon vendor's terms. That would prevent the terms sale of property where the terms are not harsh or unconscionable and where the property might not be saleable if the vendor were not able to offer terms. If, as the Committee thinks it is, the problem is one of ignorance or gullibility on the part of some purchasers then the solution lies ideally in the education of those persons who might be caught rather than legislative interference with the freedom of contract.

This view is, we think, reflected in the approach adopted by the Consumer Affairs Council, which recommends that in the case of a vendor's terms sale where a deposit of less than twenty-five per cent of the purchase price is paid, the vendor should be required to give to the purchaser before any deposit is

paid or any sale note or contract is signed a document setting out the purchaser's financial obligations in such a way as to make clear his total commitment. The Consumer Affairs Council also recommends a cooling off period of seven days to allow the purchaser time to seek independent advice.

The recommendations which we have already made go further in recommending that, as a part of the caveat vendor principle, the vendor should be obliged to provide a purchaser, before any sale is concluded, with information which, in the case of any terms sale, would include a clear statement of the purchaser's financial commitments under the proposed contract.

Our recommendations also include the recommendation of a cooling off period of three business days. Whilst this is a lesser period than that recommended by the Consumer Affairs Council, the Committee felt that it would be a more acceptable compromise between the need for certainty in business affairs and the need for a purchaser to have sufficient time to consider his position and obtain advice.

Whilst these recommendations cannot be said to provide directly for the education of the ignorant or gullible purchaser, they would, if implemented, provide an opportunity and encouragement for him to correct what might otherwise be the result of his ignorance or gullibility. To go further would, we think, be unduly restrictive for the sake of protecting a relatively small number of people against themselves.

There is one matter which does arise in relation to low-deposit vendor's sales which we have not mentioned. Often the purchaser does not have a solicitor acting for him and at the suggestion of the vendor, he retains the services of the solicitor acting for the vendor. This raises the more general question of the desirability of the one solicitor acting for both sides in a transaction and we shall turn to this question later.

INSURANCE

A problem which has existed for a considerable time is that concerning the insurance of a property between the time when a contract of sale is concluded and completion or, in the case of a terms sale, the entitlement of the purchaser to possession or the rents and profits of the property.

Where there is a sale of land upon which buildings are erected and the buildings are damaged or destroyed between the date of the contract and the transfer of the property to the purchaser, the purchaser is, unless there is a special term in the contract, bound to pay the full purchase price. In other words, upon the conclusion of a contract of sale, any risk in respect of the property passes from the vendor to the purchaser.

Even if the property is insured by the vendor, the purchaser will have no claim under the vendor's insurance policy because he will not be a party to the contract of insurance. What is more surprising is that the vendor's insurer will ultimately escape any liability under the insurance policy when the purchaser completes the contract as he is bound to do. The strict legal position is as follows. Where buildings comprising part of a property are destroyed or damaged after a contract for the sale of that property has been entered into but before completion, an insured vendor is entitled to be paid immediately the amount of his loss by the insurer. On such a payment being made, the insurer becomes entitled by subrogation to the vendor's rights against the purchaser to the extent of the amount paid by it to the vendor. If in fact the purchaser pays the vendor

the full purchase price, the insurer is entitled to recover from the vendor an amount up to an amount equal to the amount paid by it to the vendor provided that this amount does not exceed the amount paid by the purchaser to the vendor. If the vendor does not enforce his rights against the purchaser under the contract of sale, the insurer is entitled to do so. See *Collingridge v. Royal Exchange Assurance Corporation* (1877) 3 QBD 173; *Castellain v Preston* (1883) 11 QBD 380; *Phoenix Assurance Company v. Spooner* (1905) 2 KB 753; *Kennedy v. Boolarra Butter Factory Proprietary Limited* (1953) VLR 548; *British Traders Insurance Company Limited v. Monson* (1964) 111 CLR 86; *Ziel Nominees Proprietary Limited v. V.A.C.C. Insurance Company Limited* (1975) 50 ALJR 106.

In *Ziel Nominees Proprietary Limited v. V.A.C.C. Insurance Company Limited* the High Court, at page 107, expressed the relevant principles as follows:—

“It is settled law that upon the signature of an enforceable contract of sale of land the purchaser is bound to complete irrespective of the destruction of the improvements on the land in the meantime and the purchaser has, upon that signature an equitable estate in the land commensurate with the estate which the vendor has agreed by the contract to transfer or convey. The purchaser accordingly has an insurable interest which he can immediately protect by cover note or policy of insurance.

On the other hand, the vendor having an enforceable contract of sale is entitled to the price, notwithstanding the destruction of the improvements on the land. See generally in this connection Williams, *Vendor and Purchaser*, 3rd edition, pp. 483–485. Thus a vendor who receives the price which he has agreed to accept for the land suffers no loss by the destruction of the improvements on the land meanwhile. The absence of any loss by reason of that destruction is clearly demonstrated by the vendor’s receipt of the agreed price.”

Although the purchaser has an insurable interest upon signing the contract of sale which he can immediately insure, frequently, perhaps more often than not, he does not do so.

An effort was made to overcome the lack of any contractual relationship between the purchaser and the insurer in section 47 of the English *Law of Property Act 1925*. An almost identical provision is to be found in section 47 of the Victorian *Property Law Act 1958* which is as follows:—

“47. (1) Where after the date of any contract for sale or exchange of property, money becomes payable under any policy of insurance maintained by the vendor in respect of any damage to or destruction of property included in the contract, the money shall, on completion of the contract, be held or receivable by the vendor on behalf of the purchaser and paid by the vendor to the purchaser on completion of the sale or exchange, or so soon thereafter as the same shall be received by the vendor.

(2) This section shall apply only to contracts made after the commencement of this Act, and shall have effect subject to—

- (a) any stipulation to the contrary contained in the contract;
- (b) any requisite consents of the insurers;
- (c) the payment by the purchaser of the proportionate part of the premium from the date of the contract.

- (3) This section shall apply to a sale or exchange by an order of the Court, as if—
- (a) for references to the 'vendor' there were substituted references to the 'person bound by the order';
 - (b) for the reference to the completion of the contract there were substituted a reference to the payment of the purchase or equality money (if any) into court;
 - (c) for the reference to the date of the contract there were substituted a reference to the time when the contract becomes binding."

The section would seem to have failed to remove the real obstacle to recovery under the vendor's insurance policy. When completion takes place the vendor cannot be said to suffer any loss as a result of any damage to or destruction of buildings on the land sold and there is no "money . . . payable under any policy of insurance maintained by the vendor". There is, it would seem in those circumstances, no money to be held by the vendor on behalf of the purchaser. In any event, the section is subject to modification by contract and has no application without the requisite consents of the insurers. It offers no real solution to the problem.

In section 67 of the *Supreme Court Act* 1958 there is provision for a "person interested in or entitled to any house or other building which is . . . burned down demolished or damaged by fire" to cause the insurance moneys to be used for reinstating or repairing the house or buildings. The origin of the section is to be found in the English *Fires Prevention (Metropolis) Act* (1774) (14 Geo. III. c. 78). It applies only in the case of damage or destruction by fire and its object is to deter people from burning down houses or buildings in order to make fraudulent claims on an insurance company. The section does entitle a purchaser under an uncompleted contract of sale to require, as a person interested, the vendor's insurer to reinstate any damage to buildings caused by fire before completion and, in that event, the insurer cannot recover from the vendor any part of the purchase price subsequently received by him. This right ceases, however, upon completion of the contract. See *Royal Insurance Company Limited v. Mylius* (1926) 38 CLR 477; *Kennedy v. Boolarra Butter Factory Proprietary Limited* supra. Section 67 is, however, little used. In New South Wales its equivalent would appear not to have been in force since 1879. See *Hazelwood v. Webber* (1934) 52 CLR 268 at p. 276.

Condition 10 of Table A in the Seventh Schedule to the *Transfer of Land Act* 1958 and Condition 9 of the Third Schedule to the *Property Law Act* 1958 both contain provision for the apportionment of premiums upon the vendor's insurance policy and for the vendor, subject to the insurer's consent, to hold the policy for himself and in trust for the purchaser and all other persons having an insurable interest. But purchasers are increasingly not availing themselves of these provisions and, in any event, they require the insurer's consent and are so worded that they would normally only operate after settlement or the purchaser's entry into possession. They provide no assistance to a purchaser between the time he enters into a contract of sale and settlement or entry into possession.

The problem has been tackled in Western Australia and Queensland. In Western Australia the Law Society and Real Estate Institute devised an amendment to the standard form of contract used in that State so that it now provides that the property shall be at the risk of the vendor until the whole of the purchase price is paid or the purchaser is entitled to or is given possession

of the property whichever is the earlier and thereupon the risk shall pass to the purchaser. If the property includes a building which, before the risk passes to the purchaser, is damaged so as to become uninhabitable or unusable, the contract may be rescinded by the purchaser and, if it is not rescinded the purchase price will be reduced by an amount equal to the reduction in value of the building. This provision, being merely a stipulation in a contract, is, of course, subject to modification by the parties.

Section 63 of the *Queensland Property Law Act 1974* provides for a vendor under an uncompleted contract for the sale of a property to hold for the purchaser any moneys payable under the policy in respect of any damage to or destruction of the property after the date of the contract and to pay those moneys (subject to any rights arising from any encumbrance) to the purchaser on completion. For the purposes of section 67, it is provided that the cover under the vendor's insurance policy is to extend until completion and that money shall not cease to become payable merely because the risk has passed to the purchaser. The application of the section is made subject to any stipulation to the contrary contained in the contract and the payment by the purchaser of a proportionate part of the insurance premium. The section also applies to sales or exchanges by an order of a court.

Section 64 of the *Queensland Act* gives to the purchaser under a contract for the sale of a dwelling-house a right to rescind the contract if before the date of completion or possession, whichever is the earlier, the dwelling-house is destroyed or so damaged as to be unfit for occupation as a dwelling-house.

Both sections 63 and 64 of the *Queensland Property Law Act 1974* are set out in full in Attachment 3.

On 9 November 1979, the Chief Justice's Law Reform Committee recommended that a section be included in the *Property Law Act 1958* in the following terms:—

“(1) During the period between the making of a contract for the sale of land and the purchaser taking possession of the land pursuant to the terms of the contract, any policy of insurance maintained by the vendor in respect of any damage to or destruction of any part of the land or fixtures thereon agreed to be sold pursuant to the contract of sale shall in respect of the said land or fixtures, to the extent that the purchaser is not entitled to be indemnified under any other policy of insurance, enure for the benefit of the purchaser as well as for the vendor and the purchaser shall be entitled to be indemnified by the insurer under any such insurance policy in the same manner and to the same extent as the vendor would have been if the land had not been sold.

(2) It shall not be a defence or answer to any claim by the purchaser against the insurer made under sub-section (1) hereof that the vendor otherwise would not be entitled to be indemnified by the insurer because the vendor has suffered no loss or has suffered diminished loss by reason of the fact that the vendor is or was entitled to be paid the purchase price or the balance thereof by the purchaser.

- (3) A policy of insurance shall not enure for the benefit of a purchaser under sub-section (1) hereof if the insurer establishes that a prudent insurer would not have insured the purchaser against the risk covered by the policy.
- (4) (a) At any time prior to the happening of the risk insured against an insurer made liable to a purchaser under sub-section (1) may terminate that liability by giving not less than 3 days' notice of such termination to the purchaser.
- (b) Such notice shall be in writing and shall be served upon the purchaser personally or in the case of a company by leaving it at the company's registered office.
- (c) Such termination shall not have effect until the expiration of the period specified in the notice.
- (5) The service of a notice referred to in sub-section (4) hereof shall not affect the liability of the insurer to the vendor under the policy of insurance.
- (6) This section—
- (a) shall apply only to a contract for the sale of land made after the commencement of this section; and
- (b) shall have effect notwithstanding any stipulation or term to the contrary contained in the contract of sale or any policy of insurance as referred to in sub-section (1) hereof.
- (7) This section shall apply *mutatis mutandis* to a sale or exchange by order of a Court."

The Committee is of the view that legislation is desirable in Victoria to achieve the same object as section 63 of the Queensland *Property Law Act* 1974. The operation of the Queensland section does not appear to have given rise to difficulties. Insurers, after all, charge premiums more in relation to the nature, value and situation of the property and the personal characteristics of the insured are seldom of importance. Nevertheless safeguards can be provided to avoid purchasers who constitute unacceptable risks being foisted upon insurers and in this regard the section suggested by the Chief Justice's Law Reform Committee would in the view of the Committee be preferable to the Queensland section. The section suggested by the Chief Justice's Law Reform Committee is preferable for other reasons as well. It limits the period during which the section applies to the period between the making of the contract and the purchaser taking possession. The Queensland section continues to apply until completion. The section suggested by the Chief Justice's Law Reform Committee is to have effect notwithstanding any provision to the contrary in the contract whereas the Queensland section may be excluded.

The section suggested by the Chief Justice's Law Reform Committee does not contain any provision for the apportionment of the premium as is contained in the Queensland section and section 47 (2) (c) of the *Property Law Act* 1974. This Committee agrees with this approach. The prudent vendor would be bound to maintain his insurance over the property at least until he had handed over possession. In any event, should apportionment of the premium be desired, there is no reason why the contract should not provide for it. It would be undesirable to make the application of the section dependent upon such an apportionment.

This Committee recommends legislation in terms of the section suggested by the Chief Justice's Law Reform Committee set out above.

The Chief Justice's Law Reform Committee did not recommend legislation such as, or in similar terms to, section 64 of the Queensland Act. This was, apparently, because it was felt undesirable to interfere with the freedom of the parties to contract as they wished, because the section was limited to dwelling-houses and because it contained no machinery for the resolution of disputes. Consideration was also given to the insertion of a clause in Table A of the Seventh Schedule to the *Transfer of Land Act* 1958 and in the Conditions of Sale in the Third Schedule to the *Property Law Act* 1958 which would enable the purchaser under a contract of sale to avoid the contract, or to have the purchase price reduced, if the property was destroyed or damaged before the purchaser entered into possession. In the end the Chief Justice's Law Reform Committee did not recommend such a condition but did recommend that section 34 of the *Estate Agents Act* 1958 (now section 51 of the *Estate Agents Act* 1980) be amended to require estate agents to give a purchaser of real estate a notice informing him that from the time he signs the contract the risk passes to him.

This Committee takes a contrary view to that of the Chief Justice's Law Reform Committee. It is our view that legislation along the lines of section 64 of the Queensland Act is desirable. Whilst legislation such as that contained in section 63 of that Act entitles the purchaser to have the benefit of the vendor's insurance policy, that is no guarantee that the property is adequately insured or insured at all. Moreover, the purchase of a dwelling-house is normally something more than a mere commercial transaction and the purchaser should not be compelled to complete the contract if the dwelling-house is destroyed or damaged to the point where it is no longer habitable. The common, if erroneous, belief is that the contract comes to end in those circumstances, probably because that seems to most to be the fairer and more appropriate result. We do not think that a provision such as section 63 represents any undue interference with freedom of contract, but if it did, the operation of the section could be made subject to any contrary stipulation in the contract rather than have no provision at all. We think that the section is appropriately restricted to dwelling-houses because the purchase of other properties is ordinarily in a commercial setting and the purchaser may be expected to look after his interests for himself, those interests being primarily financial. We do not see any reason for including in the section machinery for the resolution of disputes. It is not apparent to us that such a section is likely to produce a great many disputes; it does not appear to have done so in Queensland where it has been in force for some time now. The ordinary processes of the courts should, in our view, be adequate to cope with any disputes which do arise.

The Committee does not favour as an alternative a requirement that a notice given under the Estate Agents Act contain a clause warning a purchaser that the property bought is at his risk. Such notices will only be given when an estate agent or auctioneer is employed and even then it is likely that a purchaser will not appreciate the significance of the warning. Moreover, since many sales take place during the week-end when insurance cover is not immediately available, there are limitations on the usefulness of such a notice.

The Committee recommends legislation similar to that contained in section 64 of the Queensland *Real Property Act* 1974.

SOLICITOR ACTING FOR BOTH PARTIES

As we mentioned previously, the Committee gave consideration to the practice of a solicitor acting for both parties in a conveyancing transaction. Whilst this may happen as between purchaser and mortgagee, mortgagor and mortgagee, vendor and mortgagee, first mortgagee and second or subsequent mortgagee or lessor and lessee, we felt it sufficient to confine our attention to the case of vendor and purchaser. How frequently solicitors act for the vendor and purchaser in a conveyancing transaction it is not possible to say with any precision. However, it is clear enough that it does not happen frequently and that when it does it is almost always in country areas or, to a lesser extent, in the suburbs.

The Law Institute does not favour any prohibition against a solicitor acting for both parties where there is no conflict of interest and, in 1962, issued the following statement:—

“A solicitor is under a positive duty to use on behalf of his client his utmost skill and experience and to do his utmost to further the interests of his client so long as those interests are neither unlawful nor dishonourable. It would therefore clearly be impossible for a solicitor to act for two parties with opposing interests in litigation. Frequently, however, in matters such as conveyancing or the preparation of an agreement there will be no conflict between the solicitor’s duty to each client and therefore it would be unreasonable to prohibit a solicitor from acting for both parties if the clients so desire. The solicitor must, of course, be careful to see that he gives the same care and attention to the interests of each client as he would be bound to give if he were acting for only one. Moreover, if a dispute subsequently arises or appears probable, the solicitor would be bound immediately to cease to act for one client and in some circumstances he would be obliged to cease to act for both. The principles have long been established and a solicitor who, whilst acting for both parties, favoured the interest of one client to the detriment of the other would undoubtedly be guilty of misconduct.”

There may, of course, be distinct advantages in the one solicitor acting for both parties in a conveyancing transaction. It can lead to greater economy, efficiency and speed. In the country, where transactions are more likely to take place within a family or between neighbours, it is sometimes not practicable for all parties to be separately represented and there would be considerable inconvenience if there were a prohibition against solicitors acting for both parties.

Moreover, judging from the rarity of complaints received by the Law Institute, the practice does not appear to operate to the disadvantage of clients. It would seem that the threat of proceedings for misconduct ensures that the prudent solicitor ceases to act for one or other or both parties where a conflict of interest appears possible. See *In re A.B., a Solicitor* (1939) ALR 208; *Spector v. Ageda* (1973) 1 Ch. 31.

We previously mentioned the practice of a solicitor acting for both parties to a contract for the sale of land in the context of vendor’s terms sales. However, the problem which arises there (and there is evidence of isolated instances only) appears to be more the result of an undesirable association between a solicitor and an estate agent than the fact that the same solicitor acts for both vendor and purchaser. Complaints have from time to time been made to the Ministry

of Consumer Affairs in relation to vendor's terms contracts where the same solicitor acted for both vendor and purchaser and was suggested by the estate agent. Whilst there is no evidence of actual misconduct on the part of the solicitor, the circumstances do call for further investigation and we would suggest that the Law Institute request the Ministry of Consumer Affairs to inform it of any case in which there is any suspicion that a solicitor may have been in breach of his duty to his client. The Law Institute has the necessary power to investigate such matters further and, if necessary, take proceedings for misconduct whether it be in the form of unfair attraction of business or otherwise.

However, it is apparent to the Committee that the occasions when a solicitor acts for both parties to a conveyancing transaction in a situation of conflict of interest are infrequent. The existing disciplinary powers of the Law Institute are sufficient to cope with such cases. If there were to be a prohibition against a solicitor acting for both parties in a conveyancing transaction in all circumstances, it would operate more to the disadvantage of clients than to their advantage, particularly in country areas. The Committee, therefore, makes no recommendation in relation to this matter.

PRIORITY NOTICES

During the course of its Inquiry, the Committee was requested to consider the system of priority notices which was introduced in Tasmania by the *Real Property Act 1973*.

Under the Torrens system a purchaser's interest is not protected until it is registered, save for any rights which may flow from the lodging of a caveat. Contracts of sale take some time to complete and between the time a contract is signed and completion, and, indeed, between completion and lodging an instrument of transfer for registration, an adverse dealing may be lodged and have priority. See *In re Jackson's Claim* (1890) 10 NZLR 148. In order to afford some protection before registration, section 157 of the Tasmanian Real Property Act makes provision for certain specified persons, including a purchaser under a contract of sale, to lodge with the Recorder a notice reserving priority for the instrument specified in the notice. The priority notice operates to prevent the registration of any instrument or document (with certain exceptions which are immaterial for present purposes) except the instrument specified within a period, not exceeding thirty days, limited by the notice. Thus a purchaser can search a title immediately after a priority notice is lodged and the state of the title then will be frozen so long as the priority notice remains in effect.

There is no section in the Victorian Transfer of Land Act corresponding to the Tasmanian section 157. Section 92 of the Victorian Act provides for an application to be made for a search certificate to be issued from the Titles Office showing the state of the title to any land. Under section 93, a person proposing to deal for value with a proprietor may, with the consent of the proprietor, lodge an application for stay of registration with an application for a search certificate. If an application for stay of registration is lodged and the search reveals the proprietor is free to deal, the Registrar is required to sign an order staying registration of any instrument affecting the land to be comprised in the proposed dealing for forty-eight hours from the time mentioned in the search certificate.

In practice neither sections 92 or 93 of the Transfer of Land Act are used. An official search is an expensive procedure and a stay of only forty-eight hours is practically useless. A similar provision in England (section 110 of the *Land Registration Act 1925*) is used regularly but there the period of the stay is fifteen working days, extendable by a further fourteen working days from the date of expiration of the original priority period.

The Tasmanian section providing for a system of priority notices replaced a section similar to section 93 of the Victorian Act. As in Victoria, the old section was never used. There was, perhaps, a greater need in Tasmania for a system of priority notices than exists in Victoria. Unlike Victoria, in Tasmania a judgment creditor may lodge a caveat and commonly does so. Because of the population distribution in Tasmania, nearly half the lodgments in the Lands' Titles Office are made by post. The office registers only some 40 000 dealings annually and is in a position to encourage the use of priority notices.

It does appear that the Tasmanian procedure goes a long way towards protecting a purchaser in the period preceding registration and for that reason is a desirable system. However, in the present state of affairs in the Titles Office, a system of priority notices would be administratively impracticable. There is in Victoria a high volume of unregistered dealings and the present system of recording the existence of these dealings has many shortcomings. Sometimes there is an undesirably long time between the lodgment of a dealing and the noting of that dealing in the unregistered dealings index. There would, thus, be limits upon the protection which a priority notice would give because a search does not, at the present time, necessarily reveal all the unregistered dealings which have been lodged. Whilst the introduction of such a procedure in Victoria may eventually be desirable, the Committee does not recommend its introduction at the present time.

If priority notices were given in only ten per cent of the total dealings handled by the Titles Office, there would be some 47 000 to 48 000 notices in any one year and these would have to be handled and noted in some appropriate way. Clearly, there would need to be a substantial increase in staff.

The first priority is, in the view of the Committee, the improvement of the system for indexing unregistered dealings. As will appear later, the provision of a computer to handle unregistered dealings is an urgent need in the Titles Office. When that need is met there should be little difficulty in the introduction of a system of priority notices without inconvenience. Indeed, the introduction of such a system may well be advantageous not only to those using it but also to the Titles Office by alleviating the bottle-neck caused by final searches before settlement.

INTRODUCTION OF MODERN TECHNIQUES TO TITLES OFFICE

An efficient Office of Titles is, of course, a basic requirement for the proper functioning of conveyancing procedures in the State. And the efficiency of the Titles Office is in turn dependent upon the provision of adequate, modern facilities for the performance of its functions. It is apparent to the Committee that the Titles Office is inadequately housed, inadequately equipped and inadequately staffed, particularly at the basis clerical levels.

The Office is at present housed in two buildings. In addition, there is a typing pool at Morwell. The inconvenience which this causes to the staff and those members of the public who use the Titles Office is self-evident. The location of documents necessary for various transactions in more than one place requires those documents to be ferried from one building to another and for time to be spent in recording the movement of the documents. The main building is inadequate to house the present paper record system and the equipment provided is often insufficient or obsolete. Moreover, it is difficult in the present conditions to protect the records from fire and malicious damage. Beyond expressing these views, the Committee does not consider it to be part of its function to make any detailed examination of the physical circumstances of the Titles Office.

However, it is necessary to say something about the present system in the Titles Office and the urgent need for the introduction of modern techniques in the recording of information, in maintaining records and keeping them up to date and in registering dealings with land.

The present system remains basically the same as it was when devised by Torrens in the last century. It consists of a paper register book which, whilst it may have been satisfactory when the number of transactions was considerably less, is unsatisfactory at the present day levels of transactions. The mere fact that documents have to be physically handled results in damaged, mislaid and lost certificates of title, plans and other records. It also creates delay affecting both the staff of the Office and the people who use it. All of this means increased cost to the community. With the availability of modern technology it is obvious that a manual system which is based upon a paper record and requires the handling of some sixteen and a half million registered documents is below acceptable standards.

The need for the development of electronic data processing and micro-film techniques has been evident for some years now. There has, however, been little progress beyond the planning stage. In 1972 a review of Titles Office procedures was undertaken. A steering committee was set up comprising representatives of the Titles Office, the Law Department, the Public Service Board and the government E.D.P. Centre. The steering committee in turn set up a review team to review and recommend improvements and/or alterations in the system of recording title to land in Victoria, the maintenance and updating of records, the registration of dealings with land and the procedures of the Titles Office. In fact, over the years there was a number of review teams, comprising officers from the Public Service Board and the Titles Office, which produced eleven reports in all.

Between 1973 and 1975, two Victorian officers were located in New South Wales to participate in the Torrens Register Automation Project (TRAP) which was being carried out in the New South Wales Registrar-General's Department. The result of that project was a recommendation that a computerised register be installed and that recommendation is currently being implemented. Victorian participation in the New South Wales feasibility study entitles it to take advantage of the experience gained there, and free use of the computer programmes developed in that State. This will constitute a considerable saving, not only in money but in the time which will be taken to develop a computerised register in this State.

The review teams have recommended some immediate improvements to the Titles Office practices and procedures. These include—

- (a) a computerised central system for unregistered dealings;
- (b) the micro-filming of transfers, caveats and plans for safe custody and search purposes;
- (c) automatic typewriters for standard title endorsements;
- (d) the provision of photo-copy searches;
- (e) the simplification and reorganization of some manual procedures.

Very few of these recommendations have been implemented. No funds are presently being provided for micro-filming, additional photo-copying facilities or automatic typewriters. The most important of the short term recommendations, the computerisation of the unregistered dealings system, was approved in May 1979, by the E.D.P. Policy Committee comprising the Director of Finance, the Secretary to the Premier's Department and the Chairman of the Public Service Board. There has been no further progress because no funds have been made available for the purpose.

The computerisation of the unregistered dealings system is a project which can be carried out separately from the long-term reorganization at the Titles Office. It is a matter of urgency.

The present system is unable to cope efficiently with the current volume of lodgments of dealings and any increase in that volume, such as occurred in 1973 and 1974, would result in even more serious delays and an even greater incidence of error. Moreover, the potential benefit-cost ratio of the proposed new unregistered dealings system is estimated to be in excess of 2 : 1 once the system is in full operation.

In the longer term the steering committee has adopted three broad proposals for the creation of a modern system for the registration of interests in land.

The first is the creation of a computerised register which will contain an individual record in respect of each parcel of land in private ownership. Each record will identify the parcel to which it relates, define the registered rights and interests which exist in the parcel, identify the person or body entitled to each right or interest and contain only current information.

The second proposal is for the creation of a reference map structure from which the position of the boundaries of every parcel can be re-defined in relation to identifiable monuments.

The third proposal is for the identification of each parcel and each record relating to each parcel by unique parcel identifiers. These parcel identifiers will be ascertainable from a reference map upon which parcels may be located absolutely or in relation to their abuttals.

An interim planning group was set up and in January, 1978, it presented its report to the steering committee. The report indicated that the proposed new land title registration system would involve a developmental time of at least ten years. A large number of technical and administrative personnel would have to be committed to the programme and there would have to be a complete change of work methods and procedures within the Titles Office. The programme would involve the extensive application of modern data processing techniques and a multi-million dollar expenditure on computing and allied equipment. There would be extensive use of micro-film and reprographic techniques.

Since the implementation of the long-term aims would involve the restructuring of the management organization within the Titles Office, a submission was made to the Public Service Board and two additional positions have already been approved.

Whilst the studies centred upon the Titles Office were being undertaken, there was another, wider investigation being carried out by a special task group set up by the State Co-ordination Council in June 1976, to examine the need for and scope of a computer-based land information service for Victoria.

Such a system is concerned with recording and providing information relating to land. The information would include details of proprietorship, geographical location, any legal encumbrances or other matters affecting title which are registered in the Titles Office and matters affecting the use of land such as planning restrictions or road proposals together with rating, land tax and valuation details.

The implementation of such a system is dependent upon land being identified by parcels. The present system of identification of land by the use of title particulars is unsuitable for computerisation because the land described

in a certificate of title is not necessarily a standard property unit which can be used for all purposes, particularly by State agencies and local government authorities. For example, there may be more than one title to land comprising one unit for rating or taxing purposes. What is proposed is a system of basic parcels, each of which will be identifiable on a map. The basic parcel is the smallest piece of land capable of sale without prior subdivision. The various agencies and authorities would all use the basic parcels or aggregations of basic parcels and inter-linking tables could be built up on computers. As we have indicated, these parcels would be used, not only for the land information system, but also for the computerisation of the Titles Office's own system.

A "parcellation" programme has been commenced in the Survey Branch of the Titles Office but, with the present rate of progress, the programme is variously estimated to take between 50 and 100 years to complete.

Even if the parcellation programme were speeded up, the land information system recommended by the special task group would take seven years to initiate and would not be in full operation for twenty years. The system has received government approval and is now with the Lands Department, which will be responsible for its implementation.

There was no point in this Committee attempting to do the same work as has been done by the steering committee which considered the modernization of techniques in the Titles Office and special task group which considered the proposed land information system. A great deal has been done by way of preliminary planning and the Committee commends the conclusions which have been reached and the objectives which have been laid down.

The fact, however, that almost nothing has been done beyond preliminary planning is something about which the Committee wishes to express great concern. Apart from some limited micro-filming in the Titles Office (which has come to a halt) and the parcellation programme, which is proceeding at a snail's pace, no progress is presently occurring in the implementation of the various recommendations which are the result of quite considerable work on the part of those who made them.

Lack of funds can be the only possible justification for this lack of progress, and yet, at least in the case of the Titles Office itself, such a justification is difficult to accept. The Titles Office, during the year 1979-80, collected some \$18.362 million for Consolidated Revenue. Whilst, because of budgeting methods, it is not easy to arrive at a cost for administering the Titles Office and the Registrar-General's Office, the figure for the two offices would appear to be in the order of \$7 million. The Committee is not aware of any complete cost-benefit analysis covering the introduction of all of the new techniques recommended by the steering committee, but the ratio of benefit to cost in the case of the proposed new unregistered dealings system is, as we have said, estimated to be in excess of 2:1. The cost of micro-filming survey information and the programme of plan reconstruction will be more than recouped. It is difficult to imagine that there would not, having regard to the revenue-raising capacity of the Titles Office, be similar benefits in the implementation of the other recommendations of the steering committee. Moreover, since the Titles Office possesses the capacity to raise revenue it is not unreasonable to conclude that of any increases in fees a portion, at least, should be devoted to the improvement of the services which the Office provides.

Between the years 1966 and 1978 there were the following percentage increases in fees:—

Year	%
1966	25
1970	25
1973	50
1974	20
1975	25
1976	15
1977	8
1978	9
1979	8

The proposed increase for 1980 is 10%. Whilst it is apparent that revenue is likely to benefit ultimately from the modernization of techniques within the Titles Office, it should not be forgotten that the Titles Office does not exist primarily to raise revenue but to provide a service. In other States, notably New South Wales and South Australia, the fees charged in the equivalent of the Titles Office are based upon the cost of providing a service (including developmental costs) and are not fixed, as in Victoria, as a means of raising revenue. The present, quite inadequate system employed in the Office gives rise to error, delay and faulty information. The Office is not performing its functions as it should and those who use it are not receiving the service which they should. An appreciable increase in the present number of transactions handled by the Titles Office (such as would occur with a boom in the real estate market) would render many Titles Office processes virtually inoperable so that ordinary transactions would not be completed within an acceptable time, if at all, and the information provided would be unreliable.

The State of Victoria is rapidly falling behind the States of New South Wales and South Australia which have commenced programmes for the full conversion of their land registries to modern techniques. This Committee recommends an immediate acceleration in the implementation of the proposals of the steering committee, commencing with the computerisation of the unregistered dealings system in the Titles Office.

The proposed land-based information system will, of necessity, take some time to implement. But it too should not be delayed. Although the time projected for the completion of the scheme is some twenty years, the present progress of one essential aspect of the system, parcellation, leads us to be sceptical of even this estimate. Of course, acceleration of the necessary changes in the Titles Office, which we have recommended, would hasten the parcellation programme.

The Committee is also concerned that the introduction of the land information system will be seen as a step towards modernization of Titles Office methods. No doubt, the introduction of electronic data processing into the Titles Office must be in a form which will be compatible with the land information service when it eventuates, but it is a separate and urgent need. The completion of the parcellation programme is, however, a prerequisite for the land information system.

Whilst a land information system is an obviously desirable development, the Committee has some misgivings about the system planned.

One of the aims of the system is the reduction of the cost of providing certificates of restrictions upon use and the improvement of public access to this information. For this purpose, a computer will provide a register of the restrictions

upon the use of a parcel of land. It will not, however, provide details of the restrictions themselves and persons dealing in land will have to obtain those details from the relevant authority as at present. Apart from searching at the Titles Office, a purchaser at the present time may have to make searches at the Melbourne and Metropolitan Board of Works, the office of the local municipality, the Country Roads Board, the Housing Commission, the Land Tax Office, the State Rivers and Water Supply Commission, the Dandenong Valley Authority, the Westernport Regional Planning Authority and the local drainage and sewerage authority. All of these authorities issue separate certificates and the necessary searches are time consuming and expensive.

It is the view of the Committee that any land information service should be aiming to provide a service which would enable all relevant information about a parcel of land to be obtained at the one outlet, whether that information be in the form of a legal qualification upon title, a restriction of an administrative nature or information concerning valuation, rates or taxes. Perhaps this is the eventual aim of the system proposed but the Committee believes that it should be in the very forefront of the planners' objectives. We suspect that the present plans concentrate upon the needs of the various authorities which feed information into the system and pay insufficient attention to the needs of those, other than the authorities, who will use it.

The Committee is of the view that there should be a consultative committee established for the purpose of ensuring that the land information system when it is established meets the needs of its users other than the agencies or authorities which supply the information to be recorded. Such a committee has already been recommended by the steering committee concerned with the introduction of modern techniques into the Titles Office in order to ensure that users' interests are sufficiently considered there. This Committee sees no reason why the one committee should not concern itself with both the Titles Office and the land information system. Indeed, there would be advantages if the one committee were to be concerned with both developments. The consultative committee should include representatives from the Law Institute of Victoria, the Institution of Surveyors, the Australian Finance Conference, the Australian Bankers' Association, the Real Estate and Stock Institute, State and Commonwealth Savings Banks, the principal government authorities and the appropriate consumer organizations. This Committee, therefore, recommends the establishment of a consultative committee to represent the interests of users in relation to the proposals for the introduction of modern techniques into the Titles Office and the development of a land information system.

PRINTED FORMS OF CONTRACT OF SALE

Earlier we put on one side the difficulties arising from the availability of three printed forms of contract of sale. As we pointed out, two of the forms contain identical terms and conditions whilst the third is different. The terms and conditions of an appropriate printed form have been under consideration for some time by a committee of the Law Institute and if our recommendations are adopted, particularly those in relation to the principal of caveat vendor, further revision will be necessary. Clearly this Committee, which comprises both lawyers and laymen, is an inappropriate body to undertake this complex and technical (although not necessarily lengthy) task. It is our recommendation that the formulation of terms and conditions for a printed form of contract of sale be referred to an appropriate body, either the existing committee of the Law Institute or some other committee formed for the purpose. The eventual aim would of course, be to have the one printed form which would also be the prescribed form. Furthermore, the consideration of revised terms and conditions

would no doubt comprehend any adaptation necessary to enable any desirable use to be made of the word processing machinery which is increasingly finding its way into solicitors' offices.

RECOMMENDATIONS

The further recommendations of the Committee are, therefore, as follows:—

1. (a) That there be legislation providing for a cooling off period of three business days during which a purchaser under a contract of sale for the purchase of real estate can withdraw from the contract;
- (b) That the prescribed form of sale note be amended so as to contain a conspicuous notice advising purchasers of the cooling off period and of the use which might be made of it to obtain legal advice.
2. That there be legislation requiring a vendor, before he obtains the signature of a purchaser or a person acting on behalf of a purchaser to any contract, agreement or document in respect of the sale of real estate which is legally binding or intended legally to bind the purchaser, to supply that purchaser or person acting on his behalf the particulars set forth in this report. The vendor should be deemed to warrant the truth and completeness of the information supplied and breach of the warranty should entitle the purchaser to avoid the contract at any time before settlement or, in the case of a terms contract, before the purchaser becomes entitled to possession or to the receipt of rents and profits.
3. (a) That the *Property Law Act* 1958 be amended to include a section in the terms of the section recommended by the Chief Justice's Law Reform Committee to extend the benefit of a vendor's contract of insurance to enure for the benefit of a purchaser under a contract for the purchase of real estate.
- (b) That the *Property Law Act* 1958 be amended to include a section in the terms of section 64 of the *Queensland Property Law Act* 1974 to enable the purchaser of a dwelling-house under a contract of sale to rescind the contract if before settlement or, in the case of a terms contract, before the purchaser becomes entitled to possession or to the receipt of rents or profits, the dwelling-house is destroyed or so damaged as to be unfit for occupation as a dwelling-house.
4. (a) That there be an immediate acceleration in the implementation of the proposals of the steering committee set up to review Titles Office procedures, commencing with the computerisation of the unregistered dealings system in the Titles Office.
- (b) That a consultative committee be established to represent the interests of users in the introduction of modern techniques into the Titles Office and the creation of a land information system.
5. That the task of formulating appropriate terms and conditions for a printed form of contract be referred to the committee set up for the purpose or some other suitable body.

Dated 19 August 1980

DARYL DAWSON, Q.C., Chairman
 DAVID A. CRAWFORD
 JAMES W. DAVIES
 JOHN DELVES
 L. E. PENTTILA
 J. D. PURCELL

ATTACHMENT 1

A. LAND AND BUSINESS AGENTS ACT, 1973-1975 (SOUTH AUSTRALIA)

88. (1) Subject to this section, a purchaser under a contract for the sale of land may, by instrument in writing signed by the purchaser and served personally upon the vendor, or posted by registered or certified mail addressed to him, before the expiration of two clear business days from the prescribed day (but before the date of settlement) give notice to the vendor of his intention not to be bound by the contract and the contract shall be deemed to have been rescinded at the time the notice is served or posted in accordance with this subsection.

(1a) If a contract is rescinded under subsection (1) of this section then, subject to subsection (1b) of this section, the purchaser shall, upon rescission, be entitled to the return of any moneys paid by him under the contract.

(1b) A contract may provide that if it is rescinded in pursuance of this section the vendor may retain moneys (not exceeding twenty-five dollars) paid by the purchaser by way of deposit in respect of the sale, and if the contract contains that provision, it shall be lawful for the vendor to retain those moneys in the event of the contract being so rescinded.

(3) Where the vendor, a person acting on behalf of the vendor or a stakeholder receives moneys, exceeding twenty-five dollars, from a purchaser in respect of the sale (other than moneys payable by the purchaser in consideration of an option to purchase the land granted by the vendor) before the expiration of the period referred to in sub-section (1) of this section, the person so receiving the moneys shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) This section does not apply in respect of a contract for the sale of any land—

(a) where the purchaser is—

- (i) a body corporate;
- (ii) an agent;
- (iii) a registered manager;
- (iv) a registered salesman;
- (v) a licensed land broker; or
- (vi) a legal practitioner;

(b) where the purchaser has before executing the contract sought and received independent advice from a legal practitioner;

(c) where the sale is by auction; or

(d) where the land is offered for sale, but not sold, by auction and a person by whom, or on whose behalf, a bid for the land was made at the auction enters into the contract of sale on the same day as the auction for a price not exceeding the amount of that bid.

(5) In this section—

“business day” means any day except a Saturday or a public holiday within the meaning of the Holidays Act 1910-1959¹:

“the prescribed day” means—

- (a) the day on which the contract is executed by the vendor;

¹ Now Holidays Act 1910-1975

- (b) the day on which the contract is executed by the purchaser;
- (c) where the vendor or some person acting on behalf of the vendor serves on the purchaser personally or by registered or certified mail, before the date of settlement, a notice in the prescribed form setting forth the rights of the purchaser under this section—the day on which the notice is served;
- (d) where section 90 statements are served personally or by registered or certified mail upon the purchaser before the date of settlement—the day on which the statements are served—

whichever last occurs and where the notice or the statements referred to in this definition are not served before the date of settlement, “the prescribed day” is the date of settlement:

“purchaser” means the person or persons named as purchaser or purchasers in the contract or any one or more of them:

“section 90 statements” means—

- (a) a statement signed by or on behalf of the vendor containing the particulars required by sub-section (1) of section 90 of this Act; and
- (b) where an agent acts for the vendor or purchaser, a statement containing the particulars and the certificate required by sub-section (4) of section 90 of this Act:

“vendor” means the person or persons named as vendor or vendors in the contract or any one or more of them.

B. LAND VENDORS (AMENDMENT) ACT 1978 (NEW SOUTH WALES)

1B. In this Part, “land” has the meaning ascribed thereto in section 7 (1) of the *Conveyancing Act* 1919, but does not include a vested or contingent estate or interest in a lease originally granted for a term that does not exceed three years whether or not the lease contains a noption to renew it.

1c. (1) In this section—

“business day” means any day except—

- (a) a Saturday or Sunday; or
- (b) any other day the whole or any part of which is observed as a public holiday throughout New South Wales;

“land agent” means a person who is, within the meaning of the *Auctioneers and Agents Act* 1941, a real estate agent, real estate salesman, stock and station agent or stock and station salesman;

“prescribed notice” means a notice in or to the effect of the form prescribed for the purposes of this definition that contains the particulars required to be inserted in it by the regulations made under this Act.

(2) Subject to sub-section (5), where an individual has executed an instrument in or by which he—

- (a) offers to buy—
 - (i) land; or
 - (ii) an option to buy land—
- from a person; or

- (b) accepts a person's offer to sell—
 - (i) land; or
 - (ii) an option to buy land—

and the individual serves a prescribed notice in accordance with sub-section (3), the instrument shall be deemed never to have been executed by the individual.

(3) A prescribed notice in respect of an instrument is served in accordance with this sub-section if it is—

- (a) served personally on the person referred to in sub-section (2) (a) or (b), as the case may be, or on any land agent acting for that person; or
- (b) addressed in accordance with the regulations and posted by certified or registered mail—before the expiration of the next two business days after the day on which the instrument was executed by the individual and before completion of the transactions to which the instrument relates.

(4) If an instrument is, under sub-section (2), deemed never to have been executed by an individual by reason of his having served a notice in accordance with sub-section (3), the individual may recover as a debt in a court of competent jurisdiction any amount he has paid to any person before the time when the notice was so served (whether as a price for an option, as a deposit or otherwise) in connection with the offer or acceptance to which the instrument relates.

(5) Sub-section (2) does not apply to or in respect of—

- (a) an individual who has executed an instrument and who is—
 - (i) a land agent; or
 - (ii) a barrister or solicitor of the Supreme Court;
- (b) an instrument executed as a consequence of—
 - (i) the sale of land at an auction conducted by a person who is the holder of an auctioneer's license under the *Auctioneers and Agents Act* 1941; or
 - (ii) where land has been offered for sale at an auction referred to in sub-paragraph (i) but was not sold at that auction—the sale of the land to an individual by whom, or on whose behalf, a bid for the land was made at the auction but only if the instrument is executed by that individual on the same day as the auction and the sale is at a price not exceeding the amount of the bid;
- (c) an instrument—
 - (i) the individual's execution of which has been attested by solicitor employed independently of the person referred to in sub-section (2) (a) or (b), as the case may be, or by a clerk of petty sessions; and
 - (ii) that bears a certificate by that solicitor or clerk of petty sessions that he explained the effect of the instrument to the individual before it was executed by him;

- (d) an instrument the individual's execution of which has been attested—
 - (i) by a person of a prescribed class; and
 - (ii) in or to the effect of the prescribed form; or
- (e) an individual or an instrument of a class of persons or instruments prescribed for the purposes of this paragraph.

(6) An individual given rights under this section is not competent to waive those rights.

(7) Where, by reason of sub-section (2), an instrument is deemed never to have been executed by an individual—

- (a) section 26 of the *Stamp Duties Act* 1920, shall apply as if the instrument were ineffective by reason of a failure of the necessary parties to execute it; and
- (b) section 41 (7) of that Act does not apply to or in respect of the instrument.

1D. (1) In this section—

“land dealer” means—

(a) a person—

- (i) who represents himself as involved in; or
- (ii) who carries on—

the business of buying or selling land or both of those businesses; and

(b) an agent of a person referred to in paragraph (a);

“tender” includes a tender by post.

(2) Subject to sub-sections (3) and (4), when—

(a) a land dealer tenders an instrument in writing that relates to any land (or causes any such instrument to be tendered) to another person; or

(b) a person who owns land or intends to sell land or an option to buy land or an agent of any such person tenders an instrument in writing that relates to that land (or causes any such instrument to be tendered) to another person—

the execution of which, or any part of which, instrument by the other person would result (whether only upon or after his posting or delivering the instrument or part or communicating its contents, or not) in the other person's—

(c) offering to buy—

- (i) that land; or
- (ii) an option to buy that land; or

(d) accepting an offer to sell—

- (i) that land; or
- (ii) an option to buy that land—

the land dealer or person referred to in paragraph (b), as the case may be, shall also tender or cause to be tendered at the same time to the other person—

(e) a copy of the instrument that is identical to it in all material respects; and

- (f) a notice in or to the effect of the form prescribed for the purposes of this paragraph that contains the particulars required to be inserted in it by the regulations made under this Act.

(3) A person is not guilty of an offence under this Act in relation to a failure to tender a copy of an instrument or a notice in accordance with sub-section (2) if he satisfies the court that the only person to whom the instrument was tendered or caused to be tendered was—

- (a) a corporation;
- (b) a land agent as defined in section 1c (1);
- (c) a barrister or solicitor of the Supreme Court;
- (d) a person who has purchased land at an auction but only if—
 - (i) the auction was conducted by a person who is the holder of an auctioneer's licence under the *Auctioneers and Agents Act 1941*; and
 - (ii) the copy of the instrument and the notice would, if tendered in accordance with sub-section (2), relate only to the land so purchased; or
- (e) any other person of a class prescribed for the purposes of this paragraph.

(4) Sub-section (2) does not apply to or in respect of the tender of an instrument by way of an advertisement referred to in section 1E (1).

1E. (1) When a person causes to be published in a newspaper or another periodic publication any advertisement that wholly or partly takes the form of an instrument in writing the execution of which, or any part of which, instrument by another person would result (upon or after his posting or delivering the instrument or part or communicating its contents) in the other person's—

- (a) offering to buy—
 - (i) land; or
 - (ii) an option to buy land; or
- (b) accepting an offer to sell—
 - (i) land; or
 - (ii) an option to buy land—

the firstmentioned person shall also cause to be published in the newspaper or other publication in a position adjacent to the advertisement a notice in or to the effect of the form prescribed for the purposes of this sub-section that contains the particulars required to be inserted in it by the regulations made under this Act.

(2) Sub-section (1) does not apply to or in respect of a person who causes an advertisement referred to in that sub-section to be published in the course of—

- (a) his business as a publisher; or
- (b) his acting as an agent for a publisher—

of a newspaper or another periodic publication.

ATTACHMENT 2

LAND AND BUSINESS AGENTS ACT, 1973-1975 (SOUTH AUSTRALIA)

90. (1) A vendor, or prospective vendor, of any land or business must serve, or cause to be served, at least ten days before the date of settlement, personally or by registered or certified mail upon the purchaser or prospective purchaser a statement signed by or on behalf of the vendor containing—

- (a) particulars of all mortgages, charges and prescribed encumbrances affecting the land or business subject to the sale;
- (b) particulars of all mortgages, charges and prescribed encumbrances that are not to be discharged or satisfied on or before the date of settlement; and
- (c) where the vendor obtained his title to the land or business within the twelve months preceding the date of the contract of sale, prescribed particulars of all transactions involving transfer of the title to the land or business occurring within that period including particulars of the consideration for which the title was transferred in pursuance of each of those transactions.

(2) A statement complies with sub-section (1) of this section if—

- (a) it was prepared by the vendor or some person acting on his behalf not more than two months before service on the purchaser, and was accurate at the time it was prepared; and
- (b) where, before the statement is served on the purchaser or prospective purchaser, any variation in the particulars set out in the statement has come to the knowledge of the vendor, the statement is accompanied by a further statement signed by the vendor or some person acting on his behalf giving particulars of the variation.

(2A) For the purposes of paragraph (c) of sub-section (1) of this section, where a person enters into a transaction for the purpose of obtaining title to land or a business and an instrument of transfer, conveyance or other instrument relating to the transaction is lodged at the Lands Titles Registration Office or the General Registry Office, he shall be deemed to have obtained title to the land or business not later than the day on which the instrument of transfer, conveyance or other instrument is so lodged.

(3) Where an agent acts on behalf of the vendor or purchaser of any land or business, the agent or some person on behalf of the agent shall make prescribed inquiries, and such other inquiries as may be reasonable in the circumstances to obtain particulars of the mortgages, charges and prescribed encumbrances to which the land or business is subject.

(4) Where an agent acts on behalf of the vendor or purchaser of any land or business the agent or some person on behalf of the agent shall, at least ten days before the date of settlement serve personally or by registered or certified mail upon the purchaser a statement signed by or on behalf of the agent setting forth the particulars obtained upon the inquiries made pursuant to sub-section (3) of this section and certifying that the particulars disclose all such mortgages, charges and prescribed encumbrances affecting the land or business the subject of the proposed sale as have been ascertained upon those inquiries.

(4A) A statement complies with sub-section (4) of this section if—

- (a) it was prepared by the agent or some person acting on his behalf not more than two months before service on the purchaser or prospective purchaser and was accurate at the time that it was prepared; and
- (b) where, before the statement is served on the purchaser or prospective purchaser any variation in the particulars set out in the statement has come to the knowledge of the agent, the statement is accompanied by a further statement signed by the agent or some person acting on his behalf giving particulars of that variation.

(5) Where—

- (a) the agent or some person on his behalf fails to comply with sub-section (3) or (4) of this section the agent shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars;
- (b) an agent or some other person knowingly gives a certificate required by sub-section (4) that is false in any material particular the agent or that other person as the case may be, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(6) Where a purchaser suffers loss by reason of the fact that the provisions of this section have not been complied with, he may apply to any court of competent jurisdiction for an order under this section.

(7) The court may, upon the hearing of an application under sub-section (6) of this section—

- (a) award such damages against any person in default under this section as may, in the opinion of the court, be necessary to compensate loss arising from his default; or
- (b) avoid the contract, and make such orders as the court thinks necessary or desirable to restore the parties to the contract to their respective positions before entering into the contract.

(8) It shall be a defence to proceedings under sub-section (7) of this section that the failure to comply with this section arose notwithstanding that the person alleged to be in default exercised reasonable diligence to ensure that the requirements of this section were duly complied with.

(9) Subject to sub-section (9A) of this section, in this section—

“encumbrance” in relation to any land or business, includes—

- (a) any easement, right of way, restrictive covenant, writ, warrant, caveat, lien, notice, order, requirement, declaration, claim or demand; or
- (b) any other factor (whether similar or dissimilar to those mentioned in paragraph (a) of this definition),

affecting, presently or prospectively, the title to, or the possession or enjoyment of, the land or business but does not include any interest in, or affecting, land that exists by virtue of an instrument registerable under the *Real Property Act, 1886–1972*¹:

“purchaser” means the person or persons named in the contract as purchaser or purchasers or any one or more of them:

¹ Now Real Property Act 1886–1975

“vendor” means the person or persons named in the contract as vendor or vendors, or any one or more of them.

(9A) A reference to a “charge” or an “encumbrance” in this section shall not be construed as including any charge or encumbrance arising from a rate or tax imposed less than twelve months before the date on which the contract is, or is to be, executed by or on behalf of the purchaser.

(9B) Where an auctioneer proposes to offer any land or business for sale by auction—

(a) he shall make the statements required by this section in relation to the sale available for perusal by members of the public—

(i) at the office of the auctioneer for at least three consecutive business days preceding the auction; and

(ii) at the place at which the auction is to be conducted, for at least thirty minutes before the auction commences; and

(b) he shall cause public advertisement to be given in the manner and form prescribed of the times and places at which the statements may be inspected.

Penalty: Two hundred dollars.

(9C) The failure of an auctioneer to comply with sub-section (9B) of this section shall not affect the legality or validity of a contract of sale relating to any land or business.

(10) It shall not be competent for a person to waive his rights under this section.

(11) The provisions of this section are in addition to, and do not derogate from, the provisions of any other Act or law.

ATTACHMENT 3

PROPERTY LAW ACT 1974 (QUEENSLAND)

63. (1) Where after the date of any contract for sale or exchange of property, money becomes payable under any policy of insurance maintained by the vendor in respect of any damage to or destruction of property included in the contract, the money shall, on completion of the contract, be held or receivable by the vendor on behalf of, and, on completion of the sale or exchange or so soon thereafter as the same shall be received by the vendor, paid—

- (a) to any person entitled thereto by virtue of an encumbrance over or in respect of the land; and
- (b) as to any balance thereafter remaining, to the purchaser.

(2) For the purpose of this section, cover provided by such a policy maintained by the vendor extends until the date of completion, and money does not cease to become payable to the vendor merely because the risk has passed to the purchaser.

(3) This section shall apply only to contracts made after the commencement of this Act, and shall have effect subject to—

- (a) any stipulation to the contrary contained in the contract;
- (b) the payment by the purchaser of the proportionate part of the premium from the date of the contract.

(4) This section shall apply to a sale or exchange by an order of Court, as if—

- (a) for references to the “vendor” there were substituted references to the “person bound by the order”;
- (b) for the reference to the completion of the contract there were substituted a reference to the payment of the purchase or equality money (if any) into court;
- (c) for reference to the date of the contract there were substituted a reference to the time when the contract became binding.

64. (1) In any contract for the sale of a dwelling-house where, before the date of completion or possession whichever earlier occurs, the dwelling-house is so destroyed or damaged as to be unfit for occupation as a dwelling-house, the purchaser may, at his option, rescind the contract by notice in writing given to the vendor or his solicitor not later than the date of completion or possession whichever the earlier occurs.

(2) Upon rescission of a contract pursuant to this section, any moneys paid by the purchaser shall be refunded to him and any documents of title or transfer returned to the vendor who alone shall be entitled to the benefit of any insurance policy relating to such destruction or damage subject to the rights of any person entitled thereto by virtue of an encumbrance over or in respect of the land.

(3) In this section the term “sale of a dwelling-house” means the sale of improved land the improvements whereon consist wholly or substantially of a dwelling-house or the sale of a unit within the meaning of the Building Units Titles Act 1965–1972.

(4) This section applies only to contracts made after the commencement of this Act and shall have effect notwithstanding any stipulation to the contrary.

MINORITY REPORT

1. The writer agrees with and supports the final report of the Committee of Inquiry into Conveyancing with the exception of the section entitled "Solicitor Acting For Both Parties" with respect to which the following comments and additional recommendations apply.

2. The Committee in its first report, which the writer supports, did not find any evidence to suggest that persons other than Solicitors should be entitled to perform conveyancing for fee or reward, provided the fee was set at a level which reflected the professional and administrative effort involved.

3. A significant part of this conclusion rested on evidence submitted by the Law Institute which made a number of points concerning conveyancing including—

- (i) the complexity of contractual aspects;
- (ii) the frequent requirement for legal advice on breach or anticipated breach of contractual obligations;
- (iii) the frequent requirement for advice on examination of Title arising from requisitions on Title and answers.

4. The Institute also submitted that in "between 25 and 40%" of conveyancing matters there arise serious problems requiring legal judgment.

5. The writer (as a non-lawyer) has been advised time and again in private discussion with practising Solicitors and indeed with members of the Council of the Institute, that the prudent Solicitor would hesitate to act for both sides of a conveyancing transaction, because of the potential problems involved.

6. The relative absence of complaints from the public to the Law Institute or to the Ministry of Consumer Affairs, involving a Solicitor acting for both parties, is in itself inconclusive evidence whether a problem exists or not because:

- (i) The Ministry of Consumer Affairs has not maintained a separate classification for complaints about Solicitors acting for both parties which would enable ready extraction of statistics to prove the point;
- (ii) Many of the conflict of interest problems which might arise from a Solicitor acting for both parties would not necessarily be apparent to the client. Minor problems such as delays in settlement which may be expensive to one party, could be attributed by the Solicitor's staff to third or fourth parties such as lending institutions, Title Office, etc. without revealing to the client the real nature of the problem;
- (iii) The conflict of interest which may be involved may be very subtle— a Solicitor of good will may in fact over react and act against the interests of a major client in favour of a minor client if acting for both in a transaction where a problem arises. Solicitor members of the Committee have in fact indicated that this may occur, in defence of the practice of a Solicitor acting for both parties. Bias by a professional in favour of those with possibly smaller means is not necessarily desirable.

7. Current ethical practice is that if a problem arises where a Solicitor is acting for both parties, both parties should then be advised to seek another (different) Solicitor. However the damage may well be done by that stage.

8. The writer has concluded that the practice of a Solicitor acting for both parties:

- (i) is undesirable as conveyancing is, on the evidence of the Institute, potentially litigious; and
- (ii) is not supported by many (if any) prudent members of the profession.

9. It seems that if the practice were prohibited outright, the major difficulties to arise are:

- (i) in the country where there may only be one firm in a very large region and that firm has traditionally acted for most of the families in that region; and
- (ii) in transactions which are not at arms length, e.g. within a family, between related companies.

10. There is no simple solution in the case of country practices. The writer is persuaded that there would be considerable hardship involved in forcing country legal consumers to use a Solicitor, perhaps unknown and many miles away, for a once off transaction. Further, it has been argued that there are additional social constraints on Solicitors in country towns which tend to ensure ethical behaviour. The excellent record of the small number of defalcations by country Solicitors also demonstrates this point.

11. It is therefore recommended that the law be altered to prohibit a Solicitor acting for both parties in a conveyancing transaction, except where:

- (a) the Solicitor is in a country area (as distinct from provincial town); or
- (b) the transaction is—
 - between members of the same family (except in the case of divorce or similar proceedings), or
 - between members of a family and a private company controlled by members of that family, or
 - between two corporations.

In cases where a Solicitor does act for both parties, in accordance with the above, the Solicitor should be bound to advise the client in writing (in a form of words agreed to by the Law Institute) of the fact that he is acting for both parties and of the problems which may arise therefrom.

M. W. SIBREE

VICTORIA

**WHITE PAPER ON STRATEGIES AND
STRUCTURES FOR EDUCATION IN
VICTORIAN GOVERNMENT SCHOOLS**

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1.0 INTRODUCTION

- 1.1 This paper is a statement of Government policy with regard to new administrative arrangements for government schools in Victoria. Its purpose is to set out management and organisational structures necessary to achieve already established aims and objectives for education. The Paper is a result of a lengthy and extensive consultative process, involving large numbers of parents, teachers, principals, departmental officers, representatives of interest groups and members of the Victorian community.
- 1.2 Shortly after their appointment in May 1979, the Minister and Assistant Minister of Education announced a review of education policies designed to identify clearly the aims and objectives of education in Victoria and to determine the strategies, structures, policies, and administrative changes that would best assist achieving those aims and objectives.
- 1.3 By an advertisement dated 24 August 1979, all schools, interested organisations and members of the public were invited to make submissions. A detailed supporting statement on the purpose of the review was circulated to schools. Officers of the Education Department prepared an Education Department point of view and a Consultative Committee of educators and interested lay people was formed to provide an independent perspective and to analyse submissions from the public.
- 1.4 The first stage of the review culminated in the presentation to Parliament on 12 December 1979 of a Ministerial Statement on the 'Aims and Objectives of Education in Victoria'. This statement provides a set of goals towards which schools and the education system can work.

1.5 Because of their central importance for this Paper, the aims and objectives set out in the Ministerial Statement of 12 December 1979 are reproduced below:

THE AIM OF EDUCATION IN VICTORIA

The central aim of education in Victoria is to provide educational experiences of the best possible quality, for children, youth, and adults. Through these experiences they will have the fullest opportunity to:

reach an understanding of themselves and society (educational opportunity);

develop to their highest level of intellectual, emotional, and social competence (educational achievement);

achieve socially responsible self-direction (education and values); and

build an abiding sense of community throughout our society (education and community).

THE OBJECTIVES OF EDUCATION IN VICTORIA

From the central aim of education spelt out above, it is possible to set both broad and specific objectives. The broad objectives are:

to recognize and accept both the diversity of our community and the widely agreed values and structures within it;

to develop in each individual the intellectual, practical, social and emotional skills required to understand our society and to live, work and function effectively within it;

to develop a more co-operative, caring, and democratic community concerned with the welfare and optimum growth of all its members; and

to encourage increased community participation in consideration of educational issues, educational decision-making, and the life of schools.

The attainment of these broad objectives within the framework of available funds will call for sensitivity and flexibility in educational administration, for high quality in teaching, and for understanding and support from the community as a whole.

Following from these broad objectives and from the central aim, the specific objectives of education in Victoria can be grouped into the four areas identified in the central aim.

1. Educational opportunity. The objectives are:

to provide equality of opportunity for all students by catering as far as possible for individual differences;

to develop learning environments that enable schools to pursue programmes of quality in education;

to provide adequate support services for curriculum in all schools and in all subject areas;

to help improve the quality of life of students and their appreciation of the role of the family; and

to prepare them properly for life after leaving school.

2. Educational achievement. The objectives are:

to provide opportunity for students to develop as far as possible their academic, social, and physical potential;

to foster in each student a broad range of physical, intellectual, practical, artistic, emotional, and social skills and to extend students talented in these areas to their highest possible levels; and

to determine desired levels of literacy, numeracy and oracy (or in plainer language, reading, writing, mathematics and speech) and to develop every student to these levels at the very least.

3. Education and values. The objectives are:

to ensure that educational bodies play their part in transmitting the shared ethical, moral, and social values and standards of society while at the same time acknowledging that values are changing, that tolerance and other views is expected, and that the values of minority groups should receive appropriate attention; and

to provide freedom of choice of schools to all parents wherever practicable by encouraging diversity in school programmes and by encouraging review of present curriculum offerings to ensure that there is real choice and not just confusion brought about by too many alternatives being available.

4. Education and community. The objectives are:

to provide the opportunity for students to learn to exercise autonomy and responsibility through their school experience;

to provide educational experiences that will contribute to the preparation of students for life within a wider community, including family life and working life;

to ensure that the aims of education are pursued in all schools through the development of a core curriculum for students generally, with provision for individual schools to pursue locally based components to balance the school programme;

to foster co-operation between schools and the community in the matter of school governance; and

to decentralize the administration of education wherever appropriate to allow local communities as far as is possible to share the responsibility and accountability for local educational policy and for decision-making in local schools.

1.6 In the light of the 'Aims and Objectives' statement, the Consultative Committee considered further submissions and produced recommendations on the strategies and structures to be adopted in order to achieve the aims and objectives. The Director-General's Office and his Policy Committee also considered the implications of a wide range of options, and analysed responses to a document produced for this purpose. These efforts contributed to the production of a 'Green Paper on Strategies and Structures for Education in Victoria', which was tabled in Parliament on 8 May 1980.

1.7 The Green Paper emphasised the theme of devolution of responsibility, but made it clear that no firm decisions had been made and that the Government was not committed to any particular course of action. The paper sought to provide a basis for discussion and options for consideration. It emphasised that its main purpose was:

... to provide a positive starting point from which organisations and individuals interested in the future of education in this State can develop views and practical ideas designed to assist the Government in framing and implementing policies best equipped to achieve the aims and objectives of education.

1.8 Following publication of the Green Paper, the Ministers set up mechanisms to facilitate consultation and to secure reaction and comment. Copies were immediately circulated to schools and community groups, and responses were invited by 30 September 1980. By the closing date, over 600 submissions had been received from teachers, principals, parents, schools, school councils, teacher organisations, other interest groups, tertiary education institutions and others. Late submissions were accepted, taking the total to 935. Nineteen key interest groups in the education field were invited to join an Organisations Reference Group to consider the concepts presented in the Green Paper, to make known to the Ministers the views and relevant policies of the organisations represented, and to explore areas of likely consensus.. Sixteen invitees accepted and the Group considered in detail and reported unanimously on issues relating to devolution, curriculum, finance, personnel, buildings, and services to support devolution. A survey of community expectations towards primary and secondary education was conducted. Questionnaires were distributed in July 1980 by mail to a random sample of 2000 persons, drawn from the State Electoral Roll, and responses were analysed. Regional directors were commissioned to undertake a 'follow-up' process of conducting discussions, eliciting responses on key issues from individual schools and bringing results together in summary form.

Their reports incorporated the results of more than 3600 written responses, in addition to the oral contributions made at meetings. Senior officers of the Education Department and its divisions also presented submissions. Despite these provisions, some individuals and organisations felt that the time available to make detailed and considered contributions was insufficient.

1.9 All submissions were methodically analysed, and the Ministers considered the many suggestions, comments and proposals made in the light of the Ministerial statement on 'Aims and Objectives'. As a result of the consultative process, the decisions outlined and the arguments presented in this Paper differ appreciably from the proposals and discussion set out in the Green Paper. In general, the Government has accepted the proposition made in many submissions that opportunity for further consultation should be given with respect to important educational issues, whilst concluding at the same time that administrative and organisational reform to increase efficiency and economy are urgent.

1.10 Although the Government's long-term objective is to consider every aspect of education in Victoria, the range of submissions received was largely confined to the Government school system and time constraints precluded consideration of other educational institutions. Consequently, matters relating to registered schools and tertiary and post-secondary institutions have been reserved for future consideration. Currently the administration of technical and further education (TAFE) is under review by the Technical and Further Education Board which will make recommendations to the Ministers.

2.0 PERSPECTIVE

- 2.1 When Victorians established a system of free, compulsory, and secular education in 1872, they demonstrated the value they placed on public education. Their intention was not only to raise the level of general literacy, but to provide equality of opportunity for all to benefit from education, to facilitate the development of a more prosperous society, and to produce a people committed to the concept of a liberal democracy in which citizens would play an intelligent and informed part in influencing their own destinies.
- 2.2 When viewed overall, the aims of the founders of the Victorian public education system have been achieved to a remarkable degree. By any standard, the Victorian population of 1980 is infinitely better educated and better informed than it was in 1872. The education system has grown and become much more complex, and over the years it has contributed significantly both to the personal development of its citizens and to the social and economic development of society. With a much higher standard of general education today, it is not surprising that citizens are still vitally interested in their education system. But more important, many citizens feel qualified to demand a greater say upon matters which affect the educational destiny of the children of Victoria. Above all else, the submissions received by the Ministers demonstrate a high degree of community interest in schools, and a strong desire by many individuals, associations and community groups to contribute to policy development for the education system.
- 2.3 It is not always appreciated how significantly the public education system has changed over the past century. In 1872 following passage of the Education Act, less than 136,000 pupils were enrolled in government schools; now enrolments exceed 614,000 pupils. In 1872 there was a single university with an enrolment of a mere

250 students; now the State has four universities, with a total enrolment of almost 44,000 students. A century ago technical education, teacher education and non-university technological education were in their infancy; now Victoria has a well-developed advanced education system with total enrolments of almost 55,000 students, while there are over 240,000 enrolments in technical and further education. Facilities and advisory services have improved markedly; today Victorians can be justly proud of their fine school, TAFE and tertiary education facilities, of the wide range of educational programmes available, and of the range of services provided to assist schools and pupils.

2.4 As the education system expanded and became increasingly complex, so administrative arrangements were modified. In the early years of the century, for example, the divisional structure of the Education Department was developed in order to meet the needs of expanding state secondary and technical schools. During the 1970s substantial administrative changes were introduced. Within the Education Department, functional co-ordination was introduced in the Office of the Director-General and five service directorates were established to provide more efficient management and improved services to schools. In response to criticisms of the high level of administrative centralization in the Department, regional administrative units were set up, and in 1975 provision was made for school councils with greater powers. Increased professional responsibility was delegated to schools and teachers, especially with regard to curriculum. It should be noted that in a number of areas Victoria has led most other Australian states and territories in providing for increased decentralisation of authority; the councils of technical schools, for instance, have long had important powers of co-ordination and allocation of resources.

2.5 Many of these administrative changes occurred gradually, and were the product of evolutionary development. There are strong

arguments in favour of gradual and evolutionary changes in administrative arrangements in order that the education system might respond efficiently to new demands, new pressures and new ideas. At the same time, many reforms will never be achieved without firm Government initiative and action. Moreover, a process of consultation and consensus however desirable on questions of objectives will seldom produce positive action for administrative reform. The consolidation of past developments in a rational way and the stripping of unnecessary structures, even if hallowed by time, can only be achieved by Government decision. In the current context it is clear that Government initiative is essential to achieve greater managerial efficiency and a more flexible, open and responsive education system.

2.6 There is a general belief, however unrealistic, that increased funding will solve every problem. There is insufficient recognition that resources are, and will always be, limited. The Government must also provide from those limited funds for many services beside education. The funds allocated for education itself must be sensitively and equitably deployed between its many differing types of schools and educational institutions. If the needs of any individual school are looked at in isolation and without regard to the requirements and constraints of the system as a whole, those associated with that school may well believe that their needs are inadequately met. Those needs, however, must be viewed in the context of the whole.

2.7 The challenge faced today is to provide for the development of an education system which is at once sensitive to the needs of children, parents, teachers, and Victorian society at large, while recognising the need to provide for diversity, individuality, and difference. Furthermore, there is a clear responsibility to build on what is best in that which has gone before.

3.0 KEY THEMES

3.1 The majority of submissions were properly concerned with educational issues rather than administrative issues. In so far as administration was considered, submissions tended to deal with inadequacies of existing arrangements and to propose re-adjustments and modifications rather than major restructuring - nor could they fairly have been expected to do so. They also favoured, where possible, gradual and evolutionary change, with a maximum degree of consultation with key participants. The Government endorses this approach, but accepts responsibility for initiating structural alterations which will facilitate change continuing to take place. Through overhaul of administrative structures, the aim is to enable the education system to serve the interests of children and society more effectively.

3.2 Six key themes underly the administrative changes to which the Government is now committed:

- (a) devolution and decentralization of power and responsibility where appropriate to local and regional units;
- (b) increased participation by parents, community members, teachers and principals in education governance at all levels;
- (c) improved consultation;
- (d) economy and efficiency in management;
- (e) effective co-ordination of functions and policies; and
- (f) appropriate mechanisms for internal and external reviews of schools.

All six received strong support in the submissions, and deserve separate discussion.

3.3 Devolution and Decentralization

Devolution refers to the transfer of authority and responsibility to other organisations further from the centre within an administrative or governmental system, while decentralization refers to the transfer of powers and functions away from the centre to other levels within the same organisation. Effective devolution and decentralization both require the transfer of real power and functions and an increase in discretion and choice exercised by recipients. In modern government strong tendencies operate towards increased centralization in administration; these need to be countered by deliberate efforts to devolve and decentralize.

3.4 During the Review many thoughtful individuals and groups urged transfer of power and responsibility, wherever possible, from the central office of the Education Department towards local and regional levels in order to achieve greater efficiency and to foster among schools and school communities a greater sense of commitment and responsibility, and this view has been accepted. Thus it is proposed to continue to work towards substantial devolution and decentralization. Wherever possible, functions currently performed at central office level will become the responsibility of schools and regions.

3.5 At the same time, it should be noted that views with regard to devolution and decentralization differed sharply. A number of submissions urged no further devolution or decentralization to regions or schools, while some recommended increased responsibility at the centre. Nevertheless, the Government's view is that on balance increased devolution and decentralization are desirable and necessary goals.

3.6 The Westminster system demands that a government shall be accountable to the people for the spending of public funds and that every segment

of every department which expends them shall in turn be accountable through the Minister to Parliament. Thus devolution and decentralization of authority can proceed only in accordance with broad policies acceptable to government. Even though government must accept responsibility for the policies finally adopted, they will be more acceptable and effective if there has been adequate consultation during their development. Where decision-making is decentralized, measures to ensure accountability and observance of constraints must safeguard the ultimate responsibility of government.

3.7 In proposing increased devolution and decentralization within a defined framework, the following concerns have been taken into account:

- . the diversity of needs which exist within and between schools and local communities;
- . the imbalance in potential and in resources which will require positive discrimination in some areas;
- . the importance of enhancing opportunities for young people whose prospects of effective learning are for any reason limited at present;
- . the professional rights and responsibilities of principals, teachers, and ancillary staff in the schooling process;
- . the rights and responsibilities of parents and students;
- . variations in expertise and community interest available to different schools; and
- . the need to develop or maintain appropriate checks and balances to ensure that education meets the needs of society as a whole.

3.8 Further devolution and decentralization of power and responsibility should assist the system to become more sensitive and responsive

to the needs of all concerned. Where there is a capacity to identify and meet local needs and circumstances, there is encouragement to use local initiative, to strengthen mutual support between the school and its community, and to develop increased responsibility and accountability. Participation by principals, teachers and school councils in effective decision-making undoubtedly also fosters a stronger commitment to the success of the school or enterprise than is likely to be the case with those who see themselves merely as implementers of decisions made elsewhere.

- 3.9 The arguments so far identified refer to improving the quality of decision-making. But there are also educational considerations. Teachers and principals are more likely to develop curriculum and to formulate the most effective learning programmes for the students for whom they are responsible, if it is clear that the real responsibility for providing the programmes rests with the school.
- 3.10 It should be made clear that added administrative responsibility will not be thrust on schools or school councils which consider they are at present unable or unwilling to accept such additional commitments. But the intention is to enable those schools and school councils which consider they are ready to assume new responsibilities to do so, and to provide adequate support and advice to assist them. Efforts will be made to raise the expertise of councils through changes in their structure, provision of more frequent and adequate information and advice, and opportunity for members to participate in training seminars for school councillors.
- 3.11 The proposals for devolution and decentralization are seen as a further extension of former initiatives. During the 1970s, important moves on these lines included regional initiatives,

legislation relating to school councils, a range of innovative programmes, and the growing recognition of schools as community-based organisations.

3.12 Participation

Participation in this context refers to providing opportunity to contribute to policy development and formulation.

3.13 Educational theorists have long recognised that the key elements in the educative process are pupil, parent, teacher, and environment. The best educational interaction is widely acknowledged to be that which takes place between the child on the one hand and a teacher and parent, in a harmonious relationship, on the other hand. This has sometimes been used to found an argument that schools could be left solely to parental and teacher governance. But such a view fails to acknowledge financial reality and the need for equity between all government schools. It also disregards the wider demands that society as a whole places upon the school as a vehicle by which commonly accepted standards and values pass from one generation to the next, or the needs of the State for intelligent, participating citizens who can meet broadly based requirements, or the local community's desire for competent, reliable young people who can play their parts in the life of the community whether as employees, employers or otherwise. It further fails to recognise the need for true equality of opportunity for all children in the State school system. Thus participants in governance must include representatives of community groups and interests, as well as teachers and parents. Further, in the interests of a proper sharing of responsibility, education professionals must not dominate the composition of school councils and other broad-based advisory bodies.

3.14 Parents have the right to ask questions and to have them answered, to receive information, and to know and understand what arrangements

are proposed for their children. The development of a relationship between teachers and parents which allows both to see themselves as partners in the education of a child and, at the same time to recognise their mutual right to happiness and a sense of satisfaction and achievement, is a goal to which all schools should aspire.

- 3.15 Further still, increased participation by parents and community members is seen as being desirable in order to provide greater opportunity for input from and access to educational information and services for groups as diverse as Aborigines, ethnic communities, residents of small country towns, and handicapped people of various kinds. In the intervening century since the public school system was founded, Victorian society has become more complex and multi-faceted.
- 3.16 School systems exist for the benefit of their students and the best interests of those students must be the guiding principle in determining the most appropriate means by which any system's aims and objectives can be achieved. The children of Victoria will, in the view of the Government, be served best by a school system which encourages each school to operate within the overall framework as independently as the experience and readiness of its council will permit. The emphasis in this Paper is upon the individual child in the school and the management structures necessary to serve children's interests, and not on structures designed primarily to serve the interests of administration. This implies too the gradual development of certain educational services at the local and regional levels and the gradual phasing out of certain services at the central office level.
- 3.17 It is recognised that the achievement of significant devolution of control and broader participation in governance will require effort

and determination. School councils, in particular, will need assistance and encouragement if they are successfully to accept wider responsibilities, and this will be given.

3.18 Consultation

Consultation with regard to the management of public education refers to the process of sharing information with and securing feed-back and comments from participants and from community interests. Effective consultation leads to much healthier and more open relationships, better decisions and policies, and greater efficiency.

3.19 Many submissions pointed to the need for schools and for administrative agencies to provide more detailed information to parents and communities with regard to objectives and programmes. They also urged more frequent consultation, involving many more individuals than merely the members of school councils and other official advisory bodies. This view is accepted.

3.20 Economy and Efficiency

Few would question the desirability of economy and efficiency as goals in the management of public organisations. Economy means simply operation at the lowest cost necessary to achieve the desired results, and without waste and unnecessary duplication. The concept of efficiency contains two elements. The first is effectiveness which involves the relationship between purpose and result. An administrative unit can be said to be effective to the extent that it achieves the purpose for which it was established. The second element involves consideration of the resources used in achieving the result. A programme, for example, is efficient only if its effectiveness is achieved with an economic use of resources.

3.21 Emphasis will be given to mechanisms and policies aimed to achieve increased economy and efficiency. These will include, at school,

regional and state-wide levels, evaluations of particular programmes, reviews of the performance of administrative units, and elimination of unnecessary duplication. Further, in any education system, it is essential that administrative functions are seen basically as services provided to assist schools and facilitate the teaching and learning process, and not as ends in themselves. Their demands on resources thus should be kept to the minimum in order that the maximum support and resource levels be provided to schools.

3.22 Co-ordination

Co-ordination is a frequently used, but seldom defined term. It means simply the regulation or adjustment of activity or functions in order to secure greater overall harmony and consistency, to achieve greater efficiency and a more desirable balance, and to avoid unnecessary overlap and wasteful use of scarce resources. This regulation may occur between different units of the one organisation, or between different organisations.

3.23 In any education system, there is a particular need for the various administrative agencies and educational institutions to work in close co-operation in order to secure harmony in functions and policies. Without such harmony, programmes may pursue divergent or conflicting goals, to the detriment of children and the community. Procedures must ensure proper advice on priorities for development and on competing claims for resources.

3.24 School Reviews

Reviews are an important element in the efficient management of any school system. Through reviews principals and teachers are able to reconsider objectives and broad policy, identify strengths and weaknesses in school programmes, evaluate the extent to which the school curriculum in its broadest sense is achieving objectives,

and plan more effectively to meet student needs. Parents, community members and government have a right to know how effectively individual schools are meeting their stated objectives and working towards achieving system-wide objectives. Similarly reviews are equally important at the regional and system-wide levels.

4.0 PRESENT ORGANISATION

4.1 The Education Department is presently structured on teaching divisions (based on an age-grade classification of students) and service divisions combined with functional co-ordination in the Office of the Director-General in the areas of building, curriculum, finance and personnel.

4.2 In each of those four functional areas responsibilities are currently exercised and distributed in different ways. In the building area, regional priority review committees recommend regional priorities; school councils help plan new facilities; and schools are taking increased responsibility for maintenance and construction. Responsibility for curriculum development has been increasingly accepted at school level, but with support provided by central office and the regions. The administration of the finance system is predominantly a central office responsibility, but schools do have some input and for technical schools provision has been made for budget submissions from each school. Similarly, technical schools have developed a well accepted system of participating actively in the selection of principals and vice-principals, though all appointments are still made centrally.

4.3 Policy is made at all levels. Each school has been encouraged to publish a school policy. Regional policy is determined both by

local needs and the central framework. Policy-making at the central level (by Cabinet, the Ministers, the Office of the Director-General and the divisions) is concerned with issues and practices which have system-wide implications.

4.4 Planning is a responsibility of all levels of the organisation. Co-ordination of plans developed at the central, regional, and school levels is the responsibility of the Office of the Director-General.

5.0 NEW ORGANISATIONAL ARRANGEMENTS

5.1 The Government will reorganise the administration of the Education Department at school, regional and central levels in order to achieve the reform which it considers both necessary and urgent. There will be a re-allocation of roles and responsibilities at each of the three levels so that:

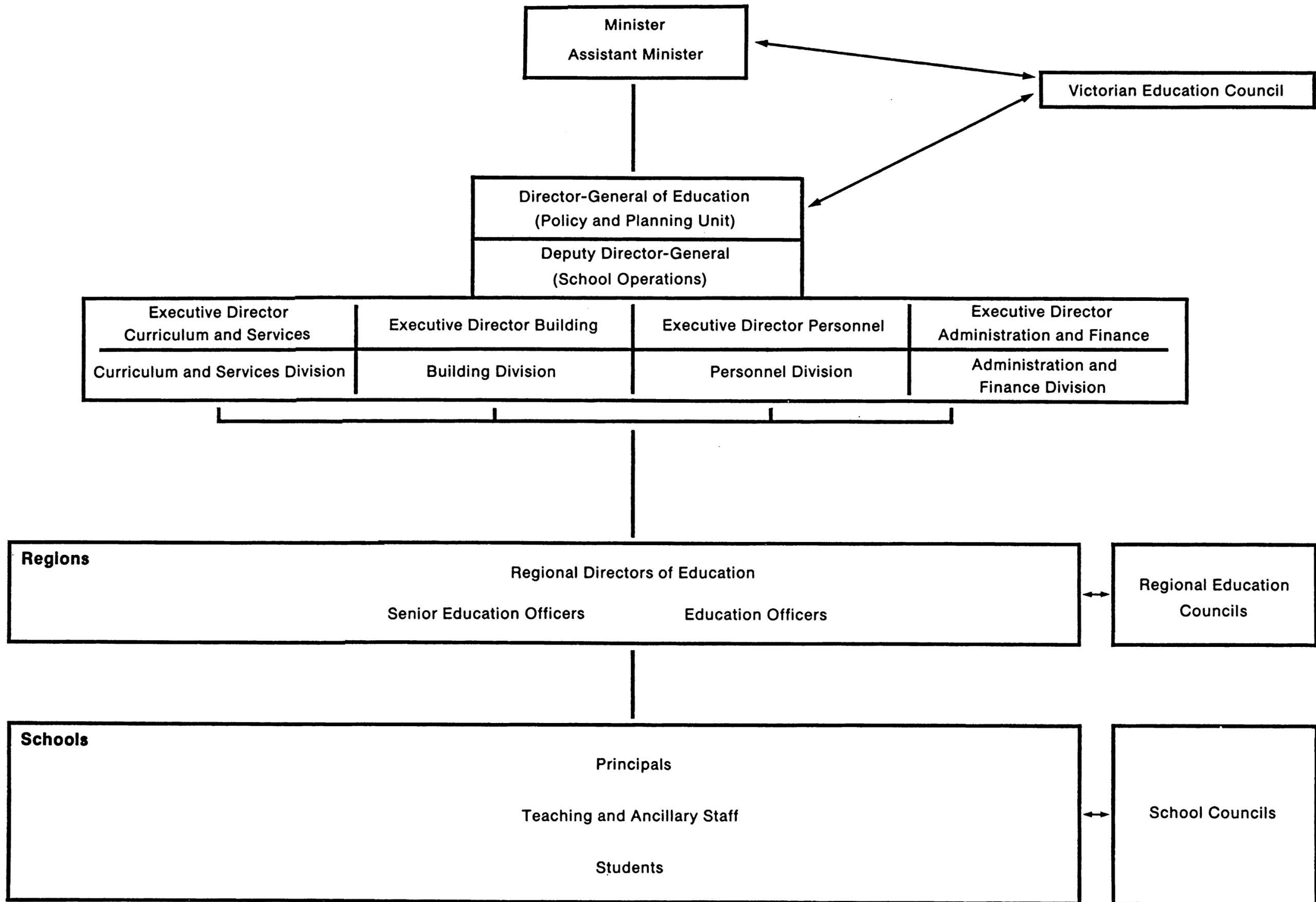
- . effective decisions will be made at the most appropriate level;
- . greater emphasis will be placed on co-ordination of activities, on consultation and on wider participation in governance;
- . schools will better meet the needs of students at the local level, but in the context of policies and curriculum guidelines affecting students generally and the system as a whole; and
- . increased efficiency, accountability, and a more equitable distribution of resources can be achieved.

5.2 The new thrusts and decisions are spelt out in detail in the paragraphs which follow. They include:

- . adoption of a corporate management approach at the top administrative level;
- . establishment of a corporate Policy and Planning Unit;
- . development of four functional areas as the basis for the central office structure, and elimination of school divisions as administrative units;
- . affirmation of the role of the Director-General of Education;
- . opportunity at every level to provide for wider participation and to protect community interests;
- . devolution and decentralization of functions and responsibility wherever practicable at regional and school levels, with particular emphasis to be given to strengthening regional offices as administrative units;
- . continued emphasis on school responsibility in curriculum development, but at the same time within the context of state-wide core curriculum framework and guidelines;
- . development of appropriate school review policies and procedures;
- . adoption of a teacher promotion system based predominantly on merit, with the provision of additional promotions opportunities in schools;
- . opportunity for some school level involvement in staff appointments; and
- . acceptance that the Education Department should be the employer of members of the Teaching Service.

The accompanying diagram summarizes the main elements of the new organisation structure at central office, regional and school levels.

ORGANIZATIONAL STRUCTURE OF THE EDUCATION DEPARTMENT, VICTORIA



5.3 School Level

The Government accepts the principle that increasing responsibility should be given to schools and school councils. Schools will be encouraged to take greater responsibility in developing educational policies and curriculum, in establishing bases for forward planning and consulting with parents and communities, and in publishing and explaining details of school policy and instructional programmes. In consultation and agreement with the school council, the principal will prepare a school policy and in consultation with the teaching staff will arrange for the development of school programmes. Core curriculum, however, will be developed within a system of state-wide guidelines. Principals will have opportunity to influence the selection of senior teaching staff in particular, although appointments will continue to be made centrally.

5.4

The Government will continue to enhance the role of school councils in policy development and implementation and to ensure that the interests of children have the major consideration. The objective will be to ensure that councils perform their important role in providing independent advice and perspective. The school councils legislation will be modified to ensure that professional educationists are not able to dominate the composition of school councils.

5.5

School councils may elect to be involved in the appointment of principals and deputy principals, and opportunities will be progressively expanded for them to take initiatives which result in buildings and facilities being in tune with the school curriculum and local needs. They will continue to exercise their responsibilities with regard to minor works, repairs, maintenance and the development of grounds. The combination of local participation with local accountability has demonstrated that in the area of building, greater local satisfaction and cost benefits can be achieved. The Government's objective is to foster participative planning with regional and central offices with regard to building projects.

5.6 School councils and principals will together be required to develop policy statements and to consult in the process with parents, teachers, students and the wider community, and internal reviews will be supplemented for all schools by an external component. While appreciating the need for diversity and responsiveness, it is important that schools develop acceptable methods of ensuring accountability, both in terms of the local community and in relation to other levels within the Education Department and Government. One aspect of this lies in the publication and clear articulation of the school policy and programme. A further development relates to the extension of existing arrangements for school evaluation and review in a form which is as acceptable as practicable to the participants and which will encourage schools continuously to test progress in implementation of aims and objectives. Evaluation should be undertaken by the professional staff or the school under the leadership of the principal on a continuous basis to monitor the extent to which objectives are being achieved, to ascertain and facilitate remediation of any deficiencies, and to provide feedback for curriculum decision-making and review of objectives, with annual reports being made available to the school council and the regional office. Internal evaluation will need, however, to be supplemented by school reviews, involving external personnel and conducted at specified intervals or earlier where it appears desirable. Primary and secondary schools already have accepted procedures and, using these as guides and following consultation, a system appropriate to technical schools will be developed.

5.7 The recent report of the Ministerial Committee on Special Assistance Programmes emphasised the importance of providing services for children with particular needs both within the secure environment of their local schools and through easily accessible district-based multi-disciplinary centres. These objectives will be pursued progressively within the availability of current resources.

5.8 Zoning policies place limitations on full freedom of choice. If schools have reasonable freedom to develop a significant component of the school programme in response to the local and special needs there should be a desirable increase in the diversity of programmes offered throughout the system. Where that diversity exists, in country or city, it would seem desirable to recognise the right of parents to choose more freely the kind of education they prefer for their children. Some submissions, however, have drawn attention to possible adverse effects of uncontrolled de-zoning.

5.9 De-zoning experiments will be undertaken on a strictly limited and controlled, and properly monitored, trial basis. In these experiments emphasis will be given to providing increased choice based on more adequate information. If parents and students are to make choices between schools, they need information on school objectives and emphases, and to be provided with outlines of school programmes. Cluster development, however, may offer a better alternative than de-zoning. Through a cluster arrangement, schools in close proximity to one another may be able to specialize in particular fields and offer courses that no one school could mount alone. This may make it possible for a student from one school to participate in courses run by a nearby school.

5.10 Regional Level

The Government will continue to implement and promote its policy of devolution and decentralization of government administration. Policies will be progressively implemented to expand the responsibilities of regional offices in providing services to schools, in contributing to policy formulation at the central level, in co-ordinating activities and undertaking planning, in becoming a focus for accountability within the region, and in serving as a direct link from schools to central office and the Ministers. Under the new arrangements, regional offices will assume many

functions which currently are the responsibility of the central office, while reorganisation of central office administration on functional lines will enhance the authority of regional units, reduce the potential for conflict between administrative units, and be conducive to efficiency, thereby helping schools to secure prompt responses to their requests.

5.11 An expanded role for regional offices is essential in order to decrease administrative 'overload' at central level and to provide for more efficient delivery of services to schools. Increased regionalization is also desirable for other reasons. Some functions are outside the current capacity of schools, and a number of services cannot be provided effectively at school level because they involve economies of scale. Further, on issues which affect schools generally and the system as a whole, it is obvious that no individual school can be the final arbiter. Some decisions must be made at the centre whilst others which cannot be finally made at the local level may be more effectively made at a point closer to the schools than the central office. Thus regional offices will exercise expanded responsibilities for consultation, co-ordination and planning to provide support for schools in their areas.

5.12 Just as each school principal works with a school council for mutual advice and support, a broadly-based regional education council will be established in each region to advise and support the regional director. Membership will include principals, school council members, teachers, parents, persons from post-secondary education institutions, and wider membership representing local authorities, and employer and employee organisations. The composition of each regional education council will take account of the particular characteristics of the region. The role of regional priority review committees and regional councils for technical education will be absorbed by regional education councils.

The councils will initially be advisory bodies, but the scope of their role will be reviewed in the light of experience. As broader decision-making powers are shown to be warranted, they will be granted. Regional education councils will be required to collaborate with other regional bodies.

- 5.13 Stated Government policy is to have eighteen regions for administrative purposes. While education regions will be progressively adapted to meet these boundaries, this may not necessarily require the establishment of separate regional offices in each. Any alterations made either in the number of regions or in powers and responsibilities associated with them will be undertaken in such a way as to make these offices more responsive to the needs and aspirations of schools, and more capable of assisting in the implementation of co-operatively established central policies. In this context, recognition will be given to the importance of accounting for the financial costs of a regionalised administration.
- 5.14 The role of regional offices will be expanded with regard to each of the four functional areas. In curriculum, regional offices will provide support to schools in the form of curriculum consultancy, curriculum materials development, in-service activities, and specialist services (e.g. psychologists, speech therapists, social workers and special assistance resource teachers as well as library services and audio-visual services personnel). They will also co-ordinate and manage support and specialist services to schools, co-ordinate in-service activities within each region, provide resources to assist schools in curriculum evaluation, assess overall regional needs, and provide an input to state-wide policy development.
- 5.15 In the personnel field, the regional office will increasingly take responsibility for the employment of emergency teachers, control

and deployment of relieving teachers, oversight of pupil welfare, co-ordination of flexible use or sharing of staff, selection of staff for specific regional projects, control and deployment of officers allocated to perform pastoral work, and co-ordination of all matters relating to school camps, excursions, and tours, in each case in accordance with state-wide guidelines. The regional office will liaise with the Personnel Division on any emergency staff situations and make submissions with regard to the special needs of individual schools. It will also take responsibility for the further investigation of any complaint by parents and members of the community regarding incidents occurring at schools and the quality of school instructional programmes.

- 5.16 In the area of building, the regional priority review system will continue to be used (through regional education councils) for recommending priorities on major works. Greater emphasis will be given to the co-ordinating role of regional offices in all building matters. Regional offices will encourage joint ventures with other bodies and will support schools in their movement towards undertaking increased responsibility.
- 5.17 With regard to administration and finance, regional offices will be responsible for the local management of all funds, except those which for reasons of efficiency must be handled on a State-wide basis from central office. The range of decentralization in this field will be the subject of consultation between functional divisions and regional offices. Regions will also develop specialised advisory financial services to schools, monitor school financial needs and expenditures, and establish specific school financial needs within the context of central policies. Apart from these tasks, regional offices will be expected to contribute to State-wide policy formulation and forward planning generally.

- 5.18 To carry out their expanded responsibilities in consultation, co-ordination, planning, policy development and providing services to schools, regional offices will need wise and sustained educational leadership. All senior appointments must be of a calibre and at a salary level appropriate for the identified responsibilities. New procedures will be developed for the selection and appointment of regional directors, which may include provision for input from regional education councils so as to ensure the best possible appointments for particular posts, either generally or for specified periods.
- 5.19 In recognition of the range of functions performed by inspectors, their title will be changed from inspector to senior education officer. Currently inspectors exercise a multiplicity of roles: advising, supporting and encouraging teachers and principals; and participating in judgments of the effectiveness both of individual teachers and of the work of schools. The performance of all these tasks will continue to be needed, but increasingly they will be the responsibility of teams at regional level, comprising liaison officers and curriculum and special assistance consultants, and led by senior education officers. Particular care will be necessary to ensure that the important functions currently performed by district inspectors with regard to primary schools are maintained.
- 5.20 Regional offices will be requested to facilitate and encourage the development of networks of district service centres to assist in the delivery to schools, groups of schools, school councils and school communities of information and technical and professional curriculum support services, including in-service education and special assistance resources. Schools and school communities should be actively involved in the management of such centres which will be under the responsibility of senior education officers.

- 5.21 Specialist services for the education of migrants, Aborigines, and the disabled, and therapeutic and support services, will be administered through regional offices. Further decentralization of other services will be encouraged to meet the needs of schools. Although arrangements already exist for neighbouring primary schools to share library, music, art, and physical education teachers with the aim of enriching the educational experiences of all children, these will need development to operate with greater effectiveness, particularly for country children. In specialist fields where staffing and resources are in short supply, regional administrations may have some advantages over central administration in assessing precise needs and deficiencies and in finding means of meeting them sensitively and flexibly.
- 5.22 The Government will continue its support for community education. Over the past decade, the community education movement in Victoria has had a remarkable growth, and now a number of government departments and agencies together with a wide range of voluntary groups are involved. The new Community Education Council is encouraging inter-departmental and inter-agency co-operation and co-ordination. The Government's commitment to community education has been demonstrated by various initiatives; of particular importance, are the appointment of Community Education Officers and the increasing number of shared facilities, such as school-community libraries, gymnasiums and theatres.
- 5.23 **Central Level**
- The central office has a pivotal role to play in facilitating the development of core curriculum guidelines, co-ordinating activities, determining and reviewing policy decisions, assessing educational priorities for the State, and undertaking forward planning.
- 5.24 In order to achieve better co-ordination of policies at senior management level and to improve policy formulation capability, a

Corporate Management Group will be formed. Membership will comprise the Minister of Education, the Assistant Minister, the Director-General of Education, the Deputy Director-General and four Executive Directors whose position will replace that of Assistant Directors-General. This group will meet regularly, with prior circulation of agenda items and supporting papers. It will discuss problems and emerging needs, consider policy options, take and disseminate decisions and monitor the implementation and evaluation of policies.

- 5.25 Establishment of the Corporate Management Group will constitute an important new departure in educational governance in this country. It will require a move away from the traditional and hierarchical style of departmental policy and decision-making, towards the corporate management techniques of successful boards and commissions. It will introduce a team approach to policy formulation and review; it will facilitate the exchange of information and viewpoints; it will increase consistency and cohesion in decision-making; and it will provide for greater accountability.
- 5.26 A Policy and Planning Unit will be developed. It will be responsible to the Director-General, but will service the needs of the Ministers and the Corporate Management Group. Its members will require high level research and policy analysis skills; they will be drawn mainly from the present Planning Services Division.
- 5.27 A Victorian Education Council will be established to provide advice on a regular basis to both the Ministers and the Director-General of Education. This Council will comprise the Director-General of Education; the Chairman of the Victorian Post-Secondary Education Commission; representatives of the Victorian Institute of Secondary Education, the Technical and Further Education Board, and the Council of Adult Education; representatives of non-government schools and

school systems; principals and teachers from government schools; representatives of tertiary education institutions; and other members appointed by the Minister to represent parents, industry and commerce, trade unions, and ethnic and minority groups. The Council will meet regularly, or at the special request of the Minister, and will be serviced by a small secretariat in the Education Department. One important function for the Council will be to provide advice to the Ministers on priorities within, and co-ordination of, proposed initiatives from the various providers of educational services across the education portfolio in the State. On occasions, it will be asked to advise on reallocation of priorities within existing provisions, and on proposed rationalization of functions and educational programmes. It will substantially replace the existing Council of Public Education established in 1910.

- 5.28 Functions currently performed by the Council of Public Education with regard to non-government schools will become the interim responsibility of the Director-General of Education, advised by a joint committee comprising representatives of non-government schools and the Education Department. Some adaptation of the existing Liaison Committee operating between the Education Department and registered schools could fulfil this function. The precise long term arrangements will be developed in consultation with representatives of the non-government schools and school systems.
- 5.29 The current responsibilities of the Divisions of Primary, Secondary, and Technical Education, Teacher Education and Administrative Services will be distributed between the four new functional divisions and Regional Offices. Each functional division will be headed by an Executive Director. Substantial complexity is added to an organisation where teaching divisions based on an age-grade classification of students are combined with divisions based on service roles and with functionally organized divisions. At the

same time, the State is administered on a regional basis, whilst the office of the Director-General has been organized on functional lines. This arrangement is inefficient, uneconomical and organisationally dysfunctional. It leads to duplication and replication, and promotes conflict rather than co-operation between administrative units. Consequently, the responsibilities of the three school divisions (other than for special schools) will be distributed between functional directorates and regional offices. Abolition of the teaching divisions as administrative units does not mean abolition of the current promotion structures for primary, secondary or technical schools, or any change in the present classification of schools into primary, secondary and technical schools. Within the new Personnel Division separate staffing officers will provide for the needs of primary, secondary and technical schools; similar arrangements will apply in other functional divisions to cater for the special requirements of these different types of schools.

- 5.30 In any organisational structure, the role of the chief executive is crucial. As permanent head of the Education Department, the Director-General will be the chief executive, and will continue to be senior adviser to the Ministers. Within the new structure, the Director-General will take particular responsibility for broad policy development and for forward planning. Each of the four new functional Divisions - Curriculum and Services; Personnel; Building; and Administration and Finance - will be headed by an Executive Director. The Executive Directors will be essentially managers and division heads, in addition to their policy role within the corporate management group. The Deputy Director-General will provide co-ordination between the four functional divisions and with regard to school operations, including those of special schools. The Deputy Director-General will exercise general supervision over the distribution of all resources among schools, and will monitor operations at regional and school levels with a particular responsibility with regard to school evaluation and reviews.

- 5.31 The new Curriculum and Services Division will be formed by amalgamating all curriculum and curriculum support functions currently performed by the existing Divisions of Special Services, Primary, Secondary and Technical Education. Pending decisions arising from the current review by the TAFE Board it will also include the TAFE Services and Support Services Units of the existing Planning Services Division. The new Personnel Division will incorporate the related functions currently performed by the Divisions of Primary, Secondary and Technical Education, Special Services and Teacher Education, and will include a new industrial relations section. The new Building Division will be formed by amalgamating the existing Building Operations Division, the Facilities Planning Unit of Planning Services, and the related functions currently performed by the Divisions of Primary, Secondary and Technical Education, Special Services and Teacher Education. The new Division of Administration and Finance will be formed by amalgamating the existing Divisions of Administrative Services and the Finance and Accounts Offices, together with related functions currently performed by the Divisions of Primary, Secondary and Technical Education, Special Services and Teacher Education.
- 5.32 At present, doubt exists as to whether the Education Department or the Teachers' Tribunal is the employer of members of the Teaching Service or as to whether each is to be regarded as the employer for some purposes. The Education Department currently possesses only some of the characteristics and functions normally attributed to an employer. Administrative logic demands, and the submissions almost universally accepted, that the Department should both be, and be seen to be, the employer. The Government accepts that position. This implies changes in the powers and functions of the Teachers' Tribunal and the Committee of Classifiers.
- 5.33 The Teachers' Tribunal should be remodelled placing increased emphasis upon negotiation and conciliation prior to any formal

arbitration. Major changes are urgent, but must be initiated with great care. Continuation of discussions initiated with teacher unions, consultation with all parties affected, and the achievement of the maximum possible degree of consensus are all highly desirable.

5.34 Greater emphasis on curriculum responsibility at school level will lead to increased demand for curriculum services, both as advice on curriculum development and in the provision of curriculum materials and equipment. Considerable economies of scale can be achieved if materials and equipment are produced centrally. In order to provide an adequate support service for curriculum development, there will need to be a central curriculum unit but curriculum consultants and support services will be attached to regional offices.

6.0 DIRECTIONS FOR DEVELOPMENT IN FUNCTIONAL AREAS

6.1 The previous section outlined the planned changes at each of the three levels of authority - school, regional, and centre. This section elaborates on these changes with regard to four functional areas - curriculum and services; personnel; building; administration and finance - and with regard to policy and planning.

6.2 Curriculum and Services

The proposals set out in the Green Paper with regard to curriculum produced varying responses. Some submissions supported the concept of a core curriculum centrally prescribed and developed, but a majority clearly did not. Apart from this, many submissions considered that the concept of core curriculum was not sufficiently detailed or precise. Careful consideration has been given to the comments made and points raised in the submissions.

- 6.3 In simple terms, curriculum is the sum of learning experiences to which students are exposed as they pass through the schools. It represents the vehicle by which objectives of the school and of the system are translated into action.
- 6.4 A specific objective in the Statement of 'Aims and Objectives of Education in Victoria' requires that the aims of education be pursued in all schools through the development of a core curriculum for students generally, with provision for individual schools to pursue locally based components to balance the school programme. Core curriculum is often confused with a list of compulsory subjects taken by all students, or with detailed syllabuses imposed on all schools. Others confuse the idea of core curriculum with the so called 'three Rs' or 'the basics'. Such confusion is unfortunate. A widely accepted definition of core curriculum is 'that set of basic and essential learnings and experiences which can be expected of all students who pass through our schools'. Basic learnings are those which provide a foundation for further learning and continuing personal development, such as reading skills or oral communication skills. Essential learnings and experiences are those which are required by all young people who are to function effectively in the cultural, economic, political, group, family and interpersonal life of our society. Core curriculum thus takes into account the basic needs of students in terms of personal development and social participation at all stages. But the core alone does not provide a full or total education, since in addition a range of specialist, technical and advanced studies is required. For this reason the policy is for the aims of education to be pursued through a core curriculum plus locally based components.
- 6.5 The case for a core (or common) curriculum and for Government to accept responsibility in the area of curriculum policy rests on three related arguments. The first is based on the rights of children. Under a system of compulsory education, all children

must have a clear and definite right of access to worthwhile knowledge and enriching experiences, which will develop their abilities, their individual judgment, and their sense of responsibility to enable them to become contributing members of society. No child should be deprived of teaching in areas regarded by the community as basic. Second, society today requires much more of its citizens in terms of range of competencies and skills than a century ago. It is entitled to demand that the education system meets the needs of the community. Third, effective participation by individuals in contemporary life, which is an entitlement and responsibility of all, depends on a wide, complex and interrelated set of learnings, well beyond basic competence in reading, writing and arithmetic. The achievement of that objective is in the interests both of the individual and society.

6.6 The notion of core curriculum is of central importance to the main thrust of this paper. Through broad-based consultation, a state-wide core curriculum framework will be established, setting out fundamental learnings for students at different stages. This will not take the form of subject syllabuses or statements of behavioural objectives. Rather it will consist of guidelines, pointing to key objectives and to different kinds of knowledge, experience, skills and learning which should be made available to all children. With the help and support of central office and regional office staff, it will be the responsibility of each school to translate the core curriculum into teaching programmes - into means by which it is taught and experienced in classrooms. Each school will also develop its own elective or optional studies. The role of the central office and regional offices in providing support and advice, detailed information and core curriculum materials will be vital.

6.7 The content of the core curriculum will require careful attention. It is a matter where many participants in the educative process,

including teachers, parents and community groups, have a rightful and vital interest. Construction of the core curriculum framework and guidelines will also need to draw on expertise and insights from different branches of learning.

- 6.8 The fact that core learnings are seen as being fundamental, does not mean that student progress and achievement must be assessed by external bodies. At the same time, effective assessment is a key component of the teaching and learning process, and will be the subject of further consultation.
- 6.9 With respect to curriculum development at school level, decision-making should be based on the needs of the students as well as on the needs of the local community. Since schools generally serve a particular locality, school-based decisions should have regard to the total environment of the school. School policies and objectives will be set by the principal in consultation and agreement with the school council. In consultation with the teaching staff and where desirable with the school council, the principal will arrange for the development of curriculum to achieve school objectives. The local school objectives should complement those applying for the system as a whole so that each school has a total set of educational objectives which it seeks to achieve through sound teaching. Within each school, curriculum should be spelt out in detailed and internally consistent programmes. Programme development at school level must be a co-operative exercise, shared collectively by the staff under the leadership of the principal. New proposals will need to be subjected to careful scrutiny and the success of the whole enterprise will depend heavily on leadership provided by senior staff. School-based curriculum development is at the heart of this policy; however, it should not be confused with individual teacher-controlled curriculum, or with curriculum developed outside the guidelines or framework.

6.10 The general thrust to curriculum now adopted by the Government accords with views presented in numerous submissions. Moreover, in the Community Expectations Survey there was strong support for the idea that curriculum responsibility in each school should be primarily a matter for the principal and the staff. At the same time, it needs to be recognised that parents and community members have a right to contribute in the area of curriculum, that curriculum will flow from the school policy prepared in collaboration with the school council, and that cognizance must be taken of guidelines which apply to the State as a whole. Parents too may play a role in curriculum development. To do so they will need to be informed of the aims and objectives of the school and to have access to teachers and information on which curriculum is based. They may need encouragement and assistance in understanding total school curriculum and should be put at ease when seeking information. They will need answers which are informative rather than evasive or defensive.

6.11 Many submissions forcefully argued that, although curriculum must serve the needs of society in general, it exists primarily to fulfil the needs of individual children. This point needs emphasis. The central level of the Education Department will ensure that the individual rights of those with physical, cultural, economic, or social backgrounds which place them at a disadvantage are protected in schools and in the curriculum options offered. The Government reaffirms its commitment to multicultural education; it believes that all citizens should become proficient in the use of English, that migrants from overseas and their children should have opportunities to learn and study the language, customs and history of their forebears, and that all citizens should have the opportunity to study the language, customs, and habits of a variety of cultures.

6.12 After consultation with school councils and school staffs, principals will develop statements outlining school objectives and programmes and make these readily available to students, parents and the community, and at the regional office. These statements will need to be combined with relevant information arising from the most recent evaluation of the effectiveness of each school in terms of its stated objectives.

6.13 Each school should initiate teaching methods and procedures which endeavour to link sound educational theory with practice. This will require teachers, and especially principals, to be aware of relevant professional literature and research findings. New procedures should be carefully monitored to ensure their effectiveness and appropriateness.

6.14 Unduly early or narrow specialisation by children into academic and practical streams should be avoided in all schools. For those who enter academic streams opportunity should be provided for practical learning, and in both academic and practical streams the maximum degree of flexibility possible with regard to choice of subjects and opportunity to change direction should be provided.

6.15 Personnel

The Government will make available to each school council the opportunity of being involved in the selection of the principal and vice-principal. The Green Paper suggested that, if devolution of authority to local schools is to occur to its fullest extent, it will be desirable for staff appointments to be made increasingly at the local level. It noted that successful initiatives have already been undertaken within the Technical Division with regard to the selection of principals and vice-principals. In the case of vacancies, school councils thus will have the opportunity to interview applicants, or selected applicants, from a list of names prepared by the Education Department, and to comment on their suitability.

Appointments, however, will be made by the central office and the right of appeal will remain. School council participation in the selection of principals and vice-principals should provide for a higher level of compatibility between the characteristics of senior personnel and the particular needs of each school and its community. It should also increase the level of harmony and co-operation between school council, principal and staff. The Government was prepared to facilitate further extension of school council involvement in staff selection, but many councils were opposed to this. Councils, however, supported the view that they should be able to exercise responsibility for all matters related to the employment of ancillary staff.

6.16 Opportunity for principals to influence the appointment of individual teachers would seem to follow logically from school councils being involved in the appointment of principals and vice-principals. It also would appear to be a corollary to giving schools under the leadership of the principal increased responsibility in setting objectives and developing curricula. Significantly, in the Community Expectations Survey, respondents thought the appointment of individual teachers to schools should be primarily the responsibility of the central office and the local school principal. Submissions from school staffs and teacher organisations, however, overwhelmingly pressed for retention of central appointment of staff. The Government will continue the policy of central appointments to schools, but opportunity will be provided for principals to have input. When vacancies occur, or are about to occur, principals may inform central office of their particular school needs and requirements. The new Personnel Division will endeavour to match appointments with perceived needs and requirements, and where possible to consult with principals.

6.17 The new Personnel Division will absorb functions currently performed by the Division of Teacher Education and will carry out all

responsibilities of the Education Department with regard to personnel, i.e., the formal employment of all teaching staff appointed to schools and the initial determination of terms and conditions of employment subject to revision of the role of the Teachers' Tribunal.

6.18 The selection of staff to schools should so far as possible take into account curriculum and learning priorities. Staffing levels will be determined within available resources by the central office having regard to enrolment numbers and the special needs established by schools. As resources permit, it is intended that regional offices will be given further opportunity to assist in overcoming anomalies, deficiencies and inequalities which may be ascertained in regions.

6.19 The principal is the educational leader and administrator at the most critical point in the system and is in a strong position to influence the course of education and its effectiveness. Serious consideration must therefore be given to the criteria for selecting principals. Proven educational leadership must take precedence over seniority, and there is strong justification for requiring formal qualifications in educational administration as a pre-requisite for all appointments as principal. Continued emphasis on in-service education in educational administration is necessary. There is a growing body of knowledge in relation to effective administrative processes and procedures to which principals and aspiring principals and other administrators should be exposed. The Institute of Educational Administration is proving of great value in this area and participants have rated highly its intensive programmes.

6.20 The Government will require a more detailed, comprehensive and co-ordinated approach to the professional development of teachers and to in-service education, with as much responsibility as possible for co-ordination being placed on the regional office. The

regional office will be responsible for deciding whether teachers and principals with the necessary expertise to conduct in-service education activities can be released from duty. The central administration will, however, retain responsibility for the overall co-ordination of in-service education, particularly in relationship to tertiary institutions. The Education Department will develop appropriate in-service training programmes to assist those school councils who wish to be involved in staff selection.

6.21 It needs to be emphasised that the policy of central office responsibility for the appointment of teachers will be retained, together with protection of the rights of teachers with regard to promotions and opportunities. To provide incentive and to ensure that students are best served a range of promotional opportunities will be created. Promotion will more substantially depend on proven merit and motivation. There will be consultation with teacher organisations on the development of precise principles and their implementation.

6.22 Building

Opportunities for school councils to take initiatives which result in buildings and facilities being in tune with the school curriculum and which will promote community activity and involvement will be progressively expanded.

6.23 Schools will continue to exercise their responsibilities with respect to minor works, repairs and maintenance and the development of grounds. In a time of limited funds, changing enrolments, and redundancy and obsolescence of some facilities, continuous review will be undertaken with respect to rationalisation of existing resources. This is an area where co-operative arrangements between schools have considerable potential to make maximum use of expensive plant and facilities. Schools should also have a detailed knowledge of resources and facilities in the community which can be used to

extend those resources directly available to them. School-based responsibility can result in buildings and facilities which better reflect the curriculum and programmes in the school and promote community activity. Initiatives already taken by schools deserve encouragement. Some school councils already have performed effectively as the contracting bodies for total school construction, and some have co-ordinated the addition of special purpose complexes to existing schools. These initiatives have resulted in facilities that have met the needs of both schools and communities. Apart from the overall economic advantage of making joint use of jointly-funded facilities, this exercise in co-operation has enhanced community involvement and participation in schools and in school programmes.

- 6.24 The Government will continue to encourage inter-agency co-operation with local government and community-based organisations in the provision of jointly-funded projects. Over recent years amendments to both the Education Act and the Local Government Act have enabled schools and municipal councils to work together more closely in providing a better range of facilities to serve both schools and local communities with less duplication of effort, and councils have used these processes well. The Government will continue to play its part in fostering these developments and in providing help. School-based projects will be developed in consultation with regional offices. In some communities, particularly in rural areas and among less privileged groups, the school has become the major community facility and a source of pride and identification for local residents.
- 6.25 The regional priority review system will continue to be used through the regional education councils for recommending priorities on major capital works. There will be greater emphasis on the co-ordinating role of regional offices than at present. Policies will be progressively implemented to enable the regional offices

to assist rational deployment of physical resources. The region will also play a role in encouraging joint ventures and will support individual schools in their movement towards achieving responsibility at local level.

6.26 The central office will be responsible to report upon the sufficiency of the State's school facilities, and to prepare submissions for funds. It will be responsible for allocating funds to the regions and for monitoring programmes of work and cash flow. The central office will also develop standards, ensure an equitable distribution of resources across the State, and publish the necessary guidelines and procedures to ensure effective and proper management and control of programmes of work. The central office will take responsibility for forward planning and be expected to undertake innovative approaches to the design of new facilities. It will also arrange for the purchase and, where necessary, the disposal of sites in consultation with the regions. Safety and security measures will also be a responsibility of central office.

6.27 Administration and Finance

Little was said in the submissions regarding the present Administrative Services Division of the Department, which will now be absorbed into the new Administration and Finance Division. The main criticism, however, was of delays in decision-making and in dealing with correspondence. The reorganisation of these areas will involve a complete reappraisal of administrative practices and management techniques in the day to day running of the Department. Long term administrative strategy will of course be the responsibility of the corporate management group.

6.28 The central office of the Education Department will be responsible for overall allocation, administration and accountability of all Government education funding. Regional offices will be responsible

for local management of all funds except those which are to be handled more efficiently on a State-wide basis from central office.

- 6.29 The Government will work towards a programme of triennial budgeting for education, with an annual review designed to accommodate State Budget requirements.
- 6.30 Some schools already prepare annual budget submissions outlining their financial requirements. All will be encouraged to do so to assist processes which will be developed whereby each school's individual needs will be taken into account in determining its allocation of Government funds.
- 6.31 The Education Department will develop a programme of in-service training on administrative and financial responsibilities for principals, school councillors and ancillary staff.
- 6.32 A unit for the support of school councils will be developed after consultation with the School Councils Consultative Group. Its role will include the production of procedure manuals and policy guidelines, liaison with parents, councils and community groups and consultancy services.
- 6.33 The Government will realistically review the provision and conditions of ancillary staff in the light of the new organisational arrangements.
- 6.34 In the continuing development of the education finance system, incentives will be made available to encourage more efficient and economic use of resources particularly to enable school councils to share in savings which may be able to be made as a result of their actions in identifying areas where resources may be better used.
- 6.35 The Government will provide increased opportunities for school councils to enter into a participative planning approach with

regional and central offices so that they may exercise greater influence on those decisions affecting the management of available resources.

6.36 Policy and Planning

The Education Department will identify mechanisms for more effective consultation among the school and its local community, the regional office and the central office. If schools are to accept increased responsibilities in policy development and planning, such mechanisms are essential.

6.37 The Government is committed to establishing accountability between the school, the region, the Education Department and ultimately the Parliament. Together with the process of school reviews, mechanisms will be required to ensure periodic evaluation of State-wide programmes and services, and regular reviews of the efficiency of organisational arrangements and administrative units at all levels.

6.38 The role of the ministers, the corporate management group and the central office of the Education Department will be to determine and review policy, assess educational priorities for the State, and ensure effective implementation and co-ordination. The Education Department will liaise closely with regional authorities and other Government departments and agencies.

6.39 As a result of the increased emphasis placed on central office staff in leading, organizing, liaising and co-ordinating broad strategies in policy formulation, the Government recognises the need for training in educational administration and policy analysis. This may include courses run by the Institute of Educational Administration, and (especially for senior officers) short intensive courses offered by tertiary institutions and other bodies.

7.0 IMPLEMENTATION

- 7.1 The planned changes outlined in this Paper build upon the developments in education and changes in attitudes that have occurred in Victoria since the early 1970s. Their aim is to improve the quality of educational services, and so enrich the lives of individuals and the Victorian community as a whole. There are many developments identified in submissions to the Review which would ideally be desirable in all schools, as resources permit.
- 7.2 The Government will immediately establish an Implementation Task Force to prepare for the implementation of the strategies and structures outlined in the Paper. The Task Force will include specialist staff from the Education Department and staff seconded from the Public Service Board, and will be responsible to a top-level steering committee.
- 7.3 The approach to implementation will be sensitive and will recognise that change which is achieved gradually is likely to be the most acceptable. On the other hand, it is an axiom that the longer it takes to institutionalise proposed change, the greater is the uncertainty and frustration that accompanies the operation and the resistance which develops. Gradualism thus will be the keynote with regard to changes in educational practice, but not necessarily in matters relating to administrative structures.
- 7.4 Wherever practicable the consultative process will be used to determine the detail of new arrangements as they affect school councils, principals, teachers and the staff in regional and central offices.
- 7.5 In seeking to further decentralise the administration of education, this Paper follows policies consistently developed in recent years which have encouraged local and regional participation in decision-

making, been adapted to varied conditions throughout the State and provided a basis for a more dynamic contribution to community development.

- 7.6 In our 2,161 schools there are diverse needs, strengths and local resources. The policy directions outlined in this Paper will make it possible to cater more adequately for diversity. However, it is of the utmost importance to note that the new policy initiatives must not become enshrined in an inflexible and unresponsive school system. The organisational principles consistently underlying this Paper will enable the structural development of the Education Department and its schools to be carried out in such a way as to ensure its constant capacity to remain adaptable and responsive to changing and future needs.
- 7.7 Consideration will be given to the extent to which schools are ready for change. Some will wish to respond immediately to the challenges outlined in this Paper. Others will express a preference to observe how new roles and relationships develop before taking up the challenges themselves.
- 7.8 The Government is mindful of the considerable time and thought which have been involved in the preparation of the many submissions from schools, communities and individuals. These submissions have identified the problems of individual schools and have pointed up the needs for support and reform. The Government will therefore implement the policy directions identified in the Paper and seek to deal sensitively with the natural resistance to change which must inevitably be expected. It will also encourage school councils, communities, teachers, principals and parents to co-operate in developing a school system for the 1980s which will maximise the educational opportunities available to the children of this State.

8.0 CONCLUSION

8.1 The announcements regarding the Ministerial Review of Education in Victoria, specified three stages - a Statement of Aims and Objectives of Education in Victoria, a Green Paper identifying some options for further study and consideration, and a White Paper outlining Strategies and Structures for the Achievement of the Aims and Objectives. This Paper represents the culmination of the third stage of the Review.

8.2 The Paper does not, however, represent the end of the consultative process. The Government is gratified by the interest engendered by the Review and believes that the submissions and comments contributed greatly to the making of its decisions. Education will be best served by maintaining this interest and by community commitment. Thus, the White Paper represents a new beginning rather than an end of the process of consultation.

9.0 SUMMARY OF MAJOR INITIATIVES

9.1 The administration of the Education Department will be reorganised at central office, regional and school levels to achieve increased devolution of power and responsibility to local and regional units; greater participation by parents, community members, teachers and principals in education governance; improved consultation; greater economy and efficiency in management; more effective co-ordination of functions and policies; and appropriate mechanisms for internal and external reviews of schools. Roles and responsibilities at each of the three levels will be reallocated so that decisions will be made at the most appropriate level and schools will better meet the needs of students at the local level, but in the context of policies affecting students generally and the system as a whole.

- 9.2 Schools will be encouraged to take greater responsibilities in developing educational policies and curriculum, in establishing bases for forward planning and consulting with parents and communities, and in publishing and explaining details of school policy and instructional programmes.
- 9.3 In consultation and agreement with the school council, the principal will prepare a school policy and in consultation with the teaching staff arrange for the development of school programmes. Core curriculum, however, will be developed within a system of State-wide guidelines. Principals will have the opportunity to participate in the selection of teaching staff.
- 9.4 The Government will continue to develop the role of school councils in policy formulation and implementation and will ensure that no group is in a position to dominate the composition of school councils. School councils may elect to be involved in the appointment of principals and deputy principals, and opportunities will be expanded for them to take initiatives which result in buildings and facilities being in tune with school curriculum and local needs. They will continue to exercise responsibilities with regard to minor works, repairs, maintenance and the development of grounds.
- 9.5 School councils and principals will together develop school policy statements, and these together with details of school programmes will be made available to parents. Evaluation will be carried out on a continuous basis by staff under the leadership of the principal, with reports being made available to school councils and regional officers. This evaluation will be supplemented by school reviews, involving external personnel and conducted at specified intervals or earlier where it appears desirable. Dezoning experiments will be undertaken on a strictly limited and controlled, and properly monitored trial basis. Cluster developments will be encouraged.

- 9.6 The role of regional offices will be expanded in providing services to schools, in contributing to policy formulation at the central level, in co-ordinating activities and undertaking planning, in becoming a focus for accountability within the region, and in serving as a direct link from school to central office and the Ministers. Regional offices will assume many functions which currently are the responsibility of the central office, while re-organisation of central office administration on functional lines will enhance their authority.
- 9.7 Regional education councils will be established in each region to advise and support the regional director. The composition of each council will take account of the particular characteristics of the region.
- 9.8 In the curriculum area, regional offices will provide and co-ordinate support services to schools, especially with regard to curriculum consultancy, curriculum materials development, in-service activities and specialist services. With regard to personnel matters, they will take major responsibility for the employment and allocation of emergency and relieving teachers, and the control and deployment of Senior Educational Officers. In the building area, they will make recommendations on priorities for major works and exercise a broad co-ordinating role. With regard to administration and finance, regional offices will be responsible for the local management of all funds (except those which for reasons of efficiency must be handled on a State-wide basis), provide specialised advisory services to schools, and monitor school financial needs and expenditures.
- 9.9 At central office level, a corporate management group will be formed, comprising the Minister of Education, the Assistant Minister, the Director-General of Education, the Deputy Director-General and the four Executive Directors. A Policy and Planning Unit will be established to service the needs of this group, the Ministers and senior officers of the Department.

- 9.10 A Victorian Education Council will be established to provide advice on a regular basis to both the Ministers and the Director-General of Education.
- 9.11 The current responsibilities of the Divisions of Primary, Secondary, and Technical Education, Teacher Education and Administrative Services will be distributed between the four new functional Divisions and Regional Offices. Each functional division will be headed by an Executive Director.
- 9.12 The Government accepts that the Education Department should be the employer of members of the teaching service. The Teachers' Tribunal should be remodelled, placing increased emphasis upon negotiation and conciliation prior to any formal arbitration.
- 9.13 The aims of education will be pursued in all schools through the development of a core curriculum for students generally, with provision for individual schools to pursue locally based components. Core curriculum is 'that set of basic and essential learnings and experiences which can be expected of all students who pass through our schools'. Through broad-based consultation, a State-wide core curriculum framework will be established, setting out guidelines and fundamental learnings for students at different stages. With the help and support of central and regional offices, it will be the responsibility of each school to translate core curriculum into teaching programmes.
- 9.14 With regard to personnel other than ancillary staff, all appointments will continue to be centrally made. However, school councils will have the opportunity to interview and comment on applicants for the positions of principal and vice-principal. Principals will have the opportunity to influence the selection of individual teachers.

- 9.15 To provide incentive and to ensure that students are best served a range of new promotional opportunities will be created. Promotion will more substantially depend on proven merit and motivation.

10.0 ACKNOWLEDGEMENTS

The Government desires expressly to acknowledge the interest, assistance, time and effort of the many thousands of people who have contributed towards the varying stages of the Ministerial Review.

Public submissions and contributions have formed an invaluable part of the process. Particular thanks are due to those who have been more deeply involved in review and analysis of submissions and evidence in readiness for preparation of this document. Without their assistance, the White Paper could not have been effectively completed within the scheduled time.

Those who assisted in this way on an honorary basis include:

Ministerial Consultative Group

Mr. Lynn Brown,
Secretary, Public Service Board

Sir John Buchan,
Chairman, Buchan Laird & Buchan Pty. Ltd.

Dr. Norman Curry,
Principal, State College of Victoria - Toorak

Dr. Mike Deeley,
Managing Director, Dulux Australia

Professor Kwong Lee Dow,
Dean, Faculty of Education, University of Melbourne

Mrs. Judith O'Neill,
Research Officer, Welfare Division, A.C.T.U.

Emeritus Professor W.G. Walker,
Chief Executive & Principal, Australian Administrative Staff College

Emeritus Professor W.F. Connell

Dr. Ron T. Fitzgerald,
Dean, Planning & Development, Burwood State College

Organisations Reference Group

Mr. A. Delves,
Council of Adult Education

Mr. A. Dennis,
Association of Principals of Victorian Technical Institutes

Mr. J. Faulkner,
Catholic Education Office

Mr. M. Landt,
Victorian Primary Principals' Association

Mr. D. Lugg,
Victorian High School Principals' Association

Mr. G. McGarvie,
Victorian Institute of Inspectors of Schools

Mr. G. McKinstry,
Victorian Council of School Organisations

Dr. L. Mackay,
Victorian Institute of Secondary Education

Mrs. L. Meo,
Victorian Association of Teachers

Dr. G. Morey-Nase,
Association of Independent Schools of Victoria

Mr. S. Piperoglou,
Ethnic Communities Council of Victoria

Dr. T. Quinn,
Victorian Advisory Council on Migrant and Multicultural Education

Mrs. P. Reeve,
Victorian Federation of State School Parents' Clubs

Mrs. M. Tatchell,
Association of Councils of Technical Institutions in Victoria

Mr. L. Toohar,
Victorian Employers' Federation

Mr. P. Wood,
Association of Special Teachers of Victoria

Honorary Consultant-Editor

Dr. Grant Harman,
Reader, Centre for the Study of Higher Education,
University of Melbourne.

NOTES

CONSERVATION OF ENERGY RESOURCES COMMITTEE

Sixth Progress Report

TROLLEY BUSES

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 8 CONSERVATION OF ENERGY RESOURCES COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling be members of the Conservation of Energy Resources Committee.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 16 CONSERVATION OF ENERGY RESOURCES COMMITTEE - Motion made, by leave, and question - That Mr. Amos, Mr. Hann, Mr. McClure, Mr. Tanner and Mr. Trezise be Members of the Conservation of Energy Resources Committee (*Mr. Hamer*) - put and agreed to.

WEDNESDAY 24 SEPTEMBER 1980

- 3 CONSERVATION OF ENERGY RESOURCES COMMITTEE - Motion made, by leave, and question - That Mr. Hann be discharged from attendance on the Conservation of Energy Resources Committee and Mr. McGrath be appointed in his stead (*Mr. Maclellan*) - put and agreed to.
-

TERMS OF REFERENCE

JOINT SELECT COMMITTEE (CONSERVATION OF ENERGY RESOURCES) ACT 1976

SECTION 3

The functions of the Committee are -

- (a) to inquire into and make recommendations on the extent to which energy resources in Victoria should be conserved, whether generally or in relation to particular resources;
 - (b) to inquire into and report on ways and means of implementing those recommendations and in particular in relation to recommendations for the beneficial use of energy resources, to inquire into and report on what variations are necessary or desirable in -
 - (i) building designs, techniques and standards;
 - (ii) the use of insulation in buildings;
 - (iii) vehicle and engine design;
 - (iv) transport systems;
 - (v) industrial and manufacturing processes, methods, standards and plant;
 - (vi) methods of promotion of the use of energy;
 - (vii) other significant uses of energy;
 - (c) to inquire into and report on the costs of and benefits to be gained from implementing those recommendations; and
 - (d) to recommend what additional measures and programs should be taken to encourage a responsible use of those resources.
-

RECOMMENDATION

18 The Committee recommends that a committee be established by the Government to inquire into the feasibility of introducing trolley buses into the Melbourne public transport system and to make recommendations accordingly.

REPORT

THE CONSERVATION OF ENERGY RESOURCES COMMITTEE, appointed pursuant to the provisions of the Joint Select Committee (Conservation of Energy Resources) Act 1976 (No. 8851), has the honour to report as follows:

- 1 The Committee, in May of this year, commenced an inquiry into vehicle and engine design, as it was considered to be the next logical step in the Committee's programme to investigate means to reduce fuel consumption in the transport sector.
- 2 The Terms of Reference for this component of the overall inquiry were circulated and advertised throughout Australia and overseas, and the Committee commenced taking evidence shortly after. A copy of the Terms of Reference is appended (Appendix A).
- 3 The Committee is still convinced that the most critical energy problem facing Australia is in maintaining adequate supplies of transport fuel, especially the middle distillates. In 1979-80 Australia consumed 7 181 864 kilolitres of automotive distillate of which much was derived from heavier imported crudes. This dependence on other countries to provide a significant proportion of our most critical liquid fuel is of great concern to the Committee, especially as the majority of Australia's commercial transport and a large percentage of its public transport relies on distillate as its primary fuel. Any interruption to supply would cause major economic, defence and social problems for the country.
- 4 Any feasible steps which could be implemented to insulate Australia against such occurrences must be considered and the Committee believes that financial arguments opposing such steps must be weighed against what would happen to the country if overseas supplies of distillate stopped suddenly or were severely restricted. Considering the general uneasy state of Middle East politics, the Committee believes such an occurrence cannot be discounted.
- 5 Although the Committee is yet to finalize this inquiry, it believes it has received sufficient evidence under Item (6) of the Terms of Reference (Alternative Fuels and Electric Vehicles) to make an Interim Report on this aspect of the Vehicle and Engine Design Inquiry.

6 Appended to this Report are a list of witnesses who gave relevant evidence on this subject (Appendix B) and Minutes of Evidence(1).

7 In evidence to the Committee, the eminent Australian, Sir Laurence Hartnett, C.B.E., suggested that a means of reducing Australia's dependence on distillate fuel and at the same time increasing accessibility to public transport would be to introduce new-generation electric trolley buses as a replacement for the existing fleets of predominantly diesel-powered buses.

8 The Committee considered Sir Laurence's suggestion and believes it has enormous potential and deserves immediate Government consideration.

9 In its last Report(2) the Committee argued for the need to maintain and, where possible, improve public transport in urban areas. The Report stated:

public transport is, in general, more energy efficient than the private car (paragraph 10);

and

.....that improving the efficiency and reliability of our public transport system is essential not only to maintain existing patronage, but also to attract new patronage, however marginal. (paragraph 10.1.8)

The Committee affirms this argument and questions the concept or wisdom of closing or attempting to close urban passenger lines on purely financial grounds. The social costs to the community of such actions are usually unquantifiable but nevertheless affect those sections of the community which rely on public transport most.

In fact, the Committee questions the notion that the public transport system must pay its own way. This argument is never levelled at the remainder of the public service sector (including other revenue-earning bodies) and so is illogical.

10 The need to reduce the country's reliance on imported fuel, and at the same time maintain and improve the public transport system has produced a situation in which, the Committee believes, serious examination of trolley buses is warranted.

(1) Minutes of Evidence not printed.

(2) Traffic Management: Parliamentary Paper D-No. 12/1979-80.

11 During its inquiries the Committee examined a report on trolley coaches⁽³⁾ prepared for the United States Department of Transportation. This Report, which was published in October 1979, examined their development and state of the art on the world scene. The Report stated (at page 51):

Summary of Trolley Coach Experience and Prospects

In general, recent North American and European experience with trolley coaches has been very similar. For a 20 year period, up to approximately the last five years, the trolley coach was considered as obsolete by most transit systems. This was largely due to relatively narrow cost considerations. In many cases, the decision to discontinue the use of trolley coaches was based primarily on the comparison of the capital cost of fleet renewal or overhead wire modernization as compared with the replacement of motor coaches. During this time, transit systems were generally short of capital funds, and it was necessary to minimize investments.

In the last five years, the situation has generally stabilized. Most fleets have been replaced and Edmonton and Vancouver have just entered the equipment market. There are even expansion programs under way or in consideration in several cities. The cause for this change in attitude is largely a perception by transit management of the wider issues that tend to be more favorable to trolley coaches, as well as the greater availability of capital. The particular issues that have influenced the decision to retain trolley coaches vary from area to area. They range from environmental concerns and community acceptance to a desire to reduce the dependence of the transportation system on potentially scarce oil. This last factor seems to be more influential in Europe than in North America. Several systems have decided to retain trolley coaches due largely to the efforts of outside organizations concerned with environmental issues.

The potential for expansion of trolley coach operation is likely to depend to a large extent on the value placed on use of energy sources other than oil. It is worth noting that the countries, other than the Soviet Union that have emphasized trolley coach development are those that are highly dependent on oil imports but have domestic sources for other forms of energy.

(3) United States Department of Transportation: The Trolley Coach Development and State of the Art, Task 1 Report for the Electric Trolley Bus Feasibility Study, October 1979.

12 The Committee strongly believes that many of the comments made in that extract are pertinent to Australia and bear serious consideration. In particular, Australia could become increasingly vulnerable to oil imports but will have virtually unlimited reserves of fuel suitable for conversion to cheap electric power.

Projected Costs and Savings

13 The Committee was fortunate in having access to a recent report prepared by the Energy Authority of New South Wales which dealt with the possible reintroduction of trolley buses in Sydney. The Report estimated that the cost to install the necessary overhead conductor wires would cost \$48 000 per kilometre.

14 The cost per bus however would depend on the type used. The current concept is to use hybrid trolley buses which use another energy source apart from mains electric current for off-wire operations. Some examples are:

- (i) Battery/electric;
- (ii) Petrol/electric;
- (iii) Diesel/electric;
- (iv) Flywheel;
- (v) Battery only.

In all cases the use of chopper or AC inverter controls with regeneration can extend the range or reduce energy consumption. The costs of all those types of buses is not fully documented although the Sydney Report quotes the following:

- (i) Battery/electric - \$150 000
- (ii) Battery only - \$130 000
- (iii) Petrol/electric - \$148 000

In Esslington, West Germany, Daimler Benz have five hybrid trolley buses operating. Their buses are diesel/electric and battery/electric and cost approximately \$A.180 000 each. It must be stressed however that they are prototypes and so the cost is far higher than for mass-produced units. The testing of those buses has proved so successful that the City of Esslington has placed an order for forty diesel/electric trolley buses. The battery/electric bus was rejected as it was felt that battery technology was not yet sufficiently advanced.

The advantage of using hybrid trolley buses is that, in having two sources of power, greater flexibility and reliability is available in the operation of the system. For example, trolley buses can overtake other vehicles, or move through areas where the provision of overhead wires proved difficult, such as at intersections, shopping centres etc.

15 The possible savings in fuel costs (apart from actual fuel) are also of vital consideration. Again, the Committee was fortunate in having access to the Sydney Report. The Report estimated the cost savings by comparing a fleet of diesel buses and a fleet of trolley buses. The Report stated:

Various organisations have estimated how the prices of a litre of distillate and a kilowatt hour (kWh) of electricity will rise between now and some convenient future date. The projected fuel costs estimated by the Energy Authority (of New South Wales) for the years 1985 and 2005 are shown in the Table below. Also shown is the cost of the 24,206,564 litres of distillate used to operate Sydney's PTC (Public Transport Commission) diesel bus fleet from 1 July 1978, to 30 June 1979, i.e. \$2,808,000. From the value the costs of the fuel for the equivalent fleet in 1985 and 2005 were calculated, assuming of course that they were operating under the same conditions.

The cost of operating an equivalent fleet of electric buses was calculated by using the known cost of electricity supplied to the PTC over the 78/79 period and by making use of the figures from the Swiss study, (Brown Boveri Company) for the energy and just used by similar trolley and diesel buses, to move one kilometre. These figures are

*trolley bus: 2.52 kWh/km
diesel bus: 0.55 litres/km.*

Using the known costs of the fuels in Sydney in 78/79, as shown in Table 1 the average cost to operate these buses in Sydney over one kilometre would have been

*trolley bus: $2.52 \times 2\text{¢} = 5.14$ cents/km
diesel bus: $0.55 \times 11.6\text{¢} = 6.38$ cents/km.*

By making use of the ratio of these values and the cost of operating the diesel fleet in 78/79, the cost of operating the equivalent trolley bus fleet was calculated. This figure was used with the projected costs of electrical energy to produce the trolley bus fuel costs for 1985 and 2005.

TABLE 1.

<i>Types of bus</i>	1979	
	<i>Cost in cents for (a) 1 litre or (b) 1 kWh.</i>	<i>Total cost in dollars</i>
<i>Diesel</i>	11.6 (a)	2 808 000
<i>Trolley</i>	2.0 (b)	2 262 000

<i>Types of bus</i>	1985	
	<i>Cost in cents for (a) 1 litre or (b) 1 kWh.</i>	<i>Total cost in dollars</i>
<i>Diesel</i>	28 (a)	6 778 000
<i>Trolley</i>	3.49 (b)	3 947 000

<i>Types of bus</i>	2005	
	<i>Cost in cents for (a) 1 litre or (b) 1 kWh.</i>	<i>Total cost in dollars</i>
<i>Diesel</i>	550 (a)	133 138 000
<i>Trolley</i>	23.86 (b)	26 986 000

16 These savings are very substantial but it must be remembered that cost figures for hybrid trolley buses are not included, nor have comparable figures been prepared for Melbourne.

17 The Committee believes it is now timely and sensible for consideration to be given to the introduction of trolley buses into Melbourne. However, the Committee also believes that as a vital first step a Government appointed committee should be established to inquire into and recommend on the feasibility of introducing trolley buses for use in Melbourne.

The Committee believes most strongly that such a committee must not be comprised only of officials from the existing transport agencies in Victoria, but rather be a composite of such officials and persons with experience in vehicle manufacturing, marketing, town planning and, if possible, persons with actual experience in implementing or running a modern trolley bus system.

In reaching this decision, the Committee feels that input into the proposed committee must come from a wide but relevant cross-section of Government, private industry and the community.

Recommendation

18 The Committee therefore recommends that a committee be established by the Government to inquire into the feasibility of introducing trolley buses into the Melbourne public transport system and to make recommendations accordingly.

Committee Room,
9 December 1980.

APPENDIX A.

TERMS OF REFERENCE

VEHICLE AND ENGINE DESIGN INQUIRY

Aim: To inquire into and make recommendations on the extent to which petroleum energy resources can be conserved through vehicle and engine design; to assess the costs and benefits to the community through the adoption of such recommendations, and the desirability or otherwise of Government support or legislative involvement.

Areas of Examination:

- (1) Alternative vehicle or engine design.
- (2) Control of the size and mass of vehicles or engines.
- (3) Use of new materials.
- (4) Revision of vehicle emission standards.
- (5) Establishment of fuel economy standards.
- (6) Alternative fuels and electric vehicles.
- (7) Devices and additives claimed to improve fuel economy.
- (8) Routine maintenance and tuning.

APPENDIX B.

LIST OF WITNESSES

Sir Laurence Hartnett, C.B.E.

Dr. C. K. Coogan, Commonwealth Scientific and Industrial
Research Organization.

Mr. I. G. Boyle, Manager - Buses)	
and Coaches	)	Mercedes-Benz
	)	(Australia)
Mr. B. G. Layton, Manager - Vehicle	)	Pty. Ltd.
Regulations)	

CONSERVATION OF ENERGY RESOURCES COMMITTEE

Seventh Progress Report

LIQUEFIED PETROLEUM GAS
AS A FUEL IN THE STATE GOVERNMENT FLEET

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 8 CONSERVATION OF ENERGY RESOURCES COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables V. T. Hauser, J. A. Taylor and I. B. Trayling be members of the Conservation of Energy Resources Committee.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 16 CONSERVATION OF ENERGY RESOURCES COMMITTEE - Motion made, by leave, and question - That Mr Amos*, Mr Hann, Mr McClure, Mr Tanner and Mr Trezise be Members of the Conservation of Energy Resources Committee (*Mr Hamer*) - put and agreed to.

WEDNESDAY 24 SEPTEMBER 1980

- 3 CONSERVATION OF ENERGY RESOURCES COMMITTEE - Motion made, by leave, and question - That Mr Hann be discharged from attendance on the Conservation of Energy Resources Committee and Mr McGrath be appointed in his stead (*Mr Maclellan*) - put, after debate, and agreed to.

WEDNESDAY 6 MAY 1981

- 11 CONSERVATION OF ENERGY RESOURCES COMMITTEE - Motion made, by leave, and question - That Mr Walsh be appointed a Member of the Conservation of Energy Resources Committee (*Mr Maclellan*) - put and agreed to.
-

* *Mr Amos resigned from the Legislative Assembly on 28 April 1981.*

TERMS OF REFERENCE

JOINT SELECT COMMITTEE (CONSERVATION OF ENERGY RESOURCES) ACT 1976

SECTION 3

The functions of the Committee are -

- (a) to inquire into and make recommendations on the extent to which energy resources in Victoria should be conserved, whether generally or in relation to particular resources;
 - (b) to inquire into and report on ways and means of implementing those recommendations and in particular in relation to recommendations for the beneficial use of energy resources, to inquire into and report on what variations are necessary or desirable in -
 - (i) building designs, techniques and standards;
 - (ii) the use of insulation in buildings;
 - (iii) vehicle and engine design;
 - (iv) transport systems;
 - (v) industrial and manufacturing processes, methods, standards and plant;
 - (vi) methods of promotion of the use of energy;
 - (vii) other significant uses of energy;
 - (c) to inquire into and report on the costs of and benefits to be gained from implementing those recommendations; and
 - (d) to recommend what additional measures and programs should be taken to encourage a responsible use of those resources.
-

CONCLUSIONS AND RECOMMENDATIONS

20 The Committee views with concern the lack of interest and initiative which surrounds the use of LPG as an automotive fuel in the State Government fleet, the one exception being the Gas and Fuel Corporation. If it had not been for the work and encouragement of the Corporation, the Committee believes the whole issue would by now have been moribund.

The public servants involved in deciding whether the registration of the Datsun 200B LPG car is valid appear to the Committee to have been excessively pedantic and the cause of unnecessary caution. The car has been passed for registration by the Chief Commissioner of Police and is described in the evidence of Mr. Court as a completely safe car. There the matter should end.

21 The Committee recommends that the VGMTC monitor the conversion rate of all State Government owned motor vehicles during the next four months and report the result of its findings to the Committee by 30 September 1981.

REPORT

THE CONSERVATION OF ENERGY RESOURCES COMMITTEE, appointed pursuant to the provisions of the Joint Select Committee (Conservation of Energy Resources) Act 1976, has the honour to report as follows:

1 On 30 October 1979, the Committee tabled a Report entitled the "Pricing of Liquefied Petroleum Gas, its Relevant Use and Safety Aspects".⁽¹⁾ In that Report, the Committee stated its belief that the most appropriate use for LPG is as a transport fuel and, in particular, that LPG is ideal for fleet use. More specifically, the Committee urged that Commonwealth, State and Local Government fleets be converted to LPG where feasible.

2 The Committee maintains this belief as it does not appear that there will be a more appropriate alternative fuel available within the next decade at least. Further weight is given to this conclusion by predictions that, in the absence of a major oil discovery, Australia's indigenous oil production is expected to decline steadily.

3 In this regard, a recent item in the Petroleum Gazette⁽²⁾ is pertinent:

By 1990, Australia's oil demand is predicted to be 750 000 b/d, of which 320 000 b/d will be from known fields. By 2000, the demand is likely to have risen to 840 000 b/d, of which only 170 000 b/d will be available from current fields (and a high proportion will be in the form of liquefied petroleum gas, known as LPG). In other words, self-sufficiency is set to drop from 68 per cent now to 43 per cent in 1990 and 20 per cent in 2000 unless other sources of liquid fuels are developed.

This drop in self-sufficiency could be disastrous for the Australian economy if all the shortfall had to be imported. As of February, 1981, the average world price for crude oil was (in US \$) about \$38 a barrel. Based on the predictions

(1) *Parliamentary Paper D-No. 6/1979.*

(2) *Petroleum Gazette*, March 1981, Volume 22, No. 5, p.105.

of the conservative Sheik Zaki Yamani, the Saudi Arabian Oil Minister, oil prices could top \$100 a barrel in seven to 10 years, unless inflation rates can be brought down dramatically.

This means that, unless other fuel sources come into production, Australia's oil import bill could be in the region of \$45 million a day by 1990, or approaching \$16 000 000 000 a year. That is supposing the volume of oil would be available to us for import.

The import bill would work out at roughly \$1000 per Australian a year.

4 Yet, in the face of these figures, the bulk of Australia's LPG is still exported. If it were used entirely within Australia as an automotive fuel, it is estimated that it could replace up to 14% of present petrol consumption.

5 In November of last year, the Committee decided to review the use of LPG in Victoria and, specifically, within the State Government fleet, as it believed that there would have been sufficient time since its original recommendation to implement, or at least commence, a large-scale conversion to LPG. It was assumed that there would have been reasonable compliance, not only with the Committee's recommendations but also with a statement made by the Premier on 2 July 1979 (refer Appendix A) in which it was announced that the Government was undertaking specific measures to increase the use of LPG as an automotive fuel.

Questionnaires were sent to the Victorian Government Motor Transport Committee (VGMTC) and all departments, authorities and major State instrumentalities⁽³⁾ seeking details on the use being made of LPG.

6 The replies received showed that, with the exception of the Gas and Fuel Corporation, virtually no endeavours had been made to convert vehicles to LPG. At the time the questionnaires were returned, only 2.24% of the State fleet had been converted and, if the number of converted vehicles belonging to the Gas and Fuel Corporation were excluded, the figure dropped to .22%.

(3) *The Victorian Government Motor Transport Committee is responsible for all vehicles up to 5 tonnes except those operated by the Gas and Fuel Corporation, Melbourne and Metropolitan Board of Works, Victorian Railways, Melbourne and Metropolitan Tramways Board, and the State Electricity Commission. All vehicles over 5 tonnes are the sole responsibility of each department etc. concerned.*

7 The lack of interest in this area is further highlighted by the disappointing response to an offer made by the Gas and Fuel Corporation to the VGMTC in April 1979 to convert, free of charge, fifty vehicles nominated by that body. By November 1980, only fifteen vehicles had been converted although, by April 1981, an additional nineteen conversions had been done. The failure of the VGMTC to nominate more than fifteen vehicles, as at November 1980, out of a fleet of nearly 7 000 vehicles would appear to indicate either lack of interest by the VGMTC or ignorance of the benefits, or both.

8 As a consequence of the replies received, the Committee heard evidence⁽⁴⁾ which is appended to this Report on 13 April 1981 from the following:

Dr. D. R. Warren,
Principal Research Scientist, Department of Defence.

Mr. N. A. Smith,)	
Chairman)	
Mr. K. J. Doyle,	)	Gas and Fuel Corporation
Group Marketing Manager	)	of Victoria.
Mr. G. Gaskin,)	
Energy Development Engineer)	

Dr. A. T. Griffin,
Chairman, Victorian Government Motor Transport Committee.

Mr. M. Walsh,
Deputy Secretary, Ministry for Police and Emergency Services.

Mr. B. W. Court,
Secretary, Department of Minerals and Energy.

Mr. H. Fankhanel,
Chief Engineer, Nissan Motor Manufacturing Co. (Australia) Ltd.

Mr. I. G. Baker,)	
Director of Finance)	
Mr. D. A. Thomas,	)	Treasury.
Assistant Director of)	
Finance)	

Mr. D. J. Little)	
Director-General)	
Mr. D. Turner,	)	Public Works Department.
Assistant Chief Engineer)	
(Mechanical))	

(4) Minutes of Evidence not printed.

Mr. R. E. Hurley,)	
Assistant General Manager)	
(Administration)	)	State Electricity Commission.
Mr. G. Davis,)	
Manager, Transport)	
Mr. A. Reiher,)	
Chairman	)	Victorian Railways.
Mr. L. Rolls,)	
Chief Mechanical Engineer)	
Mr. O.T.W. Cosgriff,)	
Secretary	)	Melbourne and Metropolitan
Mr. G. R. Muir,	)	Board of Works.
Chief Mechanical and)	
Electrical Engineer)	
Mr. T. H. Russell,)	
Chairman	)	Country Roads Board.
Mr. P. M. Jeffreys,)	
Chief Mechanical Engineer)	
Mr. R. K. Downing,)	
Deputy Chairman	)	Melbourne and Metropolitan
Mr. A. Nolan,	)	Tramways Board.
Bus Branch Engineer)	
Mr. A. Noon,)	
Chief Engineer, Metropolitan Transport Trust (Perth).)	
Mr. J. R. Ashworth,)	
Secretary	)	Department of Crown Lands
Mr. R. Guymer	)	and Survey.
Mechanical Engineer)	
Mr. W. E. Bromfield,)	
Chairman	)	State Rivers and Water Supply
Mr. R. B. MacGilp,	)	Commission.
Chief, Mechanical Branch)	

9 The evidence received at that hearing suggests that:

- (a) Most departments and instrumentalities were content to do little or nothing about conversions until other departments established a lead and, as no one other than the Gas and Fuel Corporation was prepared to undertake significant conversions, little progress was made. The attitude of the

VGMTTC in this context was most disappointing.

- (b) Few knew of the statement made by the Premier on 2 July 1979 and those who did had not effected to any degree the programme regarding LPG.
- (c) There has been a marked increase in the number of vehicles being converted since the Committee commenced this Inquiry in November 1980.
- (d) Some of the reasons advanced as to why conversions could not be carried out were not substantiated.
- (e) The VGMTTC and the SEC (which control the largest and second largest fleets respectively) appear to lack interest in the use of LPG.
- (f) The efforts of the Nissan Motor Manufacturing Co. (Australia) Ltd. to market the first Australian factory-produced LPG car were unnecessarily and unreasonably hampered by the actions of a few senior public servants.

10 The Committee believes that one reason for the reticence to convert to LPG had been either a lack of good financial data or a reliance on spurious or subjective figures used to support a negative attitude to conversion. Unfortunately, it was not until March 1981 that a proper and highly detailed financial analysis became available. This analysis is in a report entitled the "Victorian Government Transport Study", which was commissioned by the Honourable the Premier and prepared by the Gas and Fuel Corporation.

Using the internal rate of return measure ⁽⁵⁾ the analysis sets out which groups of vehicles should or should not be converted to LPG.

(5) *The internal rate of return, determined by the discounted cash flow method, may be defined as the maximum rate of interest which could be paid for the capital employed over the life of an investment without loss on the project.*

(National Association of Accountants (USA), Return on Capital as a Guide to Managerial Decisions, 1959, p.57.

The Committee believes this analysis is of considerable value and should engender a more positive attitude to LPG conversions and has received advice from the Honourable the Premier that the Study will be circulated shortly.

11 The Committee advises that it will again question the VGMTTC and all departments etc. in four months' time to ascertain the reaction to the Victorian Government Transport Study, and also to assess the level of activity as to conversions.

Datsun 200B LPG Car

12 In September 1980, the Nissan Motor Manufacturing Co. (Australia) Ltd. released its factory-built LPG-fuelled Datsun 200B. The Honourable the Premier said at the time ⁽⁶⁾-

I heartily congratulate the Nissan Motor Company on this far-sighted decision to mass produce LPG vehicles at their plant at Clayton.

Nissan's initiative will undoubtedly help to conserve Australia's energy reserves and will also help to contain the spiralling cost of running a motor vehicle.

I understand that the LPG Datsun will cost only marginally more than the conventional model, and that this cost will be recouped after about 67 000 kilometres.

13 The Committee also considered that the release of this car was an encouraging initiative and worthy of support. According to the Gas and Fuel Corporation, its own fleet of LPG-fuelled Datsun 200B's are producing a rate of return in excess of 20% under actual operating conditions.

14 During this Inquiry, however, it was discovered that the Gas and Fuel Corporation was the only Government body purchasing these vehicles. Consequently, the VGMTTC was asked by the Committee if it intended to recommend to departments the purchase (where feasible) of factory-produced LPG-fuelled vehicles (such as the recently released Datsun 200B) and,

(6) News Release from the Office of the Premier of Victoria, dated 29 September 1980.

if large-scale purchase of these vehicles was not being contemplated, could it indicate the reasons why.

15 Dr. A. T. Griffin, Chairman of the VGMTC, responded to the Committee's questions in a letter dated 11 November 1980. In part, Dr. Griffin's letter was as follows:

The Committee would approve on behalf of the Premier the purchase of factory-produced LPG vehicles where these vehicles were shown to be -

economical to operate;

the operating characteristics of the vehicle were appropriate to the task; and

that the vehicle met the relevant regulations pertaining to safety, registration and exhaust emissions.

Dr. Griffin also stated:

I would add that the vehicle mentioned in question 4 of your letter is subject to enquiries about whether it actually complies with the requirements for registration. The Committee is pursuing this matter with the Ministry for Police and Emergency Services.

Shortly afterwards, Dr. Griffin handed to the Committee a copy of a letter he had received from Mr. M. Walsh, Deputy Secretary of the Ministry for Police and Emergency Services. The relevant part of this letter is as follows:

Dear Dr. Griffin,

I refer to your letter of 6th November 1980, about possible non compliance of certain motor cars which have been manufactured to operate on LP Gas with Victorian requirements. I confirm that I have received a suggestion that the recently released Datsun 200B LP Gas powered motor car does not comply with AS 1425. The Secretary of Minerals and Energy conveyed that suggestion as a result of advice which he had received through the technical group of the LP Gas Task Force, at a meeting of which industry representatives raised the issue. I attach a photocopy of a list of aspects in respect of which non compliance has been suggested.

You will appreciate, of course, that the issue of non compliance arises in Victoria only in respect of the Motor Car (Liquefied Petroleum Gas) (New Standards) Regulations 1980. Although those Regulations implement AS 1425 as far as possible as published, there are certain details in respect of which the Regulations have effected variations. Non compliance with AS 1425 is not ipso facto an offence but only insofar as that Standard, with variations, is implemented by the Regulations.

I have sought advice from the Chief Commissioner of Police about the items in respect of which non compliance is alleged and I will write to you further in that regard when such advice is to hand.

A copy of the list of areas of non-compliance referred to is appended as Appendix B.

16 The Committee was concerned about these alleged areas of non-compliance and contacted the Nissan Motor Manufacturing Co. (Australia) Ltd. for its comments.

The reply from Mr. H. Fankhamel, Chief Engineer of the Nissan Company, is appended (Appendix C) and shows that many of the allegations made were incorrect. In fact, evidence from Mr. B. Court, Secretary for Minerals and Energy, suggests that the car is "superior" to the Australian Standard.

The Committee also ascertained through its own endeavours that Mr. B. Wilson, the author of the note to the Chairman of the LPG Task Force in which these alleged areas of non-compliance were listed - and which both Dr. Griffin and Mr. Walsh had advanced as a reason for not purchasing these vehicles or casting doubts upon the eligibility of their being registered - was the President of the New South Wales LPG Installers Association, a body which might be expected to have a natural bias against cars of this type as they would pose a threat to its members' livelihood.

17 From its questioning of Dr. Griffin and Mr. Walsh, the Committee is of the opinion that little serious effort was made to check the accuracy of these claims either with the Nissan Company or the Chairman of the LPG Task Force. Had the Committee not undertaken its own inquiries and merely relied on the information supplied to it by Dr. Griffin and Mr. Walsh, it would probably still hold the belief that the Datsun 200B LPG car was not able to be registered.

The Committee is concerned that erroneous and unsubstantiated information was provided to it in an effort to give support to the stance taken by the VGMTC in its unwillingness to approve the purchase of these LPG-powered cars.

18 What is also of concern to the Committee is that, despite the approval given by the Chief Commissioner of Police to register the Datsun 200B, doubts were still being raised as to the vehicle's eligibility for registration. These doubts appeared to stem from Mr. Walsh and were evident as an underlying thread throughout his evidence to the Committee.

The following extract from the transcript of the proceedings (pages 36 and 37) is an example:

THE CHAIRMAN: In future you might do what a member of this Committee did and ring up the Officer in Charge of the Motor Registration Branch. On the day this communication arrived at the Committee the Officer in Charge was able to tell the Committee by telephone that there had in fact been a Datsun 200B already registered within ten minutes. He was able to quote where it was registered and on what day.

MR. WALSH: I was aware of that. There had been some registered at the launch of the gas-powered 200B.

THE CHAIRMAN: Is it a reasonable expectation that Dr. Griffin and yourself with the resources at your command - if not by doing it yourself - could find out whether it is possible to register these vehicles or not. So far as the Committee is concerned, if it had relied on the copy of your letter and attachment sent to us, it would still be believing today that one could not register the Datsun 200B. The Committee took it upon itself to find out and was able to do so within 24 hours.

MR. WALSH: Do you know whether they should have been registered? The role of the Ministry to a degree is to assess the activities of the branches on behalf of the Minister. There have been suggestions that the 200B does not comply with certain of the regulations and therefore should not have been and should not be registered.

THE CHAIRMAN: I quote a one-line sentence from the letter in response to the telegram and the letter is from the Nissan Motor Car Company dated 1 December from the Chief Engineer, Mr. Fankhamel, who is present today. The letter states; "There have been no problems in registering these vehicles in Victoria". The letter is dated 1 December. Do you have any reason to think Mr. Fankhamel, that what you state was incorrect?

MR. FANKHAMEL: No, none whatsoever.

MR. WALSH: I am not sure of the point you wish to make. I still have certain doubts as to whether this Datsun 200B should have been registered by the Motor Registration Branch last year.

THE CHAIRMAN: The Motor Registration Branch perhaps is in error?

MR. WALSH: Maybe, yes.

THE CHAIRMAN: Some hundred vehicles should not be registered?

MR. WALSH: It is possible. I am talking about the strict compliance with the requirements of the regulations. That is my job.

MR. McGRATH: Is it one specific area?

MR. WALSH: Mainly those areas that have been documented as suggested areas.

MR. HAUSER: Legally?

MR. WALSH: That is the area in which I am involved. Another area which I am looking at is that there is a provision in the regulation relating to the use of LPG allowing the Chief Commissioner to amend the rules.

Now I have good reason to believe that to amend the regulations and allow registration of certain vehicles that might not otherwise comply, the Chief Commissioner may not have amended the rules so that they would become applicable to all vehicles, but may have provided for the registration of these vehicles by exemption to the applicants.

THE CHAIRMAN: Do you accept what Mr. Court has said in his recently obtained evidence that the vehicle is quite OK for registration and that it might have been above the standard?

MR. WALSH: If I recall what Mr. Court said, he said that as far as he is concerned the vehicle is a very safe vehicle but there may be points of technical non-compliance.

MR. HAUSER: Would you suggest that as a public servant this should be found out as soon as possible?

MR. WALSH: That is desirable but it is more complex than that. I refer to one area of complexity and that is that the Government is most anxious to see uniform requirements throughout Australia. That is a situation that has been very assiduously followed in respect to LPG gas (except in a few minor areas) in order to obtain a universal applicability of regulations and control over the use of this gas and fuel.

The Australian standard AS 1425 has been used as a base to the control applied in the various States and territories including Victoria. What has been done is that any area that is regarded as being less perfect and possible for improvement in the content of AS 1425 has either been referred to the relevant committee of the Standards Association - which is the M46 committee - or has been referred to a Commonwealth-State co-ordinating body. The ad hoc body is under the chairmanship of Mr. Laurence of the Commonwealth Department of National Development and the resolution of suggested improvements in AS 1425 is to be sought through either or both those areas and then applied uniformly in all States. With a few minor exceptions, the regulations governing the use of LPG in vehicles is applicable in Victoria as it appears in AS 1425.

So we get to the areas Mr. Court suggested. There may be areas where a safer and more desirable requirement may be and should be implemented. That may be so.

19 After considering the evidence received from the Gas and Fuel Corporation, the Secretary for Minerals and Energy, and the Nissan Motor Manufacturing Co. (Australia) Ltd., the Committee believes this continuing doubt on the vehicle's suitability for registration is totally unnecessary.

Conclusions and Recommendations

20 The Committee views with concern the lack of interest and initiative which surrounds the use of LPG as an automotive fuel in the State Government fleet, the one exception being the Gas and Fuel Corporation. If it had not been for the work and encouragement of the Corporation, the Committee believes the whole issue would by now have been moribund.

The public servants involved in deciding whether the registration of the Datsun 200B LPG car is valid appear to the Committee to have been excessively pedantic and the cause of unnecessary caution. The car has been passed for registration

by the Chief Commissioner of Police and is described in the evidence of Mr. Court as a completely safe car. There the matter should end.

21 The Committee recommends that the VGMTTC monitor the conversion rate of all State Government owned motor vehicles during the next four months and report the result of its findings to the Committee by 30 September 1981.

Committee Room,
7 May 1981.

EXTRACTS FROM THE PROCEEDINGS

The Minutes of the Proceedings of the Committee show Divisions which took place during the consideration of the Draft Report. A summary of those proceedings follows:

TUESDAY, 5 MAY 1981

The Committee divided on the respective questions -
That paragraphs 9, as amended, and 20 stand part of the Report.

In each case, the result of the Division was:

Ayes, 5	Noes, 1
The Hon. I. B. Trayling	Mr. Tanner
The Hon. J. A. Taylor	
The Hon. V. T. Hauser	
Mr. D. H. R. McClure	
Mr. W. D. McGrath	

Severally resolved in the affirmative.



NEWS RELEASE

From the Office of the Premier of Victoria. Press Enquiries: 651 2546 651 1715

CONSERVATION OF FUEL

The Premier, Mr. Hamer, today announced further State Government moves to conserve fuel and to encourage the use of L.P.G.

Mr. Hamer said that the Government was giving a lead in the conservation of transport fuels and was also making significant savings by continued increases in the proportion of 4-cylinder vehicles in the Government fleet.

"In the light of rapidly increasing prices for crude oil and prospective shortages in the future, it is important that as a community we reduce excessive use of oil and oil products," Mr. Hamer said.

"The Government is aiming to lead the way by seeking alternative fuel sources for its transport fleet and by reducing fuel consumption.

"We have now decided on the following further steps to conserve transport fuel:

1. The shift in the Government motor transport fleet to 4-cylinder cars and light trucks, wherever possible, will be intensified. The target will be lifted to 50 per cent of the whole fleet by June 1980. (The move towards smaller cars in the Government fleet is already effecting savings of some 20% in running expenses as well as an estimated \$500 in reduced changeover cost for each vehicle).
2. All Government Departments and Authorities will be instructed to purchase vehicles converted to use liquefied petroleum gas, wherever possible.
3. Preference in procurement will be given to manufacturers able to offer vehicles already converted to L.P.G. use.
4. Government vehicle fleets will be scaled down in size, including the Ministerial fleet, as new vehicles are procured.
5. The Government Motor Transport Committee will investigate and report which transport tasks could be performed by electric vehicles, when satisfactory models become available.
6. All Government Departments and Authorities will be required to exercise the strictest control over the use of motor transport and ensure that it is used only for really necessary journeys.

7. Motor car manufacturers will be urged to produce vehicles already converted to the use of L.P.G.

"Liquefied petroleum gas is produced very largely from the natural gas and oil from Bass Strait. At the present time large quantities are exported from Westernport, chiefly to Japan, because the local Australian market has been insufficient to absorb the full production.

"But it makes little sense to be exporting energy in this form, and importing it in the form of crude oil, at escalating cost and with uncertain supply.

"Victoria has the best network of L.P.G. outlets of any State, and already hundreds of Melbourne Taxis and some interstate transports are running on L.P.G.

"With L.P.G. less than half the price of petrol, and with assured supplies, the Government urges Victorians to consider the advantages of converting their vehicles to L.P.G. It is giving a lead itself," Mr. Hamer said.

2nd July, 1979.

APPENDIX B.

NOTE

To: Mr. Mike Lawrence,
Chairman,
LPG Task Force.

Datsun 200B Areas of Non-Compliance

- 1 Non-protected service lines.*
- 2 No hydro static relief valve.*
- 3 No ullage gauge (unapproved sight glass provided instead).*
- 4 No piping of safety valve output to exterior of vehicle.*
- 5 Possible safety valve located in fittings exterior to tank not in the tank as required.*
- 6 Possible soft seat in both tank valve and fill valve (double return valve required).*
- 7 Compliance plate of installer not existing.*
- 8 Does the hose system comply with AS 1869?
- 9 Nikki gas equipment used. Not necessarily approved. Various versions exist. Has this one been tested and approved by number by AGA? Refer Les Robinson.
- 10 Does service line service valve have excess flow protection? If so, how much?
- 11 Filling connection currently requires one inch and three-quarter ACME AS. Supplying an adaptor is unsatisfactory practice as fitting provided may not be the one accepted Australia-wide at a later date.

* non-compliance with AS 1425.

BEST REGARDS

Bruce Wilson (via Senator Carrick's office)

Nissan Motor Manufacturing Co. (Australia) Ltd.

REGISTERED OFFICE: 1508-1550 CENTRE ROAD, CLAYTON, VICTORIA, AUSTRALIA 3168—P.O. BOX 22 CLAYTON
 TELEX: MLB 30502 — TELEPHONE: 544 0622

YOUR REF.:

OUR REF.: HF:1106/80

1st December, 1980

The Hon. I. Trayling,
 Chairman,
 Conservation of Energy Resources Committee,
 Parliament House,
MELBOURNE. 3000.

Dear Sir,

In response to your telegram dated 26th November 1980 I advise that the LPG container complies with AS1425, however differences from the standard do exist as far as some of the container fittings are concerned. As Nissan was able to demonstrate to the relevant State Authorities (D.L.I. and Police Department in Victoria, and Department of Industrial Relations and Technology in NSW) the advantages of the Japanese fittings and support reliability claims with durability and other test results, these fittings were approved for use.

We have also been advised that AS1425 will be further amended and that to this effect items such as quick disconnect filler couplings, sight gauges, discharge of safety valve etc. are included in the current SAA ME46 Committee work programme.

It is our considered opinion that all Datsun 200B LPG system design features will be accepted by AS1425 when this standard has been finalized as same are technically sound and in some instances essential to the safe operation of LPG vehicles.

Specific approvals for use of fittings which differ from current AS1425 requirements relate to automatic fill limit, manual filler valve, quick disconnect filler coupling, sight gauge for fixed liquid level gauge and safety valve discharge. Further reference to these approvals can be made through -

Mr. D. Robinson, Director, D.L.I. Victoria
 Sen. Sergeant D. Robinson, Victoria Police
 Mr. H. Blackmore, Chief Inspector, Dangerous Goods Branch,
 Department of Industrial Relations & Technology, NSW.
 Mr. G. Gaskin, Gas and Fuel Corporation, Victoria.

Finally, answers to the alleged non-compliance areas are as follows:

. . . / 2

Nissan Motor Manufacturing Co. (Australia) Ltd.

- | | |
|--|--|
| Non protected service lines | - Incorrect, lines are steel and are protected by body structure and specific cover plate. |
| No hydrostatic pressure relief valve | - Incorrect. |
| No ullage gauge | - Correct, replaced with automatic fill limiter valve and sight glass gauge. |
| No piping on safety valve outlet | - Correct, safety valve discharges into container shroud and out through duct under car. |
| Safety valves located exterior to tank | - Incorrect, valve is recessed into LPG container. |
| Soft seat in tank valve and filler valve | - It is assumed that reference is made to the auto shut off and manual filler valves which have soft seats but non return valve does not. Soft seats are necessary to achieve shut off if foreign matter is trapped in seat. |
| No compliance plate | - Incorrect, plate as approved by relevant State Authorities is fitted. |
| Hose system | - Does comply with AS1869. |
| Nikki Gas equipment | - Is not approved by AGA. Approval has been sought only from State Statutory Authorities. |
| Service line valve | - Is fitted with excess flow valve. |
| Filler adaptor | - Quick disconnect coupling is accepted as better alternative to ACME thread coupling. |

There have been no problems in registering these cars in Victoria.

Yours faithfully,
NISSAN MOTOR MANUFACTURING CO (AUST) LTD



H. FANKHANEL
 Chief Engineer

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

REPORT ON THE

EXPENDITURE FROM THE ADVANCE TO THE TREASURER

1977-78

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That
the Honourables Clive Bubb, G.A.S. Butler,
D.K. Hayward and N.F. Stacey be members of the
Public Accounts and Expenditure Review Committee,
and that the said Committee have power to send
for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question - That Mr.
Evans (*Gippsland East*), Mr. Ginifer, Mr. Mackinnon,
Mr. Mathews, Mr. Remington, Mr. Richardson, Mr.
Rowe and Mr. Williams be Members of the Public
Accounts and Expenditure Review Committee; and
that the Committee have power to send for persons,
papers and records (*Mr. Hamer*) - put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
 - (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
 - (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
 - (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

CHAPTER 1

INTRODUCTION

1.1 An Inquiry was commenced into the Expenditure from the Advance to the Treasurer for the year 1977-78 by this Committee's predecessor, the former Public Accounts Committee. As the Inquiry had not been completed when legislation was passed constituting the Public Accounts and Expenditure Review Committee, this Committee continued the Inquiry. The results of the investigations are the subject of this report.

1.2 The Advance to the Treasurer is authorized by the annual Appropriation Act and made available to the Treasurer for issue in accordance with the terms of the appropriation.

1.3 For the financial year 1977-78 an amount of \$60 million was provided under Division 403 - Advance to the Treasurer in the Appropriation (1977-78, No. 1) Act 1977 to enable the Treasurer -

"To meet urgent claims that may arise before Parliamentary sanction therefor is obtained, which will afterwards be submitted for Parliamentary authority."

1.4 In addition to Advances from the Treasurer, section 25 of the Audit Act 1958 gives the Governor in Council power to alter the proportions assigned to the particular Items comprised under any subdivision in the Appropriation Act. All applications for additional funds are made by applying for a Treasurer's Advance and Treasury then decides towards the end of the financial year, whether to seek a section 25 transfer in relation to any particular item.

For the purposes of this Inquiry, the Committee has included section 25 transfers in its investigations.

1.5 The Committee obtained from Treasury the files relating to requests for additional funds by departments. The Committee considers that its investigation would serve more purpose if it selected three or four departments and investigated their requests for additional funds. The basis for selecting the departments included :

- (a) the number of requests for additional funds;
- (b) the amount involved;

- (c) the department's past history in relation to requests for additional funds;
- (d) adverse file comments by Treasury; or
- (e) items which seemed of some importance to the Committee.

1.6 In addition to selecting three or four departments, the Committee agreed to report upon a specific item if it appeared to be the cause for several departments seeking additional funds. During 1977-78, Item 2.5 - "Motor Vehicles - Purchase and running expenses" came into this category. Accordingly, the Committee has reported upon this Item in Chapter 6.

1.7 The explanations for the remaining Items examined by the Committee were then considered. The Items were classified on the basis of whether the publication of the explanation was necessary or would provide any useful information to the community. Items for which explanations are to be printed are contained in Chapter 7, whilst the remaining Items examined are listed in Chapter 8.

1.8 During the course of the Inquiry, evidence was taken from the following :

State Treasury

Mr. H.J. Hopkins, First Assistant Director of Finance

Mr. R.A. Livingstone, Assistant Director of Finance
(Accounting)

Mr. J.F. McCorkell, Treasury Consultant

Mr. A.J. Wenn, Budget Officer

Community Welfare Services

Mr. A.D. Green, Director of Regional Services

Mr. D.G. Brown, Accountant

Mr. J.R. Keelan, Budget Officer

Mr. A.S. Cox, Acting Director, Division of Administration

Mr. R.G.P. Uhd, Assistant Accountant

Health

Mr. A.P. Clifford, Director, Finance Division

Mr. J.A. Busuttill, Acting Investigating Accountant

Police

Mr. J.R.G. Salisbury, Q.P.M., Deputy Commissioner of Police
(Administration), Victoria Police Force.

Mr. D.J. McPherson, Deputy Director of Administration

Mr. G.N.E. Churchward, Acting Accountant

Mr. B.N. Benedict, Acting Finance Officer, Ministry for
Police and Emergency Services.

CHAPTER 2

DEPARTMENT OF COMMUNITY WELFARE SERVICES

2.1 The Committee sought additional explanations from the Department of Community Welfare Services into the need for Advances from the Treasurer in respect of the following Items :-

Division 240 Item 3.2 - Rate Concessions for Pensioners.

Division 240 Item 3.6 - Family and Community Services Program (FACS) - Expenses and Grants to persons, organizations or institutions rendering or proposing to render welfare services to the community.

Division 240 Item 3.11- Emergency Welfare Relief Grants, Trust Account Contributions.

Division 244 Item 3.4 - Family Supportive Services - Grants

Division 252 Item 2.7 - Correctional Services - Stores and provisions.

Division 255 Item 2.1 - Training - Travelling and subsistence.

Division 240.3.2 - Rate Concessions for Pensioners

Appropriation Act	-	\$13 300 000
Advance to the Treasurer	-	\$3 423 993
Total funds available	-	\$16 723 993
Total expenditure	-	\$16 665 596

2.2 Funds provided under this Vote Item are to reimburse local councils for rate remissions which the Government gives to pensioners for local government, water and sewerage rates. The funds are allocated to the Department of Community Welfare Services because Treasury regards the payments as being of a welfare nature. Whilst the payments are actually made by the Department of Community Welfare Services, the scheme is administered by the Local Government Department.

2.3 Under the legislation an "as of right" entitlement is given to eligible pensioners to claim assistance and rating authorities, which are permitted to fix their own rating levels, grant the assistance in accordance with the legislation. It was noted that that the nature of the scheme made it impossible to limit expenditure to the original estimates.

2.4 Both departments involved in the administration and payment of the funds advised that they did not prepare the estimates for this Item. The Local Government Department further advised that the maximum possible number of applications for assistance was not known. The Local Government Department prepared the following Table which shows the growing demand for rate relief with the budget allocation growing from \$3 million in 1973-74 to \$27.1 million in 1979-80.

PENSIONERS RATES ASSISTANCE SCHEME

1	2	3	4	5	6	7
Financial Year Ending 30/6	Budget Allocation	Treasurers Advance	Total Expenditure	Estimated Accounts on hand 30 June	Total Previous Years Claims to be paid in next financial year	Estimated No. of Pensioners Assisted in Rating Year
	\$M	\$M	\$M	\$M	\$M	
73/74	3	-	.14	-	.030	
74/75	3	-	1.93	.15	.505	80 516
75/76	4.8	1.2	6.0	.50	.855	100 000
76/77	10.0	2.3	12.3	2.0	5.153	130 000
77/78	13.3	3.37	16.67	3.0	8.790	160 000
78/79	20.45	2.06	22.51	7.5	9.732	170 000
79/80*	27.10	0.15	27.25	9.1	11.00 (Est.)	210 000

2.5 Treasury has assumed responsibility for estimating the funds for this Item. The allocated funds were adequate for the first two years of the scheme, but since 1975-76, there have been changes in the pensioner entitlement criteria and the Government also increased its assistance from 25 percent to 50 percent. In 1975, the scheme, which had previously only applied to local government rates, was also extended to cover water and sewerage rates.

2.6 Treasury sees a division of responsibility between the two departments. Local Government should be responsible for putting whatever checks it can on the accuracy of the claims from municipalities and the Board of Works, and Community Welfare Services should make sure that the accounts are properly processed and certified for payment and keep Treasury informed about the rate of spending against the budget allocation.

Conclusion

2.7 It is unacceptable to the Committee that a department which has funds allocated to its Vote has no active involvement in preparing the estimates for those funds. The Committee believes that the department which receives the funds should have sole responsibility for the preparation of estimates and neither the responsibility nor the actual preparation can be delegated to or assumed by another department.

2.8 The Committee cannot see where either Treasury or the Department of Community Welfare Services has any legitimate role in the preparation of estimates for the pensioner rate concession scheme. The Committee sees this as clearly the responsibility of the Local Government Department.

If it is believed by Government that the welfare role of the scheme should be recognized within the ambit of Department of Community Welfare Services' planning, then this should be done by the Local Government Department levying a charge for services rendered against the Department of Community Welfare Services.

2.9 The cost of the scheme has increased substantially and, whilst the budget allocation has been increased each year since 1975-76, it has still been substantially exceeded by outlays. The Committee, aware that changes in entitlement criteria and increased Government assistance increased the cost of the scheme, nevertheless believes that the major factor was inflation and its effect on municipal rates.

The Committee notes with concern that large deferrals on the scheme have had to be carried forward and queries whether, in part, this arises from an estimating process which makes no provision for inflation.

2.10 The Committee formed the view that no research was carried out prior to the scheme being adopted by the State Government, and no consideration was given to its total cost. The pensioner rates concession scheme will be the subject of further examination by the Committee in its expanded role of expenditure review.

The budget allocation has increased from \$3 million to \$27.1 million in seven years and total expenditure has grown from \$14 million to \$27.25 million in the same period. In addition there have been increases in accounts on hand from \$.15 million in 1974-75 to \$9.1 million in 1979-80 and previous year claims to be paid in next financial year have increased from \$.030 million in 1973-74 to \$11 million (estimated) in 1979-80.

The number of applications has risen from 80 516 in 1974-75 to 210 000 in 1979-80 - an increase of 160 percent in applications compared with an 800 percent increase in budget allocation and a 1300 percent increase in total expenditure.

2.11 The Committee has formed the view that in the light of statistics and information now available, together with the limit of \$120 assistance to each application, further estimating failures of this magnitude will be unacceptable.

Future estimates should be based on available statistics so that a more realistic budget allocation can be made initially with a greatly reduced dependence on the Treasurer's Advance.

Division 240.3.6 - Family and Community Services Program (FACS) - Expenses and Grants to persons, organizations or institutions rendering or proposing to render welfare services to the community

Appropriation Act	-	\$2 443 000
Advance to the Treasurer	-	\$300 000
Total funds available	-	\$2 743 000
Total expenditure	-	\$2 659 002

2.12 Additional funds were sought for this Item because it was the first year of the FACS programme which included a major new policy programme being initiated and the amalgamation of a number of other areas of departmental spending. As a result, the Department claimed that its ability to anticipate the cost of the programme was limited.

The Department further advised that it had transferred the funding of community organizations from a State-wide basis to a regional basis but did not yet have the resources to oversee adequately the administration of all funds distributed through the various welfare organizations.

Conclusion

2.13 The Committee accepts the Department's explanation in relation to the cost of the FACS programme. The question of adequate resources was referred to in a report on the Treasurer's Advance for 1976-77. In that report, the Committee recommended "that urgent action be taken to review the Department's administrative organization and resources with a view to ensuring that it is adequately equipped and organized to efficiently perform its functions".

The Committee still sees the necessity for adequate accountability for funds provided to various community organizations funded by the FACS programme.

Division 240.3.11 - Emergency Welfare Relief Grants, Trust Account Contributions

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$50 000
Total funds available	-	\$50 000
Total expenditure	-	\$50 000

Division 244.3.4 - Family Supportive Services - Grants

Appropriation Act	-	\$74 000
Advance to the Treasurer	-	\$28 382
Total funds available	-	\$102 382
Total expenditure	-	\$102 380

2.14 No initial budget allocation was made for Emergency Welfare Relief. As a result of the S.E.C. power strike there was a considerable demand for emergency relief payments and family supportive services.

2.15 The Department claimed that the present system is not flexible enough to meet urgent requests for additional funds promptly. The situation was compounded by the fact that administrative practices in the central office were such that the Department did not know in advance that funds were running out. The Department further advised that it did not know the balance of the funding until all the information had been collated some three weeks later.

2.16 The Committee was informed that location budgeting had since been introduced. Each region now receives funds for administrative purposes and has its own budget. It was claimed that this now enables a region to react quickly to a crisis situation and take appropriate corrective action. Computerization also enables the

regions to receive weekly financial statements which should improve financial management.

Conclusion

2.17 The Committee views as unacceptable the action of the Department in continuing to make grants after the budget provision for them had been exhausted, without the prior approval of Treasury. Regulations must be complied with and the Department must adopt procedures which will guarantee this compliance. The introduction of location budgeting, made possible by the introduction of EDP accounting methods, is welcomed by the Committee which notes that the Department will closely scrutinize these operations to ensure that the new systems are adequate.

Division 252.2.7 - Correctional Services - Stores and Provisions

Appropriation Act	-	\$961 000
Advance to the Treasurer	-	\$89 644
Total funds available	-	\$1 050 644
Total expenditure	-	\$1 050 643

2.18 The Department claimed that several difficulties were encountered in preparing its estimates for this Item. Under Treasury instructions, the Department can only take into account known price rises in preparing its estimates. However, Treasury purports to provide for anticipated price increases, e.g. C.P.I. increase, in the amount budgeted for the Treasurer's Advance.

Although during 1977-78, the Tender Board contract price for clothing goods was increasing at the rate of 15 percent per annum, Treasury applied the C.P.I. rate of 7.5 percent. The Department sought an additional \$218 000 of which it said \$165 000 was due to price increases, yet Treasury only approved \$89 644.

2.19 Treasury expressed concern at the increased cost of provisions and the Department's lateness in making its application for additional funds. Treasury was also concerned that the Department overcommitted funds prior to their provision being approved.

Conclusion

2.20 The Committee is sympathetic to the difficulties placed on the Department in trying to estimate for stores and provisions but not being permitted to anticipate any price increases. Whilst these restrictions are applied by Treasury, it is clearly unreasonable that Treasury, in considering applications for additional

funds, applies a rate of price increase less than that actually experienced by the Department and the State Tender Board. However, the Committee remains concerned that the Department committed funds prior to their being approved.

2.21 The Committee has, in previous inquiries, reported managerial deficiencies in the Department of Community Welfare Services but it is now advised that the Department has introduced the computerized Financial Recording and Reporting (FRAR) system.

Accordingly, the Committee will be looking for evidence of a marked improvement in the Department's performance in financial management in the coming years.

Division 255.2.1 - Training - Travelling and Subsistence

Appropriation Act	-	\$48 700
Advance to the Treasurer	-	\$20 900
Total funds available	-	\$69 600
Total expenditure	-	\$69 116

2.22 In considering a request for additional funds, Treasury was critical that the Department was unable to keep these items under better control. Departmental officers conceded that a communication breakdown had occurred within the Department so that the Budget Section did not become aware until a later stage of the costs incurred against this Vote.

Conclusion

2.23 The Committee has been advised that appropriate steps have been taken by the Department to improve controls. The Committee will be looking for confirmation from Treasury in due course.

2.24 Other Items for which satisfactory explanations were provided were -

Division 240.3.10 - Social Welfare Administration, Research and Statistics - Childhood Services Program - Special Projects

Appropriation Act	-	\$1 200
Advance to the Treasurer	-	\$13 828
Total funds available	-	\$15 028
Total expenditure	-	\$15 027

Approval was granted in late June 1978 for a request for additional funds of \$13 828. This was to meet the State's share of expenditure (quarter salaries) in respect of two special projects - the Child Development Demonstration Unit, Allambie Reception Centre; and the Welfare Aides in the Barwon Region - administered by the Department and funded under the Childhood Services Programme - a joint programme between the Commonwealth and the State.

Division 244.3.5 - Regional Services - Community Health Projects -
Women's Refuges - Operating Costs

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$264 057
Total funds available	-	\$264 057
Total expenditure	-	\$187 288

In December 1977 a request for additional funds was approved totalling \$264 057. This was required to cover formal transfer of the administration of two Women's Refuges from the Department of Health to the Social Welfare Department, previously funded under the Community Health Programme, and the provision of matching State funds to attract the maximum Commonwealth funds allocated to seven additional Women's Refuges in 1977-78.

The sum was made up of -

- (a) \$70 824 representing the balance of the Commonwealth and State recurrent funds payable to the two Refuges currently administered by the Department of Health;
- (b) \$193 233 representing Commonwealth and State current funds for seven additional Refuges to be funded under the 1977-78 Community Health Programme.

The 1977-78 allocation of \$264 057 to the Social Welfare Department for Women's Refuges, to cover operating costs, will not be fully expended before 30 June 1978, as several of the Refuges have not been operational for the entire twelve months period.

CHAPTER 3

DEPARTMENT OF HEALTH

3.1 The Committee sought additional explanations from the Health Commission (the former Department of Health) into the need for Advances from the Treasurer in respect of the following Items :-

Division 620.2.9 - Medical expenses, etc., at penal establishments

Division 625.3.2 - Subsidies to municipalities towards home-help schemes.

3.2 During the period under review, the Department of Health relied on manual records which, the Committee was informed, made it difficult to exercise commitment control and budgetary control, and to provide satisfactory financial information for management.

3.3 There was a further problem in that the manual budgeting system did not allow preparation of proper estimates at various centres where activities were undertaken away from the Head Office.

Conclusion

3.4 The Committee is gravely concerned that the Department of Health continued for so long with inadequate manual systems which made it difficult for the Department to exercise adequate budgetary control. The Committee welcomes the introduction of new systems which, it was advised, should overcome the deficiencies revealed during this Inquiry. These new systems should enable the Commission to not only produce accurate estimates but also to have the management reports and financial controls to ensure that it does stay within its budget allocation.

Division 620.2.9 - Medical expenses, etc., at penal establishments

Appropriation Act	-	\$73 000
Advance to the Treasurer	-	\$12 700
Total funds available	-	\$85 700
Total expenditure	-	\$85 566

3.5 Reasons advanced by the Department for the extra funds were -

- (a) a nine per cent increase in medical fees as from 1 January 1978; and

(b) increased expenditure on pharmaceuticals supplied by the Mental Health Authority to Pentridge and Ararat Prisons. Costs rose by \$5 562 since 1976-77 due to additional medical attention being given to prisoners at Pentridge; an increase in throughput of prisoners at Pentridge; and prescriptions being written for a broader range of more expensive drugs.

3.6 The Commission advised that it must rely on the judgement of its medical officers concerning the treatment of prisoners. All accounts are certified by the prison authorities and are checked by the Superintendent of the Prison Medical Service to ensure that any accounts of an unusual nature are queried.

3.7 The Committee queried whether the National Health refund applied to these prescriptions but was advised that it does not because it is required that they be dispensed by a public hospital.

Conclusion

3.8 The Committee recommends that the Commission examine ways of obtaining the National Health refund in relation to these prescriptions.

Division 626.3.2 - Subsidies to municipalities towards home help schemes

Appropriation Act	-	\$5 956 000
Advance to the Treasurer	-	\$719 000
Total funds available	-	\$6 675 000
Total expenditure	-	\$6 674 692

3.9 Home help services for the aged and the sick and for the physically handicapped and mentally retarded are provided directly by the municipalities which recover from the State the total cost of the home help scheme for the physically handicapped and mentally retarded and four-fifths of the total cost of the general home help scheme.

3.10 Additional funds were required because of an increase in home help services provided by municipalities and national wage rises since the 1977-78 budget was introduced. Expenditure was based on claims received from municipalities and the Department stated that it had no control over the annual level of spending.

3.11 While home help services to the parents of mentally retarded and physically handicapped children were introduced during 1977-78, most expansion occurred in the general home help area. It was this latter increase which was of concern to Treasury.

3.12 The very nature of the scheme makes it difficult to estimate the demand for these services in any year. The Health Commission advised that municipal councils are required to accept responsibility for supplying home help to the most deserving cases irrespective of income. Officers of the Commission visit municipalities to verify related council expenditure and receipts and to ensure that the "Conditions of Subsidy" are observed. In addition, councils are required to lodge quarterly statistical returns showing the number of people employed, the number of cases assisted, etc.

3.13 Mr Clifford informed the Committee that the Health Commission was reviewing its budgetary procedures for the 1980-81 budget and agreed with a Committee suggestion that conditions of subsidy could be overdue for review. He suggested that a complete overhaul and review of conditions of subsidy should be made in an endeavour to simplify and minimize the administration and that maybe the areas of home help and assistance for the mentally retarded should be combined.

Conclusion

3.14 The Committee is concerned at the lack of adequate financial control over expenditure on the home help scheme and recommends that the administration of the scheme and conditions of subsidy be reviewed as a matter of urgency. Standard criteria for eligibility should be clearly understood by administrators within municipalities.

The Committee again expresses its concern that the Department continued for so long with inadequate manual systems which made budgetary control very difficult. The introduction of the new computer information control systems by the Health Commission is welcomed and the Committee looks to an improved performance in 1980-81.

3.15 Another Item for which a satisfactory explanation was provided was -

Division 630.2.4 - Early Childhood Development - Postal and telephone expenses

Appropriation Act	-	\$5 100
Advance to the Treasurer	-	\$4 170
Total funds available	-	\$9 270
Total expenditure	-	\$9 238

The Department advised that postage increased because of -

- (a) Free milk scheme vouchers submitted in support of dairies being returned by mail prior to actual payment;
- (b) Four regional advisers being appointed during 1976-77 - the full effects of those officers' postal needs were only felt in 1977-78;
- (c) The workers' compensation insurance scheme which commenced in February 1977 and as such, the implementation extended into the following year; and
- (d) nearly 50 per cent of sick leave claims from centres having to be returned for correction.

With the Division's relocation at Enterprise House, the Department of Health advised that all telephone costs pertaining to this Item were transferred to Vote 620.2.4 - Health Administration - Postal and telephone expenses.

The Division was then advised that part of the expenditure figure should have been retained under this Item to cover regional advisers' telephone expenses which amounted to \$3 320 in 1977-78.

Treasury expressed concern at -

- (a) The Department's approach to information provided on this Item during the preparation of the 1977-78 Budget; and
- (b) the delay in advising Treasury of the revised estimate.

CHAPTER 4

LAW DEPARTMENT

4.1 The Committee sought a written submission from the Law Department into the reasons for seeking additional funds in respect of the following Item -

Division 356.2.11 - Allowances to Witnesses

Appropriation Act	-	\$395 500
Advance to the Treasurer	-	\$47 000
Total funds available	-	\$442 500
Total expenditure	-	\$441 797

4.2 The Department advised that the need for additional funds was due to increases in overnight accommodation rates for witnesses (20 per cent), interstate air fares (4 per cent) and rail fares (12 per cent).

In addition, it was suggested that there had been an increase in the number of unusual circumstances requiring large accommodation and travelling payments. For example, one prisoner from interstate was required as a witness and transport and accommodation had to be paid for the witness and three accompanying jail warders for a period of ten days. Also a number of key witnesses had to be secretly accommodated for their own protection for periods up to three weeks in company with an officer of the police force, whose expenses also had to be met.

4.3 The Committee was advised that payments to Crown witnesses in the Melbourne County Court account for approximately 40 per cent of all Crown witnesses payments. In 1977-78, most of the increase was identified as occurring in the Melbourne County Court as a result of the significant increases occurring in relation to criminal trials as follows :-

Total Judge sitting days in criminal hearings increased by 11 per cent from 1669 days in 1976 to 1853 in 1977;
and

The average length of a trial increased from three days in 1976 to four days in 1977.

Consequently it was proposed that Crown witnesses were being required to attend court for longer periods requiring higher payments.

4.4 The Department stressed that these payments are not controllable in the budgetary sense as payments to Crown witnesses are governed by regulation.

In preparing estimates for these payments the Department relies on trends in relation to the number of Judge days on criminal matters in the Melbourne County Court. The number of Judge days in the County Court has increased continually from 1443 days in 1974 to 1853 days in 1977.

Conclusion

4.5 The Committee recognizes that some difficulties will be encountered in budgeting for these items because of unforeseen circumstances. Nevertheless, it believes that every effort must be made to estimate expenditure and exercise appropriate control, particularly where there are discernible trends and reasonable forecasts can be made.

CHAPTER 5

POLICE DEPARTMENT

5.1 The Committee's attention was drawn to the following Item -
Division 187.2.8 - Victoria Police - Incidental expenses

Appropriation Act	-	\$498 550
Advance to the Treasurer	-	\$131 052
Total funds available	-	\$629 602
Total expenditure	-	\$624 681

5.2 The Committee was advised that the over-expenditure was brought about by increased expenditure on consumable stores, incidental expenses, charges for services provided by the Government Botanist and reimbursement to the Police Association of the costs of successful legal defence of charges against police officers that arose out of the Inquiry.

5.3 An amount of \$74 000 was approved in June, 1978 - \$28 000 for consumable stores, \$39 500 for incidental expenses and \$6 500 for the services of the Government Botanist. It was this amount of \$74 000 that caused some concern to the Committee because, unlike the expenditure incurred as a result of the Beach Inquiry, the expenditure was for budgetable items.

5.4 Items such as brooms, detergents, first-aid supplies, garden tools, torch batteries, etc., make up the consumable stores. The explanation given for the increase was that the cost of items increased with inflation and the number of items needed to be purchased rose because of the expansion of the force and increased activities of the force during the year.

The consumable stores of the Police Department are used at the many police stations located throughout the State. Whilst all stores are requisitioned from a central store, it is not easy at any given time to ascertain the total stores on hand.

5.5 Many of the stores for the Police Department are ordered through the Education Department. In cases where the Education Department does not handle the goods required but the Tender Board has let a contract for the particular goods, the contract let by the Tender Board would be used.

5.6 The incidental expenses component of the Item related to the cost of purchasing information by the Bureau of Criminal Intelligence and the running of special operations - for which no provision was made - and for increased costs in obtaining Motor Registration Branch extracts and for interpreters' fees.

In evidence tendered to the Committee Deputy Commissioner Salisbury advised that prior to the establishment of the Bureau of Criminal Intelligence, information was gathered on a rather casual basis by all members of the force and particularly by members of the Criminal Investigation Branch and some of it had to be paid for. Because the Bureau of Criminal Intelligence was just becoming operational and no provision had been made, additional money was sought from Treasury to meet this expenditure.

5.7 The number of examinations carried out on behalf of the police by the Government Botanist has steadily grown. Whilst the Police Department has its own forensic science laboratory which examines drugs and other materials for court purposes, for many years some of these examinations were carried out by the Government Botanical Service which is part of the National Herbarium.

5.8 These examinations have increased in number for several reasons, one being the proclamation of the *Poisons (Drugs of Addiction) Act* 1976, which became operative on 1 September 1977.

The Criminal Investigation Branch Drug Squad establishment was increased and a greater number of offences were detected. Many of these examinations associated with the increased activity were carried out by the Government Botanist at no cost to the Department. The rest were carried out at the forensic science laboratory by a scientific officer who held botanist qualifications. When this officer left the laboratory, all examinations were then performed by the Government Botanist and charges for his services were introduced.

5.9 The Police Department recognized the need to obtain the services of a qualified botanist and sought the creation of such a position. At the same time, the National Herbarium applied for the services of an additional scientific officer because of the increased workload emanating from the Police Department.

Of the two applications, only that of the National Herbarium was successful and the Police Department still requires the Government Botanist's services.

5.10 Another factor brought to the Committee's attention was that when proceedings were successful in court and a conviction was obtained, the prosecutor would apply for the costs of the analysis. However, only a few magistrates were awarding costs, of which only a small percentage were being recovered by the police. Other magistrates held that such costs could not fairly be imposed on the defendant because the analysis was a service rendered by the Crown. The police representatives indicated that the percentage of costs recovered had decreased as more magistrates became aware that they are bound by the Statutes and that these costs are not recoverable.

Conclusion

5.11 The Committee considers that there should be a petty cash system at each station for the purchase of consumable stores. This would operate more effectively than the present system and would reduce the number of stores required to be ordered through the central store office. It would also reduce the amount of stores held at each police station.

Given that the magistrates are bound by the Statutes and that the costs of analyses are not recoverable, the Committee believes that the Department was wrong both in seeking and in expecting to recover these costs.

5.12 Other Items for which satisfactory explanations were provided were -

Division 187.2.9 - Police - Personal equipment, uniforms, clothing and bedding

Appropriation Act	-	\$613 000
Advance to the Treasurer	-	\$75 000
Total funds available	-	\$688 040
Total expenditure	-	\$680 362

In December 1977 the Treasurer approved the Department's request for the following items of expenditure :-

- (a) \$18 720 was required to meet the cost of the Police Service Board Determination No. 280 and Amended Determination No. 179, which provided for increased reimbursements for the cost of a first uniform up to \$512 or \$104 above the individual budget allowance.

(b) Expenditure (maximum of \$56 320) to meet the cost of uniform allowances for an additional 100 police cadets (maximum) who were to be accepted above the number provided for in the estimates - \$46 912 actually expended.

Division 187.2.12 - Police - Transport of Prisoners, Prisoners' Meals

Appropriation Act	-	\$96 000
Advance to the Treasurer	-	\$24 000
Total funds available	-	\$120 000
Total expenditure	-	\$112 607

A request was made for additional funds of \$24 000 under this Item. It was subsequently approved on 12 June 1978.

Increased expenditure associated with transporting prisoners, due to increases in the number and cost of extraditions and, to a lesser extent, force increases, contributed to the request. Also contract costs for providing meals to prisoners in police watch houses increased and accounted for approximately \$2 250 of the additional funds sought.

CHAPTER 6

GENERAL

Motor Vehicles - Purchase and running expenses

6.1.1 During the Committee's inquiry into the Expenditure from the Advance to the Treasurer 1977-78, one item - Motor Vehicles - Purchase and running expenses - was the cause of several requests for Advances from the Treasurer.

In the financial year 1977-78, twenty-three branches over-spent their budget on this Item. The branches and the respective amounts are set out in an appendix to this report.

6.1.2 Total over-expenditure by these branches on "Motor Vehicles - Purchase and running expenses" was \$563 685 compared with a budgeted amount of \$5 721 720 - a 9.85 per cent increase. This budgeted amount excludes \$1 849 400 allocated to those branches which spent within their budgets.

6.1.3 The Committee is most concerned at the lack of budgetary control in this area. From an examination of the Treasury files containing the explanations given by branches/departments in justifying the over-expenditure, it is readily apparent that very little effort is made to contain spending and it would appear that Advances from the Treasurer are expected as a matter of course. It would also appear that, in several cases, forward planning for the replacement of vehicles was very poor.

6.1.4 The Crown Lands Administration received an extra \$19 020 to cover unexpected extra costs associated with the replacement of vehicles which had become uneconomic and, in one case, unroad-worthy. This indicates that insufficient attention to detail was given in preparing the budget estimate. The Committee believes that the branch should have been aware of the fact that some of its vehicles would be becoming uneconomic in the coming financial year.

6.1.5 The Department of Agriculture received additional funds of \$48 900. The Committee was advised that the increase in funds needed for petrol costs was 21 per cent over the budget provision. This arose from increases in petrol costs (3 per cent higher than budget) and increased usage resulting from the addition of eight small vehicles to the fleet, added a further 1.5 per cent. The Department has been unable to provide specific reasons for the increased petrol usage, but suggested that pollution control devices was an influencing factor in the increased consumption.

6.1.6 Funds were provided to replace 105 vehicles which were expected to exceed 56 000 kilometres during the year. However, due to increased costs, only 68 vehicles could be replaced with the funds available.

The Committee is concerned about the reduction in the number of cars that the Department was able to replace and the Department's acknowledged inability to -

- (a) identify the cause for the increased use of vehicles;
- (b) provide specific reasons for the increased petrol usage; and
- (c) explain the cause for running expenses to increase by 23 per cent except that the vehicles became unreliable as they approached 56 000 kilometres and in many cases required major repairs.

6.1.7 The Committee questions the adequacy of procedures and recording systems that some departments have in relation to their transport spending.

6.1.8 The estimated amount for the purchase and running expenses of motor vehicles for the 1977-78 year was in excess of \$7.5 million. From explanations presented by departments in seeking a Treasurer's Advance, the Committee sees the present arrangements as completely unsatisfactory. Procedures should be such as to allow departments to identify the various areas and causes of expenditure, identify costly vehicles, and readily identify when vehicles will require replacement, etc.

Recommendation

6.1.9 The Committee therefore recommends that the Government Motor Transport Committee should investigate the various procedures used by departments with a view to producing a standard set of procedures for all departments to use in recording the use of their cars, their running costs, repair costs, and replacement costs, etc.

Budgeting

6.2.1 During the course of this Inquiry, the Committee has become concerned at the attitude which some departments appear to have to their budgets.

6.2.2. After taking evidence from various departmental representatives, it seems that in several cases spending is still geared to

the original departmental estimates rather than adjusted to the amount of money actually appropriated to the department by Parliament. When the money appropriated has been spent, advances from the Treasurer, whilst they have to be justified by the Department, seem to be regarded as a matter of course by several departments because their original estimate was higher than the amount actually appropriated.

6.2.3 The Committee was advised in one case that "the department's budget bid for 1977-78 was \$6.3 to \$6.4 million. Treasury allocated \$5.9 million. There was, therefore, a half million dollars difference. The actual cost was \$6.6 million. The department's comment was that its initial estimate was closer than the Treasury one".

6.2.4 Representatives of a second department advised the Committee that it did not overspend its estimates. They conceded that, by force of circumstances, they had overspent their allocation but justified this on the grounds that the appropriation was less than the amount originally sought.

6.2.5 The Department of Community Welfare Services appeared to have problems with budgeting, mainly because of the open-ended type of commitment required in welfare spending. The Committee concedes that budgeting in this area is extremely difficult and is aware that the Department is endeavouring to improve its supervision and accounting of funds being spent.

6.2.6 In discussions with representatives of the Department of Community Welfare Services, the Committee was advised that there are several areas where the funds are included in the Department's budget, but the funds are actually administered by other departments. Whilst the Committee can see an argument for having all "welfare" payments under one department's budget, the Committee sees problems when the administration of and accounting for these funds is split between various departments.

6.2.7 Treasury representatives informed the Committee that, prior to the budget, departments are expected to prepare a set of estimates of the cost of maintaining existing services. The estimates would be based on the level of costs current at the time of preparation. Treasury adjusts the estimates in line with changes in costs that take place between preparation and the final cut-off date. It was Treasury's view that the departments get their initial appropriations based on current levels of costs as near as it is practical to get them at the time the budget is brought down, excluding any consideration of policy or review of

level of services. Any review of services or policy changes could be put aside and be given special consideration.

Treasury's basic aim is to get the department, when it starts at the beginning of the year, to cover on-going requirements which are requirements for on-going services at current levels of costs.

In respect of any cost increases occurring during the financial year, the department is expected to make some effort to absorb them. If these increases cannot be absorbed, then it is expected that the department would approach Treasury when the additional costs materialize.

6.2.8 A global provision is made in the Treasurer's Advance to cover the overall cost of wage increases and other cost increases. Treasury has to project for the end of the financial year to anticipate the various cost increases and it is on these projections that the global provision is based. Treasury suggested that, because of the uncertainty of cost increases and wage increases, it was reasonable for it to hold and control the funds set aside to cover these increases rather than to include them in the departmental allocations. Treasury also suggested that to do so would reduce its flexibility to re-deploy funds, because there is no power of transfer, for example, from the Education Vote to a Health Vote where funds may be needed.

Conclusion

6.2.9 As a result of discussions with representatives from Treasury and other departments, the Committee has begun to inquire into the whole budgetary process, including internal departmental budgeting procedures, programme budgeting, and zero budgeting.

6.2.10 The Committee considers that the Government should review its policy so that a department responsible for administering funds is the department that has to account for those funds.

CHAPTER 7

FURTHER ITEMS CONSIDERED WITH EXPLANATIONS

7.1 Further Items for which satisfactory explanations were provided were -

PREMIER

Division 121.3.16 - Premier's Office - Committee for Equal Opportunity in Schools - Expenses

Appropriation Act	-	\$13 000
Advance to the Treasurer	-	\$12 450
Total funds available	-	\$25 450
Total expenditure	-	\$25 444

7.2 Approval was granted on 21 June 1978 to a request for an additional \$12 450, such amount being offset by a corresponding saving under Item 121.3.23 - Victorian Garden State Committee - Expenses.

This increased expenditure was to meet the following costs -

(a) The printing of 6 000 copies of a Minority Report	-	\$8 259
(b) The printing of 6 000 copies of a Joint Statement on the Majority Report	-	\$50
(c) Women Principals as Role Models - Project undertaken	-	\$856
(d) Seminar to discuss the recommendations and findings of the majority/minority reports	-	\$1 324
(e) Cost of printing additional 1 000 copies of the Majority Report of the Committee	-	\$1 848

(This was in addition to the cost (\$12 764) of printing and distributing 6 000 copies of the Majority Report of the Committee, provided for under this item in the 1977-78 Budget).

Division 121.3.36 - Premier's Office - Northwest One-stop Welfare Centre - Evaluation expenses

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$7 000
Total funds available	-	\$7 000
Total expenditure	-	\$4 235

7.3 In May 1978 a request for additional funds was approved amounting to \$7 000. This was the expected outlay for 1977-78 that the Victorian Government was prepared to bear as a contribution towards the cost of an evaluation of the proposed North-west One-stop Welfare Centre at Coburg. This project was undertaken in conjunction with the Commonwealth Government on a cost sharing basis as an experiment to see if locating Australian, State, local government and voluntary welfare agencies in the one room would ease the confusion that exists in the delivery of welfare services. The centre is also an experiment to see if officers from these various organizations can, by working together, design a better system of working themselves, i.e., it is an experiment in worker participation or self-management.

Division 136.2.2 - Public Service Board - Office requisites and equipment, printing and stationery

Appropriation Act	-	\$71 000
Advance to the Treasurer	-	\$33 383
Total funds available	-	\$104 383
Total expenditure	-	\$96 222

7.4 In November 1977 approval was granted for provision of \$33 383 for the purchase of a computer based word processing system for the Public Service Board Management Services Division.

ARTS

Division 150.2.4 - Ministry for the Arts - Postal and telephone expenses

Appropriation Act	-	\$1 800
Advance to the Treasurer	-	\$11 200
Total funds available	-	\$13 000
Total expenditure	-	\$12 799

7.5 On 3 May 1978 a request for additional funds totalling \$11 200 was approved.

This provision was required to cover the payment of telephone accounts for the switchboard and associated lines which were installed when sections of the Ministry for the Arts occupied the 8th Floor of the Hoyts Cinema Centre in Bourke Street, Melbourne on 15 August 1977.

The Ministry was advised by the Public Works Department that where separate switchboard facilities exist for recording telephone charges it is normal practice for the department occupying the premises to meet the cost.

No provision was sought or included in the 1977-78 Budget to meet this cost.

Division 158.2.9 - National Museum - General expenses

Appropriation Act	-	\$162 100
Advance to the Treasurer	-	\$20 000
Total funds available	-	\$182 100
Total expenditure	-	\$182 100

7.6 An amount of \$20 000 was approved during November, 1977. This was to cover the purchase of mineral specimens from an imported collection. The purchase stemmed from a vigorous acquisition programme designed to raise the quality of the collections held in the National Museum.

EDUCATION

Division 301.2.1 - Education Administration - Travelling and subsistence

Appropriation Act	-	\$262 000
Advance to the Treasurer	-	\$43 909
Total funds available	-	\$305 909
Total expenditure	-	\$305 909

7.7 Two requests for additional funds were made.

In January 1978 approval was granted to an amount of \$36 185 to cover further State expenditure associated with an increase in Commonwealth funds made available under grants to Disadvantaged Schools.

The second request was for an amount of \$9 550 which was approved on 1 March 1978. The additional expenditure was due to increased rates of reimbursement of personal expenses to the Teachers Tribunal and Public Service Board (\$5 237), increases in rail, tram and bus fares (\$2 621) and travelling and subsistence costs for four Public Works Department officers seconded to assist the Education Department with a proposed reorganization.

Division 301.2.4 - Education Administration - Postal and telephone expenses

Appropriation Act	-	\$850 200
Advance to the Treasurer	-	\$89 800
Total funds available	-	\$940 000
Total expenditure	-	\$939 956

7.8 On 21 June 1978 approval was granted to a request for additional funds of \$89 800.

Of this \$53 880 was associated with increased bulk mail service costs, due to Commonwealth initiatives such as the Technical and Further Education and Disadvantaged Schools Programmes, and state initiatives, e.g., Technical and Further Education Regional Office and School Council Programmes.

The balance was made up of increased costs associated with telephone calls.

Both items were further accentuated by the continued growth of regionalisation within the Education Department, necessitating contact between the regional offices and Head Office.

Division 301.3.10 - Education Administration - Australian
National Memorial Theatre, Schools -
Grant

Appropriation Act	-	\$60 000
Advance to the Treasurer	-	\$13 750
Total funds available	-	\$73 750
Total expenditure	-	\$73 750

7.9 In December 1977 approval was given to a request for additional funds to cover operating deficits of the Ballet and Drama schools of the Australian National Memorial Theatre, until such time as the future of these schools is examined.

Division 301.3.11 - Education Administration - Victorian College
of the Arts, Opera School - Grant

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$32 000
Total funds available	-	\$32 000
Total expenditure	-	\$32 000

7.10 Approval was granted for additional funds of \$32 000 to cover the operating deficit of the Opera School, which will become the full responsibility of the Victorian College of the Arts in 1981.

Although the Victorian College of the Arts is funded by the Commonwealth Government on the recommendation of the Tertiary Education Commission, no funds were provided for opera training in 1978. It is expected that the costs of opera training will be progressively absorbed within the Commonwealth funding arrangements and need for State financing will cease in 1981.

Division 301.3.29 - Education Administration - Registered Schools
Teacher Training - Grants towards expenses

Appropriation Act	-	\$200 000
Advance to the Treasurer	-	\$28 074
Total funds available	-	\$228 074
Total expenditure	-	\$228 074

7.11 Following a request for further funds an amount of \$28 074 was approved in late June 1970.

This allowed payment of a claim from Christ and Mercy Colleges for \$228 074, some \$28 074 above the estimate. This

increase was caused by the Tertiary Education Assistance Scheme (T.E.A.S.) conditions being altered in 1977 so far as third year students were concerned. In previous years the receipt of a studentship allowance from the Catholic Education Office for first and second year students was accepted by the Commonwealth as full-time employment. Therefore students entering their third year were eligible for the T.E.A.S. allowance as independent students. The Commonwealth has now declined to accept the receipt of a studentship allowance as full-time employment, and to enable the students to complete their courses, it has been necessary for the Catholic Education Office to pay studentship allowances to third year students. Consequently there was a dramatic increase in the number of third year students eligible for assistance under the State subsidy scheme.

Division 308.2.1 - Special Education - Travelling and subsistence

Appropriation Act	-	\$246 100
Advance to the Treasurer	-	\$46 000
Total funds available	-	\$292 100
Total expenditure	-	\$290 617

7.12 Upon perusal of the relevant Treasury file it was ascertained that additional funds amounting to \$46 000 were approved in April 1978.

This increased expenditure was attributed to the introduction by the Teacher's Tribunal of new staffing structures for Special Education units and the establishment of seven new units in 1977 which resulted in an increase in consultant teachers from 174 in June 1976 to 230 in December 1977. This increase in staff accounted for about \$17 000 of the additional funds sought and the balance was attributed by the Department to increased activity.

Division 309.2.2 - Special Services - Office requisites and equipment, printing and stationery

Appropriation Act	-	\$225 000
Advance to the Treasurer	-	\$171 000
Total funds available	-	\$396 000
Total expenditure	-	\$396 000

7.13 Two requests for additional funds were made. In March 1978 approval was given to an amount of \$150 000. A further \$21 000 was approved in June 1978.

As the expenditure on this item has grown from \$78 000 in 1975-76 to an estimated \$470 000 in 1977-78, Treasury officers expressed concern at such an increase.

The Treasurer directed that the Department should undertake a full investigation to provide an explanation for the over-commitment involved and details of the steps that will be taken to ensure that this situation does not re-occur.

The growth was primarily the result of the transfer of the Curriculum Services Branch from the Division of Education Administration to the Division of Education Special Services.

The Department referred to an expected large carry-over of accounts in the 1977-78 Estimates and the acceleration of expenditure due to the management decision in June 1976, requiring the use of the Government Printer for all off-set printing previously performed within the Division on a then obsolete duplicating machine and stated that it was not possible at that time to project the cost with any precision and the budget provision based on 1976-77 expenditure was not queried.

Division 309.2.6 - Special Services - Fuel, light, power and water

Appropriation Act	-	\$62 000
Advance to the Treasurer	-	\$44 425
Total funds available	-	\$106 425
Total expenditure	-	\$106 424

7.14 The Treasurer approved an amount of \$44 425 in excess of Budget provision on 3 May 1978.

Details of expenditure in 1976-77 and the provision and revised expenditure in 1977-78 are set out below :-

	<u>1976-77</u>	<u>1977-78</u>		
	Expend- iture	Budget	Revised Expend- iture	Increase
	\$	\$	\$	\$
Fuels	1 139	1 200	1 200	-
Electricity	32 923	41 200	71 242	30 042
Gas	9 967	12 700	17 400	4 700
Rates	6 097	6 900	16 736	9 836
	<u>50 126</u>	<u>62 000</u>	<u>106 578</u>	<u>44 578</u>

The reasons for the increased expenditure were advised as follows :-

Electricity - Electricity rates increased by 9 per cent from 17 December.

Electricity and Gas - Since the separation of the Special Services Division problems arose in recognizing to which Division accounts belong, as addresses only were quoted. Subsequently there was incorrect allocation of financial resources as between Primary Education, Special Education and Special Services. However, in determining this request for a Treasurer's advance the Education Department is to make an offsetting saving of \$30 602 available under the Primary Education Division No. 305.2.14 "Grants to schools". The Finance Section of the Education Department has taken steps to improve the situation.

Rates - The City of Melbourne did not issue a 1976-77 rate notice for the property at 123/9 Bouverie Street, Carlton. The City claimed rates for two years (\$5 676 and \$6 450 = \$12 126) without interest.

ATTORNEY-GENERAL

Division 350.2.10 - Attorney-General - Costs payable by the Crown

Appropriation Act	-	\$40 000
Advance to the Treasurer	-	\$50 000
Total funds available	-	\$90 000
Total expenditure	-	\$83 866

7.15 This item covers payment arising from -

- (a) Court cases in which costs are awarded against the Crown; and
- (b) Cases which are settled out of Court by the Crown meeting costs.

On 12 April 1978 approval was granted to a request for additional funds of \$30 000 to meet such awards.

A further amount of \$20 000 was requested, for which approval was given on 21 June 1978.

Treasury considered that settlement of court cases through costs can often be negotiated on terms advantageous to the State, provided prompt payment is made. Costs payable by the Crown each year are dependant on cases arising during the year and in recent years have been quite variable.

The Committee has previously expressed concern at the inability of the Law Department to predict its likely expenditure on various items.

Whilst recognising the difficulty in forecasting expenditure, the Committee is firmly of the view that every effort should be made to anticipate funding requirements.

Division 351.2.8 - Public Solicitor's Office - Incidental expenses

Appropriation Act	-	\$48 400
Advance to the Treasurer	-	\$36 600
Total funds available	-	\$85 000
Total expenditure	-	\$82 985

7.16 On 1 March 1978 approval was granted to a request for additional funds totalling \$36 600.

The main factors contributing to the over-expenditure were :-

- (a) on 6 October 1977 the Treasurer approved an ex-gratia payment of \$1 337 to Rosemary Darmanin (nee Ward) to make good interest lost in the case Rosemary Ward v Donald Kenevan. This amount was not provided for in the Budget estimates;
- (b) the Public Solicitor's Office has developed a growing tendency to use the evidence of psychiatrists, psychologists and private investigators in the defence of accused persons. The payments to psychiatrists and others include, not only the time spent preparing the reports, but also the time spent in court appearances; and
- (c) doctors' fees rose by an average 7.3 to 8 per cent as from 1 January 1978.

The Committee has previously expressed its concern at the inability of the Law Department to predict its likely expenditure on various items.

While recognising the difficulty in forecasting expenditure, the Committee is firmly of the view that every effort should be made to anticipate funding requirements.

TREASURER

Division 400.3.55 - Treasury - Road and rail freight subsidy to beef producers

Appropriation Act	-	\$50 000
Advance to the Treasurer	-	\$93 735
Total funds available	-	\$143 735
Total expenditure	-	\$130 283

7.17 Approval was granted for additional funding of \$93 735 over Budget allocation to cover increased subsidy payments associated with the unexpected continuation of drought conditions in Victoria.

Division 400.3.84 - Treasury - Victorian Wholesale Fruit and Vegetable Market Trust, Act No. 8993 - Payments of State contribution

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$53 999
Total funds available	-	\$53 999
Total expenditure	-	\$53 999

7.18 The additional provision of \$53 999 was approved to cover half of the cost of loan liability payments by the Trust to the Melbourne City Council as a result of transferring the Wholesale Fruit and Vegetable Market from the Council to the Trust on 1 April 1978.

Division 421.2.7 - Taxation Office - Electronic Data Processing - Expenses

Appropriation Act	-	\$223 300
Advance to the Treasurer	-	\$50 000
Total funds available	-	\$273 300
Total expenditure	-	\$273 300

7.19 Due to unforeseen problems associated with the transfer of land tax records to computer files, the work to be done before the 1978 assessments were issued was well behind hand. Provision was made for thirty temporary staff to be employed for a period of three to four months to help overcome the backlog. Overtime equivalent to thirty people working three nights per week was also necessary to accelerate the assessment and collection of land tax.

\$10 500 was approved to meet the overtime and tea money payments. A further \$50 000 was approved - \$20 000 for private E D P centres and \$30 000 for encoding - to enable the 1978 assessments to be issued on time. Any substantial delay in the issuing of the assessments could have resulted in a loss of revenue up to \$30 million in 1978-79.

CONSERVATION

Division 435.3.9 - Ministry of Conservation - Zoological Board of Victoria - Grant

Appropriation Act	-	\$350 000
Advance to the Treasurer	-	\$100 000
Total funds available	-	\$450 000
Total expenditure	-	\$450 000

7.20 On 28 December 1977 the Treasurer approved a request for additional funds of \$100 000. This figure was to reduce the anticipated 1977-78 deficit of \$145 600 brought about primarily by increased wage costs due to National Wage rises, and also additional costs associated with the Royal Visit.

RAILWAYS

Division 750.3.4 - Railways - Railways Renewals and Replacement
Fund - Contribution representing recoveries
from sale of pipe credited to Working Expenses

Appropriation Act	-	Nil
Advance to the Treasurer	-	\$561 661
Total funds available	-	\$561 661
Total expenditure	-	\$561 661

7.21 In June 1978 approval was granted to an application for additional funds of \$561 661.

The Railways Board is to invest some \$3 million through Vicrail Pipelines Pty. Ltd., in a joint venture with oil interests for the construction of the Altona-Somerton Oil Pipeline. The funds were provided from the Works and Services Account and were to be partly applied by the joint venture to the purchase of pipes acquired by the Railways Board for the purpose of the project. The Railways Board pipes will become part of its investment in the joint venture.

\$1 351 280 was paid for the pipes by the joint venture and a further \$150 350 was recovered from the sale of scrap pipe. It was necessary that the total amount of \$1 511 630 be credited to the Railway Renewals and Replacements Fund to be available for the Railway works programme and thus relieve the Works and Services Account as planned.

This was prevented by section 115 (3) (c) of the *Railways Act* 1958 which requires all recoveries of funds spent from Working Expenses to be credited to Working Expenses. \$561 661 of the amount recovered represented costs incurred for storing, transporting, and maintenance of the pipes and was charged to Working Expenses as required.

To transfer this amount to the Railway Renewal and Replacements Fund it was necessary to provide an appropriation in the next Appropriation Act and to charge it to Treasurer's Advance in the interim. There was no net effect on the Railways' result for the year.

CHAPTER 8

FURTHER ITEMS CONSIDERED WITHOUT EXPLANATION

8.1 The following items were considered, but have not been commented upon in detail :-

DivisionDescription of Item

DEPARTMENT OF THE PREMIER

Governor's Office

120-1-3 Overtime and penalty rates.

Premier's Office

121-1-4 Payments in lieu of long service leave, retiring gratuities.

121-2-3 Books and publications.

121-3-4 Erskine House, Lorne - Contribution towards operating expenses.

121-3-7 Victorian Committee on Mental Retardation - Expenses.

121-3-18 Victorian Promotion Trust Fund - Contribution.

121-3-20 Victorian Representation, Japan - Salaries and other expenses.

Audit Office

142-2-2 Office requisites and equipment, printing and stationery.

142-3-1 Cadetships - Fees and allowances.

CHIEF SECRETARY'S DEPARTMENT

Chief Secretary's Office

160-3-4 Royal Society for the Prevention of Cruelty to Animals - Grant.

Government Shorthand Writer

181-2-2 Office requisities and equipment, printing and stationery.

181-2-8 Incidental expenses.

Government Statist

184-2-2 Office requisites and equipment, printing and stationery.

Public Record Office

204-2-8 Incidental expenses.

SOCIAL WELFARE DEPARTMENT

Youth Welfare

249-2-8 Incidental expenses.

Correctional Services

252-2-1 Travelling and subsistence.

EDUCATION DEPARTMENT

Primary Education

305-2-8 Incidental expenses.

Secondary Education

306-2-8 Incidental expenses.

LAW DEPARTMENT

Courts Administration

356-2-2 Office requisites and equipment, printing and stationery.

Public Trustee

368-2-3 Books and publications.

TREASURY

Treasury

- 400-3-52 Victorian Council on the Ageing - Grant.
- 400-3-71 Payments pursuant to section 167C(11) of the
*Local Government (Municipal Employes Long Service
Leave) Act 1974.*
- 400-3-81 Mansfield Playschool - Grant.

State Superannuation Board

- 415-2-9 Medical examination fees.

Taxation Office

- 421-2-7 Electronic Data Processing - Expenses.

PUBLIC WORKS DEPARTMENT

Public Works

- 480-3-3 Municipal and other authorities - Rates and
charges.
- 480-3-12 Public Works Department Garage - Operating
expenses.
- 480-3-13 Windsor Hotel - Operating Costs - 1 July 1977
to 21 August 1977.
- 480-3-14 Windsor Hotel - Payments under leasing
arrangements - 22 August 1977 to 30 June 1978.

LOCAL GOVERNMENT DEPARTMENT

Valuer General

- 516-2-8 Incidental expenses.

MINISTRY FOR PLANNING

- 521-2-4 Postal and telephone expenses.
- 521-3-2 Regional Planning Authorities - Grant.

DEPARTMENT OF MINERALS AND ENERGY

540-3-12 Victorian Brown Coal Research and Development Committee - Fees and expenses.

DEPARTMENT OF AGRICULTURE

Plant Services

582-3-25 Inspection of Produce.

Animal Health

585-3-20 Carcase Classification Scheme

DEPARTMENT OF HEALTH

Health Administration

620-2-8 Incidental expenses.

620-2-11 Recruitment of Medical Practitioners from overseas for country areas - Payments.

620-3-36 Health Services Planning and Research Programme - Operating costs.

Early Childhood Development

630-3-6 Fitzroy Adventure Playground - Grant.

630-3-7 Pre-School Free Milk Scheme.

Mental Hygiene

635-3-1 Children's Amenities Trust Account - Payment.

635-3-3 Cadetships - Fees and allowances.

DEPARTMENT OF STATE DEVELOPMENT AND DECENTRALIZATION

Immigration

666-2-2 Office requisites and equipment, printing and stationery.

666-2-3 Books and publications.

MINISTRY OF HOUSING

- 680-2-1 Travelling and subsistence.
680-2-8 Incidental expenses.

FORESTS COMMISSION

- 730-2-8 Incidental expenses.

Committee Room
14 October, 1980.

APPENDIX

OVER EXPENDITURE ON MOTOR VEHICLES

	<u>Budget Allocation</u>	<u>Treasurer's Advance</u>	<u>Total</u>
	\$	\$	\$
<u>Premier's</u>			
Governor's Office (120.2.5)	8 400	2 310	10 710
Audit Office (142.2.5)	12 200	7 187	19 387
<u>Arts</u>			
Ministry for the Arts (150.2.5)	5 070	263	5 333
<u>Chief Secretary</u>			
Police (187.2.5)	4 873 000	420 499	5 293 499
Public Record Office (204.2.5)	1 150	300	1 450
<u>Social Welfare</u>			
Social Welfare Administration and Research and Statistics (240.2.5)	33 400	1 689	35 089
Youth Welfare (249.2.5)	78 600	20 606	99 206
Training (255.2.5)	3 550	679	4 229
<u>Labour and Industry</u>			
Labour and Industry (280.2.5)	42 700	431	43 131
<u>Education</u>			
Teacher Education (304.2.5)	4 200	396	4 596
Special Education (308.2.5)	2 150	245	2 395
Teachers Tribunal (320.2.5)	1 200	354	1 554

		<u>Budget</u> <u>Allocation</u> \$	<u>Treasurer's</u> <u>Advance</u> \$	<u>Total</u> \$
<u>Attorney-General</u>				
Crown Solicitor's Office	(353.2.5)	-	243	243
<u>Treasurer</u>				
Stamp Duties	(424.2.5)	2 400	337	2 737
<u>Conservation</u>				
Soil Conservation Authority	(439.2.5)	156 900	18 410	175 310
Port Phillip Authority	(442.2.5)	3 800	2 361	6 161
Crown Lands Administration	(450.2.5)	39 000	17 685	56 685
<u>Planning</u>				
Ministry for Planning	(521.2.5)	14 250	11 510	25 760
<u>Minerals and Energy</u>				
Minerals and Energy	(540.2.5)	123 500	6 245	129 745
<u>Agriculture</u>				
Central Administration	(570.2.5)	291 000	44 132	335 132
<u>Health</u>				
Health Administration	(620.2.5)	7 250	6 471	13 721
Maternal and Child Health	(632.2.5)	15 000	758	15 758

	<u>Budget</u> <u>Allocation</u> \$	<u>Treasurer's</u> <u>Advance</u> \$	<u>Total</u> \$
<u>Housing</u>			
Registry of Co-operative Housing Societies and Co-operative Societies and Home Finance Administration (686.2.5)	3 000	574	3 574

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

REPORT ON THE

AUDITOR-GENERAL'S REPORTS for 1977-78

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That
the Honourables Clive Bubb, G.A.S. Butler,
D.K. Hayward and N.F. Stacey be members of the
Public Accounts and Expenditure Review Committee,
and that the said Committee have power to send
for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question - That Mr.
Evans (*Gippsland East*), Mr. Ginifer, Mr. Mackinnon,
Mr. Mathews, Mr. Remington, Mr. Richardson, Mr.
Rowe and Mr. Williams be Members of the Public
Accounts and Expenditure Review Committee; and
that the Committee have power to send for persons,
papers and records (*Mr. Hamer*) - put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
 - (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
 - (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
 - (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

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R E P O R T

The Public Accounts and Expenditure Review Committee has the honour to report as follows: -

1.1 The Public Accounts Committee initiated an inquiry into the Auditor-General's reports for 1977-78. As a result of its examination of these reports 56 matters were raised by the Committee and additional information was sought on many of the items from departmental witnesses.

The investigation had not been completed when legislation was passed constituting the Public Accounts and Expenditure Review Committee and dissolving the Public Accounts Committee. The inquiry was continued by this Committee and the matters raised and the results of the investigations are the subject of this report.

1.2 During the course of the inquiry, the Committee heard evidence from the following: -

Mr. B.J. Waldron, Auditor-General.

Mr. J. Norman, Senior Auditor, Audit Office.

Mr. J.M. Ryder, Chairman, and) Hospitals Superan-
Mr. W. Bellhouse, Manager) nuation Board.

Col. L.J. Newell, Chairman, and) Country Fire
Mr. L.T. D'Arcy, Secretary) Authority

Mr. V.H. Arnold, Chairman, and) Motor Accidents
Mr. A.E.J. Scotland, Deputy) Board
General Manager)

Mr. S. Bates, General Manager, and) State Superan-
Mr. M.S. Hastie, Secretary) nuation Board

Mr. H.J. Hopkins, First Assistant)
Director of Finance, and)
Mr. R.A. Livingstone, Assistant) State Treasury
Director of Finance, (Accounting))

Mr. N.J. Barwick, Assistant Director-)
General (Building) and) Education
Mr. B.J. Joy, Assistant Director-) Department
General (Finance))

Mr. D.R. George, Associate Secretary, Teacher Housing Authority.

Mr. D.J. Little, Director-General of) Public Works,)
Mr. J.F.G. Stewart, EDP Project) Public Works)
Director, and) Department)
Mr. L.J. Slavin, Assistant Director) of Administration)

The Honourable J.C.M. Balfour, M.P.,) Minister for Minerals and Energy,) Department of)
Mr. B.W. Court, Secretary, and) Minerals and)
Mr. J.L. Le Page, Director, Oil and) Energy)
Gas Division)

Mr. I.G. Baker, Director of Finance,) and) State)
Mr. P.B. Wade, Deputy Director of) Finance) Treasury)

1.3 Some of the matters raised in the Auditor-General's reports for 1977-78 have also been mentioned in following reports. Where practicable the matters have been considered and finalised by the Committee and included in this report. Other matters which are still being investigated will be reported upon in a future report.

1.4 As is the usual custom, matters arising out of the Auditor-General's Report for 1977-78 are dealt with first, followed by those referred to in his Supplementary Report.

Workers Compensation Board - Use of Nominee Companies
(Main Report, page 48)

2.1 The Auditor-General reported that the Workers Compensation Board had invested \$3 924 900 by way of mortgage loans where the services of nominee companies had been utilized and that his Office had queried the use of nominee companies.

2.2 Information given to the Committee was that the funds invested are those amounts of compensation granted under awards of the Board held in trust for the benefit of the entitled person.

The Board considered it necessary to deal through third parties instead of executing mortgages directly because in the Board's view it is essential that there be no grounds for a conflict of interest situation such as a borrowing company being a respondent in an action before

the Board. For this reason, the Board decided that it should not appear in the documents as the mortgagor.

2.3 Before entering into any arrangements of this nature, solicitors are consulted to ensure that the Board's interests are protected at all times and the mortgage is drawn up by the Board's solicitors incorporating the terms and conditions specified by the Board.

2.4 Payments are made by the Board to the nominee company by way of commission - \$100 on execution of the mortgage, \$30 on collection of each quarterly instalment, and \$100 on discharge of the mortgage. During the year in question, the costs incurred by the Board in using nominee companies was \$3 135.

At the time, the Committee was informed that, with one exception, the Board had used the services of the Bank of New South Wales' nominee company. The Committee has since ascertained that the Board has now adopted the practice of using three or four nominee companies and the charges are the same as set out above.

2.5 The Committee's attention was drawn to the fact that there still could be some difficulty with the use of nominee companies because, if a nominee company is required for the stated purpose of avoiding a conflict of interest, the use of nominee companies may extend into other investment situations.

The Committee has been informed that the Board, which includes judges of the County Court, made a decision on the conflict of interest without seeking an outside legal opinion. It did, however, seek a legal opinion as to the safety of its investments when made through a nominee company.

The Board indicated that its investments in various company debentures were made before the question of conflict of interest was considered and that the Board had since discontinued this form of investment.

Recommendation

2.6 The Committee recommends that a clear justification for the use of nominee companies should be established in view of costs being incurred and that outside legal opinion should be sought on the necessity for using nominee companies if the practice is to be continued.

Education Department - Auditing of School Accounts

(Main Report, page 63)

3.1 The Auditor-General outlined the situation concerning the auditing of school accounts. He reported that primary school councils had been advised by the Education Department that they should engage their own auditors as specified by section 15F (2) of the *Education Act* 1958 and subject to a specified maximum fee scale, and that high and technical schools should be audited by an expanded internal audit branch of the Education Department.

3.2 The necessary additional audit staff had not been appointed to enable the Department to carry out its obligations and only 26 out of 391 high and technical schools had complied fully with the legislative requirements.

3.3 The Committee was informed that an audit of the schools mentioned by the Auditor-General will be made provided that they are not primary schools. Primary schools will still be required to be audited by auditors in private practice. The Auditor-General informed the Committee that the principals and presidents of primary school councils have been advised that the administration component of direct grants to primary schools was increased to provide additional funds, in particular, for the cost of audits.

3.4 The appointment of qualified auditors for primary schools is still a question to be resolved and the problem appears to relate to the financing of school councils and their unwillingness to provide funds to pay for audits.

3.5 The Education Department informed the Committee that it believed that it should provide audits for all Government schools in the State. There is, however, insufficient staff to do other than post primary school audits. It was stated that a significant number of primary school councils believe that they have been treated less than fairly in that audits are provided for post primary schools free of charge, despite the primary school councils receiving cash for audits as a component of the administration of primary school direct grants.

The \$200 maximum may be inadequate in some cases and some school councils would have difficulty in obtaining a qualified auditor.

3.6 The following statistics apply to primary school councils constituted at 31 December 1977 -

(i)	Number of primary school councils that have failed to lodge audited accounts and have not communicated reasons for their failure to do so	294
(ii)	Number of primary school councils that have either refused to appoint an auditor on the grounds of cost or claimed to be unable to appoint auditors within the authorised maximum fee scale ..	225
(iii)	Number of primary school councils that have lodged accounts audited by persons without appropriate qualifications in accounting who have not been approved by the Auditor-General as required by Section 15F (2) of the Act	134
(iv)	Number of primary school councils in respect of which additional information relating to their accounts or the status of their auditors has been requested	188
	<i>Total number of primary school councils that have not complied fully with the legislative requirements</i> ..	841
	<i>Total of primary schools that have complied with the legislation</i> ..	924
	<i>Total number of primary school councils</i>	<u>1 765</u>

3.7 Whilst a large number of schools had not complied fully with the legislative requirements, over fifty per cent had met audit costs from within their grants and had complied with departmental arrangements.

3.8 Treasury advised that the number of schools that had since complied with the legislation in 1977 had risen to approximately 1 200 - 70 per cent - and that there had been a gradual improvement since the Auditor-General's report.

550 school councils have still - (i) failed to submit audited statements; or (ii) the statements have been incomplete or have been audited by people without proper qualifications and who have not been approved by the Auditor-General.

3.9 The Committee is concerned that the situation is not improving. The Auditor-General's reports for 1978-79 indicate approximately the same percentage of schools complied

for 1978 as for 1977.

3.10 In the 1979-80 budget for the Education Department, \$21 766 000 was provided for grants to primary schools and a further amount of approximately \$8 000 000 was provided for payment to primary schools for education allowances. The enrolment of individual schools has a substantial bearing on the amounts they receive from these allocations but the average scale of these official funds available to primary school councils for disbursement was in excess of \$16 500

3.11 The Committee is of the opinion that there are many responsible citizens with suitable accounting experience capable of auditing accounts, who would be prepared to offer their services. If qualified accountants or auditors are unavailable, school councils should approach such people and seek the Auditor-General's approval.

3.12 It is acknowledged that some difficulties may be encountered in obtaining the services of a qualified person by schools which are geographically remote. There may also be schools which receive only very small amounts in government grants. The Committee accepts that there is an argument for introducing varying degrees of audit and that in many cases they could be carried out by the Education Department district inspector or some responsible citizen approved by the Auditor-General.

3.13 One problem with the existing legislation is that the Auditor-General has been given certain administrative responsibilities which would be more appropriately undertaken by the Education Department. Recording of the receipt of accounts and following up outstanding accounts is basically an administrative role which should be undertaken by the Education Department.

3.14 The system should work satisfactorily if the internal audit section of the Education Department audited the high and technical schools, and primary schools were audited by local auditors or private citizens. The Education Department should act as the co-ordinating authority for the collection and review of statements. If the system were to operate in this way the Auditor-General would audit, on an ad hoc basis, specific schools in specific areas.

Recommendation

3.15 The Committee supports this approach and recommends that: -

- (i) the Education Department be responsible for ensuring that annual audits of all Government schools' accounts are carried out; and

- (ii) the Auditor-General only be responsible for the standard of the audits and the approval of persons permitted to conduct such audits.

Education Department - Works by School Councils

(Main Report, page 64)

4.1 The Auditor-General reported that there was reason to query the Education Department in respect of arrangements made, between the Department and certain school councils, for the councils to process works expenditure in respect of other school councils and the Department. These arrangements had the effect of circumventing the accounting and control procedures prescribed in the Public Accounts and Stores Regulations.

4.2 The following particulars were reported by the Auditor-General -

- (i) *Eleven school councils were authorised to arrange for the purchase and installation of steamless boiling water units each costing \$500 at some 168 schools throughout Victoria and also at two departmental centres;*
- (ii) *Wycheproof High School Council and Wycheproof Primary School Council were authorised to employ the services of consultants to carry out a feasibility study in relation to a proposed Wycheproof Education Centre; and*
- (iii) *Box Hill Technical College Council was authorised to purchase 20 evaporative cooling units to the value of \$3,370 for installation in various areas of the Education Department.*

In relation to (i) and (ii) above, payment was made directly to the contractor by the Department.

4.3 The concept of bulk purchasing of equipment for schools is accepted, however, certain anomalies existed in these cases whereby items ordered were not for schools but for the Department.

In the event that the State Tender Board was unable to nominate a firm holding a Government contract for the supply of these items, the Committee would have expected the Public Works Department to have been asked to seek tenders for the installation of the steamless boilers

rather than to authorize eleven school councils to act on behalf of 168 schools.

The Department informed the Committee that it used the eleven school councils because of its expressed desire to involve more than one school in using its powers available under the School Councils Act.

4.4 The Assistant Director-General of Education (Building), Mr. Barwick, informed the Committee that the purchase of the evaporative coolers was not a usual case. He advised that he made a management decision at the time to purchase the coolers to remove the threat of industrial problems.

4.5 The Committee was told that the Department had sought additional space to accommodate the finance and accounts sections. The State Accommodation Committee supported the application but it was rejected by the Victorian Public Offices Corporation.

Mr. Barwick informed the Committee that: -

- (i) the application was rejected despite indications that it was to be a very hot summer and that there were threats of walk-outs by the staff if temperatures reached a certain limit;
- (ii) inquiries were made about the possibility of providing small air-conditioning units to alleviate the problem;
- (iii) air-conditioning was the prerogative of Treasury and that Treasury approval would not be given;
- (iv) he was informed that current switch units might not tolerate the air-conditioners;
- (v) based on his background in that field, his calculations indicated that (iv) was not so;
- (vi) by comparing terminology used - an air-conditioner was not an evaporative cooler - and needing to be able to provide some relief, given the difficulties of obtaining these units through normal channels, he arranged to obtain units via the college council.

4.6 The Committee was concerned at the attitude Treasury and the Victorian Public Offices Corporation took to the provision of adequate accommodation and sought further details from the Education Department re the industrial problems that had appeared imminent.

The Department advised that there was no tangible evidence to support the threat of industrial unrest as all comments were verbal.

Conclusion

4.7 The Committee recognises that the emergency situation brought about by working conditions experienced by employees of the Education Department resulted in a management decision to operate outside the requirements of the Public Accounts and Stores Regulations.

Recommendation

4.8 Whilst the Committee cannot condone such action, it believes that the situation highlights the need for greater discretion to be given to departmental managers, while at the same time complying with the Public Accounts and Stores Regulations.

Education Department

Landscape Beautification of Schools

(Main Report, page 64)

5.1 The Auditor-General reported that the Education Department entered into arrangements with the Victorian State Schools' Horticultural Society for the landscape beautification of certain schools.

Governor in Council approval was obtained, as required by clause 33 of the Public Accounts and Stores Regulations for expenditure not exceeding \$128 000 for the supply by the Society of plants, landscape materials and labour.

5.2 A total of \$121 508 was paid to the Society, of which approximately \$59 000 was for the purchase of motor vehicles and equipment. The purchase of this equipment was not authorized by the Orders in Council. The question also arises as to ownership and control of the vehicles and equipment.

Primary School 4214 is a state school nursery and has a school council. State school councils are members of the horticultural society, so there is a legal entity associated with the school, but the society is not a school or school council.

5.3 Legislation* has been passed which gives Primary School 4214 the power to do work for other school councils and enables the school to go on with landscaping work as it was doing.

Education Department - Departmental Advance Account

(Main Report, page 64)

6.1 The Auditor-General had previously reported that the Education Department's Advance Account had not been reconciled for a number of years. He reported that the Advance Account has been reconciled for the 1977-78 year and the Department is continuing its attempts to reconcile the four previous years.

6.2 The Committee was informed that the Education Department would have the advance reconciled by the end of February, 1979.

6.3 When reporting on the Auditor-General's reports for 1976-77 the Committee was advised that the Department had completed checking the reimbursements and expected that the cash book entries would be checked by 30 June, 1980. On 30 June, 1980, the Department was asked to comment *inter alia* on this section of the report, but advised that the information was factual and that no further comments were necessary. Despite this, the Committee was still concerned about the progress being made in reconciling the Advance.

6.4 The Committee has since been informed by the Department that the Advance Account has been reconciled to 30 June, 1980. Treasury and the Auditor-General have confirmed that Account has been reconciled.

**Education (Further Amendment) Act 1978* was assented to on 19 December, 1978 and came into operation on 14 March, 1979.

Department of Labour and Industry

Departmental Advance Account

(Main Report, page 95)

7.1 The Auditor-General again reported that the Annual Advance to the Department of Labour and Industry had not been reconciled since 15 January, 1974.

When reporting on the Auditor-General's reports for 1976-77, the Committee expressed concern at the lack of satisfactory progress being made by the Department in reconciling the Advance Account.

7.2 The Committee has since been informed by the Department that the Advance Account has been reconciled to 29 April, 1980. Treasury and the Auditor-General have confirmed that the Account has been reconciled.

Department of Minerals and Energy - Petroleum Royalties
(Main Report, page 100)

8.1 The Auditor-General has again drawn attention to the fact that a determination in respect of petroleum royalties had still not been made. The question of petroleum royalties is one that has been reported on by the Auditor-General and this Committee's predecessors for a number of years.

8.2 When reporting on the Auditor-General's reports for 1976-77, the Committee advised that the Designated Authority (the Victorian Minister for Minerals and Energy) was in a position to make a determination but that consultation was necessary with the Commonwealth Government before a determination could be made. Because of the long delays in making a determination and the possibility that adjustments would favour the State and could be as high as \$15 million, the Committee indicated that it would investigate the current situation and report the results of these investigations.

8.3 Accordingly, the Committee sought evidence from the Department of Minerals and Energy and State Treasury on the question of petroleum royalties in an endeavour to ascertain the reasons for the delay and when a determination could be expected.

8.4 The Department of Minerals and Energy informed the Committee that agreement had recently been reached with the producers on a royalty formula.

8.5 In response to a Committee query on why it took so long to reach agreement and why a formula was not decided before production started, the Department agreed that it was, initially, to get money flowing pending final agreement being reached. Royalties were paid on an interim basis with fair understanding by both parties that, once final agreement was reached, the payments would be re-calculated back to the first royalty period. Deducting costs from the wellhead has been very complex and matters have been arising continually which could not have been envisaged in 1968.

In addition, the Designated Authority was confronted with several problems. He informed the Committee that one of his problems had been the number of changes in the responsible Commonwealth Minister and officers involved in discussions. The problems encountered are mentioned later in this report.

8.6 The Committee was told that agreement had only been reached early this year following advice from the Commonwealth Government that, as far as it was concerned, the State could not levy royalties, including excise duty. The Commonwealth further indicated that it would be satisfied if the State collected the royalty on the same basis as it had been collecting it for the past ten years.

8.7 The Honourable J.C.M. Balfour, M.P., informed the Committee that he believed Victoria has been receiving the right royalty. He also stated that under the terms of the royalty agreement, the adjustments favoured the State and it was estimated that approximately \$3.5 million was owed to the State.

8.8 The basis of the agreement between the Designated Authority and the licensees for ascertaining the value of petroleum at the wellhead for royalty purposes is -

- (a) Excise levies would not be included in the assessment of wellhead value;
- (b) 20 per cent of the depreciated cost of platforms would be an allowable deduction in assessing wellhead value;
- (c) No allowance would be made for the cost of working capital;
- (d) The depreciated cost of all post wellhead fixed assets will be allowed as deductions on the basis that the interest rate has been and will be fixed at 8.5 per cent.

8.9 Whilst agreement has finally been reached, the Committee is concerned that it took approximately twelve years to achieve. The Committee was informed that under the *Petroleum (Submerged Lands) Act 1967*, it was required that agreement be reached on the assessing of royalties. At that stage it appeared to be a simple matter. Section 153 of the Victorian Act sets out that the royalty will be determined by the value of the oil at the wellhead and, if the determination cannot be agreed upon, the Designated Authority can make a determination.

A formula was developed between the then Department of Mines and the producers for the collection of a royalty of ten per cent on the wellhead value - half of which went to the Commonwealth and half to the State. The royalty was later divided on the basis of 40 per cent - or four per cent of wellhead value - to the Commonwealth and 60 per cent - or six per cent of wellhead value - to the State to reimburse it for the work it was doing.

8.10 Although the Department had developed what it believed to be a very fair and equitable scheme of collecting the royalty, several problems arose initially. Firstly, there was the problem of where the wellhead was actually situated. The Act sets out that the wellhead is a valve station on the platform but there were arguments between the producers and the Department of Mines as to whether the wellhead was the "christmas tree" network of valves, the last valve off the platform or somewhere in between. It was determined that a valve just past the "christmas tree" be the wellhead.

Other matters of contention were -

- (a) the value of the proportion of the platform structure which would be deducted;
- (b) the allowance for working capital; and
- (c) the allowances made for depreciation, on borrowed capital, interest and payments.

8.11 Whilst the Department considered that its policies on allowances and deductions in determining wellhead value were correct, it was necessary for both State and Commonwealth Treasuries to agree with these policies. State Treasury's view was that the cost of working capital should be allowed if the companies demonstrated that they had to borrow short term for working capital purposes and allowance for capital assets ought only be allowed where those capital assets had been financed from borrowings. This was the subject of consultation between the State and Commonwealth Treasuries

During this time negotiations and consultations were difficult because of changes in the Commonwealth Government and several changes of the Minister for National Development and Energy. The Honourable J.C.M. Balfour, M.P., indicated that he was dealing with his sixth Commonwealth Minister and there had been several changes in the Commonwealth officers involved in the discussions. As a result, it was suggested that there had not been much continuity of discussion.

8.12 In 1973 the Seas and Submerged Lands legislation was enacted which declared that Australia's sovereignty and sovereign rights over the Territorial Sea and the Continental Shelf resided in the Crown in the right of the Commonwealth. It was expected that a challenge would be made by the States to the High Court to determine whether the internal sovereignty resided in the Crown in the right of the Commonwealth or in the right of the State.

8.13 The legislation was challenged and the High Court decision, which was handed down in 1975 held that the sovereignty resided in the Crown in the right of the Commonwealth. Since that decision the Commonwealth Government has viewed the royalty collections by the State as being a collection on behalf of the Commonwealth Government. It has also claimed that the Designated Authority, in carrying out his functions concerning royalty collections, acts under the Commonwealth *Petroleum (Submerged Lands) (Royalty) Act 1967*.

8.14 Following the High Court decision, negotiations continued and the Minister indicated that he had hoped to reach agreement by June 1979. When this had not eventuated, he indicated to the producers that he was going to make a determination. This was made difficult because the Commonwealth Government introduced an oil levy which altered the price as far as the purchasers were concerned and there were differences of legal interpretation as to where the value of the oil was assessed and what was the wellhead value.

After further consultations and another change in the Commonwealth Minister, the Commonwealth advised, in April 1980, that any determination should be on the basis of the existing arrangements in default of any agreement with the licencees.

8.15 The basis of the agreement was finally reached between the Designated Authority and the licensees in May, 1980. (See paragraph 8.8).

Conclusion

8.16 The Committee appreciates that the State and Commonwealth Governments were entering a new area in introducing petroleum royalties. It appears that the Governments were concerned with getting oil production started and were prepared to work out the details at a later date, rather than delay oil production because certain points or formulae had not been determined.

As a result of these events, the Committee believes that more attention should have been given to determining the final details either before the project was delivering oil or very shortly thereafter. This is especially so when there is joint State/Commonwealth involvement.

The delay in reaching agreement in this case seems to have been unduly prolonged because of changes both in the Commonwealth Government and in the particular Commonwealth Minister responsible for National Development and Energy.

8.17 The Department of Minerals and Energy has informed the Committee that the calculation of back-payments due from the first royalty period is progressing. It is now anticipated that the back-payments will be made in one lump sum payment before June 1981.

Public Works Department

Electronic Data Processing Project - "Wren" System

(Main Report, page 109)

9.1 The Auditor-General reported that the Public Works Department engaged a firm of consultants in September 1975 to undertake a feasibility study in relation to a computer-based system for project planning, tracking and accounting functions. As a result of that study, a contract was entered into for the implementation of a Works Recording Network System (WREN) with a target completion date of March 1979. He stated that to 30 June 1978, \$611 473 had been expended on the project.

9.2 Whilst the Auditor-General reported that the target completion date was March 1979, when the Committee sought further information concerning progress, it was advised that the system should be fully operational by mid 1979-80, but this date was totally dependent on access to facilities at the Government Computing Service.

9.3 Following delays in implementing the system, the Department then set a new target date of June 1980 to have the system fully operational. The Auditor-General, in his 1979-80 report, stated that the system implementation had not progressed in accordance with this revised schedule. Delays had been experienced in the system implementation due to a change in hardware from the original specification.

9.4 The Committee has looked at a number of similar computer projects in various departments and authorities which experienced delays and appeared to have difficulty in satisfactorily implementing their systems.

The Committee discussed with the Public Works Department their experience and sought recommendations on how future computer systems should be planned and introduced.

9.5 Based on its experience, the Public Works Department recommended that the following items were essential in the planning and implementation of a computer system -

- (a) a feasibility study to show whether or not a computer system was justified;
- (b) specifications are required which outline the system to be used and the tasks and functions to be performed;
- (c) computer technologists should not have too much say because a system can then be inflicted on the people below management level. The system should be aimed at the workers who have to use it and they should be shown how the system will help them - this will allow for an easier changeover and acceptance of the system;
- (d) departmental personnel should be heavily involved with computer specialists at all stages; and
- (e) within the department there must be a high level steering committee of people who understand the procedures in administration within the department.

Conclusion

9.6 These discussions with the Public Works Department confirmed the Committee's observations over recent years, and the Committee has decided that it should inquire into the whole question of computers and their future introduction and use in Government departments and statutory authorities.

Ministry of Transport - Transport Fund

(Main Report, page 125)

10.1 The Auditor-General reported on loans made from the Transport Fund and indicated that no instalments were in arrears. The types of loans were as follows: -

<i>Unsecured loans under Government Concessional Loan Scheme</i>	-	\$1 294 835
<i>Unsecured loans for dial-a-bus services</i>	-	\$45 900
<i>Secured loans for buses purchased following closure of poorly- patronized country passenger rail services</i>	-	\$259 190
		\$1 599 925

10.2 The Committee was informed that the Premier, in his Budget Speech for 1974-75, said that as a means of holding cost levels, the Government would provide loans on concessional terms to assist operators with the purchase of vehicles.

In 1974 the Government decided not to require liens on vehicles but that operators must formally acknowledge liability.

10.3 The former Public Accounts Committee inquired into financial assistance given by the State Electricity Commission to Ballarat and Bendigo bus operators arising from the abandonment by the Commission of tramways in those cities and presented two reports⁽¹⁾ on the matter.

The Committee was concerned at arrangements in regard to security for loans advanced to operators generally and favoured the greater control inherent in the mortgaging of buses, equipment and property. The Committee felt that the matter should be examined by the Ministry of Transport and Treasury with a view to ensuring maximum protection of State funds loaned to operators.

10.4 The Auditor-General subscribes to the view expressed by the Committee but, subsequent to the presentation of the report, Cabinet approved continuation of the policy of loans to private bus operators without security by lien or mortgage.

10.5 The Committee sought a Treasury Minute on both reports as they were presented. The Treasury Minute⁽²⁾ was received on the first report and has been presented to Parliament. A Treasury Minute relating to the second report was received by the Committee on 12 February 1981 and is presently under consideration.

(1) *Victorian Parliamentary Paper, D No. 22/1974-75 and Victorian Parliamentary Paper, D. No. 15/1976-78.*

(2) *Victorian Parliamentary Paper, D. No. 1/1976-78.*

Losses and Thefts of Stores

(Main Report, pages 146-7)

11.1 The Auditor-General listed instances of loss and theft of stores totalling more than \$72 000.

11.2 The Committee was informed that considerable loss of stores of a valuable nature is common at universities. However, it must be recognized that these losses are largely due to the ease of access to stores at these institutions.

The Auditor-General advised that, apart from matters taken up during the course of periodic audit, it is very difficult to ensure that all losses of stores are being reported as required by legislation.

Recommendations

11.3 The Committee recommends that all bodies adhere to legislative requirements and must maintain an effective inventory system and report losses and thefts.

Accounts not Available

(Supplementary Report, page 3)

Albury-Wodonga (Victoria) Corporation

12.1.1 The Auditor-General reported that the accounts for the years ended 30 June 1977 and 1978 were not available for inclusion in his Supplementary Report.

12.1.2 The Committee was informed that the Albury-Wodonga (Victoria) Corporation's accounts were delayed because of the need for a three way audit with the Commonwealth, New South Wales and Victoria.

By arrangement, the Commonwealth Auditor-General carries out a substantial part of the detailed audit of accounts of the Victorian Corporation in conjunction with his audit for the Commonwealth Development Corporation, and his audit takes the matter to the trial balance stage. A similar arrangement exists between the Commonwealth Auditor-General and the New South Wales Auditor-General.

12.1.3 The accounts for the financial year 1976-77 were certified by the Victorian Auditor-General on 28 November 1978. The accounts for 1977-78 were examined by the Commonwealth Auditor-General and his report was received by the Victorian Auditor-General on 30 May 1979.

12.1.4 The Committee supports the present arrangement between the Commonwealth and State Auditors-General but is concerned that accounts are not being presented on time. The arrangement between the Victorian and Commonwealth Auditors-General should include dates by which the various parties will receive the prepared accounts for their respective audits. These dates should permit the Corporation to meet its reporting requirements.

Recommendation

12.1.5 The Committee therefore recommends that delays in the presentation of the accounts of the Albury-Wodonga (Victoria) Corporation be drawn to the attention of the Ministerial Council, particularly the need for streamlining audit procedures.

Local Authorities Superannuation Board

12.2.1 The accounts of the Local Authorities Superannuation Board for the year ended 28 February 1978, were finally received by the Auditor-General at the end of May 1979. Whilst the audit had been commenced earlier, it was not able to be completed until the final accounts had been received.

12.2.2 The Board informed the Secretary for Local Government that the final accounts were delayed because the Board had, in the earlier part of 1978, approved the re-organization of the accounting and superannuation division of the administration. Because of this re-organization, some delay was expected by the Board in the preparation of accounts for 1978 and 1979.

12.2.3 The Committee does not accept that the re-organization of the division was the only reason for the delay in producing the final accounts, as the Board has been mentioned previously by the Auditor-General because its accounts have not been available. With the computer facilities available to the Board, the Committee believes that there is no justifiable excuse for its accounts not being available on time.

12.2.4 The Auditor-General, in his Supplementary Report for 1978-79, drew attention to the fact that the Board's accounts for the year ended 28 February 1979 were not available and that this was the fourth successive year that the accounts for review had not been available.

12.2.5 The Committee is concerned that the Board is continually late with the presentation of its accounts. The Committee expects the Board to rectify the situation forthwith. It has been noted that the Board expects to overcome its problems from 1980 onwards and the Committee will pursue this matter in relation to its 1980-81 accounts.

Victorian Dairy Industry Authority

12.3.1 The Victorian Dairy Industry Authority was appointed to take over the functions of the previous Milk Board and the Auditor-General had extensive discussions with the Authority on the form that the new accounts should take. The major cause for the delay in the presentation of accounts was due to these discussions.

12.3.2 The Committee notes that the accounts for the years 1977-78 and 1978-79 have been included in the Auditor-General's Main Report for 1978-79.

Hospitals Superannuation Board

12.4.1 The accounts of the Hospitals Superannuation Board for the year ended 30 June 1978 were not available for inclusion in the Auditor-General's Supplementary Report.

12.4.2 The Hospitals Superannuation Board operates several superannuation schemes on behalf of various hospitals and institutions. The Committee was informed that there were two causes for the delay in preparing the accounts: firstly, the preparation of the accounts by the Board and, secondly, the completion of the audit carried out by private auditors.

The Board indicated that it will continue to face difficulty in meeting reporting requirements because of the present method of obtaining information from outside bodies with respect to its operations.

12.4.3 Some of the Board's operations are on a computer system at Monash University, but not all of the 300 employer institutions that are part of the Board's scheme are processed through Monash. The system creates a problem because of the balancing process at the end of the year where it is necessary, in the benefit funds area, to reconcile contributors' funds individually. At present, a history card is made up for each contributor at the end of the year and this must be reconciled to enable information to be given to the computer at Monash.

The Committee was told that the Board was reviewing the situation in an attempt to overcome the current delays because of the manual balancing of contributors' funds.

The Committee sought further information from the Board concerning the review of its systems and the problems presently being experienced.

12.4.4. The Board advised that its day to day records are not computerized but are manual or are mechanized on accounting machines. The members' accounts are up-dated at the end of the year and that is a computerized process. Because information is continually coming in from hospitals, the Board keeps its records open until late July or early August because information is received during this time relative to the past financial year.

The Board further advised that the contributors' payments were not calculated until the end of the year and that, whilst there was no difficulty in doing the calculations, there would not be any time gained because of other things involved. The Board indicated that it invested three-quarters of its funds through the A.M.P. Society with a consortium of life offices, but the A.M.P. did not advise the earnings on the investments until mid-September. The Board claimed that it had pressed the A.M.P. to provide the information earlier but without result.

12.4.5 From inquiries that it has made, the Committee believes that the A.M.P. Society would provide the information earlier if requested to do so by the Board. The Committee sought details from the Board as to what action it was taking to obtain the information earlier. Advice was received that it proposed to seek a formal meeting with senior management of the Society in an endeavour to receive the information by a much earlier date.

12.4.6 It has been ascertained by the Committee that, for the 1979-80 year, the A.M.P. gave its figures to the Board by mid-July and the other life offices had provided theirs by mid-August. The Committee has noted that the Board's accounts for 1979-80 were included in the Auditor-General's Supplementary Report for that year, although they were still subject to audit. The Committee will look to further improvements in 1980-81.

12.4.7 The Committee will require the Board to keep it informed on the progress being made on all these matters until a satisfactory situation is reached.

Recommendation

12.4.8 Before the Board introduces computerization of its day to day records, the Committee recommends that the present systems and procedures be thoroughly reviewed.

Statutory Authorities - General

12.5.1 The Auditor-General expressed concern to the Committee at the wide diversity of legislative requirements

for various statutory authorities in the form of their accounting report, and the timing of their report.

12.5.2 The Committee has ascertained that the current practice with most statutory authorities is that the accounts are prepared and required to be finished before the audit is commenced. Some of the larger authorities discuss proposed changes in their accounts with the Auditor-General, but this is not always done.

12.5.3 The Committee was informed that the question of uniform reporting requirements had been raised with Treasury and the Chief Parliamentary Counsel. As a result a standard clause had been drafted which would be used in legislation creating new authorities, corporations, bodies, etc., in the future. This, however, did not solve the problem with existing statutory bodies.

12.5.4 The time appears to have arrived when some section of Government administration should be responsible for ensuring that all bodies required to present reports to Parliament do in fact present those reports on time, thus eliminating the present common practice of reports being presented to Parliament after the required time.

12.5.5 The Auditor-General also informed the Committee that, where statutory authorities are required to present accounts, he would like to see the concept of an interim audit introduced. If such a concept were introduced it would provide more opportunity for discussion of the accounts for audit.

Recommendation

12.5.6 The Committee recommends that unless there is some exceptional reason, all Government and semi-Government organizations should operate on a July to June financial year and all should be required to report basic information in a standard form.

Albury-Wodonga (Victoria) Corporation

Acquisition of Properties

(Supplementary Report, pages 4-5)

13.1 The Auditor-General has again appended a Note to the balance sheet of the Albury-Wodonga Corporation (Victoria) in the following terms:

Note - The item Land and Buildings \$14 443 642 under the head of Fixed Assets includes an amount of \$1 962 616 paid in respect of properties outside or partly outside the area designated in pursuance of the Wodonga Area Land Acquisition

Act 1973. Amounts so paid in 1975-76 include \$242 110 and \$975 510 in respect of properties acquired from N.J. Rowan and D.A. Wallace. Negotiations for the purchase of the two properties commenced prior to detailed definition of the area capable of acquisition by the Corporation, and the Corporation, with the approval of the Minister, proceeded to settlement.

13.2 The Committee, when reporting on the Auditor-General's reports for 1976-77, indicated that legislation had been introduced to validate purchases. The purchases listed in the Schedule to the *Wodonga Area Land Acquisition (Validation) Act 1980* include those mentioned by the Auditor-General in 1977-78.

13.3 During the inquiry into the Auditor-General's 1976-77 reports, the then Department of State Development and Decentralization claimed that section 5 of the *Wodonga Area Land Acquisition (Amendment) Act 1974* contained the authority to acquire the properties. The Committee did not accept this claim in view of the validating legislation and said that departments should *thoroughly understand legislation which governs their activities.*

13.4 In commenting on the Committee's remarks, the Director of the Department of State Development, Decentralization and Tourism was disturbed at the Committee's comment because the land acquisition programme was carried out *within the direction and guidelines laid down by the Ministerial Council comprising Ministers of the three governments overseeing the Growth Centre at that time.*

The Director informed the Committee that where part of a property was outside the designated area and that, if dissected, the portion outside the designated area would not be viable, cases of this nature were brought to the attention of the Ministerial Council. The Council decided that -

..... properties partly designated to be excluded from acquisition or purchased on the basis that minimum disruption should be caused and proper regard be paid to possible claims for severance based on continued viability of the holding.

The Director further indicated that the *policy adopted by the Ministerial Council was based on the basic principles of fairness, justice and common sense and officers of this Department were adhering to this policy.*

Conclusion

13.5 The Committee recognizes that situations will arise where contracts and arrangements can be made conditional upon Parliamentary approval. In this instance the Committee is most concerned that early steps were not taken to seek the necessary Parliamentary approval of action agreed to by the Ministerial Council but which was outside the legislation.

Country Fire Authority - Computer Facilities

(Supplementary Report, page 13)

14.1 The Auditor-General reported that the Country Fire Authority had spent \$801 609 on computer facilities and that there were several areas where, in his opinion, internal control was not satisfactorily exercised by the Authority. They were:

- (1) *failure to undertake a complete feasibility study in order to justify the development of the various systems;*
- (2) *establishment of only tentative and extremely informal criteria for the selection of the hardware and the engagement of consultants; and*
- (3) *the commitment of approximately \$800 000 on computer equipment and services without the formal calling of public tenders.*

14.2 The Country Fire Authority accepted the Auditor-General's comments as criticizing the internal procedures followed and pointed out that there was no suggestion that the Authority's funds were misappropriated, improperly accounted for, or mis-spent.

14.3 The Authority informed the Committee that it -

- (a) already had an IBM Systems 3 computer;
- (b) had an experienced EDP manager;
- (c) did not have sufficient capacity for the Authority's future requirements on the existing system; and
- (d) had an IBM system installed for accounting and certain record functions - developments permitted more information to be put on the computer than had earlier been thought possible and the Authority's requirements in the field were greater than anticipated.

14.4 The Authority appointed a computer committee to investigate its computer needs and present facilities. Following the appointment of this committee -

- (a) the Authority's EDP Manager and IBM each prepared reports on the Authority's immediate and future computer requirements. The EDP Manager reported that further development of the existing system would mean substantial expenditures and could lead to negligible improvements;
- (b) the computer committee agreed to dispense with the present system and recommended that a new installation be sought. The Authority agreed with this recommendation;
- (c) the Secretary to the Authority investigated three computer consultants and finally Integer Pty. Ltd. was selected. There is, however, no documentation on Country Fire Authority files concerning the investigation or assessment; and
- (d) quotes for hardware were received from IBM and Data General - Data General's quote was accepted. Although the Data General quote was higher than IBM, it supplied or arranged the supply of application programmes and data collection which the Authority could not otherwise meet.

14.5 The Country Fire Authority claimed that the matter was under consideration for a period of some fifteen months. The Authority could not tell whether there had been any liaison with the Metropolitan Fire Brigades Board. It was stated that the Board's commitments were different from those of the Authority and that there was no design for an interlink.

14.6 One consideration the Authority took into account when developing its future computer requirements was the incorporation of a HAZCHEM programme as a reference source when responding to fires or accidents involving hazardous chemicals.

The Committee was surprised that the consideration for the incorporation of the HAZCHEM programme in the computer system was taken without any detailed consultation with the Metropolitan Fire Brigades Board which could be expected to have an equal interest in having ready access to such information.

14.7 As mentioned earlier in this report, the Committee will inquire into the whole question of computers and their future use. It is of major concern to the Committee that

a statutory authority such as the Country Fire Authority should have introduced a computer system without reference to the availability of existing computer facilities and the needs of organizations with similar interests and requirements.

14.8 The Committee was informed by the Authority that, because it was not a Government department, it did not have access to the services of the Government Computing Services Branch. It is the firm view of the Committee that any specialist section of Government administration should be available to the administration overall.

14.9 The EDP Policy Committee advised that guidelines had been prepared concerning the use and introduction of computers and that these had been circulated to departments. The extent of the observance of these guidelines rests with Treasury when giving consideration to approval of funds for EDP purchases.

14.10 It is noted that in 1978-79, the Auditor-General referred to the need for the EDP Policy Committee's guidelines to apply to statutory bodies. In his reports for 1979-80, the Auditor General stated that the Premier had issued a circular to Ministers drawing their attention to the guidelines and requesting that authorities and other bodies under their control should follow similar planning and control procedures to those contained in the EDP Policy Committee Statement.

Recommendation

14.11 The Committee recommends that all Government departments and statutory authorities should have access to specialist services and assistance which can be provided by or are available from other Government bodies.

Citrus Fruit Marketing Board (Supplementary Report, page 53)

15.1 The Auditor-General qualified his audit certificate to the Citrus Fruit Marketing Board's accounts on the ground that the basis of allocation of expenditure by way of reimbursement to the Citrus Management Co. Ltd. by the Board could not be confirmed.

15.2 The Victorian Board and the Murray Valley (N.S.W.) Citrus Marketing Board work in conjunction with each other and the Board's directives and marketing policy are administered through the Citrus Management Co. Ltd. The board of directors of this company includes certain members of both marketing boards.

15.3 The Auditor-General reported that *payments were allocated between the Board and the Company in an arbitrary and inconsistent manner and it appeared that there was no defined policy on the matter.* He said that many reimbursements to the Company for expenses paid on behalf of the Board could not be substantiated during the audit. These comments were repeated by the Auditor-General in his reports for 1978-79

15.4 This matter was pursued by the Committee with the Citrus Fruit Marketing Board through the Department of Agriculture. Advice received by the Committee was that the allocation of administrative costs is now based on a cost analysis of the overheads of the New South Wales and Victorian boards and that the situation reported upon by the Auditor-General has been corrected.

The Victorian Board has received verbal advice from the Auditor-General that the audit for calendar year 1979 has been passed without qualification.

Conclusion

15.5 It is a matter of some concern that a Government organization such as the Citrus Fruit Marketing Board should adopt procedures which permit or condone such arbitrary allocations of charges in the first place. The Committee would expect matters such as these to be corrected by the organization itself long before the Auditor-General discovered the situation.

Melbourne Wholesale Fruit and Vegetable Market Trust

(Supplementary Report, page 74)

16.1 The Auditor-General reported that the financial statements of the Trust for the period ended 30 June 1978, had not been submitted at the time of preparing his report.

He has since advised that the accounts have been settled. The delay was caused by the need to discuss certain matters concerning the form of the Trust's accounts.

Other matters which affected the accounts were discussions between the Government and the Melbourne City Council concerning valuation of the property, and most members of the board were new members with no previous experience of running the market.

16.2 All of these matters affected the presentation of accounts because it is the board that has to decide on the final format of the accounts and be prepared to accept responsibility for them.

Motor Accidents Board

(Supplementary Report, page 79)

17 The Auditor-General drew attention to several matters concerning the Motor Accidents Board. Some of those were finalized and reported upon by the Committee in its report on the Auditor-General's reports for 1976-77.

The matters which the Committee wishes to report upon at this stage are :

- (i) the accounts not being finalized in time for a completed audit to be included by the Auditor-General;
- (ii) \$160 000 depreciation provided for EDP development expenses.

Presentation of Accounts

17.1.1 The Auditor-General informed the Committee that since reporting he had completed the audit of the Board's accounts. He expressed concern, however, at computer problems which resulted in the accounts being delayed.

17.1.2 The Committee was informed that the Board and the State Superannuation Board share a computer facility provided by the Local Authorities Superannuation Board. The computer use was being examined to see whether the problems could be overcome. The problems were thought to be caused by a combination of delays in obtaining the necessary output and unsatisfactory programmes.

17.1.3 The Auditor-General has, in his reports for 1978-79, referred to unsatisfactory arrangements between the three bodies for sharing computer facilities. This matter will be considered by the Committee when looking at those reports.

17.1.4 The Committee was informed by representatives of the Board that several matters that were awaiting decision affected finalizing the accounts. The Board was negotiating with the Health Commission to alter the formula for the rates for each daily bed stay in a public hospital. The negotiations had been continuing for some time and were held up pending appointment of the new Health Commission.

The Board informed the Committee that it had refused to pay the increased hospital charges from the previous December in order to force negotiations on the formula as a whole. The negotiations were held and the Board obtained a new formula. There was a question as to whether the negotiations would result in the Board paying anything retrospectively as it had paid no increase since the previous December. The Board managed to avoid having to pay anything retrospectively so the accounts did not show a contingent liability.

The Board is required to present its report by 30 September. In this case, the accounts were lodged 26 days after that date.

17.1.5 The Committee will review the Audit Act and the various audit requirements for Government departments and statutory authorities and will consider the various problems that confront departments etc. in presenting their reports on time. The Committee is concerned at the number of departments etc. that are reporting late to Parliament.

Conclusion:

17.1.6 In the case of the Motor Accidents Board, the Committee believes that the Board should have prepared its report and accounts to reflect the current situation and should have then presented them within the required time.

The Committee recognizes the dilemma confronting the Board in showing a contingent liability with respect to a matter which is still being negotiated. However, the Board could have indicated in its report that the matter was under negotiation and not have shown a contingent liability

EDP Development Expenses - Depreciation

17.2.1 The Auditor-General reported that, in his opinion, the \$160 000 depreciation provided for EDP development expenses is inadequate, as system developments render a substantial portion of this item redundant.

The amount was considered inadequate because when the Board capitalized the EDP development expenses, it considered that it would be able to sell such programmes to other organizations using ICL equipment for similar purposes. No such sales have taken place nor are they anticipated in the future.

17.2.2 The Board capitalized an amount of \$478 000 for EDP development expenses. The normal procedure would be to capitalize the investment and depreciate it for the succeeding years of usage. The Board provided \$160 000 which was only a portion of the amount that the Auditor-General considered to be obsolete software which cost \$278 000. The Auditor-General believed that the amount provided for depreciation should have been closer to the \$278 000.

17.2.3 The Committee was informed that the Board had 70 different programmes in the motor accident system - 35 of which are concerned with the on-line system and which are in continuous use. They have all been written within the past five years and have been updated. The Board advised that it had some discussion with people who had expressed an interest in the programmes but these proved unsuccessful. The Board still has hopes of selling some of its programmes to other States.

17.2.4 The Board paid for the programmes and believes that, as the programmes stay in use, they should have a capital element in them. The Committee was informed by the Board that neither the Auditor-General nor the private auditors accepted the idea that some of the expenses should have been capitalized in this way.

The Board maintained that there is always a part of the programme, which is a basic logic, that can be consistent through a number of years and that can be developed and modified. The question then is how you assess, financially, what that core content is.

Conclusion

17.2.5 The Committee understands the reasons for the Board's actions but concurs with the Auditor-General that the provision for depreciation was inadequate.

Public Trustee - E.D.P.-based Asset Control System (Supplementary Report, p. 87)

18.1 The Auditor-General reported that the *current E.D.P.-based Asset Control System introduced in 1975 has not operated effectively since its inception.*

The question of an asset control register in the office of the Public Trustee has been commented upon many times by succeeding Auditors-General. Former Public Accounts Committees have investigated these comments and two separate reviews have been made into the matter. Each of the reviews recommended the establishment of a central asset control register. Despite these independent recommendations, the Public Trust Office continued to successfully oppose introduction of the system.

18.2 The Committee is of the opinion that the matter cannot be prolonged any further and that a decision must be made. The Committee was concerned that all the reviews and opinions, with the exception of the Public Trustee's, favoured the introduction of an asset control register and yet successive Public Trustees had forestalled the introduction of such a system.

18.3 In his reports for 1972-73, the then Auditor-General reported that whilst the Public Trustee had control over substantial assets, the value of those assets was not readily

ascertainable in the absence of a ledger control. At that time, the Auditor-General regarded a ledger control over the assets as most important and said that it should be instituted as soon as possible.

The Public Accounts Committee supported the Auditor-General's views and recommended the introduction of a ledger control.

18.4 Following this recommendation, the then Public Trustee and the Deputy Public Trustee indicated that they saw other matters as deserving of higher priority but that a suitable asset control system could be introduced with the establishment of an E.D.P. system in the office. This system was scheduled to be introduced by 30 April 1975.

18.5 In his reports for 1977-78, the Auditor-General reported that an asset control register had been introduced but stated that the register had not operated effectively since its inception. The Committee was informed that while there was an inventory of assets on individual files, there was no consolidated inventory of all assets under the control of the Public Trustee.

Without a central asset control register, it was felt that problems could arise in relation to the subsequent sale of assets, or if they were leased, or were investment moneys arising from those investments.

In addition, the system introduced was limited to estates of deceased persons only and the assets of protected persons were not included in the system.

18.6 Following audit comments, an inter-departmental committee was appointed to investigate and review the existing system. That committee recommended inter alia that a manual system be introduced and independently maintained for the central recording of assets.

The Public Trustee strongly disagreed with the recommendations made by the committee and requested the Law Department to have a review conducted by an independent outside body. Subsequently, an outside accounting firm was appointed to conduct a second review.

This second review supported the recommendations of the inter-departmental committee by recommending that a manual asset recording system should be introduced for all estates and that the existing E.D.P. system be discontinued.

The Public Trustee disagreed with the recommendation made by the independent review, appointed at the request of the Public Trustee, and said that no useful result would be achieved by having such a system.

18.7 The various reviews carried out were considered by the Public Trustee and his comments were forwarded to the Law Department with a request for proper internal audit facilities in preference to a central asset register.

18.8 The following arguments were put forward in support of a central asset register :-

- (a) an independent system of asset control is necessary to ensure that all assets made known to the Public Trustee are dealt with properly. As assets become known to the Public Trustee, a list is prepared. This list should be prepared in duplicate at least and one copy should become the record of the central asset control. This record should be maintained in a secured area;
- (b) a central asset register would minimize the risk of misappropriations of assets and would act as a deterrent against fraudulent conversion of assets. It would be an independent record and would stand on its own as a record of assets at the time the estate came under the administration of the Public Trustee;
- (c) a central asset register would provide an important and necessary independent control record of assets for use by the distribution officer, secretarial and accounting officers in the protected persons area especially and also for internal and external audit purposes. When an estate is finalized by officers of the Public Trustee or there is a review or check made by either internal or external audit, there would be access to an independent record;
- (d) a duplicate system is needed basically for security purposes and should remain independent from the first copy. It should be a small record and not a full system. If the system was to show all the various trans-

actions there would be an additional workload imposed. The system need not record these transactions because they can be checked on distribution or finalization of the estate;

- (e) a central asset register would provide an accountable document and serial numbering should be used to control the issue of documents. The original should be filed independently of the Trust Section in a secure area. It should only be available to specific officers and would be regarded as an important internal control feature in any system involving assets;
- (f) a central system would provide an internal record in the event of loss of files or other records of information and it would facilitate detection of misappropriations. An independent record provides a ready starting point if there is any suspicion of impropriety. It was further suggested that one central record would reduce the likelihood of clerical errors as assets are presently recorded in various areas;
- (g) a central system could be a manual operation. The list already prepared could be prepared in duplicate on pre-numbered stationery with one copy being kept in a secure area;
- (h) the Distribution Officer should have an original record. At present he uses information presented to him by the Trust Officer;
- (i) a review system - separate from the distribution - is almost non-existent as the internal audit had only functioned for two or three months in three years; and
- (j) the cost of running such a register over and above what was being done already with the E.D.P. system was negligible.

18.9 Arguments put forward opposing the introduction of a central asset register were -

- (a) a Trust Officer cannot operate on many assets, e.g., titles of land, shares, bank accounts, without establishing a system of forgery and fraud involving other people in the office. Where assets need to be transferred, the documents are signed by the Public Trustee or his Deputy after being subjected to a system of verifications by Trust Officers and Senior Trust Officers;
- (b) there is a security system for chattels which are eventually to be passed over. The chattels are kept by a Deeds and Effects Officer who is independent of the Trust Officer. Chattels cannot be obtained from the Deeds and Effects Officer by the Trust Officer without senior officers interposing;
- (c) internal controls already exist as the internal auditing is virtually a systems audit. This should detect any deficiencies in the system and bring them to the attention of senior management. The Public Trustee has sought additional staff for internal audit functions without success;
- (d) a central asset register would not really be a control. It would only record those assets put into the record;
- (e) the Public Trustee has no purpose in keeping the total assets and their value. Such records would not serve any useful purpose other than to satisfy curiosity;
- (f) with deceased estates, the Public Trustee is subject to the Supreme Court in his administration and has to account to the beneficiaries for all the assets of the estate;
- (g) the officer who carries out the initial inspection of the estate or the protected person's property is not connected with the Trust Officer who handles the file;

- (h) in the event that a file is lost, it can be reconstructed from existing records within the Office;
- (i) a central register would not add to the security of the actual property or assets involved;
- (j) the value of having such a record does not justify the cost involved in maintaining the record; and
- (k) when the office accounting is being computerized within the next three to five years, the question of a central asset register system should be considered at that time, along with file creation and maintenance.

18.10 The Public Trustee was asked to ascertain whether or not the Public Trustees in the various States used a centralized asset recording system. From the replies forwarded to the Committee, it is evident that most of the Offices do not use a centralized recording system. Only South Australia and Western Australia have centralized systems and in Western Australia, it is only maintained on a limited scale.

18.11 From the arguments put forward both in support of and in opposition to the establishment of a central asset register and in view of the situation interstate, the Committee accepts that the Public Trustee had other matters which had been given a higher priority than a central asset register but it could not understand the Public Trustee's total rejection of the recommendations made by two inquiries into the matter.

Whilst the Committee had some sympathy for the Public Trustee's position, it felt that a central asset register would be desirable. In an endeavour to gain a better appreciation of the Public Trust Office, the Committee visited the Office on two occasions and appointed a sub-committee to look at the systems currently in use.

18.12 The sub-committee reported that the systems employed by the Public Trustee Office are thirty to forty years old and, with the exception of some minor modifications, have not been reviewed for approximately ten years.

The systems are manual and there are insufficient checks and balances to ensure complete accuracy and to protect the employees.

In the opinion of the sub-committee, the systems generally are inadequate and should be the subject of an extensive review. The sub-committee indicated that while the central asset register should not be the main objective of the review, it would almost certainly be a by-product of any such review.

18.13 The Public Trustee has given a higher priority to the Internal Audit function than to a central asset register and, because of a lack of staff, there are internal pressures against introducing an asset control register.

18.14 The Committee is firmly of the view that the Public Trust Office should be run as a business activity completely independent of the Law Department. The Office should be able to establish branch offices throughout the State and to advertise the services available.

The amount of \$3 500 is available to the Office for advertising. This is the same amount that has been made available for approximately the past five years. At present, the Public Trust Office has to compete with other branches of the Law Department for advertising funds.

18.15 In discussing the question of an asset control register with the Accountant in the Public Trust Office, the sub-committee was informed that a register should be introduced for the following reasons -

- (a) there is no separate role of Internal Auditor within the Office as far as administration of estates is concerned;
- (b) the way assets are raised initially and eventually disposed of would be improved as there is a common supervising officer over the Administration Section and the Distribution Section;
- (c) the Distribution Section should be either an extension of the Administration Section or a part of the Internal Audit Section but it cannot be both;

- (d) the Officer in Charge of Distribution is required to be a qualified accountant but there is no similar requirement of the Officer in Charge of Administration; and
- (e) the assets of an estate should be raised and entered in a central asset register by someone other than the person who is to administer the estate.

It was also suggested that it would act as a deterrent for officers wanting to misappropriate funds or assets if they knew that other officers will be using the file at various stages.

The present system could be improved if all the queries raised by the Distribution Section were in writing so as to show what mistakes were being made. The purpose of making written queries is to identify faults in the system rather than to lay the blame on a particular person.

The Committee was informed that the internal audit function is difficult because of the various procedures which the files are undergoing all the time.

Conclusion and Recommendation

18.16 The Committee's inquiries initially were to establish whether or not a central asset register was necessary in order to ensure proper control over the assets being handled by the Public Trustee. As reported earlier, the Committee and a sub-committee visited the Public Trust Office on several occasions to discuss the Office's operations and to observe the systems in operation. As a result of these observations, the Committee now believes that priority should be given to a complete review of the systems. Such a review should include the desirability of the Trust Office operating as a business activity independent of the Law Department. The Committee is confident that a review of the systems would support the introduction of a central asset register.

18.17 The Committee therefore recommends that, prior to the installation of a central asset register -

- (a) there be a complete review of the systems in operation at the Public Trust Office;
- (b) during the review, particular attention be given to audit requirements and the inclusion of internal audit functions in the various systems;

- (c) consideration be given to the Public Trust Office operating as a business activity independent of the Law Department;
- (d) consultation with the Auditor-General and outside institutions, comparable to the Public Trust Office, be an integral part of the review;
- (e) Treasury and the Public Service Board provide the necessary resources for conducting the review; and
- (f) the attention of the Public Service Board be drawn to the need for the position of Internal Auditor in the Public Trust Office to be filled without delay when it becomes vacant and that there is a need for more than one officer in the Internal Audit Section.

State Electricity Commission - Deferred Charges
(Supplementary Report p. 99)

19.1 The Auditor-General reported that this item included a contract cancellation charge of \$4.7 million as a result of Newport D. power station planned capacity being halved from 1 000 to 500 megawatts.

19.2 In July 1977 the State Electricity Commission asked the contractor to omit from the contract all plant, direction and site services originally to be provided for the second boiler unit.

The contractor - International Combustion Australia Limited - was prepared to accede to the Commission's request on payment by the Commission of \$6.2 million in full satisfaction of all present and future claims by the company and sub-contractors for the second unit.

19.3 The Commission agreed to pay the \$6.2 million and formal modification of the contract was made in October 1977.

Included in the \$6.2 million was \$1.5 million for plant which was not suspended and to which the Commission was committed and \$4.7 million as a cancellation charge for omission of the second boiler.

The cancellation charge of \$4.7 million has been temporarily capitalized under deferred charges - the Commission having resolved to write out the charge over a period not exceeding five years commencing with the first full financial year of commercial operation of Newport.

The Commission did not dispute the amount determined by the contractor as representing profit foregone and cancellation charges to sub-contractors.

19.4 Information provided to the Committee indicated that a perusal of the relevant correspondence showed that the contractor made certain offers to the Commission on condition that the company was the successful tenderer for the supply and installation of four boilers at Loy Yang.

The contractor advised that critical assessment of the design, manufacture, construction, administration and finance facilities showed that resources held in reserve for production of second Newport unit could be allocated to the supply of four boilers for Loy Yang power station which would enable it to offer a reduction of \$4.1 million in its tender price for Loy Yang plant.

19.5 The Committee was advised that the debit to deferred charges could be justified on the grounds that the charge is an extraordinary non-recurring item which arose from action beyond the control of the Commission and that the future accounting treatment of the deferred charges was acceptable to audit. It was considered appropriate to write out the charge during the initial period of expected revenue.

19.6 The Committee queried whether the contractor had put himself in a preferred position for a tender and at the same time claimed a cancellation charge, thus obtaining a profit twiceover.

Advice received was that it was a trade-off and that there was no evidence to suggest that the decision made was not fair to all tenderers.

In a report dated September 1977, by the Chief Engineer (Power) of the State Electricity Commission, it was indicated that if the company were successful in its tender, the Commission would in effect only be paying a very reasonable cancellation fee of \$0.55 million for the omission of works having a 1977 value of approximately \$16 million.

Conclusion

19.7 The Committee accepts that the charges were reasonable in the circumstances and that the Commission did in fact recoup as much as possible out of the cancellation of the second boiler unit. The Committee would prefer that the first contract and the tendering for a subsequent project had been kept separate but, in view of the circumstances and the nature of the second project, appreciates that higher costs could have been incurred by the Commission if this course had been followed. It is of paramount importance that, in the selection of tenderers, there is nothing to suggest or infer that a tenderer has been given or placed in a favoured position.

State Superannuation Board (Supplementary Report, p. 111)

20.1 The Auditor-General reported that development of necessary computer sub-systems for the application of E.D.P. to the State Superannuation Board's accounting functions has continued since 1974.

Progress has been slow and there is no clear indication of when an effective computerised system will be in operation. The main problem has been a lack of staff in the Board itself.

20.2 The Board retained a consultant in 1974 but these services have been terminated and systems analysts from the Local Authorities Superannuation Board have now been engaged. These analysts have been engaged to work on a complete data analysis study of all the data held at the Board with a view to the implementation of a completely integrated system. The review is to facilitate the re-writing of a programme for the Education contribution system and to ensure that future systems are planned and implemented in the most efficient manner. In his reports for 1978-79, the Auditor-General has again referred to E.D.P. in relation to the Superannuation Board.

Conclusion

20.3 The Committee will examine the State Superannuation Board's E.D.P. service arrangements during an inquiry into the Auditor-General's reports for 1978-79.

Teacher Housing Authority
(Supplementary Report, p. 115)

21.1 The Auditor-General reported that the Teacher Housing Authority's Revenue Account and Balance Sheet for 1977-78 had not been prepared in time for inclusion in his Supplementary Report. He also stated that -

- (i) *the audit of the accounts for 1976-77 had revealed certain weaknesses in accounting control;*
- (ii) *certain records were incomplete because of arrears in processing; and*
- (iii) *the rent shown on the statements as having been charged for the year, \$1 218 815 was an estimate only and could not be verified.*

21.2 Evidence was presented that weaknesses existed in the accounting controls of the Authority as follows: -

- (a) the Authority's computer records were incompatible with the Education Department's records and consequently time consuming manual checking by Authority staff was required;
- (b) the register of properties was badly maintained by the Authority. Data was placed on incorrect residence files and insufficient care was taken to provide accurate current information;
- (c) the control over rent collections from outside tenants was inadequate. Ledger cards did not contain sufficient details of rentals due and arrears payments cross referenced to receipt numbers, or the date vacated by outside tenants;
- (d) repairs carried out by the Authority and chargeable to tenants were not properly recorded;
- (e) acquittance of payments was not verified by the usual practice of cancelled cheques;
- (f) procedures for payments for capital works are not standardized and progress payments are at times made without the completed works being inspected and certified by the Works Officer;

- (g) incorrect data accumulated on the computer files requires consequent adjustments.

21.3 Reasons for inadequate controls include: -

- (i) lack of accounting staff and the cumbersome time consuming system of manually comparing Education Department records with the Authority's records;
- (ii) time lags in the flow of information from the welfare officer of the Education Department regarding vacated and newly occupied residences and also changes from one residence to another in flat accommodation;
- (iii) delays in the presentation of reports: there is no statutory requirement where reports must be presented by a certain time;
- (iv) whereas the Authority relies on the Housing Commission to provide a substantial accounting function for most current charges, maintenance, capital and administrative costs including monthly accounts, which is satisfactory for eleven months of the year, problems arise at the end of the financial year. The Housing Commission being required to present its own accounts by a certain date is unable to prepare the Authority's accounts until after August-September. Part of the accounts are unable to be reconciled until after the Commission has processed its own accounts and levied on-cost charges for use of its staff;
- (v) rents are reconciled against particular units, but the Education Department, which collects the rents on the Authority's behalf, relates the rent to the teacher, forcing the Authority to do a manual reconciliation. The Authority has only one accounts officer. This position has been filled by four different people over a period of approximately four to five years and the Public Service Board has only now agreed to the creation of another position for an Assistant Accounts Officer;
- (vi) the Authority's computerized records are minimal: only the property, the value of the property, the tenant and rent being paid are recorded;
- (vii) the Authority waits for the Auditor-General's certification to its accounts before finalizing its report, further delaying presentation of the report;

- (viii) the Authority's system, which operates with fixed units (houses and flats) does not match the Education Department system involving teachers who could move from place to place; and
- (ix) the Authority hires computer facilities from the Housing Commission and is dependent on programmes supplied by the Commission. A programme has not been developed to suit the Authority's needs.

21.4 The Authority has made some endeavours to improve the system: -

- (i) the development of a new programme by the Education Department will allow the Authority's unit numbers to be recorded against reported variations, eliminating the need for manual reconciliations.
- (ii) arrangements have been made for teachers liable for rent, but not on the Education Department's pay-roll, to pay the rent direct to the Authority, which will alleviate rental arrears;
- (iii) outside tenants are required to make payments direct to the Authority and to advise the date of vacating the premises. The Authority has also introduced tenancy agreements for outside tenants which will enable the recovery of any rental arrears through the courts; and
- (iv) the Authority now obtains negotiated cheques from the bank to verify payments made.

21.5 If the Authority were to be independent of the Housing Commission and employ its own field staff to provide detailed information and certify payments for maintenance on and appliances of the Authority's residences, it would have to do so at considerable cost and would only be duplicating what is already available from the Housing Commission. The Authority has considered employing its own field staff but, as it believes the service provided by the Commission is adequate, the additional costs involved are unjustified.

The Authority did concede that the certification of works by the person who has obtained the contract is not perfect but as the Housing Commission is engaged as an agent, the Authority's view is that the Commission is responsible and has to provide the service correctly. The Committee was informed that on one occasion when a Housing Commission works officer did defalcate, the Commission paid the amount that could be proved to the Authority.

Conclusion

21.6 The record of the Teacher Housing Authority discloses major and indefensible instances of inappropriate procedure, administrative incapacity and failure to keep Parliament adequately informed of its activities. While most of these weaknesses have been rectified or are in the process of being rectified, the Committee records its censure of those who were responsible for them. Inasmuch as the problems of the Authority owed something to understaffing and a consequent substantial administrative dependence on the Housing Commission, the Committee believes that the Authority should be disbanded, and responsibility for its functions vested in the Commission. In the event of the Committee's recommendation being unacceptable it is essential that the Authority should be required to conduct its business in an efficient manner; be given sufficient staff to carry out its own administrative and accounting functions; and present its report and accounts within a reasonable time.

Committee Room,

24 February 1981.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

TREASURY MINUTE RELATING TO
EXPENDITURE FROM THE ADVANCE
TO THE TREASURER 1976-77 AND
UNPAID ACCOUNTS 1976-77

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That the Honourables Clive Bubb, G.A.S. Butler, D.K. Hayward and N.F. Stacey be members of the Public Accounts and Expenditure Review Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question - That Mr. Evans (*Gippsland East*), Mr. Ginifer, Mr. Mackinnon, Mr. Mathews, Mr. Remington, Mr. Richardson, Mr. Rowe and Mr. Williams be Members of the Public Accounts and Expenditure Review Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
 - (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
 - (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
 - (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

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R E P O R T

The Public Accounts and Expenditure Review Committee has the honour to report as follows: -

1.1 This Committee will continue the practice of the Public Accounts Committee and provide a follow-up to reports submitted by it to the Parliament. This Treasury Minute relates to a report¹ by the Public Accounts Committee.

1.2 The Treasury Minute procedure is that, following presentation of a report to Parliament, the Committee forwards copies of the report to Treasury and the departments concerned for comment. The Treasury prepares a Minute which expresses a Treasury view of the departmental response. This Minute, together with Committee comment where necessary, is incorporated in the report for presentation.

1.3 The Committee report upon the Expenditure from the Advance to the Treasurer 1976-77 and Unpaid Accounts 1976-77 was tabled in the Legislative Assembly on 30 November 1978. The last of the departments' comments were forwarded to Treasury on 24 July 1979, with a request for a Treasury Minute to be prepared. The Treasury Minute was received by the Committee on 3 December 1980.

1.4 This report sets out the relevant extracts from the above report, together with the Treasury Minute received and considered by the Committee. In this instance, the Committee did not consider additional comment necessary.

¹ Victorian Parliamentary Paper D.No.12/1978-79.

EXPENDITURE FROM THE ADVANCE TO THE TREASURER 1976-77

COMMUNITY WELFARE SERVICES - DIVISION 252 - PRISONS

2.1 EXTRACT FROM COMMITTEE REPORT (page 13) -

24. Item 2.5 - Motor vehicles - Purchase and running expenses

Original Appro- priation	Additional Provision Approved	Funds provided by way of Treasurer's Advance	- Transfer Audit Act, s.25	Final Expen- diture
\$91 400	\$17 719	\$17 719	-	\$109 119

The Department attributed the increase over the Budget estimate to increased insurance costs, increased labour costs in servicing vehicles, and the necessity to undertake extensive repairs to certain trucks, vans and tractors. In notifying the Department that approval had been given to the provision of additional funds the Assistant Director of Finance (Budget) commented as follows: -

"Whilst it is realized that many vehicles are country based, it may be possible to exercise economies in repair costs by the utilization of the State Service Centre for vehicles located in Melbourne. It would be appreciated if this matter could be pursued."

25. In detailed comments supplied to the Committee the Department indicated that it had made use of the State Service Centre but had found it no cheaper and much less convenient than regular private repairers. The Department maintained that vehicles have to be booked in for service one week in advance and are held at the centre all day, whereas regular servicing can be undertaken in two hours by its private repairer at one day's notice. This allowed the Department greater flexibility to select service days when the demands on its car pool are light and led it to suggest that the size of its car fleet and the heavy demands placed upon the fleet, together with the time delays referred to above, did not justify use of the State Service Centre by the Department. The Committee did not pursue these matters but considers that the Department's complaints should be followed up to ensure that it is adopting the most appropriate course of action and that the State Service Centre is operating efficiently and providing satisfactory service to client departments.

2.2 TREASURY MINUTE

The Public Works Department in relation to the State Service Centre has commented as follows -

"The statements attributed to the Department of Community Welfare Services (formerly the Social Welfare Department) as cited in the abovementioned report were investigated.

It was noted that the Department of Community Welfare Services does not operate a transport pool in the true sense of the word. Its vehicle holdings exceed 100, but the bulk of these units are allocated to Regions which, in turn, allocate them to specific officers. The vehicles are rarely under the direct control of that Department's Transport Officer.

Nevertheless the Acting Chief Mechanic, of the State Garage has reported that the complaints, or comments, as made by the Department of Community Welfare Services are totally unjustified. He has stated that vehicles are not required to be booked a week in advance but that 24 hours notice is ample except on matters affecting roadworthiness which are attended to without prior booking and without any undue delay.

I am of the opinion that it would not be unfair to say that the reluctance to utilize the State Garage stems not from any want on the part of the garage to perform tasks in a given period but from a logistical problem domestic to the Department of Community Welfare Services which precludes of simple arrangements for utilizing State Garage facilities".

Treasury notes the views expressed by the Public Works Department. Inquiries indicate that the labour rates charged by the Centre compared favourably with trade rates and, particularly of late, there is general satisfaction with the service it provided. In these circumstances we reiterate the comments relating to possible economies, made by the Assistant Director of Finance (Budget) to the Social Welfare Department at the time approval was given to the provision of additional funds.

COMMUNITY WELFARE SERVICES - GENERAL

3.1 Extract from Committee Report (page 23) -

47. The Committee recommends that urgent action be taken to review the Department's administrative organisation and resources with a view to ensuring that it is adequately equipped and organised to efficiently perform its functions. Top priority must be given to requirements in the accounting area even if appointments to professional positions must be deferred to achieve this objective. In any such review every effort must be made to devise a system providing some form of adequate administrative support for institutions. Every step must also be taken to ensure that there is adequate liaison between the administrative and professional staff at institutions, and a proper appreciation on the part of all staff of the need for adequate and efficient administrative practices.

3.2 TREASURY MINUTE

The Department of Community Welfare Services has commented as follows -

"It is true that the rapid expansion of the Department's activities in recent years has not been matched with a corresponding increase in administrative support, and efforts are being made to rectify the problem.

A positive step was achieved this month when this Department's payroll procedures were converted to computer operation, and a number of advantages should accrue immediately.

Deficiencies in financial procedures and budgetary control have been among the administrative problems for a number of years. To reduce these problems, and aid overall efficiency, significant changes were made to procedures last financial year.

Responsibility for applying and controlling budgets was placed at institutional and regional level, and the additional involvement required instilled a greater awareness of financial constraints across the whole Department.

In its initial year of operation, it was evident that a more effective budgetary control had been achieved, and this augurs well for further improvement for the current financial year. At this moment, this

Department is planning to transfer its financial reporting and recording functions to computer application in November this year. This system - code-named FRAR - has been piloted in three other State Departments, and should provide the facility of early access to up-to-date financial information which is so necessary to successful administration.

The Department is sure the Public Accounts Committee would agree that - with an annual budget of \$100 million, and a staffing complement of nearly 3,000 persons - the Department must be regarded as poorly-resourced in comparison with other Departments of similar size. For example, until recently, the Department had only one Officer to review and inspect accounting procedures throughout the whole of the organisation.

As the Committee is aware, there has been no internal audit facility in existence, although three positions have now been cleared to form the nucleus of an Internal Audit Section. It is hoped this unit will commence operation this financial year.

This Department has certainly undergone considerable internal change in recent times; massive re-organisation has been completed, and a settling-down period is now under way.

The changes being made are designed to improve both administrative and operational efficiency. The Department's improved accounting performance during 1978-79, and other indicators suggest that it is moving in the right direction. Plans have been submitted - with Departmental Estimates - to minimise the Accounts Branch's staffing deficiencies by changing the organisational structure."

Treasury notes the departmental reply in relation to -

- i the transfer of responsibility for applying and controlling of budgets to institutional and regional levels in the latter case where administrative support staff was requested and approved;
- ii the clearing of a number of positions to form the nucleus of an Internal Audit Section when these were accorded a high priority;
- iii the conversion of the Department's payroll to computer operation;

- iv the conversion of its financial reporting functions to computer operation in late 1979; and
- v the completion of the departmental reorganisation.

The measures taken should result in the problems noted by the Committee being largely overcome.

EDUCATION

4.1 Extract from Committee Report (pages 25-26) -

ALLOCATION OF ADDITIONAL SCHOOLS COMMISSION FUNDS

50. Supplementary provisions were again required to cover increased grants to schools. Some additional funds were made available during the year on the recommendation of the Schools Commission. The two most significant items requiring additional provision were as follows: -

DIVISION	ITEM NO.	DESCRIPTION	ADDITIONAL PROVISION
PRIMARY EDUCATION	305.2.12	GRANTS TO SCHOOLS	\$1 772 652
SECONDARY EDUCATION	306.2.12	GRANTS TO SCHOOLS	\$1 208 362

51. In relation to the above items the Committee noted from the relevant Treasury file that there were significant increases in the costs of fuel, light, power and water in schools. On 26th May 1977, the First Assistant Director of Finance advised the Department that an additional \$1 047 000 (item 305.2.12) and \$740 000 (item 306.2.12) had been allocated to cover these increases. He went on to comment as follows: -

"In giving his approval the Acting Treasurer expressed his concern at the excessively large growth in expenditure under this item. Only a relatively small proportion of this growth can be explained by increased charges and numbers of classrooms. The Acting Treasurer has, therefore, directed that the Education Department put in course an immediate investigation of this matter. He has suggested that a sample of the schools involved be thoroughly tested in order to ascertain the reasons for this growth, particularly with a view to identifying any wasteful usage. He has also suggested that expertise should be added to this investigation by seconding an officer from the Public Works Department or the State Electricity Commission to assist.

I would be glad if you would take the necessary steps to put this investigation in course. Treasury officers will be available for consultation if their assistance is required and we would certainly expect to be advised as to the results as soon as they come to hand."

* * * * *

52. By letter dated 22nd June 1977, the Assistant Director-General of Education (Finance) responded in the following terms: -

" The investigation will be directed and completed by Planning Services Division as soon as possible.

It has been decided to concentrate the study on the increased expenditure on electricity as this constitutes approximately one half of the total increase in costs of the above items over a two year period. In particular the total expenditure on electricity has increased from \$1.6 million to \$2.6 million during 1973-74 to 1975-76, while total utility expenditure has risen from \$2.7 million to \$4.8 million over the same period."

4.2 TREASURY MINUTE

The Education Department has commented as follows -

"The Department has introduced procedures which now require each school to be responsible for conservation of electricity used in the school by having each school pay its own electricity bills. Under the previous system, school electricity bills were paid by the Education Department central office, which was not able to exercise any effective control over the costs involved.

Since introduction of the new system, all schools have become directly aware of the amount and cost of electricity they consume because they now have to pay for it out of their direct grant funds. The effect of the change has been to impose a very effective control over the cost of electricity in Government schools throughout the State."

Treasury considers that the new procedures introduced by the Department in relation to schools' electricity expenditure should go some way towards reducing this item's rate of growth and thereby achieve an improvement in control in this area as sought by the Committee.

ATTORNEY-GENERAL

5.1 Extract from Committee Report (pages 31-37) -

DIVISION 362 - CORPORATE AFFAIRS OFFICE60. Item 2.7 - Professional Assistance.

Original Appro- priation	Additional Provision Approved	Funds provided by way of Treasurer's Advance	- Transfer Audit Act, s.25	Final Expend- iture
\$135 000	\$185 232	\$163 043	\$22 189	\$320 232

Upon perusal of the relevant Treasury file the Committee ascertained that, of the total provision for this item in the 1976-77 Budget, \$100 000 was provided to meet fees and expenses incurred in connection with investigations being conducted pursuant to Part VIA of the *Companies Act* 1961. On 20th October 1976 the Department requested a further \$90 900 to meet the fees and expenses of the inspectors conducting four investigations. Details of the individual investigations at that date were as follows: -

Investigation	Revised Comple- tion Date	Expen- diture to date	Accounts on hand	Further Expen- diture Expected	Total
		\$	\$	\$	\$
(a) Capital Mining and Properties Ltd.	December 1976	18 717	-	16 000	34 717
(b) Lefroy Minerals Ltd.	January 1977	9 750	12 194	21 600	43 544
(c) D.J. Ryan Group of Companies	December 1976	19 534	23 903	42 000	85 437
(d) Barewa Oil and Mining Ltd.	Completed	27 205	-	-	27 205
		75 206	36 097	79 600	190 903

61. The Budget allocation of \$100 000 for fees and expenses was originally calculated on the basis that the four investigations would be terminated in the September quarter. However, no maximum limits are prescribed as to the period within which investigations and reports must be completed, and the Department received further notification from the inspectors that a lengthening of the completion periods would be required. It therefore requested a further \$94 332, of which \$58 827 was required to cover inspector's fees and associated costs. The remaining \$35 505 was required to cover fees paid to counsel engaged by the Solicitor to the Commissioner for Corporate Affairs to prosecute breaches of the *Companies Act* 1961 and the *Securities Industry Act* 1975. The final expenditure on company prosecutions was expected to be \$40 505, some \$35 505 in excess of the original provision.

62. In examining the Treasury file the Committee noted that the Assistant Director of Finance (Budget), then Mr. Hopkins, informed the Treasurer that he had discussed the matter of professional assistance with the Department which had indicated that, with a view to curtailing expenditure, it would consider changes in the method of handling cases before any new investigations were entered into. Two of the possibilities under consideration were -

- "(a) the placing of maximum time limits on the duration of investigations; or
- (b) seeking clearance for appropriate personnel within the Law Department itself to carry out such work."

Officers of the Department subsequently informed the Committee that consideration had been given to the controls which could be exercised in future, and that it was considered preferable to use Corporate Affairs Office Investigators as far as practicable. However, if it was found that one of these investigators could or should not handle a particular inquiry and an inspector was appointed, the terms of reference would be considerably more restricted than in the past.

DIVISION 368 - PUBLIC TRUSTEE63. Item 2.2 - Office requisites and equipment,
printing and stationery.

Original Appropriation	Additional Provision Approved	Funds provided by way of -		Final Expenditure
		Treasurer's Advance	Transfer Audit Act, s.25	
\$35 600	\$34 139	\$30 951	\$3 188	\$69 739

The Committee ascertained that the additional funds were required to meet costs associated with the following: -

- (a) the hiring of an additional accounting machine for a three month period to help clear up a large backlog of ledger posting;
- (b) the purchase of extra stationery to cope with the increased volume of work, and redesigned stationery for a new accounting system installed in 1975;
- (c) photocopying expenses;
- (d) modifications to machine programmes; and
- (e) the purchase of an additional accounting machine following advice from consultants and the Public Service Board Management Services Division that the existing two machines could not cope with the workload of the office.

LAW DEPARTMENT - GENERAL

* * * * *

74. In relation to "open-ended" expenditure items, it is a matter of prime importance to the Committee that expenditures and procedures should be continually subjected to review and examination and that cost containment, consistent with the rendering of efficient and effective service to the Department's clients, should be a prime consideration in any such review. It is possible, for example, that the appointment of additional legal staff in some areas may be more economical and efficient than engaging outside legal assistance. The steps which could be taken in relation to the conduct of company investigations, as outlined in paragraph 62 of this report, also serve as an example of a different approach which can be adopted if some thought is given to the alternative and most appropriate ways in which functions can be discharged.

75. The Committee appreciates the difficulties involved in accurately forecasting expenditure on "open-ended" items. Nevertheless, it considers that efforts must be made to reconcile the needs of expenditure control and service to clients rather than view "open-ended" expenditure items as uncontrollable - an approach which may have dominated thinking within some sections of the Department to date and which renders impossible implementation of accurate budgetary control concepts in this area.

76. It is evident to the Committee that the workload of the Law Department is steadily increasing and will continue to do so in the future, particularly in the light of increasing public awareness of the services available in respect of legal aid and an increasing trend to appeal against court decisions. Pressures will increase in relation to expenditure on "open-ended" items. It is therefore most important that attention be directed to effective control and efficient use of the funds made available from such items. The Committee is aware that steps have been taken to effect improvements and streamline procedures in some sections of the Department in the past, but such reviews can be regarded as "piecemeal" in relation to the overall activities of the Department.

Increasing pressures on the Department and the likelihood that it will be expected to provide increased services to the public in future lead the Committee to conclude that a general examination and overall review would be beneficial.

The Committee believes that it is now appropriate that a review of administrative practices within the Department be undertaken to ensure that it is adequately equipped to fulfil its future role in the most efficient, economical and effective way. The Committee accordingly recommends that such a review be undertaken.

77. At a very late stage during the Committee's consideration of this report the Legal Aid Commission Bill was introduced into the Legislative Assembly. If the Bill is passed in its present form by Parliament the major organizations presently providing legal assistance in Victoria - the Public Solicitor's office, Legal Aid Committee and Australian Legal Aid Office - will be replaced by a Legal Aid Commission. As the Public Solicitor's Office will cease to exist if the new Commission is established, Law Department involvement in the provision of legal aid will diminish considerably and there may be a reduction in the amounts which it is required to contribute to expenditure on professional assistance. Despite these proposed changes the Committee believes that there is still ample scope for action to be taken along the lines recommended.

5.2 TREASURY MINUTE

The Law Department has commented as follows -

"Paragraphs 60, 61 and 62

The four investigations mentioned in the Report have all been completed by the 30th June 1978. However, an investigation under Part VIA of the Companies Act 1961 is currently being conducted into Navillus Pty. Ltd. and 922 other companies. In order to limit costs to a minimum, two inspectors have been appointed, one being a barrister who will conduct the more complex legal examination of witnesses and the other being a senior officer of the Corporate Affairs Office who will undertake the bulk of the investigation. The inspectors are required to report within 6 months of the date of their appointment.

Paragraph 63

The purchase of an additional accounting machine has enabled the work of the Accounts Branch of the Public Trust Office to be brought up to date, and has provided the capacity to cope adequately with the workload of the office.

Paragraphs 74 to 77 inclusive

The Department notes that the Committee has suggested in paragraph 74 that it may possibly be more economic to appoint additional legal staff than to engage outside legal assistance. It should be pointed out that three additional Crown Prosecutors have recently been appointed. However, a limiting factor to this is that there is not always sufficiently qualified and experienced Counsel available who are willing to accept such appointments.

Further, the indications are that the overall cost of appointing salaried Crown Prosecutors (for instance) is not greatly different from the cost of engaging "outside" barristers, but that the expense is merely transferred from one Vote (Professional Assistance) to others such as salaries, rent, superannuation.

It has been evident for some time that the workload of the Law Department is steadily increasing, and that the structure and resources of the Central Administration may not be sufficient to meet the needs of the Department in the future. Accordingly, on 12th June 1978 the Chairman of the Public Service Board was requested to make available the resources of the

Board's Research and Special Projects Division to conduct a management review of the Central Administration of the Law Department.

The Board agreed to the request, and the following Terms of Reference were agreed upon

'The Management Review will involve the examination of the efficiency and effectiveness of the Law Department's Central Administration with attention also being paid to the Department's objectives, strategy and performance.'

The review commenced on 6th November 1978 and it is expected that a report will be made in the near future.

You referred in paragraph 77 to the Legal Aid Commission Bill. This bill has been passed by Parliament but has not yet been proclaimed. At the present time, discussions are being held with the Commonwealth in relation to the funding of the Legal Aid Commission."

Treasury notes the comments of the Department. Three additional Crown Prosecutors were appointed in early 1979 and provision was made for the appointment of a further three in the 1979/80 estimates. The latter were not appointed until the end of March 1980. Additional provision for professional assistance was necessary in 1978/79, in both the Crown and Public Solicitors' Offices, as the delay in the appointment of the three Crown Prosecutors did not achieve expected savings in the year and there was an increase in County Court activities. Additional provision was also necessary in 1979/80 in the Crown Solicitor's Office as fees were raised from September 1979.

AGRICULTURE

6.1 Extract from Committee Report - (pages 45-46) -

DIVISION 570 - AGRICULTURE ADMINISTRATION

92. Item 2.4 - Postal and telephone expenses.

Original Appropriation	Additional Provision Approved	Funds provided by way of -		Final Expenditure
		Treasurer's Advance	Transfer Act, s.25	
\$311 000	\$72 660	\$70 888	\$1 772	\$383 660

Additional provision amounting to \$63 675 was approved on 13th May 1977. The main factors contributing to the increased expenditure, as advanced by the Department, were as follows: -

- (a) Telephone accounts Since July 1975, the Department of Agriculture has relocated over 60 staff at country locations with the result that there has been greater usage of telephones, especially in relation to STD calls to Head Office. In addition, some country divisions had existing systems upgraded or extended in order to cope with increased demands and the full impact of a 50 per cent increase in local call rates on 9th September 1975 only became apparent in 1976-77; and
- (b) Bulk postage - Additional postage costs were incurred because of increased activity at country centres and the removal of concessions for bulk postage.

A further \$9 000 was provided on 27th June 1977. This additional provision was required to cover the costs of metered calls on telephone lines installed during the year. The major proportion related to lines installed with new switchboards at Colac, Shepparton and Wodonga (\$8 369).

93. The Committee noted from its examination of Treasury files on the above expenditure references to the fact that the Department had kept little information regarding the costing of telephone services, other than historical costs, and that the costing of the new facilities and improvements to old systems had not been emphasised in the past. A Treasury Officer had also advanced the view that "postal and telecommunication costs are a function of activity and Federal pricing decisions" and

went on to suggest that "both services are substitutes for each other and to impose restrictions on the use of one forces the use of the other to rise if the level of service is to be maintained." He indicated that "the Department has recognised the effects of the increased costs of the services and has attempted to develop systems that will maintain a consciousness of the price of the service in terms of existing facilities". The Committee also ascertained that a review of telephone expenditure at each Divisional Office was being undertaken to obtain information for use as a basis for future cost reviews and for determining the 1977-78 budget allocation. The Committee is pleased to note the steps taken by the Department and looks forward to improvement in this area.

6.2 TREASURY MINUTE

The Department of Agriculture has commented as follows -

"Since the 1975-76 financial year the Department has compiled the cost of operating telephone services at all Country Offices and Institutions.

Statistics have been compiled showing average cost per person at each office or institution together with percentage changes each financial year of actual expenditure and average cost per person.

With increases in the cost of rental and calls, additional facilities provided at new country offices and an increase in the number of officers based at country centres, the cost of telephone services are increasing.

Because of the very nature of this Department's activities, communications are a vital item and of paramount importance and the use of the telephone is a most effective method of communication.

Nonetheless, this Department has undertaken, by way of Departmental Instructions to all staff, a campaign to ensure that utmost economy in the use of telephone services and all country officers are fully aware of their obligations and the need to economise in these areas. The financial restrictions are being monitored by requesting all Officers-In-Charge to submit a report stating clearly the procedures they are introducing to implement the Director-General's instruction to economise in telephone usage and expenditure.

Further the Department's Information Systems Committee has looked at the problem and is anxious to provide some positive incentive for officers involved in the control of telephones to demonstrate savings."

Treasury notes the action taken by the Department.

Committee Room,

4 March 1981

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

PROGRESS REPORT ON THE

AUDITOR-GENERAL'S REPORTS FOR 1978-79

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That
the Honourables Clive Bubb, G.A.S. Butler,
D.K. Hayward and N.F. Stacey be members of the
Public Accounts and Expenditure Review Committee,
and that the said Committee have power to send
for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question - That Mr.
Evans (*Gippsland East*), Mr. Ginifer, Mr. Mackinnon,
Mr. Mathews, Mr. Remington, Mr. Richardson, Mr.
Rowe and Mr. Williams be Members of the Public
Accounts and Expenditure Review Committee; and
that the Committee have power to send for persons,
papers and records (*Mr. Hamer*) - put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -

- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
- (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
- (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
- (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

R E P O R T

The Public Accounts and Expenditure Review Committee has the honour to report as follows: -

1 An inquiry is being conducted into the Auditor-General's reports for 1978-79. The Committee has reviewed the previous procedures used to conduct inquiries into public accounts matters, and decided that written comments should be sought from departments and authorities on the matters raised by the Auditor-General in his reports. Following receipt of these comments the Committee will decide which matters require further investigation. This inquiry is the first conducted under the revised method.

2 The Committee selected a number of items which had been referred to by the Auditor-General and wrote to the departments and authorities concerned seeking comment on the Auditor-General's remarks. A list of these matters appears as an appendix to this report. The departmental response will be tabled with this report but not printed.

3 Following consideration of these departmental responses the Committee has decided that the following items will be the subject of detailed investigation: -

- (a) Local Authorities Superannuation Board - electronic data processing services provided by the Board;
- (b) Motor Accidents Board - computer facilities provided by the Local Authorities Superannuation Board; and
- (c) State Superannuation Board - form of accounts, electronic data processing and actuarial valuation.

Committee Room,

4 March 1981.

A P P E N D I X

List of items referred to Departments for Comment

- 1 Department of Agriculture - Citrus Fruit Marketing Board - Allocation of administrative costs between Victorian and New South Wales Boards.
- 2 Education Department - auditing the accounts of primary school councils.
- 3 Grain Elevators Board - transfer of facilities from the Portland Harbor Trust.
- 4 Housing Commission - Emerald Hill Housing Project.
- 5 Land Tax Office - collection of Land Tax.
- 6 Law Department - asset control system within Public Trustee's Office.
- 7 Local Authorities Superannuation Board - electronic data processing services provided by the Board.
- 8 Motor Accidents Board - computer facilities provided by Local Authorities Superannuation Board.
- 9 Portland Harbor Trust - transfer of facilities to Grain Elevators Board.
- 10 Public Service Board - use and installation of electronic data processing - guidelines for departments.
- 11 State Electricity Commission of Victoria - actuarial review and deficit funding of superannuation fund.
- 12 State Superannuation Board - form of accounts, electronic data processing and actuarial valuation.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

REPORT ON THE

EXPENDITURE FROM THE ADVANCE TO THE TREASURER

1978-79

Ordered to be printed

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EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That the Honourables Clive Bubb, G.A.S. Butler, D.K. Hayward and N.F. Stacey be members of the Public Accounts and Expenditure Review Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question - That Mr. Evans (*Gippsland East*), Mr. Ginifer, Mr. Mackinnon, Mr. Mathews, Mr. Remington, Mr. Richardson, Mr. Rowe and Mr. Williams be Members of the Public Accounts and Expenditure Review Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
 - (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
 - (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
 - (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

The Public Accounts and Expenditure Review Committee has the honour to report as follows: -

CHAPTER 1

INTRODUCTION

1.1 The Public Accounts and Expenditure Review Committee has examined the Schedule of Expenditure from the Advance to the Treasurer for the financial year 1978-79.

1.2 Under Division 403 of the *Appropriation (1978-79 No.1) Act* 1978 an amount of \$70 million was provided to enable the Treasurer to meet urgent claims that could arise before Parliamentary sanction was obtained. This allocation was fully expended during 1978-79 and the major items of expenditure are explained on page 69 of the Budget Papers 1979-80.

1.3 The Committee obtained Treasury files on requests for additional funds from Treasurer's Advance (Division 403), or transfers pursuant to section 25 of the *Audit Act* 1958. A limited number of departments were selected by the Committee for investigation based on the following criteria -

- (i) the number of requests for additional funds;
- (ii) the amount involved;
- (iii) the department's history in relation to requests for additional funds;
- (iv) adverse file comments by Treasury; or
- (v) items which appeared of some importance to the Committee.

1.4 When reviewing the Treasurer's Advance files, the Committee noted that Item 2.4 "Telephone expenses" was the subject of many requests for additional funds. Consequently this item was included in the Committee's inquiry and is reported upon in chapter 7.

1.5 The remaining items examined by the Committee are contained in chapters 8 and 9.

1.6 The Committee heard evidence from the following persons: -

State Treasury

Mr. H.J. Hopkins, First Assistant Director of Finance
Mr. D.A. Thomas, Assistant Director of Finance (Budget)

Department of Community Welfare Services

Mr. B.D. Bodna, Director-General of Community Welfare
Services
Mr. H. McPhee, Director of Administrative Services
Mr. D.G. Brown, Accountant
Mr. G. Uhd, Assistant Accountant
Mr. J. Keelan, Budget Officer
Mr. S. Cowan, Business Manager, Prison Industries

Education Department

Mr. B.J. Joy, Assistant Director-General, Finance
Mr. S.F. Morton, Acting Assistant Director-General,
Building
Mr. N.H. Rohan, Co-ordinator, Building Operations
Division

Police

Mr. D.J. Swanson, Acting Deputy Commissioner,
Administration
Mr. A. Rundle, Director of Administration
Mr. G.T. Wood, Accountant, Police Department
Mr. B.N. Benedict, Accountant, Ministry for Police
and Emergency Services

Public Works Department

Mr. D.J. Little, Director-General of Public Works
Mr. L.J. Slavin, Acting Director of Administration
Mr. G. Drummond, Design Engineer (Electrical)

CHAPTER 2DEPARTMENT OF COMMUNITY WELFARE SERVICES

2.1 The Committee sought additional explanations from the Department of Community Welfare Services on the need for Advances from the Treasurer in respect of the following Items -

Division 252.2.10 - Correctional Services - Materials for manufacture

General - Unpaid Accounts

DIVISION 252.2.10 - Correctional Services - Materials for manufacture

	\$
Appropriation Act	569 500
Advance to the Treasurer	72 500
Total funds available	642 000
Total expenditure	629 938

2.2 The Department sought additional funds to meet the cost of materials used by numerous prison industries in areas where it had not anticipated that activities would increase during the year. It was also expected that the products of those industries would be sold for a revenue return.

2.3 Treasury expressed concern that the Department was unable to provide any detailed information of revenue earned by each prison industry section, or stocks at the beginning or end of the year, from which the economic viability of the industries could be ascertained. The prison records the quantity of stocks on hand but not its value. In order for a valuation to be obtained it would be necessary for at least four weeks notice to be given to the head office of the Department where invoices are retained.

2.4 The Committee was informed that the Department is currently examining the feasibility of creating a statutory body to operate prison industries, as is the case in the United States federal prison system.

2.5 With few exceptions, the Victorian prison industries are not permitted to take on any outside business and only sell their products to Government departments at cost. Whilst the Department is endeavouring to create cost consciousness to

make the industries as profitable as possible, profitability is determined by the volume of work that the prison is permitted to do. For example, the prison is only allowed to make 2 000 pairs of shoes in its boot shop at any one time, which makes it unprofitable. For it to be a profitable venture it would need to make 10 000 pairs. The Department also informed the Committee that profitability of industries is only one of the objectives and the Department places considerable value on the training, work habit development, and management benefits obtained through the industries.

2.6 At present, the prison industries are financed by Treasury. If the allocation is spent additional funds must be sought by way of a Treasurer's Advance, irrespective of any revenue that the industry may have earned. Revenue is paid into the Consolidated Fund and cannot be used by the prison industry.

2.7 The Department also advised that Treasury requirements precluded it from obtaining significant economies from bulk buying.

Recommendation

2.8 The Committee believes that Treasury should assist the prison industries to achieve greater independence and become more commercially orientated. It is recommended that the Treasury Minute on this matter should incorporate detailed recommendations for bringing about these changes.

GENERAL - UNPAID ACCOUNTS

2.9 During the Committee's review of the Department's applications for Treasurer's Advance, unpaid accounts from 1977-78 were advanced, in many cases, as a reason for requiring additional funds. The large number of unpaid accounts concerned the Committee and further information was sought from the Department to ascertain the cause for such carry-overs.

2.10 The Department advised that Treasury's current budgetary system does not allow provision to be made for inflation or prison population trends. If increases occur the Department must either cut costs and absorb the price increases, or obtain additional funds from the Treasurer's Advance. This inevitably produces a high incidence of applications for additional funds in an inflationary economy. Furthermore, delays in provision of additional funds or lack of adequate response to departmental requests can be a significant cause contributing to the excessive carry-over of accounts at the end of the financial year.

2.11 Most of the Department's requests for additional funds are normally made towards the end of the financial year when accounts staff are under increasing pressures in preparing estimates. As a result, suppliers have been inexcusably inconvenienced by a lack of attention to paying accounts on time.

2.12 Treasury representatives informed the Committee that a department does not automatically receive an increased budget allocation to cover its normal spending plus the unpaid accounts. The amount attributable to carried-over accounts is only part of the development of the total vote appropriation. Treasury believes that the onus is on the department to adjust its spending during the succeeding year to absorb some of these additional costs at the beginning of the year.

2.13 The Committee was also informed that Treasury does not believe that creditors are likely to withhold goods or services as they would be aware that departments will have money available at the beginning of the financial year.

Conclusions

2.14 The Committee is strongly critical of the Department for having kept suppliers waiting for payment of their accounts, in some instances for periods grossly in excess of normal credit terms. It is unacceptable for suppliers to bear the cost of breakdowns in departmental commitment control or for late payment of accounts to be used as a means of circumventing spending limits. In examining future Treasurer's Advances, the Committee will be seeking evidence that the Department's obligations are being met on time.

2.15 It is essential that budgeting and financing of the Department of Community Welfare Services be improved by the Department having an effective accounting information system to enable management to improve its estimating, monitor its own performance and avoid over-commitment of funds. The Committee has been assured that the Department is developing such a system and it will expect to see these assurances given effect.

Other Items

2.16 Items for which satisfactory explanations were provided were -

DIVISION 244.2.4 - Regional Services - Postal and telephone expenses

	\$
Appropriation Act	162 000
Advance to the Treasurer	59 620
Total funds available	221 620
Total expenditure	221 231

Additional funds were sought to enable earlier payment of accounts than had been the practice. Accounts for postage stamps, telephone calls and rental totalling approximately \$37 000 were carried forward to 1978-79 and the Department claimed that extra funds were necessary to bring the 1978-79 provision up to the level of expenditure incurred in 1977-78.

The Committee was concerned at the large amounts carried forward.

The Department advised that it did not find it necessary to seek additional funds until early June, when several accounts relating to the fourth quarter of 1977-78 were received from Telecom. At that stage, there was insufficient time remaining to assess the financial situation and lodge a Treasurer's Advance submission before the end of the financial year.

DIVISION 244.3.5 - Regional Services - Community Health Projects - Women's Refuges - Operating costs

Appropriation Act	550 000
Advance to the Treasurer	153 253
Total funds available	703 253
Total expenditure	677 432

Additional funds were sought after the Commonwealth Government advised that it had allocated a further \$139 540 for Women's Refuges in Victoria.

The Committee sought advice as to the mechanism used by Treasury in determining which Commonwealth Government offers should be accepted when some State contribution is conditional in the offer.

The Department of Community Welfare Services advised that the women's refuge projects are generally funded by the Commonwealth and the State. The current basis of funding is -

- (a) capital expenditure - costs are shared on a 50/50 basis between the Commonwealth and State; and
- (b) operating costs - costs are shared on a 75/25 basis between the Commonwealth and State, respectively.

Since the Department of Community Welfare Services became responsible for women's refuges in December 1977, it has generally made recommendations to the Commonwealth on priority and eligibility for funding of refuges. The Commonwealth then indicates the extent of its approval and funding of the State's share is referred to State Treasury for consideration.

The Committee was informed that, to date, the State has matched the Commonwealth offers in accordance with the agreed formula.

DIVISION 246.2.4 - Family and Adolescent Services -
Postal and telephone expenses

	\$
Appropriation Act	143 000
Advance to the Treasurer	34 886
Total funds available	177 886
Total expenditure	174 286

In approving the additional funds, Treasury accepted that accounts were due and payable but was dissatisfied with the lack of explanation as to the growth in spending, other than that there was a large carry-over of accounts from 1977-78.

The Department informed the Committee that a large number of accounts relating to the fourth quarter of 1977-78 was received from Telecom too late in June to be processed in that financial year. A breakdown in Telecom's computer processing was blamed for the late submission of the accounts.

The Committee was informed that the Department has improved its budgeting and financial reporting and that, with the introduction of a location budgeting system, the various institutions will receive transaction reports showing what accounts have been processed for the month. This type of reporting will allow the regional secretary to monitor his budget and investigate if accounts are either outstanding or have not been processed.

DIVISION 246.2.6 - Family and Adolescent Services -
Fuel, light, power and water

	\$
Appropriation Act	265 600
Advance to the Treasurer	44 004
Total funds available	309 604
Total expenditure	309 320

Accounts totalling \$20 948 for the last quarter of 1977-78 were received in late May and June from the State Electricity Commission and the Gas and Fuel Corporation. The Department claimed that it did not have sufficient time to process the accounts before 10 June 1978.

The Department's location budgeting system should identify the outstanding accounts so that corrective action can be taken.

DIVISION 252.1.3 - Correctional Services - Overtime and penalty rates

	\$
Appropriation Act	2 947 300
Advance to the Treasurer	486 523
Total funds available	3 433 823
Total expenditure	3 433 823

Additional funds were sought due to a National Wage Increase of 4 per cent, increased cost of security during construction of the high security unit and other major projects within Pentridge, and increased overtime for hospital guards and court attendances of 27 per cent and 32 per cent, respectively.

In approving the additional funds, Treasury was critical -

- (a) that the Department committed funds for additional overtime for construction works without first seeking approval for the provision of funds;
- (b) that overtime was authorized by one officer without an independent check as to the need or justification for the overtime; and
- (c) at the lack of information available with regard to overtime in the Division and the apparent lack of commitment control in the Department.

The Department advised that the introduction of the Financial Recording and Reporting system (FRAR), together with improved Departmental organization, had improved the situation. Approximately 90 per cent of the increase sought was attributable to Pentridge Prison. The Department did not have an adequate system within the Prison to control overtime necessitated by the unusual circumstances caused by the erection of the new security building.

In 1979-80, however, a systematic approach was made to the allocation for overtime which was divided between the three main prisons and specifically allocated on a location basis where it was controlled. Under the previous system, the Department was unable to give the managers individual budgets.

DIVISION 252.2.1 - Correctional Services - Travelling and subsistence

	\$
Appropriation Act	100 000
Advance to the Treasurer	27 415
Total funds available	127 415
Total expenditure	126 952

Additional funds were sought because of additional overtime which had been approved for Pentridge and changes in the payment procedure of tea money and fares reimbursement. Unpaid accounts totalling \$8 751 were carried forward from 1977-78 and there were increases in other sub-items in the appropriation.

The procedure has been amended and is now based on the prison's duty book where all staff record their hours of duty. A summary sheet is prepared showing the prison officer and his entitlement. The summary sheets are combined into fortnightly returns and each month a payment is made covering two fortnightly returns.

Treasury expressed concern that the Department exceeded its allocation for air fares and conference expenses.

The Department advised that there was no set procedure for Pentridge staff to claim reimbursement of travelling expenses and tea money. Most would claim their expenses through the prison's own petty cash system at the end of a month or a quarter. This practice created problems for the budgeting officer.

The Department sought additional funds (\$2 200) to its initial sub-item allocations. Departmental representatives stated that the Department believed it had an obligation to be represented at inter-State Correctional Administrators' Conferences and on working parties established by the Conference and that this was the cause for expenditure on this Item increasing prior to Treasury approval.

DIVISION 252.2.4 - Correctional Services - Postal and telephone expenses

	\$
Appropriation Act	75 400
Advance to the Treasurer	34 824
Total funds available	110 224
Total expenditure	109 145

The Department sought additional funds to -

- (a) provide for the shortfall in funds for postage stamps;
- (b) cover increased postal and telephone charges;
- (c) provide for the carry over of accounts from 1977-78; and
- (d) provide for new telephones.

Advice was received from the Department that the increase was necessary due to a shortfall in funds to meet the increased carry-over of accounts as well as increased postage charges in July 1978. Treasury also required a cut back in spending and reduced funds for postage to \$19 850, as against 1977-78 expenditure of \$20 175, and this situation was aggravated by the twelve per cent increase in postal charges.

The Department experienced problems in reducing costs in country areas due, in part, to a large shift in population to country prisons.

Installation of new telephone services had been committed prior to the Department receiving Treasury directives not to instal telephones without availability of funds. These new services were estimated to cost an additional \$6 752.

DIVISION 252.2.9 - Correctional Services - Stores, provisions, equipment and other expenses of gaols, penal establishments and prison farms

	\$
Appropriation Act	1 230 000
Advance to the Treasurer	198 870
Total funds available	1 428 870
Total expenditure	1 426 750

The Department initially sought an additional \$10 000 for the purchase of superphosphate. No funds were provided

for this in the original allocation as none had been purchased in 1977-78 but application of superphosphate was essential to prevent deterioration of pastures and long-term damage to productive capacity.

In a further request for Treasurer's Advance amounting to \$188 870 the Department indicated that additional funds were required to meet the following -

- (a) a substantial increase in food costs brought about by
 - (i) the closing down of the Pentridge vegetable garden;
 - (ii) the effect of closing down Pentridge bakery in 1977-78 to allow major renovations; and
 - (iii) a disproportionate effect of increased meat prices;
- (b) an increase in clothing prices since July; and
- (c) to enable the reduction of outstanding accounts on hand to approximately one month.

There was a large amount (\$213 011) of unpaid accounts carried forward against an expenditure figure of \$1 050 643 and an initial allocation of \$961 000. The Department had great difficulty in isolating cost factors which contributed to the additional expenditure and in predicting the final level of expenditure. During a previous inquiry, the Department indicated that it did not have adequate technical facilities and manpower to manage detailed itemized costing and budgeting relating to price variations on cost factors.

The Department has gradually improved management in several of the deficient areas to the stage that, in the 1979-80 year, no additional funds were sought to cover general cost factor variations.

DIVISION 252.2.11 - Correctional Services - Allowances
to working prisoners

	\$
Appropriation Act	318 000
Advance to the Treasurer	44 800
Total funds available	362 800
Total expenditure	358 826

Additional funds were sought to cover an increase in the daily allowance to working prisoners from 75 cents to \$1.00 per day. This increase resulted in the amount that prisoners were able to spend on canteen lines being increased from \$3 to \$4. As a result there has been an increased demand for canteen items and the Department has been required to purchase stocks in excess of the budgeted amount.

The Department advised that there are several variables which have a dramatic effect on expenditure and make it very difficult to accurately predict budgets. Some of the variables are -

- (a) length of prison terms for prisoners released;
- (b) number of prisoners in custody;
- (c) number of prisoners released;
- (d) amount spent by prisoners each week;
- (e) availability of stock items; and
- (f) potential buying capacity of prisoners.

The Department informed the Committee that it is attempting to devise a more practical method of predicting expenditure in view of the above variables.

The canteen is not revenue producing as purchases by prisoners are debited against their earning records. Funds are recouped to the Government by reducing the earnings paid to prisoners by the value of canteen items purchased by the prisoners while they have been in prison.

CHAPTER 3MINISTRY FOR CONSERVATION

3.1 The Committee sought a written submission from the Ministry for Conservation in relation to the following Items: -

Division 435.2.4 - Ministry for Conservation -
Postal and telephone expenses

Division 435.3.9 - Ministry for Conservation -
Zoological Board of Victoria -
Grant

Division 435.2.4 - Environment Protection Authority -
Postal and telephone expenses

DIVISION 435.2.4 - Ministry for Conservation - Postal and
telephone expenses

	\$
Appropriation Act	71 500
Advance to the Treasurer	25 404
Total funds available	96 904
Total expenditure	96 904

3.2 In an application for Treasurer's Advance the Department indicated that an increase of \$5 650 in postage expenditure was due to -

- (a) advising unsuccessful job applicants, (a task previously undertaken by individual administrative divisions);
- (b) acknowledging submissions on the proposed Environment Assessment legislation, accompanied by an Environment Effects statement; and
- (c) increased public demand for material and information from the Department.

3.3 When approving the application for additional funds, the Treasury expressed concern at the over-expenditure and considered that the reasons given for increased expenditure on postage did not appear to justify the amounts requested.

3.4 The Ministry informed the Committee that it was difficult to establish quantitative reasons for the increase in postal expenditure. Some of the reasons advanced by the agencies and sections of the Department were -

- (a) an increase in requests for information from the public which was mainly due to the introduction of the Higher School Certificate Environment Science Course and increased awareness of the environment by the public, especially school children;
- (b) an increase in correspondence in the licensing and registry area due to the introduction of preliminary determinations which had doubled the mail output required for each licence;
- (c) distribution costs of new weekly angling bulletin;
- (d) a general increase in mail despatched from district offices to head office; and
- (e) an increasing number of general inquiries and job inquiries.

A further factor contributing to increased expenditure was an increase in stocks of postage stamps from \$4 123 on 1 July 1978 to \$6 352 on 30 June 1979.

3.5 All agencies of the Ministry use the one bulk postage account and prior to 30 June 1979, each monthly postage account was apportioned on a percentage basis to each agency based on samples taken at varying times throughout the year. The area of increased postal usage could not be precisely determined by this procedure. Each agency is now charged on an actual basis to accurately locate expenditure in particular areas.

3.6 The Ministry also advised the Committee that this changed procedure adopted during 1979-80, and a closer monitoring of expenditure, has enabled all agencies of the Ministry, with the exception of the Soil Conservation Authority (for which satisfactory answers were provided) to contain postal expenses within the budget allocation for 1979-80.

Conclusion

3.7 The Committee notes that the Ministry has changed its method of charging postal expenses which has provided a more accurate analysis of postal costs and expenditure.

DIVISION 435.3.9 - Ministry for Conservation - Zoological Board of Victoria - Grant

	\$
Appropriation Act	475 000
Advance to the Treasurer	102 074
Total funds available	577 074
Total expenditure	577 074

3.8 The Ministry sought an additional \$100 000 to offset revenue losses from a downturn in zoo attendances.

3.9 The Committee was advised that the estimate for 1978-79 was based on actual expenditure for the first eight months of 1977-78 plus a suitable allowance for inflation, less anticipated revenue from admission fees. These admission fees were based on an estimated attendance of 750 000 during 1978-79 which the Ministry claimed was distorted due to a "free weekend" attendance of 70 525 during 1977-78.

The following table shows the attendances from July 1976 to June 1980 -

	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>
Actual attendance	754 737	704 714	719 113	777 531
Estimated attendance			750 000	700 000

Conclusion

3.10 While the Committee accepts that it is difficult to accurately estimate attendances, the Committee believes that the Zoological Board should pay closer attention to its forecasting. Specifically it should have made some allowance for the large attendances on the free weekend when estimating the likely number of paying visitors in the next year.

Recognising that attendance figures are fundamental in the preparation of the Board's budget, the Committee was also interested in an aspect raised by the Treasury as to whether attendances may have peaked at approximately 700 000. The Committee would expect the Board to pursue this matter considering that there may be little prospect of increased attendances in future years.

DIVISION 437.2.4 - Environment Protection Authority - Postal and telephone expenses

	\$
Appropriation Act	15 700
Advance to the Treasurer	4 546
Total funds available	20 246
Total expenditure	20 246

3.11 When approving the request for additional funds, the Treasury expressed concern that additional costs were incurred in an item over which the Ministry should have had control.

3.12 The Ministry advised the Committee that its officers hold frequent meetings with officers from all agencies to discuss and monitor expenditure against the Ministry's allocations. Furthermore, expenditure on this item during 1979-80 was kept within the budget allocation despite increases in postal rates and telephone rental charges.

Conclusion

3.13 The Committee will monitor expenditure on this Item in the future to see whether the Ministry does contain expenditure within the budget allocation and believes that a report on this point should be included in the Treasury Minute.

Other Items

3.14 Items for which satisfactory explanations were provided were -

DIVISION 439.2.5 - <u>Soil Conservation Authority - Motor</u>	
<u>Vehicles - Purchase and running expenses</u>	
	\$
Appropriation Act	165 500
Advance to the Treasurer	20 514
Total funds available	186 014
Total expenditure	185 935

Approval was granted in May 1979 for additional expenditure of \$20 514 under this Item.

Reasons for the increased expenditure are detailed below: -

	\$
(a) an increase in the contract price of petrol	830
(b) (i) increased labour and material charges by the Public Works Department State Garage	
(ii) increased general motor vehicle repair rates as recommended by V.A.C.C.	
(iii) increased cost of maintaining vehicles which were eligible for replacement but for which no money was available	7 870
(c) revised estimate for vehicle replacement exceeded budget allocation	<u>19 914</u>
	C/Forward \$28 614

	B/Forward	\$ 28 614
Less: -		
(d) issue of rebates by the State Insurance Office in respect of 1976-77 comprehensive insurance amounting to a saving on the insurance item		8 100
		<u>\$20 514</u>

DIVISION 442.2.2 - Victorian Archaeological Survey - Office requisites and equipment, printing and stationery

	\$
Appropriation Act	16 400
Advance to the Treasurer	8 800
Total funds available	25 200
Total expenditure	25 193

Approval was granted in January 1979 to a request for \$8 800 from the Treasurer's Advance. This was to meet the costs associated with the purchase of a photocopying machine capable of copying site record cards which are produced on thicker and larger sized paper than that provided by the Government contract photocopier.

CHAPTER 4

EDUCATION DEPARTMENT

4.1 The Committee sought additional explanations from the Education Department on the need for Advances from the Treasurer for the following Items: -

- Division 301.1.3 - Education Administration - Overtime and penalty rates
- Division 301.2.4 - Education Administration - Postal and telephone expenses
- Division 305.2.8 - Primary Education - Incidental expenses
- Division 307.2.1 - Technical Education - Travelling and subsistence
- Division 309.3.10 - Education Special Services - Residential

DIVISION 301.1.3 - Education Administration - Overtime and penalty rates

	\$
Appropriation Act	224 000
Advance to the Treasurer	38 000
Total funds available	262 000
Total expenditure	262 000

4.2 Additional funds were requested by the Department to allow normal overtime to continue. The Committee was informed that the increase in overtime was mainly due to the transfer of manually collected data onto computer records. It was necessary to incur some abnormal overtime to process the data before it became outdated.

Conclusion

4.3 The Committee notes with disapproval that the Department knew the overtime was abnormal and was not budgeted for, yet proceeded to incur the expense without prior approval.

DIVISION 301.2.4 - Education Administration - Postal and telephone expenses

	\$
Appropriation Act	1 010 500
Advance to the Treasurer	114 880
Total funds available	1 125 380
Total expenditure	1 125 380

4.4 In its application for additional funds the Department indicated that the increase in expenditure was caused by -

- (a) provision not being made for the full year cost of telephones installed during 1977-78; and
- (b) insufficient provision for the cost of telephones installed in new buildings.

4.5 Whilst granting approval for additional funds Treasury expressed concern that the Department had committed funds prior to obtaining the Treasurer's approval.

4.6 The Committee was informed that telephone expenses arising from relatively minor changes in office accommodation can normally be budgeted for correctly. However, the Department's shift to Nauru House was a unique situation and it was probably the magnitude which caused the difficulty.

4.7 The Department initially prepared the layout for each floor of Nauru House. This layout was changed later by the Public Works Department and subsequently approved by officers of the Education Department.

4.8 Advice on the number of telephone installations under this layout was not formally passed on from the Building Operations Division to the Finance Division. Consequently the Finance Division did not have enough information available to appreciate the extent of new installation costs.

4.9 The Committee was also informed that the Department does not have a manual for budget preparation, although a standard procedure is followed each year.

4.10 The Department stated that as telephone costs do not become clear until the actual account is received, it is difficult to control the number of telephone calls, and thus the commital of funds.

Conclusion

4.11 The Finance Division was not provided with enough information to accurately assess the cost of telephones

installed at Nauru House. This has resulted in an under-estimation of the Department's requirements. An improved flow of information for preparing estimates is needed.

4.12 The Committee rejects the explanation that costs under this item cannot be controlled. The Department receives at least two accounts from Telecom each year, and the first should give some indication as to whether the estimates are correct or a request for additional funds is necessary.

DIVISION 305.2.8 - Primary Education - Incidental expenses

	\$
Appropriation Act	84 800
Advance to the Treasurer	28 374
Total funds available	113 174
Total expenditure	112 676

4.13 Expenditure under this Item relates to increased premiums on long standing insurance policies (\$12 674) and security services to assist in the prevention of fires and burglaries in State schools (\$15 700).

4.14 Treasury was advised that it was necessary to employ private security organizations for the following reasons -

- (a) following a major fire, it is necessary to protect the crime scene from contamination, e.g. protection of exhibits, fingerprints, etc., until the investigation is complete and the damaged buildings rendered safe;
- (b) when a major fire occurs it is possible that, for a period of up to ten days, further fires may be lit in close proximity to the original fire. Private firms are employed to patrol nominated schools in these circumstances;
- (c) the patrolling of schools over the weekend when approximately 45 per cent of crime connected with school property occurs; and
- (d) to prevent major burglaries carried out by professional criminals the Department requires the services of a licensed agent who is authorized to be armed or accompanied by a trained dog to stake out areas at a particular school following repeated entries. The use of such security organisations had increased substantially during 1978-79 due to an upsurge in school property crime.

4.15 Treasury was most concerned that the Department entered into commitments with private security organizations without ensuring that funds were available to meet such commitments.

4.16 The Department informed the Committee that the recurrent costs of servicing alarm systems progressively being introduced into schools were not recognised and included in the estimates. Building Operations Division made the decision for commitment of funds and Primary Education Division was expected to make a reasonable estimate of the commitment without being familiar with all its ramifications.

4.17 The Department applied for additional funds on 21 December, 1978. The application was brief and no mention was made that the funds were required urgently, although the allocation had already been exceeded.

4.18 Treasury advised the Committee that a submission was put before the Treasurer on 27 February 1979, in relation to the Department's application for additional funds. Such applications would normally be processed within three to four weeks, however, where further information is required, this period would be extended.

4.19 It was also brought to the Committee's attention that in January 1979 the Building Operations Division established new procedures to provide detailed estimates for ongoing financial requirements.

Conclusions

4.20 A decision was taken by Building Operations Division to upgrade the security alarm systems in primary schools. This decision obligated the Primary Education Division to additional expenditure for which no allowance had been made and funds were not requested until the original allocation had been overcommitted.

4.21 Information critical to the estimating process was neither provided by the Building Operations Division nor sought by Primary Education Division, with the result that serious failures of commitment control were allowed to occur.

4.22 The Committee will monitor expenditure on this Item in the future to see whether the new programme adopted by the Building Operations Division will ensure that expenditure is contained within budget allocation and believes that a report on this point should be included in the Treasury Minute.

DIVISION 307.2.1 - Technical Education - Travelling and subsistence

	\$
Appropriation Act	237 600
Advance to the Treasurer	63 000
Total funds available	300 600
Total expenditure	288 407

4.23 In March 1979 additional funds of \$63 000 were approved to meet the following costs -

(a) teacher/school rotation: establishment of a project whereby trade teachers would travel to separate schools rather than be based in individual schools. Provision of \$16 000 had been considered for inclusion in the 1978-79 Budget, but due to uncertainty of costs no provision was made	- \$18 000
(b) carry-over of accounts from previous year	- \$12 000
(c) additional costs related to the transfer of teachers to other schools	- \$14 000
(d) payment relating to 1976 travel by Mr. D. Strickland, paid in 1978-79 after a dispute regarding his entitlement was referred to the Teachers Tribunal	- \$4 000
(e) filling of vacancies	- \$5 000
(f) (i) increased travel for professional officers of the Technical Division to investigate the provision of facilities and teachers as a result of the opening of new schools	
(ii) increased assistance with the planning for new facilities	- \$10 000
	<u>\$63 000</u>

4.24 The Committee was concerned about the large carry-over of accounts and the Department's statement that control of travelling expenditure is virtually impossible.

4.25 The Department claimed that it is normal to have accounts on hand totalling up to one-twelfth of the yearly expenditure involved. As the yearly expenditure for travelling and subsistence was approximately \$300 000, a carry-over of \$12 000 was considered normal.

4.26 It became impossible for the Chief Finance Officer to oversee the total operations and issue warnings to any area where it appeared over expenditure was likely. Three years ago each divisional director was made accountable for the divisional activities. As this directive had taken a long time to become effective, the Director of Technical Education was again informed that he must ensure that officers under his administration abided by the appropriations.

Conclusions

4.27 The Committee is concerned that a departmental directive given to divisional directors three years ago is still not being adhered to or enforced.

4.28 The Committee believes that a full explanation is required for the failure to enforce Finance Division directives resulting in failures of control over expenditure at divisional level.

DIVISION 309.3.10 - Education Special Services - Residential

	\$
Appropriation Act	256 660
Advance to the Treasurer	39 900
Total funds available	296 560
Total expenditure	296 291

4.29 A request for an advance of \$58 400 was made to meet increased expenses in operating school camps at Somers, Rubicon and Bogong.

4.30 When giving approval for additional funds of \$39 900, Treasury made the following comments -

The increased expenditure under this item is difficult to substantiate -

and

Although the commitments were stopped in February the Department is still overcommitted by an amount of \$18 500. As a substantial proportion of this expenditure relates to the new camp at Rubicon, which it is understood was fitted out by the Public Works Department before opening, expenditure of this magnitude would seem unreasonable.

4.31 The Committee was informed that until 1980 the cost of the school camps operations were accounted for under one heading. In 1980 the Department began to record separately the costs of the three camps.

4.32 These camps were former S.E.C. construction or R.A.A.F. camps and each needed renovations to be functional as school camps. Initial occupation by school pupils resulted in

immediate repairs and/or replacements being needed and highlighted shortages of items necessary for camping.

4.33 A feasibility study of the condition of the school camps was not undertaken prior to their acquisition. The Department therefore did not fully appreciate the cost of making the facilities suitable for use as school camps.

Conclusions

4.34 The Committee is concerned that the Department has taken so long to recognise the need to segment the individual camp costs, especially as Somers has been under Education Department control since 1958 and Bogong since 1970.

4.35 The Department was negligent in not conducting a feasibility study of the camps prior to acquisition. This would have allowed a much better estimate of the replacement and renewal costs to be prepared.

Recommendations

4.36 In all but one of the items investigated the Committee has concluded that there is a serious weakness in the Department's estimating processes and commitment control. To prevent this situation recurring the Committee recommends the following: -

- (1) A substantial review of estimating procedures within the Department should be carried out and an improved way of monitoring expenditure adopted. Such a review should include the case for a finance manual which sets out procedures to be followed by the various divisions when providing information for the estimates; and
- (2) In future the Committee will expect the Department to seek formal approval before committing funds on unbudgeted items and to ensure that the Departmental Head's responsibility for implementation and adherence to management policies and directives is properly carried out.

Other Item

4.37 An Item for which a satisfactory explanation was provided was -

<u>DIVISION 301.3.27 - Education Administration - Capital grants</u>	
	\$
Appropriation Act	50 600 000
Advance to the Treasurer	970 000
Total funds available	51 570 000
Total expenditure	51 569 870

The reason for the additional funds being required was an unforeseen increase in student numbers at non-Government schools. The Department claimed that the total numbers were as expected but the magnitude of the shift in enrolments from Government schools to independent schools was not forecast accurately.

CHAPTER 5

DEPARTMENT OF MINERALS AND ENERGY

5.1 The Committee sought a written submission from the Department in relation to the following: -

Division 540.2.1 - Minerals and Energy - Travelling and subsistence

Division 540.3.2 - Minerals and Energy - Boring works

DIVISION 540.2.1 - Minerals and Energy - Travelling and subsistence

	\$
Appropriation Act	110 200
Advance to the Treasurer	26 141
Total funds available	136 341
Total expenditure	136 341

5.2 The Department advanced several reasons why additional funds were necessary. One reason was that five officers made overseas visits, costing \$14 300 to attend various symposia. The Committee was concerned that no provision was made in the Department's estimates for these visits.

5.3 The Department knew of at least three of the symposia before it prepared its estimates for 1978-79 and one other was known and approved by the Department before the end of the 1977-78 financial year. The Department understood that Treasury would not allocate funds for overseas visits based on estimates, but that funds would be provided when the final cost was determined.

Conclusion

5.4 The Committee was informed by Treasury officials on several occasions that departmental estimates can be altered to meet changed circumstances up to four weeks prior to the Budget being finalized. In view of this advice the Committee believes that the Department should have sought to have some provision made in the Budget for the three known visits.

DIVISION 540.3.2 - Minerals and Energy - Boring Works

	\$
Appropriation Act	887 000
Advance to the Treasurer	172 250
Total funds available	1 059 250
Total expenditure	1 059 206

5.5 The Department advised that the additional funds were required for -

(a) replacement of truck and drilling compressor destroyed by fire	-	\$79 800
(b) payment of long service leave and retiring gratuity	-	\$4 361
(c) National Wage increase	-	\$11 350
(d) Drilling expenses, truck maintenance and additional costs associated with drilling programme, as part of hydrogeological study for Loy Yang project	-	\$76 739
		<hr/>
		\$172 250
		<hr/> <hr/>

Treasury expressed concern at the commitment of funds to the drilling programme as part of the hydrogeological study prior to the funds being approved.

5.6 The Committee was particularly concerned about item (a). The Department advised that, in relation to the replacement of its truck and drilling compressor, registered vehicles are covered by the Compulsory Third Party Insurance, but other cover for vehicles is not comprehensive. The Department has a policy with the State Insurance Office to cover the cost of repairs to its vehicles, but the Victorian Government Motor Transport Committee has set a limit of \$1 200 per vehicle. This means that the Government largely carries its own insurance. What appears to be comprehensive coverage up to the \$1 200 limit, is really a means of access to the expertise of the State Insurance Office in legal procedure and damage assessment. The premium paid is the cost of repairs to departmental vehicles in the previous year plus 18 per cent.

5.7 The Department advised, in connection with item (d), that its Drilling Branch received the relevant drilling authority on 26 July 1977.

5.8 At a meeting in March 1978 the Drilling Branch was made aware of the December 1978 completion date. The depths of bores was greater than originally designated, e.g. bore 29/77/5 which was to be 400 metres was drilled to 903 metres, and bore 29/78/2 which was to be 600 metres was drilled to 1181 metres.

5.9 The Committee was informed that in June 1978 problems forced the rigs to operate at maximum man hours to prevent loss of hole and/or down hole equipment. Because of these problems, two drills (29 and 21) from 1 July to 31 December 1978 between them consumed more drilling mud and additives than had been budgeted for the whole year for all of the drilling rigs.

5.10 Fuel consumption was above budgeted levels due to the maximum hours of use of the two drills, the use of distillate as a drilling fluid additive to free stuck drill pipe (1 000 litres per shot) and the fact that the test pump consumed fuel at the rate of fifteen litres per hour for a twenty-four hour day, whereas the drilling which the pump crew normally operate consumes fuel at the rate of five litres per hour for an eight hour day.

5.11 The Department advised that normally a project of this magnitude would have spread over a number of years, with the costs spread accordingly. The December 1978 completion and the problems experienced in June 1978, were the causes for the heavy expenditure by the Drilling Branch.

Conclusion

5.12 The request for additional funds to replace the truck and compressor was reasonable in view of the Government carrying its own insurance.

5.13 The Committee also accepts the explanation given by the Department in relation to the accelerated drilling programme. The uncertainty associated with projects of this nature may prohibit accurate budget forecasting of the costs involved.

Other Items

5.14 Items for which satisfactory explanations were provided were -

DIVISION 540.3.14 - National School of Drilling - Contribution

	\$
Appropriation Act	Nil
Advance to the Treasurer	15 000
Total funds available	15 000
Total expenditure	15 000

At a meeting of the Australian Water Resources Council on 1 August 1977, a proposal to establish a National School of Drilling was approved in principle.

The annual financial contribution from each State and the Commonwealth for the establishment and operation of the School was agreed at \$15 000 in the first year and \$10 000 per annum for at least four years thereafter.

This matter was considered as a policy item in the 1978-79 Budget, but the decision taken was not to provide any funds in the Estimates, but to ascertain whether the other States would be contributing.

Advice was received that Queensland, New South Wales and South Australia had committed themselves to \$15 000 in 1978-79.

Accordingly, the Treasurer approved an amount of \$15 000 in September 1978 as Victoria's contribution to the Council.

DIVISION 540.3.15 - Victorian Brown Coal Council - Contribution

	\$
Appropriation Act	Nil
Advance to the Treasurer	153 000
Total funds available	153 000
Total expenditure	153 000

Approval was given on 10 April 1979, pursuant to section 8 (1) of the *Public Account Act* 1958, to establish an Account with the Trust Fund styled the "Victorian Brown Coal Council Trust Account" to record the receipts and disbursements of the Victorian Brown Coal Council in the terms of section 13 of the *Victorian Brown Coal Council Act* 1978. The Council's predecessor, the former Brown Coal Research and Development Committee, financed its projects from contributions by the State and private organizations.

The Department of Minerals and Energy requested the provision of funds totalling \$153 000 in the 1978-79 financial year to fund the staffing and general administrative costs of the Council. These costs had been initially met by the Gas and Fuel Corporation, the State Electricity Commission, and the Department, and it was necessary to provide an appropriation to enable reimbursement of these costs to the Authorities.

Accordingly, in June 1979 approval was granted to charge an amount of \$153 000 to the Treasurer's Advance.

CHAPTER 6

POLICE DEPARTMENT

6.1 The Committee sought additional explanations from the Police Department into the need for Advances from the Treasurer in respect of the following items: -

Division 187.2.2 - Office requisites and equipment, printing and stationery

Division 187.2.3 - Books and publications

DIVISION 187.2.2 - Office requisites and equipment, printing and stationery

	\$
Appropriation Act	955 500
Advance to the Treasurer	240 775
Total funds available	1 196 275
Total expenditure	1 196 275

6.2 Reasons advanced by the Department for additional funds being required were -

- (a) the Government Printer increasing charges during the year;
- (b) the cost of additional forms required under new or amended legislation; and
- (c) accounts which were received in the Police Department Accounts Branch during the last ten working days of the financial year and consequently not paid.

6.3 Virtually all of the Department's unpaid accounts came from the Government Printer. A large number of the accounts unpaid at 30 June 1978 were caused by an increase in Stores Branch activity.

6.4 The Committee noted ten instances where Government Printer accounts were not paid until at least five months after receipt of goods. The Department attributed such delays to the invoices from the Government Printer arriving late or not arriving at all. The Government Printer replied that monthly statements were issued to each department to avoid such situations. He added that a computerised accounting system incorporating debtors ledgers and invoicing would be operational in the near future to further streamline the system.

6.5 In the past the Police Department had not taken any action upon the receipt of Government Printer monthly statements. The Department had waited for accounts to "turn up" instead of actively seeking accounts which appeared to be outstanding.

6.6 As the Department did not have an effective commitment control system, the Committee queried whether an automated stores recording system presently in use could incorporate a financial commitment control. The Department indicated that such modifications could be made to the programme but they would be extremely costly and the output unreliable.

Conclusions

6.7 The delays in payment by the Department are unacceptable. The monthly statement from the Government Printer should be used to review outstanding accounts.

6.8 The Committee is concerned that the Department is unaware of the cost of its orders placed with the Government Printer. If these costs were available the level of current commitments would be much easier to determine.

Recommendation

6.9 It is recommended that the Government Printer should communicate directly with the Permanent Head of the Police Department if the amount of outstanding accounts reaches an unacceptable level. The Police Department should ensure that the Government Printer's monthly statements reach its Accounts Branch promptly.

DIVISION 187.2.3 - Books and publications

	\$
Appropriation Act	214 000
Advance to the Treasurer	42 000
Total funds available	256 000
Total expenditure	255 994

6.10 In May 1979 additional funds of \$75 000 were requested by the Department to cover the effect of price rises and the increased volume of new and amended legislation which is required by the Police Force.

6.11 At the time of approving \$42 000 additional expenditure, Treasury expressed alarm at the Department's failure to obtain prior approval for the commitment of funds. The Department acknowledged that some sub-items of expenditure were over-committed prior to obtaining Treasury approval.

The Committee was informed by the Department that Treasury bases allocations for the new financial year on the past year's expenditure plus an allowance for full year effect of price rises. The Department claims that these allowances are inadequate and that departments should be able to obtain at least the same number of books and publications as in the previous year.

6.12 The Committee was informed that although the Department maintains a cumulative record of expenditure, no recognition is given to funds committed but not actually paid.

6.13 A Finance Committee set up by the Department to review and improve commitment and expenditure controls recommended that a Finance Section be developed as a matter of priority to exercise budgetary control and a continuous review of vote commitments.

6.14 The Department is conscious of the deficiencies in its manual accounting system, and discussions are being held with Treasury with a view to installing an improved automatic data processing system as soon as possible.

Conclusions

6.15 The Committee notes the Department's difficulties with its present manual accounting system. However, a weakness in expenditure control could cause an over-committal of funds without the Department's knowledge. Furthermore, this may allow over-committed funds to be disguised as carry-over accounts, which then make additional requests for Treasurer's Advance necessary in the following year.

6.16 The Committee supports the submission by the Police Department to Treasury endeavouring to improve its commitment control through the establishment of a computerised processing system, and the Committee would expect this to be treated as a matter of urgency.

6.17 The appointment of additional budgetary officers would provide the Department with an opportunity to review the responsibilities and procedures of its Accounts and Supply Branches.

Recommendations

6.18 The Committee recommends that the Department take steps to introduce a commitment control system and also continue negotiations to have an automatic data processing system installed as a matter of urgency.

6.19 The Department should also request, without delay, a review of its responsibilities and procedures by the Management Systems Branch of the Public Service Board.

Other Item

6.20 A satisfactory explanation was provided in relation to the following item -

DIVISION 187.2.6 - Fuel, light, power and water

	\$
Appropriation Act	940 000
Advance to the Treasurer	127 000
Total funds available	1 067 000
Total expenditure	1 066 960

In June, 1979 the Police Department requested additional funds of \$127 000. Carried over accounts from the previous year and the following items were primary factors relating to the request for additional funds -

	\$
Increased gas tariffs and usage	11 000
Increased electricity tariffs and usage	24 000
Refuse collection to additional stations and increased rates	8 000
Increased price of liquid fuels	30 000

Treasury was again critical of the lateness of the applications for additional funds, and considered that the Police Department was unaware of the level of commitment against a particular appropriation until too late in the financial year. This is further demonstration of the need for commitment control in the Department and Treasury correspondence indicated an intention to initiate discussions.

CHAPTER 7

GENERAL

Postal and telephone expenses

7.1 When inquiring into the Expenditure from the Advance to the Treasurer 1978-79, the Committee noted that one item - Postal and telephone expenses - was the subject of several requests for additional funds.

7.2 A large proportion of the additional funds requested under this item was required to meet unanticipated telephone costs arising from relocation of departments.

Following a request for Treasurer's Advance from the Education Department, Treasury approved additional funds of \$114 880. It was claimed the major reason for the increased expenditure was that provision was not allowed for the full year effect of telephones installed during 1977-78 and insufficient provision was made to cover the cost of telephones installed in new buildings.

7.3 The Law Department received an extra \$93 625 largely to cover telephone costs. When the Department occupied a new residence (Nubrik House) it was not aware that separate metering facilities were installed for its telephone lines and no amount was included in the 1978-79 budget to meet this charge. Furthermore, irregular account rendering by Telecom committed the Department to pay five quarterly accounts during the financial year.

7.4 The Ministry for Conservation claimed that \$22 670 of its application for Treasurer's Advance was required because:-

- (a) its original provision which was based on an estimate of expenditure provided by the Public Works Department was incorrect; and
- (b) a change from half-yearly to quarterly accounts resulted in the payment of an additional quarter as well as two half-yearly accounts.

7.5 Following a review of the Treasury files, the Committee sought further information from the Public Works Department, which traditionally arranges telephone services for all Government departments. The Public Works Department informed

the Committee that Treasury policy in relation to recurring telephone costs is as follows: -

- (a) where a department solely occupies a building or has exclusive use of a facility, the department is billed with the recurring costs; and
- (b) where a department is a joint user of a facility, the recurring costs are paid by the Public Works Department.

7.6 The Public Works Department advised that a department's move can mean a change from sharing telephone facilities to having exclusive use of a facility. In this case the costs which were previously paid by the Public Works Department would have to be met by the Department. However, the Public Works Department continues to pay the accounts until 30 June and the department takes over responsibility from 1 July. Furthermore, if a department was sharing a facility and changed accommodation, it would mean that the remaining department has sole use of a facility and would therefore have to meet the recurring costs.

7.7 The Committee was informed that a further problem arises where inadequate information has been given by the Public Works Department to departments concerning the timing of their actual moves, the telephone installation that they will be using, and information concerning their estimates. In addition, advice relating to telephone costs has not been volunteered by the Public Works Department, although when requested by client departments, advice has been given on rental charges, exchange lines, maintenance and terminal equipment.

Conclusion

7.8 The Committee believes that each department should maintain an up to date inventory of all its telephone facilities. Departments must also develop a system to indicate outstanding accounts. Such a system would have ensured that a department was aware of a situation where only three Telecom accounts had been received during the financial year and application could then have been made to Treasury for proper provision in the Budget.

It is also the belief of the Committee that some division in allocation between postal and telephone expenses is necessary so that increased postal costs do not absorb funds which were meant to cover telephone costs.

7.9 The Committee agrees with the Public Works Department that it could and should give more information to clients when a change of occupancy occurs. It is recommended that

the following procedure should in future be followed when a change in location is being contemplated. It is recommended that the following information should in future be given to clients when a change in location is being investigated: -

- (a) provision, at the initial briefing, of a brochure which states the policies and procedures relating to capital and recurring costs of telephones; and
- (b) the Project Manager, Property and Services, should obtain from the Engineering Services Branch the respective estimates and forward them to both the client department and the Chief Finance Officer, Public Works Department.

The Committee believes that the Public Works Department should institute a system whereby it can advise departments which are affected by the relocation of another department, that the use of telephone facilities has changed.

CHAPTER 8

FURTHER ITEMS CONSIDERED WITH EXPLANATIONS

8.1 Further items for which satisfactory explanations were provided were:-

PREMIER

DIVISION 121.1.3 - Premier's Office - Overtime and penalty rates

	\$
Appropriation Act	326 800
Advance to the Treasurer	26 500
Total funds available	353 300
Total expenditure	353 092

8.2 A request was received from the Department for additional funds of \$26 500 to supplement the present Budget provision of \$326 800 for this Item. This was approved in June 1979.

The following reasons in support of the additional expenditure requested were:-

	\$
(a) national wage increase of 4 per cent from December 1978	6 500
(b) ceiling for overtime for chauffeurs prior to the State Elections was lifted	17 500
(c) overtime required so that correspondence received in connexion with the elections could be processed before the elections	1 000
(d) additional overtime for chauffeurs associated with recent Cabinet appointments, the President and the Speaker, who all reside in the country	1 500

DIVISION 121.2.8 - Premier's Office - Incidental expenses

	\$
Appropriation Act	149 800
Advance to the Treasurer	42 900
Total funds available	192 700
Total expenditure	190 419

8.3 Three requests for additional funds were received by the Treasurer during the financial year 1978-79.

One request was received and approved during November 1978 for an amount of \$6 500. This was to cover the cost of a media monitoring service for the benefit of all Ministers. The service, which was introduced in October 1978, was to last for a trial period of three months.

The second request approved in early February 1979 for \$12 000, was to allow an *ex gratia* payment to be made to the executors of A.M. Rome. This was to cover expenses incurred by the executors and costs leading up to the auction of the property "Murweh", Warrnambool, together with an interest component. The property was eventually sold to the Warrnambool City Council, subsidized by a \$2 for \$1 matching grant from the State Government, following intervention by the Historic Buildings Preservation Council.

The final request was for an amount of \$24 400 - \$44 363 less \$20 011 saved in expenditure for other items under Division 121, notably a \$15 000 saving achieved under Division 121.2.2 - Office requisites and equipment, printing and stationery.

This request for further expenditure was to cover:-

- (a) the appointment of a firm of consultants for a survey in 1977 to establish the comparative costs of full sessional payments of surgeons as opposed to a pool-mix method. \$8 540 was spent in 1977-78 - a further account was received early in 1978-79 for \$1 202;
- (b) the cost of a Government Shorthand Writer used by the Public Works Committee during its Hazelwood/Cranbourne Transmission Line Inquiry and Salinity Inquiry - \$3 660;
- (c) the charging of remission of taxation for Australian staff transferred to the Agent General's Office in London to the Incidentals Vote consistent with past practice - \$14 116;

- (d) continued usage of the media monitoring service for Government Ministers for a period of six months - \$10 163; and
- (e) the provision of a co-ordinator and an office secretary to assist the St. John's Ambulance organization with its holiday safety campaign during the months from October 1978 to January 1979 - \$15 222.

DIVISION 121.2.20 - Premier's Office - Payroll Tax

	\$
Appropriation Act	473 350
Advance to the Treasurer	52 200
Total funds available	525 550
Total expenditure	524 696

8.4 A request was received from the Department for an additional amount of \$104 150 to supplement the 1978-79 Budget provision of \$473 350 for this Item.

This request was examined and the Department agreed that an amount of \$52 200 was required to cover all payments in this financial year. This was approved in May 1979.

The additional provision was required for the following reasons:-

	\$
(a) underestimation of payroll tax	25 000
(b) tax paid on 27 fortnightly salary and wage payments in 1978-79 compared with 26 in 1977-78	21 000
(c) an increase of 4 per cent in the National Wage from December 1978	6 200

DIVISION 121.3.42 - Premier's Office - Conference on Structural Change and Employment in Victoria - Expenses

	\$
Appropriation Act	Nil
Advance to the Treasurer	50 584
Total funds available	50 584
Total expenditure	42 438

8.5 In March 1979 the Treasurer approved an amount of \$50 584 for expenses incurred in connection with the Conference on Structural Change and Employment in Victoria.

Notable costs included the following:-

	\$
Dinner - National Gallery	9 731
Catering	21 600
Printing equipment	4 302
Report	8 250

DIVISION 121.3.44 - Premier's Office - Victorian Employment
Committee - Expenses

	\$
Appropriation Act	Nil
Advance to the Treasurer	124 600
Total funds available	124 600
Total expenditure	71 385

8.6 Following the appointment of the Victorian Employment Committee, two requests for additional funds were made.

In early March 1979 the Treasurer approved a request for an amount of \$40 000 to be charged to Treasurer's Advance to enable the payment of accounts on hand relating to the newly formed Committee.

An additional amount of \$84 600 was approved later in March 1979 to meet the following expenditure in 1978-79 of the Employment Committee:-

	\$
Salaries	30 300
Operating and research	29 000
Community Employment Programmes	65 300

DIVISION 133.2.8 - Agent General - Expenses of office

	\$
Appropriation Act	108 410
Advance to the Treasurer	23 169
Total funds available	131 579
Total expenditure	130 918

8.7 Four requests for additional funds were approved.

In February 1979 an amount of \$5 205 was approved to cover the expenses of the Secretary, Agent General's Office, visit to Melbourne, and associated promotional displays.

A further amount of \$264 was approved in March 1979 to cover an *ex gratia* payment to the State Superannuation Board on behalf of Mr. G. Pearce, following currency

fluctuations in relation to superannuation payments. Mr. Pearce was employed in the Office of the Agent-General for Victoria in London.

\$16 100 was approved in May 1979 to cover the costs of the transfer to London of the Hon. J.A. and Mrs. Rafferty, and also the return to Melbourne of Sir John and Lady Rossiter.

Finally, in June 1979 a further \$1 600 was approved to cover shortages in funds, due to the falling exchange rate between Australia and Great Britain.

ARTS

DIVISION 150.2.6 - Ministry for the Arts - Fuel, light, power and water

	\$
Appropriation Act	1 600
Advance to the Treasurer	1 560
Total funds available	3 160
Total expenditure	2 600

8.8 In February 1979 approval was granted for additional expenditure of \$1 560 to meet electricity charges incurred by the Ministry for the Arts during the temporary occupation of offices at 140 Bourke Street. When the estimates were prepared funds were requested to cover electricity costs at 140 Bourke Street for only five months, but it became necessary to occupy the offices for the full twelve months.

DIVISION 157.3.1 - State Library and National Museum Building Committee - Expenses

	\$
Appropriation Act	Nil
Advance to the Treasurer	9 504
Total funds available	9 504
Total expenditure	7 173

8.9 Upon examining the relevant Treasury files the Committee ascertained that additional funds were provided on two occasions.

In March 1977 approval was granted to an amount of \$3 000 to meet the general expenses of the newly formed State Library and National Museum Building Committee. A further \$6 504 was allocated in June 1979 to meet the costs of an overseas visit by the State Librarian, to assist with the planning of the new State Library Building.

CHIEF SECRETARY

DIVISION 181.2.8 - Government Shorthand Writer - Incidental expenses

	\$
Appropriation Act	69 000
Advance to the Treasurer	25 000
Total funds available	94 000
Total expenditure	93 991

8.10 In May 1979, and June 1979, approval was granted to a request for additional amounts of \$20 000 and \$5 000, respectively. These provisions were to cover the costs of typists and private agencies associated with the heavy demand for the service of the Government Shorthand Writer's Office. It also included allowance for increased rates of pay applicable to the payment of typists.

Because of the greatly increased volume of work during the year, receipts from the sales of publications were expected to be in excess of \$100 000 compared with a budget estimate of \$80 000.

TREASURY

DIVISION 424.2.9 - Stamp Duties - Commission on sale of duty stamps

	\$
Appropriation Act	325 000
Advance to the Treasurer	75 000
Total funds available	400 000
Total expenditure	399 775

8.11 Additional funds of \$75 000 required under this Item were approved by the Treasurer in May 1979. The reasons for the increase in funds required were:-

- (a) an increase in the value of adhesive duty stamps sold through post offices, resulting in a corresponding increase in the level of commission payable; and
- (b) an increase in the rate of commission payable to post offices from 2.5 per cent to 4 per cent from 1 January 1979 for duty stamps sold through post offices, which account for almost all sales.

PUBLIC WORKS

DIVISION 490.3.6 - Ports and Harbors - Portland Harbor Trust -
Contribution towards maintenance of port
facilities and other expenses

	\$
Appropriation Act	1 250 000
Advance to the Treasurer	200 000
Total funds available	1 450 000
Total expenditure	1 450 000

8.12 In April 1979 approval was granted to a request for additional funds of \$200 000 under this Item. This was occasioned by the loss of revenue following the transfer of revenue producing activities of the Grain Terminal and Gantry from the Harbor Trust to the Grain Elevators Board.

DIVISION 502.1.3 - Public Service Electronic Data Processing
Service Bureau - Overtime and penalty rates

	\$
Appropriation Act	29 000
Advance to the Treasurer	25 057
Total funds available	54 057
Total expenditure	46 960

8.13 Approval was granted in January 1979 to a request for additional funds of \$25 057. This additional expenditure was necessary because of overtime worked by existing staff after the non-appointment of extra staff.

It was also advised that the build up in overtime due to land tax processing continued to add to the cost of this Item.

HEALTH

DIVISION 620.3.2 - Health Administration - Contribution to
Hospital and Charities Fund

	\$
Appropriation	127 382 000
Advance to the Treasurer	14 500 000
Total funds available	141 882 000
Total expenditure	141 882 000

8.14 Due to substantial increases in the commitments of the Hospitals and Charities Fund it was considered necessary that a payment of \$14.5 million be made into the Fund.

Accordingly the Treasurer, in June 1979, approved an amount of \$14.5 million to supplement the original appropriation of the above Vote Item.

DIVISION 626.3.1 - General Health - Elderly Citizens Clubs -
Subsidies towards maintenance expenses
and salaries of welfare officers

	\$
Appropriation Act	1 240 000
Advance to the Treasurer	265 270
Total funds available	1 505 270
Total expenditure	1 505 270

8.15 The Health Commission was granted an increase in funds of \$165 000 under this Item in January 1979, to supplement the \$1 240 000 provided in the Budget. The breakdown of the Vote was as follows:-

	\$
(a) subsidy towards maintenance expenses	820 000
(b) subsidy towards salary of welfare officers	420 000

All expenditure under (b) above is recouped from the Commonwealth under the States Grants (Home Care) Act. Under present arrangements the Commonwealth subsidises 50 per cent of -

- (i) the full award salary of a welfare officer if he spends 75 per cent of his time working with the elderly;
- (ii) the officer's salary in respect of the time spent with the elderly if he spends between 50 per cent and 75 per cent of his time with the elderly; and
- (iii) increased wage costs during the year.

As there is no State subsidy for item (b) above, the remaining 50 per cent of salaries of welfare officers was met by the municipalities.

On 11 December 1978 the Commonwealth advised the Health Commission of its decision to subsidise an extra 46 welfare officers' positions. The subsidy was payable from 1 July 1978 and the Commission estimated it would cost \$165 000 in 1978-79.

As no provision was made in the Budget for these positions, approval was granted to the request for \$165 000.

A further request for funds of \$100 270 was approved in June 1979. This was to meet costs associated with the State subsidy of the net maintenance expenditure of Elderly Citizens Clubs on a \$2 to \$1 basis.

DIVISION 626.3.2 - General Health - Subsidies to municipalities, etc., towards home-help schemes
(including direct assistance)

	\$
Appropriation Act	6 600 000
Advance to the Treasurer	990 000
Total funds available	7 590 000
Total expenditure	7 590 000

8.16 The Health Commission sought an extra \$990 000 under this Vote to meet claims from municipalities for approved home-help subsidies.

The initial budget allocation for home-help schemes was funded in such a way that municipalities provided 33.3 per cent of the cost, the Commonwealth 23.3 per cent and the State 43.3 per cent.

This basis of funding was adopted by the State after the Commonwealth decided to lower its level of reimbursement from \$2 for \$1 to \$1 for \$1 for 70 per cent of State expenditure.

After the State Budget was delivered the Commonwealth decided to reimburse the State on a \$1 for \$1 basis in respect of 100 per cent of State expenditure for home-help schemes. Consequently, in October 1978, the Premier announced that the State would restore its subsidy to municipalities from \$2 for \$1 to the former level of \$4 for \$1 for home-help expenditure.

Subsequently the revised level of funding for home-help schemes was - municipalities 20 per cent, Commonwealth 40 per cent, and State 40 per cent. As the State payment to the municipalities is based on four-fifths of the net expenditure, with a ceiling of \$127.40 on the weekly wage of a housekeeper, approval was granted to the request for an additional \$990 000 in June 1979.

DIVISION 635.2.6 - Mental Hygiene - Fuel, light, power and water

	\$
Appropriation Act	1 900 000
Advance to the Treasurer	285 900
Total funds available	2 185 900
Total expenditure	2 185 900

8.17 In May 1979 additional funds of \$285 900 were approved to cover the following:-

- (a) liquid fuel - Price of distillate increased during the year from 7.73 cents per litre (cpl) when Budget allocation was determined, to 12.08 (cpl) from 30.4.1979. During the same period heating oil costs rose from 10.15 (cpl) to 15.1 (cpl) and diesel oil from \$92.93 to \$139.19 per tonne - \$121 860
- (b) solid fuels - Of the amount sought for this Item approximately \$4 000 can be explained in terms of cost increases. The balance is attributed to a variation in seasonal conditions as compared with 1977-78 and the need to provide towards adequate services - \$23 035
- (c) electricity - Increased tariffs of 8.3 per cent for monthly accounts from 20 October 1978 (\$41 000). The balance of funds sought was required to meet an underestimation by the Department of the financial requirement to operate the new Footscray and Geelong psychiatric centres (\$16 840) - \$57 840
- (d) gas - (i) Tariff increase of 7.5 per cent from 17 January 1979 and a new gas contract for the Kew and Mont Park hospital complexes (\$53 345).
 (ii) Additional facilities charge associated with making gas available to premises at the Mont Park Hospital Complex (\$18 900)
 (iii) New minus children's buildings and physiotherapy swimming pool at Kew (\$10 000) - \$82 245
- (e) other - (Water and registration of pressure vessels) - \$920

IMMIGRATION AND ETHNIC AFFAIRS

DIVISION 675.2.2 - Ministry of Immigration and Ethnic Affairs-
Office requisites and equipment, printing
and stationery

	\$
Appropriation Act	86 000
Advance to the Treasurer	43 000
Total funds available	129 000
Total expenditure	128 219

8.18 In May 1979 approval was granted to a request for additional funds of \$43 000. This was predominantly made up of unexpected costs associated with a migrant booklet provided by the Department for which considerable difficulty had been encountered in its publication.

The balance of \$1 000 was made up of minor miscellaneous costs (typewriter repairs and requisites for electric typewriter).

RAILWAY CONSTRUCTION

DIVISION 710.2.12 - Railway Construction Board - Workers
Compensation Insurance

	\$
Appropriation Act	Nil
Advance to the Treasurer	97 363
Total funds available	97 363
Total expenditure	97 363

8.19 The State Insurance Office submitted an account for workers compensation insurance to the Railway Construction Board for an amount of \$116 098. The amount represented outstanding premiums accumulated from 1973-74 to 1978-79. When the new procedures for calculating workers compensation insurance premiums were introduced on 1 July 1973 the Railway Construction Board disputed the premium that increased from approximately \$200 to \$28 234. Discussions had continued since and were finally concluded. The amount now payable was calculated in accordance with the formula used to calculate the premium for the State Public Service.

Since part of the work the Board performs is for the Melbourne Underground Rail Loop Authority an amount of \$18 735 was charged to MURLA through the Board's accounting system.

Subsequently an amount of \$97 363 (\$115 098 less \$18 735) was approved by the Treasurer in February 1979 to meet this expense.

TRANSPORT

DIVISION 720.3.4 - Ministry of Transport - Subsidy payment in lieu of increase in freight rates - Payment to Railways Department

	\$
Appropriation Act	1 200 000
Advance to the Treasurer	854 827
Total funds available	2 054 827
Total expenditure	2 054 827

8.20 The Ministry of Transport sought an extra \$854 827 to supplement the allocation of \$1.2 million available in the Budget under this Item.

The subsidy paid in 1978-79 was in respect of the period from March 1978 to February 1979.

The Ministry advised that in 1977-78 the Railways were involved in changing the system by which it charged the Grain Elevators Board for carting grain. During the changeover, which was implemented after February 1978, accounts were not processed and it was advised that this fact was omitted when the original subsidy estimate was calculated. Also the original estimate of \$1.2 million was based on the movement of an average grain harvest, and made no allowance for the recent record crop.

Furthermore, the original estimate for hardwood did not provide for 12 months' reimbursement in 1978-79, compared with the two months' reimbursement made in 1977-78. These reimbursements were first made in February 1978.

Accordingly, an amount of \$854 827 was charged to Treasurer's Advance and approved in June 1979 for this purpose.

FORESTS

DIVISION 720.3.10 - Forests Commission - To supplement the
funds available in the Forestry Fund
to meet payments under Section 30(3)
of the Forests Act 1958, No. 6254

	\$
Appropriation Act	Nil
Advance to the Treasurer	340 000
Total funds available	340 000
Total expenditure	340 000

8.21 To avoid retrenchment of staff due to the state of the Forestry Fund, additional funds up to a maximum of \$450 000 were to be made available to ensure a working capital in the Fund at the commencement of the 1979-80 financial year, of approximately \$400 000.

Advice was received that the anticipated balance of the Fund at 30 June 1979 was \$55 000 and additional funds were required to avoid the retrenchment of staff.

Whilst the provisions of the Forestry Act precluded this supplementation being paid to the Forestry Fund, there was no reason why the amount requested, \$340 000, could not be provided by appropriation and expenditure which would have been met normally from the Forestry Fund, charged against the appropriation.

Accordingly \$340 000 was approved by the Treasurer in June 1979 to meet the additional funds required.

CHAPTER 9

FURTHER ITEMS CONSIDERED WITHOUT EXPLANATION

9.1 The following items were considered, but have not been commented upon in detail:-

<u>Division</u>	<u>Description of Item</u>
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DEPARTMENT OF THE PREMIER

Governor's Office

- 120.2.2 Office requisites and equipment, printing and stationery.
- 120.2.6 Fuel, light, power and water.

Premier's Office

- 121.2.6 Fuel, light, power and water.
- 121.3.34 Melbourne Landmark Committee - Expenses.
- 121.3.35 Commemoration of Historical Events - Grants.
- 121.3.40 Norman Lindsay Centenary Committee - Expenses.

Agent-General

- 133.2.9 Expenses of United Kingdom Migration Office.
- 133.2.10 Expenses of Tourism Office.

Audit Office

- 142.3.1 Cadetships - Fees and allowances.

MINISTRY FOR THE ARTS

Ministry for the Arts

- 150.3.16 Performing Arts Centres - Grant.

CHIEF SECRETARY'S DEPARTMENT

Chief Secretary's Office

- 160.3.12 Traffic Authority Fund - Contribution.

DEPARTMENT OF COMMUNITY WELFARE SERVICES

Social Welfare Administration and
Research and Statistics

- 240.1.3 Overtime and penalty rates.
- 240.3.2 Rate concessions for pensioners.

Correctional Services

- 252.2.6 Fuel, light, power and water.
- 252.2.8 Incidental expenses.

Training

- 255.1.4 Payments in lieu of long service leave.
- 255.2.1 Travelling and subsistence.
- 255.2.6 Fuel, light, power and water.

DEPARTMENT OF LABOUR AND INDUSTRY

- 280.2.9 Expenses of Boards and Industrial Appeals Court.
- 280.3.9 Contributions to State Additional Apprentices Scheme Trust Account.

EDUCATION DEPARTMENT

Education Administration

- 301.3.10 Australian National Memorial Theatre, Schools - Grant
- 301.3.32 Victorian Institute of Secondary Education - Grant

Teacher Education

- 304.1.4 Payments in lieu of long service leave, retiring gratuities.

ATTORNEY GENERAL'S DEPARTMENT

Attorney General

- 350.2.10 Costs payable by the Crown.

Courts Administration

- 356.2.3 Books and publications.
- 356.2.6 Fuel, light, power and water.

Registrar General and Registrar of Titles

- 359.1.4 Payments in lieu of long service leave and retiring gratuities.

TREASURY

Treasury

- 400.1.3 Overtime and penalty rates.
- 400.3.4 Payment to Government of Tasmania in respect of subscriptions received by accredited representatives in Tasmania to Tattersall Consultations.
- 400.3.9 Payments to the Government of Northern Territory for subscriptions to Tattersall Consultations received in the Northern Territory.
- 400.3.12 Payment to Government Printing Office Working Account equivalent to revenue paid to the Consolidated Fund.
- 400.2.23 Victorian Natural Disaster Relief Account - Contribution.
- 400.3.55 Road and Rail Freight Subsidy to Beef Producers.
- 400.3.65 Costs incurred in the winding up of the Victorian Meat Authority.
- 400.3.82 Australian Offshore Powerboat Club - Grant.
- 400.3.86 "Here Come the 80's" Conference - Grant.
- 400.3.93 Sir Robert Menzies Memorial Trust Appeal.

Payments to the Commonwealth Government on Account of Loans and Advances

- 401.3.4 Marginal Dairy Farms - Instalments of principal and interest.
- 401.3.9 *State Grants (Beef Industry) Act 1975* - Instalments of principal and interest.

- 401.3.11 *Lands Commissions (Financial Assistance) Act 1973*
- Emerald Hill - Instalments of principal and interest.

Taxation Office

- 421.3.1 Municipal Valuations.

MINISTRY FOR CONSERVATION

Ministry for Conservation

- 435.1.4 Payments in lieu of long service leave, retiring gratuities.

Victorian Archaeological Survey

- 444.2.2 Office requisites and equipment, printing and stationery.

Botanic and Domain Gardens and National Herbarium

- 459.2.3 Books and publications.
459.3.2 Botanic and Domain Gardens Kiosk - Operating expenses.

DEPARTMENT OF AGRICULTURE

Central Administration

- 570.2.6 Fuel, light, power and water.

Plant Services

- 582.3.16 Apple and Pear Industry - Export assistance.

DEPARTMENT OF HEALTH

Health Administration

- 620.2.6 Fuel, light, power and water.

General Health

- 626.2.14 Poliomyelitis and allied diseases - Maintenance, treatment and after care of sufferers and training of personnel for such work.

Alcoholism and Drug Dependency Services

- 633.1.4 Payments in lieu of long service leave, retiring gratuities.

Mental Hygiene

- 635.2.1 Travelling and subsistence.
635.3.3 Cadetships - Fees and allowances.

DEPARTMENT OF STATE DEVELOPMENT,
DECENTRALIZATION AND TOURISM

State Development, Decentralization and Tourism

- 660.2.4 Postal and telephone expenses.
660.3.10 Transport concessions to Approved Decentralized
Secondary Industries - Payment to Railways
Department.

MINISTRY OF HOUSING

Registry of Co-operative Housing Societies and Co-
operative Societies and Home Finance Administration

- 686.2.2 Office requisites and equipment, printing and
stationery.

MINISTRY OF TRANSPORT

- 720.2.8 Incidental expenses.

FORESTS COMMISSION

- 730.2.6 Fuel, light, power and water
730.3.8 Timber Promotion Trust Account - Contribution.

MINISTRY OF WATER RESOURCES AND WATER SUPPLY

- 739.2.1 Travelling and subsistence.

RAILWAYS

- 750.3.3. Expenditure on agency works subject to recoupment.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

TREASURY MINUTE RELATING TO
ASPECTS OF FINANCIAL ASSISTANCE
TO BUS OPERATORS

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 12 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
The Honourable A.J. Hunt moved, by leave, That
the Honourables Clive Bubb, G.A.S. Butler,
D.K. Hayward and N.F. Stacey be members of the
Public Accounts and Expenditure Review Committee,
and that the said Committee have power to send
for persons, papers and records.

Question-put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 21 PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE -
Motion made, by leave, and question-That Mr. Evans
(*Gippsland East*), Mr. Ginifer, Mr. Mackinnon,
Mr. Mathews, Mr. Remington, Mr. Richardson,
Mr. Rowe and Mr. Williams be Members of the Public
Accounts and Expenditure Review Committee; and that
the Committee have power to send for persons, papers
and records (*Mr. Hamer*)-put and agreed to.

TERMS OF REFERENCE

PARLIAMENTARY COMMITTEES (PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE) ACT 1979

SECTION 5

5. The functions of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
 - (b) to inquire into and report to the Parliament on any question in connexion with public expenditure which is referred to it by the Council or the Assembly;
 - (c) to consider and report to the Parliament how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically; and
 - (d) to report to the Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue or payment of the public money.

R E P O R T

The Public Accounts and Expenditure Review Committee has the honour to report as follows :

1.1 This report presents the Treasury Minute on a Report by the former Public Accounts Committee upon Aspects of Financial Assistance to Bus Operators¹.

The Treasury Minute procedure is that, following presentation of a report to Parliament, the Committee forwards copies of the report to Treasury and the departments concerned for comment. The Treasury prepares a Minute which expresses a Treasury view of the departmental response. This Minute, together with Committee comment where necessary, is incorporated in the report for presentation to Parliament.

1.2 The Report upon Aspects of Financial Assistance to Bus Operators was tabled in the Legislative Assembly on 15 March 1977. Departmental comments were forwarded to Treasury by 31 May 1977 with a request for a Treasury Minute to be prepared. The Treasury Minute was received by this Committee on 12 February 1981.

The Committee notes with extreme concern the unsatisfactory delay experienced in obtaining a Treasury Minute on this matter. While the Committee is aware of the difficulty which was experienced over the resolution of a number of policy issues with the bus operators assistance scheme, it nevertheless feels that Treasury should have provided an interim response to the Committee outlining these difficulties. In any case, a four year delay in the final response was excessive and unacceptable.

1.3 This report sets out the relevant extracts from the above report, together with the Treasury Minute received.

¹ Victorian Parliamentary Paper D. No.15/1976-78.

ASPECTS OF FINANCIAL ASSISTANCE TO BUS OPERATORS

Repayment of Loans

2.1 Extract from Committee Report (p. 3).

Future involvement of the State Electricity Commission with Ballarat and Bendigo bus operators.

7. As at 31st October, 1976, the State Electricity Commission's involvement with the three operators was restricted solely to loan arrangements. An examination of the following table gives some indication as to the way in which the operators have met their obligations to date in respect of interest payments:

		1973-74	1974-75	1975-76
		\$	\$	\$
H.A. Davis	- due ..	9 293.00	13 834.00	13 834.00
	- recovered	9 293.00	13 834.00	13 834.00
B.M. Walker	- due ..	Nil	12 005.11	12 221.85
	recovered	Nil	12 005.11	Nil*
Kangaroo Flat	- due ..	1 650.00	6 851.24	6 858.85
	recovered	1 650.00	6 749.99	6 960.10*

* Mainly recovered (or to be recovered by deduction from subsidy to be paid to operator).

It is of some concern to the Committee that a number of interest payments, as shown above, have in fact been met by the non-payment of subsidies. In this respect attention is directed to the doubts expressed by the former Committee as to the ability of the two Bendigo companies to repay the loans when due (Report D. No.22 of 1974-76 - paragraph 5). The Committee now suggests that consideration be given to re-negotiation of existing loans to ensure progressive repayments of principal, in addition to interest payments as at present.

2.2 Treasury Minute

Treasury supports in principle the views expressed by the Committee but, given the short term the loans have to run, this is not considered to be practical.

Payment of Subsidies

3.1 Extract from Committee Report (p. 4).

8. Arrangements for the payment of subsidy to the operators will now fall within the general Government scheme and the Commission will therefore need to maintain a close liaison with the Transport Regulation Board to ensure that interest payments are recovered either by -

- (a) direct payment from the operator prior to receipt of subsidy; or
- (b) deduction from the subsidy prior to its payment to the operator.

The view of the Commission, as expressed to the Committee by Mr. Moir, is that existing loan arrangements should be transferred from the Commission to a more appropriate Authority. The Committee is in agreement with this suggestion, particularly if interest payments continue to be met by the non-payment of subsidy, and considered that it should be given careful consideration.

3.2 Treasury Minute

The Ministry of Transport commented as follows:

Under the Government's scheme of financial assistance for the private bus industry, quarterly passenger fare subsidy payments are made to help maintain services and to assist operators to absorb cost increases without the need to increase fares.

These payments are required to maintain the viability of the present services and, apart from the possible legal complications, the Ministry does not favour the direct payment of portion of these subsidies to the SEC.

Treasury notes the comments of the Ministry.

The Ministry of Transport also advised that it found some difficulty in supporting the suggestion put forward by the State Electricity Commission and supported by the Committee that loans made by the Commission to Ballarat and Bendigo bus operators be transferred to some other authority.

When bus services replaced tram operations in Ballarat and Bendigo the Commission benefited on two accounts. Firstly, from not having to find the operating losses on the tram system. Secondly, in being relieved from the financial burden of maintaining a transport system that had been allowed to run down and which would have required substantial capital expenditure if the electrified tram system was to continue.

As part of its withdrawal from urban transport operations, the Commission undertook to assist a number of operators by providing loans to purchase buses and operating facilities. In providing loans the Commission was aware that the loans were scheduled for repayment a number of years after the Commission had ceased to make payments to operators in respect of bus operations.

The bus companies to which the Commission made loans are currently incurring losses on operations, and in accordance with the Government Assistance Scheme, these companies are entitled to financial assistance under the scheme after 31 October 1976, when the Commission's commitment to Ballarat and Bendigo bus operators for revenue subsidies ceased.

However, even with the Government subsidy, the Ministry of Transport thinks it quite likely that the operators will have difficulty in meeting principal repayments to the State Electricity Commission when they fall due in 1981 and 1982. Insofar as there may be risk in the situation, the risk in the Ministry's view should fall to the beneficiary from trams to buses, namely the State Electricity Commission who have saved several million dollars under the agreement.

Treasury was advised in November 1980 that interest payments on all loans were up-to-date. Protracted discussions on the matter have taken place between the S.E.C., Ministry of Transport and Treasury. These failed to produce agreement as to the appropriate way to deal with these loans in the light of the Committee's recommendation. This matter has been put to the Treasurer and, as there is only a short period remaining before the loans mature, he has determined that the loans be allowed to run their full course with the S.E.C.

Passenger Fare Subsidy Payments

4.1 Extract from Committee Report (p. 4).

13. The officers of the Transport Regulation Board were reasonably confident that urban bus operation income could be segregated from the income derived from other business undertakings and that in instances where facilities and equipment are shared, a suitable apportionment of income could be made. The Committee believes that appropriate action must be taken to ensure that extraneous activities are not subsidized in any way.

4.2 Treasury Minute

The Ministry of Transport commented as follows:

Passenger fare subsidy payments are made quarterly in advance based on information received by the Transport Regulation Board. The Board has access to the detailed financial records of the company and carefully considers items of expenditure and revenue relating to activities not connected with bus operations.

Treasury notes the Ministry's comments in relation to Transport Regulation Board's procedures.

Bus Rationalization in Provincial Cities

5.1 Extract from Committee Report (p. 4).

14. In September, 1976, P.A. Management Consultants Pty. Ltd. and Wilbur Smith and Associates Pty. Ltd. reported on the results of a Private Enterprise Bus Services Study. One of their reports dealt with urban and country services, and at Chapter 3 of this Report particular reference is made to the situation in Bendigo. In summarizing the chapter the consultants concluded that the Bendigo route gross contributions were not good compared to those of the rest of the industry and patronage decline had been greater than that in Ballarat. In addition, they indicated that cost ratios to size for both operations costs and overhead costs of the Bendigo operators were not good compared to the ratios achieved by the industry generally, and pointed to the probability that opportunities existed for vigorous management action to review and reduce costs.

5.2 Treasury Minute

The Ministry of Transport commented as follows:

Licences to Bendigo bus operators were granted in 1972 when bus services replaced trams. The licences were issued for a seven year period and will come up for renewal in 1979.

The Honourable the Minister of Transport has referred the Committee's views to the Transport Regulation Board and has asked for the Board to review Bendigo urban bus operations and to report back with recommendations for action."

Treasury comment - As a matter of policy the Government has decided to defer the pursuit of bus rationalization in the provincial cities.

Security for Loans

6.1 Extract from Committee Report (p. 5).

18. The Committee is concerned at the arrangements in regard to security for loans advanced to operators generally and favours the greater control inherent in the mortgaging of the buses, equipment and property. It therefore believes that this matter should be carefully examined by the Ministry of Transport and Treasury with a view to ensuring maximum protection of State funds loaned to operators.

6.2 Treasury Minute

The Ministry of Transport commented as follows:

In 1974, when introducing the scheme of low interest loans for the purchase of buses, consideration was given by the Standing Committee, appointed to advise the Government on the scheme, to the use of liens or mortgages over the vehicles as security for the loans. However, it was considered at that time that such security would inhibit the ability of many operators to arrange suitable finance for the balance of the purchase price.

The Government accepted the Standing Committee's recommendation that the operator's liability be acknowledged by an exchange of letters and that no other formal security would be required.

Loans to operators under the present scheme currently represent about 60% of the purchase price of new vehicles. With the need for operators to finance some 40% of the vehicle cost, it is considered that the introduction of mortgages or liens to secure Government loans would increase the problems and the cost to operators seeking to raise the balance of the loans.

The Standing Committee has again reviewed the situation following the Report of the Public Accounts Committee and, having regard to all the circumstances, has recommended that the present arrangements be continued.

Treasury has advised that Cabinet on 23 May 1977 approved of the continuation of loans for new buses without security by lien or mortgage.

Committee Room
30 April 1981.

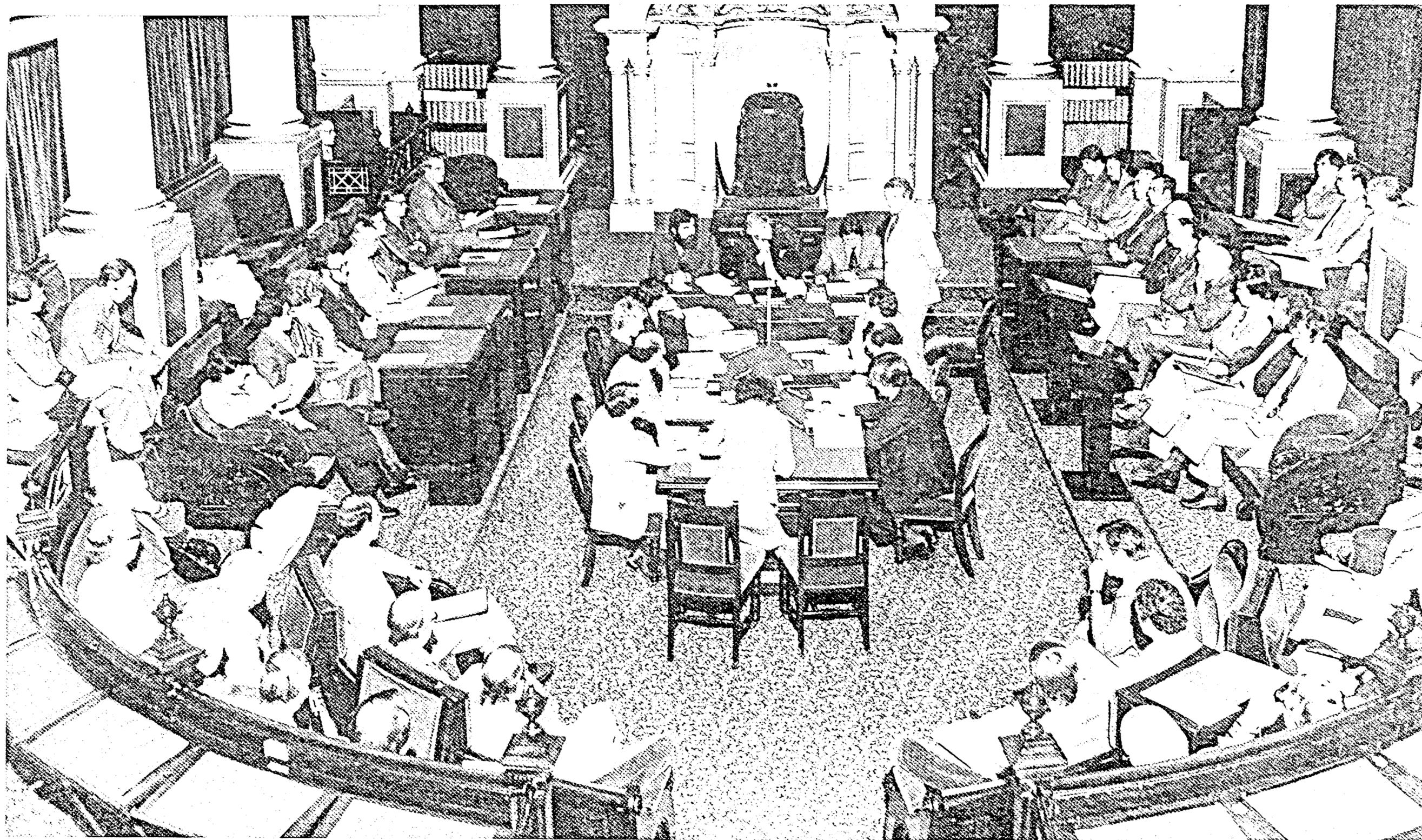
PUBLIC BODIES REVIEW COMMITTEE

FIRST REPORT TO THE PARLIAMENT
ON THE
ACTIVITIES OF THE PUBLIC BODIES REVIEW COMMITTEE,
TOGETHER WITH APPENDICES.

Ordered to be printed

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First Public Hearing of the Public Bodies Review Committee held on 29 May 1980 in the Legislative Council Chamber. At the table, from top left-hand side - Mr. E. W. Russell, (Director of Research), The Hon. Dr. K. J. Foley, M.L.C., (Chairman), Mr. M. Tricarico, (Secretary), The Hon. F. J. Granter (standing), Mr. W. D. McGrath, M.L.A., The Hon. D. R. White, M.L.C., Mr. G. Weideman, M.L.A., Hansard Reporter (back to camera), Mr. R. A. Jolly, M.L.A., The Hon. B. A. Chamberlain, M.L.C., Mrs. J. H. Chambers, M.L.A., Mr. S. M. Crabb, M.L.A. (Deputy-Chairman). Photo - Courtesy of Lands Department.

PUBLIC BODIES REVIEW COMMITTEE

COMMITTEE MEMBERS

The Hon. Dr. K. J. Foley, M.L.C. (Chairman)
S. M. Crabb, Esq., M.L.A. (Deputy Chairman)
The Hon. B. A. Chamberlain, M.L.C.
Mrs. J. H. Chambers, M.L.A.
R. A. Jolly, Esq., M.L.A.
E. J. Hann, Esq., M.L.A.
G. Weideman, Esq., M.L.A.
The Hon. D. R. White, M.L.C.

* * *

COMMITTEE STAFF

Mr. E. W. Russell, Director of Research.
Mr. M. Tricarico, Secretary.
Mrs. J. Anderson, Stenographer.

* * *

CONSULTANTS TO THE COMMITTEE

- (i) Public Service Board of Victoria -
Consultancy and Management Review Division.
- (ii) Touche Ross Services Pty.
- (iii) Sinclair, Knight & Partners Pty. Ltd.
- (iv) Institute of Applied Economic & Social
Research, University of Melbourne.

* * *

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APPENDICES.

- (1) Parliamentary Committees (Public Bodies Review) Act 1980, No. 9367.
- (2) Opinion of the Crown Solicitor on the Powers of the Public Bodies Review Committee.

- (3) List of Water, Sewerage, Drainage and River Improvement Trusts and Authorities in Victoria.
- (4) List of Bodies related to the Water Industry.
- (5) Full list of Hearings and Discussions held by the Public Bodies Review Committee.
- (6) Portion of Evidence of the Honourable F. J. Granter, M.L.C., to the First Public Hearing of the Public Bodies Review Committee.
- (7) List of Consultants registered with the Public Bodies Review Committee.
- (8) Standard Working Arrangements for Engagement of Consultants.
- (9) Example of Advertisement for a Regional Hearing.
- (10) Advertisement inviting Registration of Consultants.
- (11) Advertisement inviting Applications for the position of Director of Research.

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EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY, 9 SEPTEMBER 1980

13. PUBLIC BODIES REVIEW COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables B. A. Chamberlain, Dr. K. J. Foley and D. R. White be Members of the Public Bodies Review Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 9 SEPTEMBER 1980

22. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mrs. Chambers, Mr. Crabb, Mr. Jolly, Mr. McGrath and Mr. Weideman, be Members of the Public Bodies Review Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.
-

WEDNESDAY, 24 SEPTEMBER 1980

4. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mr. McGrath be discharged from attendance on the Public Bodies Review Committee and Mr. Hann be appointed in his stead (*Mr. Maclellan*) - put and agreed to.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

WEDNESDAY, 1 OCTOBER 1980

11. PUBLIC BODIES REVIEW COMMITTEE - SUSPENSION OF STANDING ORDER NO. 207 - The Honourable Dr. K. J. Foley moved, That Standing Order No. 207 be suspended in respect of the Public Bodies Review Committee insofar as necessary to allow -

- (a) publication of fair and accurate reports of evidence given by witnesses examined at public hearings; and
- (b) the release of evidence, discussion notes and other documents and the publication thereof at the discretion of the Committee.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 1 OCTOBER 1980

6. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Standing Order No. 208 be suspended in respect of the Public Bodies Review Committee insofar as necessary to allow - (a) publication of fair and accurate reports of evidence given by witnesses examined at public hearings; and (b) the release of evidence, discussion notes and other documents and the publication thereof at the discretion of the Committee (*Mr. Maclellan*) - put and agreed to.
-

WEDNESDAY, 2 APRIL 1980

18. PUBLIC BODIES REVIEW COMMITTEE - Motion made and question - That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review (*Mr. Mackinnon*) - put, after debate, and agreed to.

Introduction and Acknowledgments

There can be little dispute that the continuing industrialization and urbanization of society, together with the more recent and more dramatic communications revolution have placed an unprecedented burden on democratic institutions. Again, few would deny that governments and perhaps more particularly, Parliaments, have not yet fully responded to that challenge of change.

As a result of that rapid change and increased demand, both the role of government in society and the expectations held about it have increased to the point where the need to bring government to account for both its excesses and its deficiencies, or more significantly and importantly, to simply find out what government does, has become a major contemporary issue.

No-one reading the most comprehensive and excellent Final Report of the Canadian Royal Commission on Financial Accountability could doubt the magnitude, seriousness and pervasive character of the "accountability problem".

On page 21 the Commissioners reported that -

After two years of careful study and consideration, we have reached the deeply held conviction that the serious malaise pervading the management of government stems fundamentally from a grave weakening, and in some cases an almost total breakdown, in the chain of accountability, first within government, and second in the accountability of government to Parliament and ultimately to the Canadian people.

Unfortunately, but not surprisingly, "accountability" like so many contemporary issues has a beguiling simplicity that attracts description rather than analysis, opinion rather judgment and not surprisingly has attracted a large body

of "experts" whose knowledge is in inverse relation to the amount and constancy of their advice. But perhaps worst of all "accountability", like a number of other major public issues such as health and conservation, has come to be viewed as having an absolute value. The fact of the matter is that more accountability is not necessarily better than less accountability, indeed increased accountability can be, and often is, in conflict with one of the central objectives of management - discretion and independence. Where to draw the line between accountability and independence is one of management's most enduring and difficult problems.

Put simply, too simply, accountability means stewardship and responsibility to someone, for something. In essence accountability is the price one pays for the benefits of the division of labour and of operating on a large scale. However, in spite of its general and increasing relevance, and in spite of the fact that it is the cornerstone of democratic government, accountability, and especially the accountability of Parliament has, until quite recently, received little serious attention in Australia.

That lack of attention to the concept of accountability in a parliamentary democracy is itself cause for serious concern. But, what is even more disconcerting is the failure of those few who have addressed the question of accountability in Australia to clearly distinguish between the accountability of Parliament to its constituency (the public) and the accountability to Parliament by its agencies or the instruments through which it effects policy and raises and expends public funds.

The distinction between accountability of Parliament and the accountability to Parliament is neither abstract nor merely conceptual; on the contrary it is both real and profoundly important. The failure to point up that distinction, and pay serious attention to the latter aspect, has led in recent decades, in Australia and perhaps particularly in Victoria, to a situation that must be regarded as untenable in a modern democratic institution.

As Australian governments have responded, albeit slowly and often with reluctance, to community pressure for increased openness and greater accountability, Members of Parliament have discovered, sometimes with surprise, that in many, far too many cases, Parliament has been by-passed by government and that much or most of the information necessary for the member to act in an informed and responsible manner is either not available or is in a form inappropriate to his or her needs.

That deficiency is nowhere more evident than in the area of government activity conducted by public bodies.

Because so many public bodies operate by and large beyond the close scrutiny of Parliament, Members of Parliament find themselves ill-equipped to adequately respond to the complexity of modern government or to meet even the more moderate community expectations regarding accountability.

But of course the problems raised by what appears to be an inexorable and uncontrolled growth of public bodies is not unique to the Australian or Victorian Government; indeed it seems endemic to the Western democracies.

Writing recently in a booklet entitled, The Quango Explosion: Public Bodies and Ministerial Patronage, Philip Holland, M.P. and Michael Fallon have described the British public body problem in the following way:

The governed no longer know their governors. We are now subject to a host of Committees, Councils, Boards, Commissions and Authorities. Power has passed from Parliament into the hands of unelected and largely representative bodies in pace with the spreading arms of the provision-state. The interpretation and enforcement of the law is passing slowly, but inexorably, from the independent judiciary to bodies whose members are dependent on departmental ministers for their appointment and their pay. The first remarkable thing about public bodies is that nobody knows how many there are. Two and a half years ago parliamentary questions to each Cabinet Minister elicited the information that they were responsible for making 18,010 appointments to 785 bodies. Until two years ago no official list existed at all.

Less than two years ago the Australian Government compiled, with considerable difficulty, its first official list of the public bodies under its jurisdiction, and it was not until this year at the direction of the Public Bodies Review Committee that a similar list was compiled for Victoria.

The nature and extent of what can only be described as the public bodies problem in Victoria and the plight of the Victorian Member of Parliament can be highlighted by drawing attention to several features of the public bodies sector:

- . The public bodies sector employs approximately two-thirds of Victoria's public sector workforce - put differently, less than 15% of Victoria's public servants are governed by the Public Service Act.

- . Some of Victoria's public bodies (e.g. State Electricity Commission, Gas & Fuel Corporation, Vic. Rail, Melbourne and Metropolitan Board of Works) are among Australia's largest enterprises.
- . Most public bodies are monopolies and many of those with monopoly power have autonomous taxing authority, i.e. they may levy taxes, rates, fares, etc., without the approval of Parliament.
- . The greatest proportion of Victoria's public bodies (approximately 80%) do not report their activities to Parliament - many do not even report to the responsible Minister.
- . By far the greatest proportion of Victoria's public bodies are not established by an independent Act of Parliament.
- . The majority of Victoria's public bodies are not audited by the Auditor-General - some are not audited at all.
- . The few annual reports presented to Parliament, and some deal with disbursements of hundreds of millions of dollars, are rarely examined and debated by Parliament.
- . Most reports made to Parliament (usually on an annual basis) are in a form that has little relevance, even comprehensibility, to the Member of Parliament.

At the 7th International Congress of Supreme Audit Institutions held in Montreal in 1971, it was proposed that a full and complete concept for independent auditing of government programs, agencies or activities, include recognition of the following elements -

- . Fiscal accountability which should include fiscal integrity, full disclosure, and compliance with applicable laws and regulations.

- . Managerial accountability, which should be concerned with efficiency and economy in the use of public funds, property, personnel and other resources.
- . Program accountability, which should be concerned with whether government programs and activities are achieving the objectives established for them with due regard to both costs and results.

Evaluated against those or even the most conservative community expectations regarding accountability, at very least in the area of the operations of its public bodies, Victoria must be regarded as seriously wanting.

Fortunately, the Parliamentary Committees (Public Bodies Review) Act 1980, will appreciably change that less than satisfactory situation.

The Public Bodies Review Committee is an exciting, path-breaking legislative initiative that places unprecedented responsibility and authority on a Committee of the Parliament of Victoria.

The Parliamentary Committees (Public Bodies Review) Act 1980, No. 9367, which guides and governs the Public Bodies Review Committee, establishes Victoria as a world leader in the review of government policy by Parliament.

Where other Parliaments have addressed the question of what government agencies do, and how they conduct their activities, such review has, invariably, stopped at attempts to assess the efficiency of those agencies - indeed, the vast majorities of those reviews have been limited to compliance audit. In addition, those reviews have in general been conducted by Government or an independent Committee of Inquiry - not by Parliament.

No other Parliament, certainly no other Parliament in the Westminster system, has sought to establish a Committee of the Parliament with the authority of an Act that expressly charges the Committee to make judgment on government policy, i.e. to test the very efficacy of government agencies (including ministerial departments) referred to it for review. That in itself would be significant, but the Parliamentary Committees (Public Bodies Review) Act doesn't stop there; it goes on to provide the Committee with the resources (48D(1)) and independence (48D(2)) essential to the effective conduct of its difficult and sensitive task.

Though this is not the place to explain the genesis of the Parliamentary Committees (Public Bodies Review) Act, it is appropriate to draw attention to two broad (albeit unstated) principles that guided its development.

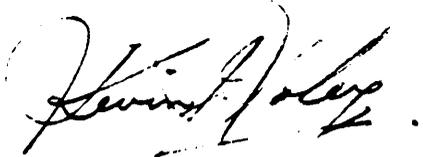
First: If judgment is to be made on government policy, or the efficacy of government instrumentalities is to be tested, then those judgments should not be made by government, an "independent" inquiry or an element of the bureaucracy - not even the relatively independent Auditor-General. Such matters should be dealt with by Parliament.

Second: Even in the most efficiently run organizations, especially large and complex organizations like the Government of Victoria, it is necessary from time to time to examine various elements not only for compliance and efficiency but effectiveness. To have organizations or agencies operating efficiently in pursuit of the wrong objectives can be far worse (and less obvious) than pursuing the right objectives inefficiently. In a rapidly changing world responsible management demands assessment or reassessment of objectives.

As the information contained in this Progress Report will clearly illustrate, the Public Bodies Review Committee has already made major inroads into a very large and exceedingly complex first reference, which includes 375 legally distinct public bodies. That achievement has been due to the acceptance of an extraordinarily heavy workload by Committee Members and staff, and a particularly high degree of encouragement and support from the Premier, the Honourable R. J. Hamer, E.D., M.P., Mr. President, the Honourable F. S. Grimwade, M.L.C., the Minister for Water Supply, the Honourable F. J. Granter, M.L.C., and his Officers,

(particularly Mr. W. E. Bromfield, Chairman, State Rivers and Water Supply Commission), Mr. Kevin Hayes (until recently Acting Chairman, Victorian Public Service Board), and perhaps most important of all, from Members and Officers of the vast majority of bodies under review. The courtesy, hospitality and facilities extended to the Committee during its Regional Hearings and discussions were greatly appreciated and contributed in no small way to the development of a quite remarkable rapport and sense of common purpose between the Committee and by far the greatest proportion of those bodies under review. But that rapport, and the particularly effective working environment it has created, could not have been achieved without the purpose, thoroughness and obvious commitment to objectivity displayed by my Committee colleagues, whom it should be said met for 50 of the Committee's first 150 working days; received in excess of 2000 pages of evidence, and read, and to a large extent absorbed, some 4000 pages of submission and report.

Finally, I take the opportunity afforded by these introductory and contextual remarks to thank my Committee colleagues, the Committee Research Director Bill Russell, our Secretary Matthew Tricarico and Stenographer Mrs. Jean Anderson, for their support, and the opportunity to experience the satisfaction of working as part of a very dedicated and highly talented team.



Dr. Kevin J. Foley, M.L.C.,
Chairman.

FIRST REPORT TO THE PARLIAMENT ON

THE ACTIVITIES OF THE PUBLIC BODIES REVIEW COMMITTEE

1. Purpose of this Report

At its second meeting on 2 April 1980 the Public Bodies Review Committee resolved that, in addition to reporting to Parliament on the subject matter of its references, it would, on its own initiative, report separately on its activities. That decision reflected the Committee's desire to conduct its inquiries in an open manner, not only to stimulate the fullest debate on matters before it, but also to explain its activities and rationale to Parliamentary colleagues and the Victorian public.

This, the Committee's *FIRST REPORT TO THE VICTORIAN PARLIAMENT*, seeks to outline and explain the activities the Committee has undertaken in its first seven months of existence so that the various public hearings, research projects and other activities of the Committee are both documented and explained.

This document, which will be followed by a similar Annual Report to be presented in the Autumn Sessional Period 1981, is descriptive, not analytic or prescriptive.

While many major issues have been put before the Committee, and are discussed in this Report, no attempt is made to reach conclusions or make recommendations. Such information and focus will be provided in an Interim Report which is expected to be produced and made available for public comment in March-April 1981.

The Committee anticipates that its Final Report will be before the Parliament during the Spring Sessional Period 1981.

This Report outlines in turn the legislation establishing the Public Bodies Review Committee, the reference currently before it, the structure of the Inquiry adopted by the Committee, the methodology adopted to deal with its particularly large and complex first reference, the Committee's Research Program and the attitude taken toward staffing and support facilities.

2. The Act

2.1 General Description

The Public Bodies Review Committee was established by the Parliamentary Committees (Public Bodies Review) Act 1980 No. 9367* which received Royal Assent on 18 March 1980. The Act provides for a Committee of eight members drawn from both Houses of Parliament, and enables the Council or the Assembly by resolution or the Governor in Council by Order to nominate a public body for review by the Committee. The Committee must then review each body so nominated and report to the Parliament on the question of whether the body should cease to exist.

A public body is defined in Section 48B(5) of the legislation as any public body established by or appointed pursuant to any Act, rule, regulation, by-law, order, Order in Council or other instrument of a legislative character.

In reviewing such bodies the Committee is required by Section 48C(5) of the Act to examine any matter it considers relevant to the question of whether the body should continue to exist or not, and particularly it is required to examine:-

- (a) whether or not the objects of the body are worth pursuing in contemporary society;
- (b) whether or not the body pursues its objectives efficiently, effectively and economically;

* A copy of the Parliamentary Committees (Public Bodies Review) Act 1980 appears at Appendix 1.

- (c) whether or not the structure of the body is suited to the activities it performs;
- (d) whether or not the body duplicates the work of another person or body;
- (e) the financial and other liabilities and obligations of the body;
- (f) the extent to which the body seeks information as to the effect of its activities and acts on the information it receives;
- (g) the extent to which the body considers the public interest when performing its activities;
- (h) the extent to which the body encourages public participation in its activities;
- (i) the manner in which the body handles complaints about its activities; and
- (j) the extent to which the body is prepared to improve its structure, composition or procedures.

The Committee may recommend either that a body shall cease to exist or continue, and where it recommends continued existence it may recommend a period within which the body should again be reviewed as well as changes in the structure, membership, procedures, functions, powers and duties of the body. As well, the Committee may state the objects which in its opinion the body should pursue.

On the other hand, where the cessation of a body is recommended, the Committee is required to provide recommendations as to arrangements to be made on its cessation, as to the powers, functions and duties of the body, disposal of property and staff, repeal or alteration of relevant legislation, and the handling of legal, contractual and financial arrangements entered into by the body.

The Committee may require submissions from bodies under review, and is obliged to hold a public hearing before reporting to Parliament on the question whether or not a body should cease to exist. At such hearings the Committee is required to allow any member of a body under review to give evidence to it.

Where the Committee recommends that a body should cease to exist, that recommendation automatically takes effect on the anniversary of the Report being laid before Parliament, unless Parliament expressly provides for the body to be continued.

The Act provides the Committee with power to commission consultants, to make use of the services of officers of the Law Department to prepare draft legislation, and draw on Public Service Board officers to conduct investigations.

In addition, the Committee shares the general powers of other Parliamentary Committees to send for persons, papers and records.

2.2 Significance of the Legislation

The Parliamentary Committees (Public Bodies Review) Act 1980 is a highly significant piece of legislation. Indeed, it provides the Victorian Parliament with a more extensive and far-reaching power of scrutiny than any other Australian Parliament and represents the first comprehensive adoption of the Sunset principle by a Westminster Parliament. The Committee's enabling Act provides scope for a broad process of review involving not only retrospective audit of the performance of public bodies, but also the detailed and constructive change of public bodies to improve their future performance.

The legislation has the potential to substantially enhance the role of Parliament in the scrutiny of public sector performance, and enhances the framework of parliamentary accountability. Just as Parliaments are accountable to the electors, public bodies should be accountable to the Parliament. The Parliamentary Committees (Public Bodies Review) Act gives the Victorian Parliament unprecedented authority to effect improved accountability.

While recent years have seen the emergence of new approaches to efficiency and effectiveness review by public servants and by Governments, the passing of the Parliamentary Committees (Public Bodies Review) Act and the companion legislation re-constituting the former Public Accounts Committee on a broader base, are initiatives which Parliament has taken, and which Parliamentarians are putting into effect.

2.3 Features of the Legislation

The Parliamentary Committees (Public Bodies Review) Act 1980 has a number of interesting, if not unique, features.

First, it gives the Committee a clear responsibility to evaluate, judge and make recommendations on government policy.

Second, the definition of a public body under which the Committee operates is particularly wide; indeed, so wide as to include Ministerial departments.

The machinery of government in Victoria is notoriously fragmented, being composed of a bewildering array of over 7,000 departments, ministries, boards, commissions, trusts, authorities, corporations and committees; the terms being applied more or less indiscriminately. The concept of 'public body', established by Section 48B(5) of the Parliamentary Committees (Public Bodies Review) Act embraces all of these bodies.

Third, the provision that when the Committee recommends a public body be wound up, that body automatically ceases to exist one year after the recommendation unless Parliament otherwise resolves, entails a presumption in favour of implementation, immeasurably strengthening the likelihood of the Committee's recommendations coming into effect rather than being shelved.

Fourth, and unlike most Parliamentary Committees, the Public Bodies Review Committee must go beyond a simple recommendation for change by recommending how and over what period change should be effected.

Fifth, the Committee must, before reporting to Parliament, allow public comment on a recommendation that a body be wound up. Thus, the Committee, or rather its Final Report, receives formal public scrutiny before that document is tabled in Parliament.

Sixth, persons or organisations appearing before the Committee are not able to have representation from a barrister or solicitor, nor is the Committee subject to judicial review.

2.4 Operation of the Legislation

While the legislation has generally proved satisfactory thus far, some administrative difficulties have emerged which have given rise to plans for amendment.

At present, for example, the Committee has no power to form sub-committees or to delegate any of its powers of investigation to one or more members. In the context of the present reference, which involves frequent visits to all parts of the State, the Committee has been required to assemble a quorum of five on occasions when the presence of one or two members' presence would otherwise have sufficed. With a particularly active schedule all members have been placed under some strain by this provision. Indeed, the lack of a quorum facility has at times clearly impeded Committee efficiency.

In its early weeks the Committee thought it might solve that problem by commissioning one or more members under Section 48D(1) of the Act. However, an Opinion obtained from the Crown Solicitor (see Appendix 2) suggested that such a course should not be followed. Accordingly, the Committee has put before the Government a proposal to amend the Act in order that the Committee may form sub-committees and have authority to delegate its powers to one or more of its members.

The Committee has also recommended further amendments to enable it to enter into contracts for the provision of secretarial and allied services, and to give the Committee power to make public its submissions and transcripts immediately they are received.

In the absence of such a power in this Sessional Period, it has been necessary to move resolutions in each House, for the suspension of Standing Orders 207 (Legislative Council) and 208 (Legislative Assembly). It is in the Committee's view a necessary part of the policy review process of the type the Committee is undertaking that submissions and transcripts should be freely available to the public so that wide and informed debate may accompany and strengthen the investigation.

3. The Reference

3.1 The Legislative Assembly's Resolution.

The Committee held its first meeting on 29 March 1980, and on 2 April 1980, on the motion of Mr. D. J. McKinnon, M.L.A., the Legislative Assembly resolved:

"That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review."

3.2 The Scope of the Reference

This, the only reference so far provided, has presented the Committee with a particularly large and very complex task, involving the review of virtually the whole of the water industry and the vast majority of public bodies involved in water, sewerage, drainage and river improvement in Victoria. An indication of the magnitude of the reference is that the capital expenditure borne by the State in respect of country water supply and river improvement, excluding the metropolitan area and excluding country sewerage, irrigation or drainage expenditure, stood at \$618 million at 30 June 1979. The total effective expenditure of the State Rivers and Water Supply Commission alone during the 1979/80 financial year was of the order of \$96 million. Consolidated information as to the aggregate size of the industry, in either financial or manpower terms, has not been available in the past, and one of the Committee's

first tasks has been to commission studies designed to provide that essential information.

3.3 Public Bodies in the Reference

The total number of public bodies covered by the Committee's current reference is now 375.

The number 375 includes :-

the State Rivers and Water Supply Commission, 186 Waterworks Trusts, 15 Local Governing Bodies under the Water Act, 5 Water Authorities created under special Acts, 136 Sewerage Authorities, 4 Drainage Authorities and 28 River Improvement Trusts. A full list of these bodies is provided at Appendix 3.

Victoria's public bodies generally, and certainly those bodies in the reference, vary enormously. These bodies vary enormously from almost any point of view. Some bodies in the reference are more than a century old, tracing their origins to gold-mining days, while others have been created during the period of the Committee's investigation. Annual budgets range from \$2,000 to around \$90 million; the number of staff employed ranges from less than one fulltime employee to around two thousand. Most bodies were created by Order of the Governor in Council under either the Water Act or the Sewerage Districts Act. Indeed, only seven of the bodies in the reference were established by Parliament by specific separate enactment.

Some bodies are operated integrally with local municipalities, others value and defend their

independence from local government*. Some bodies are directly elected by their ratepayers, others blend election and appointment, while some comprise appointees only. Some bodies are single purpose while others are multi-purpose authorities.

The diverse group of bodies under review provides virtually all water, sewerage, drainage, irrigation and river improvement services to rural Victoria. Over 346 rural communities obtain their water supply from a local authority, since many local authorities service more than one town; the remainder are provided with water directly by the State Rivers and Water Supply Commission.

Of the 375 bodies in the reference, the vast majority are located outside the Melbourne region. The 344 such bodies outside the Melbourne region served a population at 30 June 1978 estimated at 1.06 million people.

* Here it is of interest to note that the Board of Review of the Role, Structure and Administration of Local Government in Victoria made the following recommendation with regard to water and sewerage:

*"Outside the metropolitan area restructured municipalities should take over the responsibility for future arrangements for supply of water and sewerage."
(Recommendation 2).*

3.4 Bodies outside the Reference

Despite the fact that most public bodies concerned with the water industry are included in the Committee's present reference, a number of quite significant bodies are not. The largest of these is of course the Melbourne and Metropolitan Board of Works. Other important exclusions are the Ministry of Water Resources and Water Supply, the Victorian Water Resources Council, the River Murray Commission and the Sludge Abatement Board. Because the Committee's Inquiry must have far-reaching consequences for the whole of the water industry in Victoria, the Committee has already taken evidence from witnesses associated with some of these bodies and expects to have taken evidence from all such bodies before the present Inquiry is concluded.

As well, the Committee has been conscious of the close inter-action between local water and sewerage authorities and local government. Often water trusts and sewerage authorities in country Victoria are simply administrative mechanisms used by local councils to obtain subsidized funds. But, distinct from this, there are a number of instances where councils administer water supply under the Local Government Act which provides an alternative statutory mechanism for the provision of local water supply.

The Committee is aware of seven councils - Dimboola Shire, East Loddon Shire, Euroa Shire, Kara Kara Shire, Korong Shire, Marong Shire and Yea Shire, which use this provision, and intends to investigate the basis and rationale for it.

The Committee's Approach to the Reference

4.1 The Committee's Philosophy of Review

At the outset the Committee spent some considerable time developing a philosophy to guide its review of public bodies. In summary, the Committee chose to adopt the following six basic principles:

(1) *OPENNESS:*

That the review it undertook would, as far as possible, be an open process.

The Committee chose to make its hearings open and public, and the vast majority of its proceedings have taken place after public advertisement, at public meetings and on the public record. Transcripts of proceedings have been lodged at the State Library, the Water Commission Library and at regional libraries throughout the State.

In every region public invitations to submit evidence to the Committee have been issued, and those wishing to place evidence before the Committee have been encouraged to do so.

(2) *A PARLIAMENTARY PERSPECTIVE:*

That the Committee would operate in the first instance as an instrument of the Parliament rather than Government or Party.

Throughout the Committee's program, members have worked co-operatively with the common objective of enhancing the role of Parliament and improving the machinery of government.

(3) A CONSULTATIVE APPROACH:

That the Committee would seek to enter into genuine discussion and dialogue with all relevant groups, where possible in their own districts.

The Committee has made particular effort to visit and speak with Trusts and Authorities, groups and individuals relevant to its reference throughout Victoria. As a result it has obtained willing co-operation and received evidence both written and verbal of a particularly high standard.

(4) A RESEARCH-BASED APPROACH:

That the Committee's hearings should be augmented by independent high quality research.

The Committee is of the very firm view that it would be impossible to conduct a sufficiently comprehensive and objective analysis without the aid of high quality and independent research. Information provided by way of evidence, while an essential element of any such review, can only be of limited value. To that end, the Committee has developed a research program to develop information and analysis relevant to its reference. In some cases this research will break entirely new ground, and add appreciably to the value of the Committee's work and the objectivity of its recommendations.

(5) A WORKING COMMITTEE:

That the Committee itself should be the working, reviewing agency, not merely a sanctioning authority endorsing the work of others.

The Committee has accepted a particularly heavy workload, so that individually and collectively it will not merely sanction, but undertake review. The Committee has kept its own staff to a minimum, and has spread its support and research work among public service, consultancy and academic organisations, thus providing a spread of expertise while avoiding dependence on any single avenue of advice.

(6) CONSTRUCTIVE POLICY REVIEW:

That the Committee's work should be the constructive review of policy, not merely a process of negative audit.

The Committee has throughout emphasised its interest in ideas for constructive change and the improvement of policy. It has avoided the temptation to "witchhunt" or to criticize without accepting responsibility for suggesting improvement.

This responsibility applies whether or not the Committee recommends that a body cease to exist. If the Committee's conclusion is that a body cease to exist, the legislation through Section 48G prescribes in some detail the consequences; while Section 48C(9) empowers the Committee to include its own recommendations as to the consequences of cessation. Should the Committee find that a body should be continued, Section 48C(7) not only empowers but requires the Committee to recommend necessary changes in the structure, membership, procedures, functions and powers of the body, and to recommend when it should next be reviewed. This Section also allows the Committee to state the objects the body should pursue in exercising its powers, duties and functions.

4.2 The Program of Public Hearings

The Committee's program of Public Hearings was developed with three objectives in view.

First, it was regarded as a vitally important means of acquiring information, and of systematically placing on public record the views of all those concerned in the water industry in Victoria who were prepared to give evidence, be questioned, and have their views recorded.

Second, it was seen as a measure of Parliamentary scrutiny in itself : the first occasion in many instances for the public bodies in the reference to put their views in a public forum, to be made publicly accountable, and accountable to the Parliament.

Third, it was seen as a process of public consultation, where not only organisations in the reference but other individuals and groups could advance views and explain them to the Committee.

These objectives, though disparate and often difficult, have largely been achieved.

The program of Regional Hearings and discussions was designed to bring the review process within reach of all Victorian citizens, whatever region they may live in. As an integral part of the Regional Hearing Program, the Committee adopted the procedure that Hearings should be advertised and conducted, to the maximum extent possible, at locations within easy reach of the bodies under review.

Apart from bodies directly associated with the water industry, the Committee has identified a range of other organisations closely connected with its reference (see Appendix 4). The Committee intends inviting these bodies to provide information and offer advice on ways in which the water industry may be made more effective.

In addition, the Committee will take cognizance of the implications for these related bodies when proposing changes within the water industry.

As a result of that commitment, public hearings were held at:

- . Mildura on 18 July 1980;
- . Horsham on 1 August 1980;
- . Portland on 8 August 1980;
- . Bairnsdale on 15 August 1980;
- . Wodonga on 22 August 1980;
- . Traralgon on 5 September 1980;
- . Bendigo on 12 September 1980;
- . Ballarat on 19 September 1980;
- . Geelong on 26 September 1980;
- . Dandenong on 3 October 1980;
- . Lilydale on 31 October 1980.

A discussion was held at Shepparton on 29 August 1980 in lieu of a formal Hearing.

Due to the large number of bodies and individuals wishing to give evidence, it was necessary to hold two Hearings for the Melbourne region - Dandenong and Lilydale.

A list of witnesses who appeared at each Regional Hearing and discussion is at Appendix 5.

As well as the program of Regional Hearings the Committee has undertaken an important series of Hearings at Parliament House, each being advertised and open to the public and the media. Such Hearings have allowed the Committee to follow up issues raised but not developed at Regional Hearings, to address the roles and responsibilities of central and co-ordinating agencies relevant to water management, and to

address key issues as they emerge, e.g. the nature of cost-benefit analysis and the role of the consulting engineer in the water industry.

The first of these Parliament House Hearings took place on 29 May 1980. It is perhaps symbolic, though it was not designed for that effect, that the inauguration of Parliament's new role in the scrutiny of public body activity should be put into effect by finding a new role for the 125-year-old Legislative Council Chamber. This inaugural and historic Hearing also established an important principle in the review process, for the first witness to be called was the Minister of Water Supply, the Honourable F. J. Granter, M.L.C.

The Committee took the view (which was shared by the Minister) that its review should properly commence with evidence from the Minister concerning the objectives and strategies of Government.

The importance of the Government's and the Minister's co-operation and support of the review process in this way cannot be over-estimated. At the same Hearing, the Committee also took evidence from the two Permanent Heads of Departments involved in the water field in Victoria - Mr. J. N. Mann, Director of Water Resources and Water Supply, and Mr. W. E. Bromfield, Chairman, State Rivers and Water Supply Commission. Portion of the transcript of evidence of this inaugural Hearing, including the Minister's remarks, is reproduced at Appendix 6.

Again, in the Legislative Council Chamber, a second important Parliament House Hearing was held on 11 June 1980. On that occasion the Committee received evidence from Mr. A. H. Croxford, Chairman, Melbourne & Metropolitan Board of Works; Mr. I. G. Baker, Director

of Finance, Treasury of Victoria; and Mr. I. R. Pawsey, the Secretary of the Waterworks Trusts Association of Victoria, the Provincial Sewerage Authorities Association and the Municipal Association of Victoria. Although the Melbourne and Metropolitan Board of Works is specifically excluded from the Committee's current reference, the Committee wished to avail itself of Mr. Croxford's experience and provide an opportunity for his views to be placed on the public record. The Committee's conclusions on its reference as a whole, must of course bear on the Board of Works by implication. Indeed, it would not be possible for the Committee to reach balanced conclusions about the future structure of the bodies in its reference without considering the activities and views of a body as significant in the water industry as the Melbourne and Metropolitan Board of Works. Mr. Croxford's evidence included argument in favour of a regional basis for the management of water and sewerage in Victoria, and it is of relevance to note that when discussing the issue of structure, he made the following remarks:

"I shall direct my reply to what I believe ought to happen in the rest of the State I believe there is a real need and that we should start looking at the management of river basins. The southern streams are fairly well defined. The northern streams create a problem because they are located in the one general system.

However, that should not deter the regional management approach for water, sewerage and drainage I believe that some regionalized approach should be adopted present water, sewerage and drainage systems or structures are too fragmented..."

(Transcript of Proceedings, pp 77-78).

Subsequent Parliament House Hearings received evidence on 2 July 1980 from Professor John Power (Professor of Political Science, University of Melbourne and Member of the Board of Review of the Role, Structure and Administration of Local Government in Victoria); on 9 July and 17 September 1980 from the Chairman, Deputy Chairman and Senior Officers of the State Rivers and Water Supply Commission; on 1 October 1980 from the Chairman and Senior Officers of the Latrobe Valley Water and Sewerage Board; on 8 October 1980 from Mr. T. Barnes of Cowwarr, and a Commissioner and Senior Officers of the State Rivers and Water Supply Commission; on 22 October 1980 from Mrs. J. Erbs of Willow Grove, and the Deputy Chairman and Senior Officers of the State Rivers and Water Supply Commission; on 29 October 1980 again from the Deputy Chairman and Senior Officers of the State Rivers and Water Supply Commission, and on 3 December 1980, the Association of Consulting Engineers Australia, Victorian Chapter.

In addition to the programs of Public Hearings the Committee has undertaken other intensive and extensive exercises designed to develop a close familiarity with the water industry and its problems. For example, before undertaking any Public Hearings, the Committee briefed itself by what it termed 'probe team' visits to an example of each major category of water body in Victoria. Such visits, which covered the Queenscliffe, Portarlinton and Ocean Grove Sewerage Authorities, the Fifteen Mile Creek, Black Dog Creek and Ovens and King River Improvement Trusts, the Dandenong Valley Authority and the Ballarat Water Commissioners and Sewerage Authority, generally involved intensive two-day discussions between Committee Members and the Commissioners and senior staff of the bodies concerned.

The Committee has also met, inspected and received briefings from the State Rivers and Water Supply Commission at its Armadale headquarters, and at regional locations has undertaken visits and inspections by bus, and arranged the showing of films relevant to its reference. Such films have included one made by the Victorian Field and Game Association, (which gave evidence at the Bendigo Hearing) and one made by the River Murray Commission on the Dartmouth Dam. In addition, there has been a valued discussion with Sir Ronald East, who for more than a generation was the Chairman of the State Rivers and Water Supply Commission, until his retirement in 1965.

Throughout its Inquiry the Committee has benefited from a number of other informal discussions, and would draw particular attention to those held with Members of the Victorian Public Service Board, the Victorian Auditor-General, Mr. Brian Waldron, and Mr. Richard Viney, Secretary, Law Department.

4.3 The Research Program

Immediately the Committee began work on its current reference, it became aware of the dearth of information available on public bodies in Victoria generally, and public bodies in the water, sewerage, drainage and river improvement field in particular. There are no satisfactory data as to the numbers and types of such bodies and no analysis has been done to assess their very substantial economic and social impact. Furthermore, existing auditing and reporting requirements do not result in these bodies themselves producing sufficient information to enable those gaps to be easily filled. In the water, sewerage, drainage and river improvement area, virtually no consolidated descriptive or financial data were available. Furthermore, authorities produce only brief financial statements which are difficult for non-specialists (and in some cases, even specialists) to understand.

As a result of those deficiencies the Committee decided on a research program with two main strands.

First, it decided to commission research on the public bodies sector as a whole, with the objective of gaining an understanding of the total context in which it would be working.

Second, it decided to commission a number of more specific studies concerning aspects of its current reference.

Each study is managed and controlled by a small group, which comprises in every case a member of the Committee and the Research Director. Where appropriate, outside representatives are included. In this way, each Committee member has direct responsibility for part of the research program, and the principle of the Committee's personal involvement in all work done in the Committee's name is maintained.

The two overall studies of public bodies which have been commissioned thus far concern economic impact and audit and reporting.

4.3.1 Economic Impact of Public Bodies

An important outcome of the activities of public bodies about which little is known is their economic impact. The Senate Standing Committee on Finance and Government Operations described the potential economic impact of statutory authorities as their 'most striking feature' and commissioned research on these bodies in the Commonwealth arena. No corresponding research findings are available

concerning the economic impact of Victoria's public bodies. To correct that situation the Committee has designed a study which will describe the broad characteristics of Victoria's public bodies sector.

The terms of reference for that economic impact study require the consultant to examine and report on:

- . the size and pattern of statutory authority activity in the Victorian economy;
- . the borrowing powers of statutory authorities and the extent to which smaller authorities utilize their borrowing power, including evaluation of the reasons for variation in the degree of utilization of borrowing powers;
- . the extent to which statutory authorities are borrowers from the private sector, and the relationship between borrowing by statutory authorities and the credit position of the private sector of the economy;
- . the scope, range and impact of investment policies and decisions by statutory authorities, including an assessment as to whether such investment is neutral with respect to the cyclical behaviour of the economy;
- . the extent to which the pattern of statutory authority investment is or should be made subject to co-ordinated central management;
- . the scope, range and impact of revenue decisions and policies of statutory authorities;
- . the extent to which the pattern of statutory authority revenue policies is or should be made subject to co-ordinated central management;

- . the extent of aggregate assets held by statutory authorities;
- . the level of liquid assets held by statutory authorities, and criteria for determining desirable liquid asset holdings;
- . the extent to which depreciation and other major reserves are consistently treated among authorities;
- . the impact of the behaviour of the non-budget sector of authorities upon the budget sector of Victorian Government activity;
- . the appropriateness and adequacy of existing State, Loan Council and Commonwealth controls on major economic decisions of statutory authorities.

The Committee obtained research proposals from a number of consultants on its Register, and ultimately commissioned the Institute of Applied Economic and Social Research, University of Melbourne, to undertake the project. The project leader of the study is Dr. P. J. Sheehan, and it is managed by a group comprising the Chairman, Mr. R. Jolly, and Mr. E. W. Russell, the Committee's Research Director.

This study, apart from providing entirely new data on Victoria's public bodies sector, is vital to the Committee's understanding of the context in which it is operating - such an understanding is a prerequisite to the Committee avoiding partial solutions and missing important interdependencies. The size, structure and character of the public bodies sector, its impact on labour and capital markets, the extent of its dependence

on Commonwealth funding (particularly through the Loan Council) and its impact on the Victorian economy generally are of direct, indeed obvious, relevance to determining what criteria should be used to evaluate the effectiveness of bodies within the water industry - which is itself a major component of Victoria's very large public bodies sector.

4.3.2 Audit and Reporting Requirements of Public Bodies

The Committee has become aware, both in relation to the bodies covered by its current reference, and more generally, of a wide variety of auditing and reporting requirements among Victorian public bodies. Improvement in these fields is a pre-requisite to effective parliamentary scrutiny, no matter what specific bodies may be referred to the Committee in the future. A major requirement, if improved accountability is to be achieved, will be the development, clarification and enforcement of legislation and/or guidelines establishing consistent requirements in audit and reporting. Substantial work was found necessary in Canada and in the Commonwealth in these areas immediately the question of the accountability of statutory authorities was addressed. Victoria's position is no different.

The terms of reference for the audit and reporting study require the consultant to examine and report on:

- the establishment of appropriate guidelines for the internal and external audit of specified categories of public body;
- internal and external audit programs and practices currently in force in four selected statutory bodies;

- improvements necessary in current external and internal audit practices of statutory authorities generally;
- public financial and descriptive reporting including the contents of annual reports prepared by the bodies under review;
- statutory audit requirements of statutory authorities in Victoria compared with Companies Act requirements and the obligations of Commonwealth statutory authorities;

The Committee obtained research proposals from several firms of chartered accountants registered with it as consultants. After consideration of these proposals, the Committee engaged for this study an international firm of chartered accountants and management consultants, Touche Ross Services Pty. Touche Ross have been closely involved with the review and improvement of public sector financial management in Canada, the United States and Australia.

In addition to the Honourable Dr. K.J. Foley, M.L.C., the Honourable D.R. White, M.L.C., and Mr. E.W. Russell, the Steering Committee for this study includes a member of the Public Accounts and Expenditure Review Committee, the Honourable Clive Bubb, M.L.C., and a representative of the Institute of Water Administration, Mr. E. J. Austin, Chairman of the Institute's Accounting sub-committee. Furthermore, at the Committee's request the Auditor-General of Victoria, Mr. B. J. Waldron, has agreed to provide informal guidance to the project.

4.3.3 Technical Standards in the Provision of Water and Sewerage to Towns.

As indicated earlier the Committee has received a substantial number of written submissions and has visited and received evidence from a large number of local water and sewerage authorities. A number of those authorities have expressed a concern at their dependence on outside engineering advice, and pointed to difficulties in determining whether proposals submitted to them by consulting engineers exceed reasonable standards. As a result of those recurring comments, the Committee has directed its attention to the question of the extent to which a mode of supervision of local authorities by the State Rivers and Water Supply Commission through guidelines and/or standards could replace universal approval of proposed works.

The Committee has therefore commissioned a study designed to examine technical standards employed in the water and sewerage industry in Victoria, and the respective roles of consulting engineers and the State Rivers and Water Supply Commission in supervising local water and sewerage engineering. In particular, the study will report on:-

- a) the nature and adequacy of engineering guidelines, standards and recommended practices prescribed by the State Rivers and Water Supply Commission to consulting engineers and to local water and sewerage authorities;
- b) the extent to which prescribed regulations, guidelines and/or standards could replace detailed approval as a means of central supervision of local water and sewerage engineering;
- c) the extent and relevance of existing Australian Standards to this question;

- d) whether, and if so, the extent to which engineering options more costly than reasonable minima are adopted by local water and sewerage authorities on the advice of consulting engineers and the relationship between the cost of works and the remuneration of consulting engineers;
- e) alterations, if any, which may be desirable in the relationships between local water and sewerage authorities, the State Rivers and Water Supply Commission and consulting engineers;
- f) the adequacy of the notes prepared by Mr. J.D. Lang, a former Chairman of the Board of Examiners of Engineers of Water Supply, to assist candidates in studying for that Board's examination;
- g) recommendations for change.

After obtaining proposals for this study from a number of those consultants on its register, the Committee has commissioned Sinclair, Knight and Partners Pty. Ltd., consulting engineers of Sydney, to undertake this study. The study will be managed by a Committee comprising the Honourable Dr. K. J. Foley, M.L.C.; Mr. Graeme Weideman, M.L.A.; Mr. Alan Longstaff, representing the Association of Consulting Engineers, Australia, and Mr. E. W. Russell, Director of Research.

4.3.4 Interstate Comparative Study of Water Management

The Committee has obtained proposals from consultants for a study designed to provide comparative information on the water, sewerage, drainage, irrigation, river improvement, water quality and water resource assessment function in three other States to provide the Committee with a comparative frame of reference. In this case particular attention will be paid to the legislative and administrative framework, relationships between central, regional and local authorities in the water field; the relationship between municipalities

and water bodies; methods of funding; planning and priority setting; and the roles of consulting engineers.

The terms of reference for this study require the consultant to examine:-

- a) the legislative and administrative framework for the provision of water-related functions - including -
 - (i) the numbers, types and roles of public bodies engaged in water, sewerage, drainage, irrigation, river improvement and water quality and water resource assessment and whether new bodies of each type are still being created;
 - (ii) the prevalence of elected local authorities in water management; the number of elected and non-elected members in such local authorities; and the extent to which elections for water authorities are contested;
 - (iii) the extent to which Loan Council borrowing requirements have acted as an incentive to the fragmentation of the water industry;
- b) the relationship between central, regional and local authorities in water-related functions, and in particular -
 - (i) methods of financial control
 - . over specific projects, and
 - . over annual and forward works budgets;
 - . over borrowing of loan funds;
 - (ii) administrative and technical control, e.g.
 - . over the letting of contracts;
 - . over works programs and projects;
 - (iii) the setting of state-wide standards as to
 - . the qualifications of administrative officers;
 - . the qualifications of engineers, and
 - . technical standards.

- c) the relationship between municipalities and water-related bodies;
- d) the method of funding -
 - (i) extensions of water and sewerage schemes;
 - (ii) new water and sewerage schemes;
 - (iii) the provision of sewerage to old subdivisions;
- e) the basis and extent of any grants, subsidized loans, revenue or other subsidies to local authorities in respect of water supply, sewerage, drainage or river improvement;
- f) the requirements imposed on water and sewerage authorities in respect of depreciation provisions, including -
 - (i) the scope of obligatory depreciation reserves;
 - (ii) requirements as to where depreciation funds may be invested, and
 - (iii) the basis upon which withdrawals can be made from depreciation funds to meet replacement of assets;
- g) what body or bodies are responsible for river improvement work in each State; what work is entailed in river improvement; what is the total level of expenditure on river improvement; what central government assistance is provided for river improvement work, and what contributions are obtained from individuals and/or authorities that benefit from such work;
- h) what body or bodies are responsible for drainage in each State; what work is entailed in drainage, what is the total level of expenditure on drainage, what central government assistance is provided for drainage work, and what contributions are obtained from individuals and/or authorities that benefit from such work;
- i) the basis by which the central state water agency or Treasury decides on priorities between competing projects in the water industry;
- j) the nature of any corporate or forward planning processes used by the central water agency;

- k) the role of and statutory requirements concerning the use by local water authorities of private consulting engineers, the basis of remuneration of such engineers; and the numbers of engineers so employed.

4.3.5 Management Review of Two Medium-Sized Water Bodies.

The Committee has arranged with the Public Service Board, the Ballarat Water Commissioners and Sewerage Authority, and the Geelong Waterworks and Sewerage Trust, for an indepth study of those bodies to be carried out by a team from the Public Service Board - a team which has in the past several years developed significant strengths in management review. The Committee is pleased to be able to draw on the management audit skills of the Public Service Board in this way.

That study, which is being directed by Mr. Machmud Mackay, will examine the efficiency of those organizations with particular reference to policy development, project planning and control, financial management, organization structures and processes, and human resource management. The ready co-operation of the Ballarat Water Commissioners and the Geelong Waterworks and Sewerage Trust, which the Committee notes with appreciation, epitomises the readiness to co-operate with the review by the water and sewerage industry.

The terms of reference for this review require the team:-

- . To examine the organization and functioning of the Ballarat Water Commissioners and the Geelong Waterworks and Sewerage Trust, and the extent to which these factors influence the achievement of the authorized objectives and the performance of the statutory functions of the two bodies.

- . To report on findings and assessments paying attention, where appropriate, to:-
 - policy development;
 - project planning and control;
 - financial management;
 - organization structures and processes;
 - human resource management.

- . To suggest directions for overall improvement in the performance of either of the two bodies, if the review reveals scope for such improvement.

4.3.6 Survey of Local Authorities.

A major problem faced by the Committee in attempting to assess the effectiveness and efficiency of the bodies within its reference is the paucity of systematic information about them. While the State Rivers and Water Supply Commission and local authorities have freely provided financial returns and other information, existing data are limited in scope and rarely comparable.

Available information does not cover areas

such as the objectives and performance measures of authorities, details concerning numbers and types of staff used by authorities, relationships between authorities and their consulting engineers, information concerning the extent to which such bodies are publicly accountable, and information on financial management.

To obtain that information and develop a basis for comparing public bodies, the Committee circulated an extensive questionnaire to all bodies in its reference. Informal advice concerning the design of the questionnaire was obtained from the Secretaries of a number of Trusts and Authorities, from Officers of the State Rivers and Water Supply Commission and the Government Computing Service. That survey will require, and has been designed for, computer processing which will be conducted by the Institute of Applied Economic and Social Research, University of Melbourne. As mentioned earlier, that organisation is conducting the Committee's Economic Impact Study.

When asking Authorities to complete this most comprehensive questionnaire the Committee was conscious of the work load it would entail, especially for many of the smaller bodies. While aware of those difficulties the Committee nevertheless regarded a systematic data base as vital to its work, and felt confident that the bodies whose help it sought would accept the added burden in the same co-operative spirit they had shown in relation to other requests made of them.

The rapid and ready response to those questionnaires has vindicated the Committee's confidence.

4.3.7 Other Projects

In addition to the studies mentioned above, the Committee is considering a further four studies. These are:

- Development of Water Management in Victoria -
A brief study designed to examine the history of current administrative arrangements in the water field in Victoria;
- Equity and Pricing Policy -
An examination of the current pricing and subsidy arrangements in the water industry in Victoria, and the extent to which they meet equity criteria;
- Irrigation Economics -
A study of the implications for water management of aspects of the economics of existing Victorian irrigation schemes;
- A Central Banking Facility for the Water Industry -
An examination of alternative approaches to mobilizing the reserve and unused (but not uncommitted) funds of water authorities.

This group of studies should be regarded as tentative, the Committee lists them here merely to indicate the direction of its current thinking and to provide an opportunity for comment.

4.4 Reference Papers

In addition to its Research Program the Committee has sought and obtained a number of valuable reference papers from the Public Service Board, the State Rivers and Water Supply Commission, the Treasury and a number of water authorities. Such papers primarily contain factual information, rather than argument as to options the Committee should consider. Those reference papers are briefly referred to here because they

represent an important source of data on the water industry, and have helped the Committee materially in informing itself on the matters under review.

4.4.1 Public Service Board Background Papers

At the beginning of its Inquiry the Committee sought and obtained from the Public Service Board's Research and Special Projects Division three particularly useful briefing papers which were written by Mr. John Barry.

- List of Public Bodies created by Statute

A preliminary identification of some main classes of public body;

- Water and Effluent Control in Victoria

A 153-page paper outlining the legislative basis of bodies in the water, sewerage, drainage and river improvement field in Victoria;

- Auditing and Reporting Arrangements of Public Bodies in the Water Field

A brief analysis of statutory requirements in relation to audit and reporting by water, sewerage, drainage and river improvement bodies in Victoria.

4.4.2 State Rivers and Water Supply Commission Background Papers.

The State Rivers and Water Supply Commission has provided eleven regional background papers and seven other position papers on subjects referred to it by the Committee.

The eleven regional background papers concern respectively the provisions for water management in each of the government approved regions of Victoria.

As an illustration, the Portland background paper (8 August 1980) contains information on the fifteen waterworks trusts, three local governing bodies under the Water Act, ten sewerage authorities, two drainage trusts and one river improvement trust in the South-Western region, as well as the Peterborough, Port Fairy and Warrnambool flood studies, and the Otway Water Supply System.

Apart from these regional briefing papers the State Rivers and Water Supply Commission has also prepared important reference papers on the following subjects:

- Water Management in Victoria - The Commission's Role (May 1980), which provides data on the State Rivers and Water Supply Commission's origins, objects and functions; on mechanisms for co-ordination among government agencies involved in water management; on mechanisms for public participation; financial arrangements and organization structure of the Commission.
- The Objects of the State Rivers and Water Supply Commission (July 1980), provides a quite detailed statement of the policy objectives of the State Rivers and Water Supply Commission.
- Processes in Water Management Planning (August 1980), outlining in general terms the processes by which major water management proposals in Victoria advance to the stage of approval, outlining criteria used, and giving the examples of the Tanjil Dam, the Merrimu Reservoir and the Nangiloc-Colignan Drainage Scheme.
- Availability and Provision of Funds on an Annual Basis (August 1980), outlining methods of capital planning and the application of capital funds by the State Rivers and Water Supply Commission, and noting problems arising from the annual

funding system as opposed to a 3-year budgetary framework.

- Pricing Policy and Financial Assistance for Urban Water and Sewerage (August 1980). This paper outlines current approaches to pricing policies and subsidies in the water industry, and sets out problems as the Commission sees them with existing subsidy arrangements. The paper also sets out the basis of calculations for grants for water supply and sewerage services and details of eligibility for deferment of loan liability.
- Administration of Urban Water Supply and Sewerage (September 1980). This paper describes the respective roles of the Minister of Water Supply and the State Rivers and Water Supply Commission in respect of local water and sewerage authorities, and methods for the initiation, constitution and amalgamation of local authorities.
- Rainbow Creek - Thomson River River Management Problems (October 1980). This paper discusses problems in the management of the Rainbow Creek, near Cowwarr, leading to the 'Declaration of War' on the State of Victoria by the Independent State of Rainbow Creek (sic) on 17 January 1979.

Each of the above papers has been the subject of a public hearing and/or discussion by the Committee.

4.4.3 Treasury of Victoria Reference Papers

At the Committee's request Treasury provided the following background papers:

- Interface with State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority (excluding M.M.B.W.) (June 1980).

This paper briefly outlines relationships in respect of current account, works and services account, trust funds, accounting and borrowing, and includes a list of some thirty-one trust accounts controlled by the Treasury but affecting the operations of the State Rivers and Water Supply Commission.

- Natural Disasters Relief Arrangements as they apply to River Improvement Trusts.

This paper very briefly details Commonwealth-State arrangements for natural disaster relief which result in the allocation of funds to river improvement trusts.

4.4.4 Other Reference Papers

Among the many extremely valuable papers produced for the Committee by water and sewerage bodies within its reference the Committee would draw special attention to the documents provided by:

- Mildura Urban Water Trust and Mildura and Merbein Urban Districts (May 1980).
- Dandenong Valley Authority (May 1980).
- The Latrobe Valley Water and Sewerage Authority (May 1980).
- The West Moorabool Water Board (June 1980).
- Background Document on the Ballarat Water Commissioners and Sewerage Authority (June 1980).
- Background Document on the First Mildura Irrigation Trust (September 1980).
- Papers and Submissions from the Dandenong Valley Authority, particularly a Technical Report entitled "The Sunset Concept : Interpretations into the Victorian Scene", prepared by the Authority's Chief Engineer-Manager, Mr. Don Thompson, (October 1980).

4.5 Submissions

The Committee has written a personal letter to every water, sewerage, drainage and river improvement trust or authority in Victoria, and has extended an invitation to attend a Regional Hearing and make a submission to the Committee. Virtually all bodies accepting this invitation have now appeared before the Committee, and arrangements are in hand for further Hearings to cover those who have made submissions but have not so far appeared in person.

To facilitate public participation and awareness, the Committee has placed advertisements in the metropolitan and regional press prior to each regional hearing repeating its invitation and extending it to other public bodies, community groups and members of the public. As a result, submissions and evidence has been received from a regional planning authority, municipalities, conservation, recreational and local interest groups.

Submissions received have been of a generally high standard and have been addressed primarily to matters which the Committee is obliged to examine pursuant to Section 48C(5) of its Act. Among the wide range of issues put before the Committee, several have emerged as recurrent and significant themes.

These are:

- Structural Options - the need for structural alteration in the water industry, and comments on the recommendation by the Board of Review of the Role, Structure and Administration of Local Government in Victoria concerning the municipalisation of water and sewerage functions. Options proposed to the Committee have included the direct provision of water and sewerage services by the State, the provision of water and sewerage on a regional or catchment basis, the amalgamation of separate water and sewerage authorities in each town; the municipalisation of water and sewerage functions; changes involving a blend of the above options, and the retention of the status quo. The Committee has not yet formed a view on these matters.
- Public Participation - the extent of public participation in the activities of trusts and authorities. A number of submissions have stressed the degree of voluntary participation in the activities of trusts and authorities. The Committee has noted the significant voluntary effort of trust and authority members and commissioners, but has found few examples of voluntary effort extending to other areas, such as maintenance and service calls. The Committee

is not at present convinced that the present pattern of trusts and authorities necessarily provides the best or only means of providing a responsive and participative form of administration.

- . Financial Assistance - the need for continued financial assistance to small communities for the provision of water and sewerage services. Few trusts and authorities have however sought to defend the current methods of financial assistance. It has been put to the Committee that neither the complicated formulae, established in 1944 for the calculation of grants for new systems, nor the concept of subsidizing interest rates to $3\frac{1}{2}\%$ or $3\frac{3}{4}\%$ introduced when market interest rates were 4%, are equitable or efficient mechanisms for financial assistance today.
- . Depreciation and Sinking Funds - the extent to which existing requirements in respect of depreciation and sinking fund investments are inappropriate. Present depreciation and sinking fund requirements result in trusts and authorities being obliged to lock up substantial reserve funds in liquid assets during a period when they must frequently borrow at high rates on the market to maintain works programs.
- . Level of Supervision - the appropriateness of current arrangements for the central supervision and approval of local water and sewerage works. Some authorities considered that requirements for central approval could be lessened where competent engineers were locally available; other local authorities felt more guidance from the State Rivers and Water Supply Commission would be helpful. In this respect it was noted that engineering supervision was far more detailed than financial supervision.
- . Project Evaluation - the Committee has noted and had drawn to its attention on very many occasions a quite marked difference between the levels of economic and technical evaluation of water industry projects. Though the Committee is yet to form an opinion on what should comprise economic and technical evaluations (a task made the more difficult because there is no clear-cut distinction between what are inextricably related elements of a cost-benefit exercise) it does note for further attention the current practice which pays extensive, and often very detailed attention, to the technical aspects of a project, but only limited attention to the economic aspects.

Subsidized Funds - it has been brought to the Committee's attention on a number of occasions that subsidized monies were used to finance the construction of new buildings for sewerage authorities, and in other cases was placed into the short term money market. The Committee intends to examine this matter closely in the near future.

Several submissions received from individuals and community groups were critical of aspects of the work carried out by public bodies.

Concern was expressed at the manner in which some bodies financed their work or handled their relationships with ratepayers or members of the public. The bodies most criticized, in relation to their total number, were the river improvement trusts, although it should be emphasized that the criticisms varied in character, and were by no means universal.

4.6 The Handling of Individual Grievances

As a result of the nature of the Committee's Inquiry, publicity associated with public hearings and media coverage, the Committee has had placed before it a number of cases where individuals have become aggrieved as a result of actions taken by some of the bodies under review. The nature of these grievances varied considerably, involving issues such as the equity of contributory sewerage schemes; the extent of public notification of proposed works; the effect of works carried out by the bodies, and the nature of charges levied.

The Committee has taken evidence from witnesses who have grievances against public bodies within its reference but has sought to discourage intemperate allegations.

While not all the evidence received bears directly on the matters before the Committee, some of it is directly relevant to the Committee's statutory obligations to examine matters such as the extent to which bodies consider the public interest in performing their activities, complaint handling, and public participation. It should be appreciated, however, that the Committee does not intend itself to pursue or report on individual grievances as such, except to the extent that they illustrate, or are representative of, broader problems.

4.7 Addresses, Conferences, Visits and Visitors

Since the formation of the Committee, the Chairman, the Deputy Chairman, Committee members and the Research Director, have taken every opportunity to make contacts, spread knowledge of the Committee's work, and obtain information relevant to its work through addresses, seminars, conferences and visits.

Both the Chairman and the Deputy Chairman have addressed the Institute of Water Administration; the Chairman has also addressed the Australian Institute of Public Administration and the Australian Society of Accountants. In May 1980, the Deputy Chairman and the Research Director attended the Second Parliamentary Seminar of the Joint Parliamentary Committee of Public Accounts in Canberra. During August, the Chairman made a private visit overseas, and had discussions on legislative review and parliamentary scrutiny with a wide range of legislators, officials and academics in Malaysia, Singapore, Israel, the United Kingdom, Canada, and the United States.

The Chairman and Research Director visited Canberra in October and held discussions with a number of academics and officials, including the Secretary of the Senate Committee on Finance and Government Operations, while in November the Chairman had discussions on the Committee's work with the Premier of South Australia, a number of his Parliamentary colleagues and senior officials.

In November, a number of members of the Committee attended the opening of the Lilydale Sewerage Authority's new treatment works.

The Committee regards these contacts as an important, indeed indispensable, adjunct to its formal program.

In addition to those activities, the Committee has itself welcomed a number of visitors, including Parliamentary Committees from New South Wales and Western Australia.

5. The Committee's Resources

5.1 Staff

Despite the substantial workload imposed by its first reference, the Committee has maintained a policy of avoiding the acquisition of a large permanent staff. That policy is consistent with the emphasis on the Committee itself, rather than its staff, being the reviewers.

Presently the Public Bodies Review Committee is serviced by a fulltime staff of three: a Secretary, a Director of Research and a Stenographer. The Secretary, Mr. Matthew Tricarico, is a permanent officer of the Parliament. The Director of Research, Mr. E. W. Russell, is a seconded Victorian public servant, who was appointed after the vacancy was nationally advertised, and after the Committee had interviewed 42 applicants for the post. The term of Mr. Russell's secondment is twelve months. The Committee's Stenographer is Mrs. Jean Anderson.

5.2 Consultants

An important provision of the Parliamentary Committees (Public Bodies Review) Act is Section 48D(1), which enables the Committee to appoint consultants. To ensure that all interested persons and groups would have the opportunity to compete for work to be commissioned, the Committee decided to open a Register of Consultants. Press advertisements were placed inviting persons, firms and other groups with relevant skills, to register with the Committee, providing details of their expertise. When the Committee

wishes to commission a study, it selects from this Register a number of consultants appropriate to the task, and invites proposals. A list of consultants currently registered with the Committee is at Appendix 7.

Consultants commissioned by the Committee are required to agree to a standard set of working arrangements and general conditions prescribed by the Committee. (see Appendix 8).

The use of consultants allows the Committee to avail itself of skilled professional advice, and will permit variations in the scale of the Committee's work in the future without the unnecessary overheads which a larger staff establishment would entail.

5.3 Accommodation and Office Systems

Since its inception the Committee has been housed in temporary and wholly unsatisfactory accommodation. Such accommodation has unquestionably presented an impediment to effective Committee work. Public Hearings have at times been conducted under extremely cramped conditions, and neither the organization of the Committee's substantial information resources nor the conduct of the many discussions and meetings incidental to the Committee's work has been aided by this. Accordingly, the Chairman when overseas in August, studied contemporary committee facilities in Britain, Canada and U.S.A.

Subsequent to discussions between the Chairman, the Premier, and the President of the Legislative Council,

suitable arrangements have been made for accommodation of the Committee in leased premises near Parliament House. In fact, the Committee anticipates occupying premises at 1 Little Collins Street in December 1980. While a move away from the Parliament House is in many ways undesirable, facilities within Parliament House preclude a practical alternative.

Early in its life the Committee obtained advice from the Public Service Board's Management Systems Division concerning records management and word processing facilities, to maximize the efficiency of the Committee's internal administration.

In two Reports, dated July and August 1980, the Public Service Board made detailed recommendations on these matters. In particular, the Board's Report on its Review of Word Processing for the Committee, recommended, inter alia, that a word processing system be purchased and installed, and that the Board's Management Systems Division prepare a detailed tender specification if approval to proceed is obtained.

The Committee has accepted these findings and recommended their adoption to the Government.

* * *

6. Future Program

1981 will see continued intensive activity by the Public Bodies Review Committee. The first group of its Research Projects is expected to be completed and published in March or April, as is the Committee's Interim Report on its first reference.

Currently, the Committee expects this Interim Report to present the advantages and disadvantages of options before the Committee, particularly in the area of the restructuring of urban water and sewerage in country areas. The Committee envisages that its Interim Report will stimulate public discussion, which it intends to facilitate by organising a limited number of supplementary Hearings.

In the meantime, the Committee will be pursuing its investigations in areas of the water industry not yet covered at all, or not covered to the Committee's satisfaction. Areas such as irrigation, central management, and the roles of the Treasury and the State Rivers and Water Supply Commission are among the topics to be covered.

* * *

7. Concluding Remarks

The experience of working with a Parliamentary Committee, especially one as busy and with such an extensive association with the Victorian bureaucracy as the Public Bodies Review Committee, serves to reinforce a view that in Victoria the back-bench Member of Parliament is less than adequately informed on the operations of government. While there are a number of obvious ways in which that unsatisfactory condition can be changed (e.g. budget documents and annual reports of public bodies that detail objectives, programs and activities in contrast to statements of function and line item allocation of funds) it seems clear from the operations of the Public Bodies Review Committee that a major source of information, a primary vehicle for acquiring an understanding of the operations of government, is the Parliamentary Committee. It is even clearer, however, that both the quantity and quality of information available to Members of Parliament, and their level of understanding of the machinery of government, is considerably enhanced if the Parliamentary Committee is provided with resources and real independence - the Public Bodies Review Committee has both.

Victoria's Public Bodies Review Committee is an important and exciting initiative that gives the Victorian Parliament its first formal opportunity to assess the economic and social impact of its public bodies sector, and the relevance of its components.

This Committee adds a new dimension to the role of Parliament, and will, in the course of meeting its obligations, profoundly change Parliament's and the public's understanding of the nature and extent of Victoria's public bodies sector.

Furthermore, and most importantly, it will not only improve accountability in government in Victoria, but also change, in a fundamental way, the accountability of government to Parliament.

Committee Room,
10 December 1980.

APPENDIX 1.



ANNO VICESIMO NONO
ELIZABETHAE SECUNDAE REGINAE

VICTORIA

**Parliamentary Committees
(Public Bodies Review) Act 1980**

No. 9367

An Act to make Provision with respect to the Establishment and Functions of a Joint Standing Committee of the Legislative Council and Legislative Assembly with respect to the review of Public Bodies, to amend the *Parliamentary Committees Act* 1968 and for other purposes.

[Assented to 18 March 1980]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Parliamentary Committees (Public Bodies Review) Act* 1980. Short title.

(2) In this Act the *Parliamentary Committees Act* 1968 is called the Principal Act. Principal Act No. 7727. Amended by Nos. 7987, 8286, 8530, 8568, 8827, 8851 and 9032.

(3) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

Amendment of
No. 7727.

2. After section 48 of the Principal Act there shall be inserted the following Part :

“PART VIA.—PUBLIC BODIES REVIEW COMMITTEE

Public Bodies
Review
Committee.

48A. (1) There shall be a joint committee of the Council and the Assembly to be called the Public Bodies Review Committee.

(2) The committee shall consist of eight members.

(3) As soon as conveniently practicable after the commencement of every session of Parliament the members of the committee shall be appointed according to the practice of Parliament with reference to the appointment of members to serve on joint select committees of the Council and the Assembly.

(4) Not less than three of the members shall be members of and appointed by the Council and not less than four shall be members of and appointed by the Assembly.

(5) Five members of the committee shall form a quorum but no quorum of the committee shall consist exclusively of members of the Council or of members of the Assembly.

(6) The committee may elect one of the members thereof to be chairman and the chairman shall have a vote and, in the event of an equality of votes, a casting vote.

Nomination
for review.

48B. (1) The Council or the Assembly may by resolution or the Governor in Council may by Order published in the *Government Gazette* at any time nominate a public body for review by the committee.

(2) A nomination made by the Council or the Assembly pursuant to sub-section (1) may at any time be withdrawn by resolution of the House which made the nomination, and where the Governor in Council has nominated a public body for review he may at any time by Order published in the *Government Gazette* withdraw the nomination.

(3) A public body which is reviewed by the committee shall not be eligible to be again nominated for review until a period of five years commencing on the day on which the most recent review of the body commenced has elapsed.

(4) Subject to sub-section (3), every public body whether created before or after the commencement of this Part shall be eligible to be nominated for review unless the Act by or under which it is established expressly provides that it shall not be.

(5) In this Part, “public body” means any public body established by or appointed pursuant to an Act or established by or appointed pursuant to any rule, regulation, by-law, order, Order in Council, proclamation or other instrument of a legislative character.

48c. (1) The

48c. (1) The committee shall review each public body nominated for review and report to the Parliament on the question whether or not the body should cease to exist. Review of public bodies.

(2) The committee may review a public body separately or together with any other public body or bodies nominated for review.

(3) The committee may review a public body notwithstanding that another public body was nominated for review before the first-mentioned public body and has not been reviewed by the committee.

(4) The chairman of the committee shall cause notice of the date on which it commences or proposes to commence to review a public body to be published in the *Government Gazette* and in a daily newspaper circulating generally throughout Victoria.

(5) When reviewing the activities of a public body the committee shall inquire into any matter it considers relevant to the question whether the body should cease to exist or not and, without limiting the generality of the foregoing, the following matters in particular:

- (a) Whether or not the objects of the body are worth pursuing in contemporary society;
- (b) Whether or not the body pursues its objects efficiently, effectively and economically;
- (c) Whether or not the structure of the body is suited to the activities it performs;
- (d) Whether or not the body duplicates the work of another person or body;
- (e) The financial and other liabilities and obligations of the body;
- (f) The extent to which the body seeks information as to the effect of its activities and acts on the information it receives;
- (g) The extent to which the body considers the public interest when performing its activities;
- (h) The extent to which the body encourages public participation in its activities;
- (i) The manner in which the body handles complaints about its activities; and
- (j) The extent to which the body is prepared to improve its structure, composition or procedures.

(6) The committee shall include in its report to the Parliament either a recommendation that the public body under review should cease to exist or a recommendation that the body should continue to exist and shall include also its reasons for recommending the cessation or continuance of existence (as the case may be).

(7) Where

Additional
functions of
committee.

(7) Where the committee, after reviewing a public body, recommends in its report that the body should continue to exist, the committee shall recommend in its report the period within which the body should again be reviewed and such changes as it considers necessary or desirable to the structure or membership of the body, the procedures adopted by the body or the functions, powers or duties exercised or performed by the body and may in addition state the objects which in its opinion the body ought to pursue when exercising or performing its powers, duties or functions.

(8) Where the committee recommends in its report that a public body should cease to exist, the committee shall include in its report recommendations as to the arrangements that should be made in consequence of the cessation of existence of the body and the going out of office of its members including, without limiting the generality of the foregoing, the arrangements that should be made in relation to—

- (a) the powers, functions and duties exercised or performed by the body;
- (b) the property (if any) owned by the body or in which the body has an interest;
- (c) where the body is established by or appointed pursuant to an Act, the repeal or amendment of that Act;
- (d) the repeal or amendment of any other enactment referring to the body;
- (e) where the body was established by or appointed pursuant to a rule, regulation, by-law, proclamation, order, Order in Council or other instrument of a legislative character, the revocation, amendment or variation thereof;
- (f) the revocation, amendment or variation of any other rule, regulation, by-law, proclamation, order, Order in Council or other instrument of a legislative character referring to the body;
- (g) the officers and employes of the body;
- (h) any contract, agreement or arrangement to which the body is a party;
- (i) any legal or other proceeding or claim to which the body is a party or in which the body has an interest; and
- (j) the financial and other liabilities and obligations of the body.

(9) The

(9) The committee may if it thinks fit include in a report a draft Bill to give effect to—

- (a) where the committee recommends that the public body the subject of the report should continue to exist—such of the recommendations of the committee as to changes it considers desirable to the structure or membership of the body, the procedures adopted by the body or the functions, powers or duties exercised or performed by the body as cannot be given effect to otherwise than by an Act; or
- (b) where the committee recommends that the body should cease to exist—such of the recommendations of the committee as to the arrangements that should be made in consequence of the cessation of existence of the body and the going out of office of its members as cannot be given effect to otherwise than by an Act.

(10) For the purposes of preparing a draft Bill for incorporation in a report the committee may with the consent of the Attorney-General make use of the services of any of the officers or employes of the public service in the Law Department.

(11) The Chairman of the committee shall lay each report of the committee or cause each report of the committee to be laid before both Houses of the Parliament within 30 days of its being adopted by the committee if the Parliament is then sitting or, if the Parliament is not then sitting, within 30 days of the next meeting of the Parliament.

48D. (1) Where a public body is under review by the committee the committee may commission any person or persons to investigate and report to the committee on any aspect of the body or its activities which the committee considers relevant to the review.

Reports and
written
submissions.

(2) The expenses of any investigation commissioned under sub-section (1) shall be met out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

(3) The committee may, in lieu of or in addition to commissioning an investigation under sub-section (1), with the consent of the Public Service Board make use of the services of any of the officers or employes of the public service in the office of the Public Service Board for the purpose of investigating and reporting to the committee on any aspect of a public body which is under review by the committee or of the activities of any such body.

(4) A public body which is under review by the committee may or, if requested to do so by the committee, shall make written submissions to the committee.

(5) The

(5) The committee shall make available to the public a copy of any report of an investigation carried out under sub-section (1) or (3) unless in the opinion of the committee special circumstances make it undesirable to do so.

(6) The committee shall make available to the public a copy of any written submissions made to it under sub-section (4).

(7) The committee may charge a member of the public a sum not exceeding \$25.00 for making available to him a copy of any report or submissions.

Public
hearings.

48E. (1) The committee shall, before reporting to the Parliament on the question whether or not a public body should cease to exist, hold a public hearing.

(2) The committee shall allow any person who is a member of the public body under review to give evidence to it at the public hearing.

(3) The committee may allow any person to give evidence to it at a public hearing.

(4) Notwithstanding anything to the contrary in sub-section (2), the committee may refuse to hear evidence which in the opinion of the committee is irrelevant to the question whether or not the public body which is under review should continue to exist or which in the opinion of the committee is unnecessary to be made because of other information at the disposal of the committee.

(5) Neither the public body which is under review nor any person who appears before the committee at a public hearing shall be entitled or permitted to be represented by a barrister or solicitor; but nothing in this sub-section shall prevent a person from giving evidence on his own behalf or a member or employé of the body from giving evidence on his own behalf or on behalf of the body.

(6) Notwithstanding anything in this section, the committee may—

- (a) deliberate in private; and
- (b) if the committee is of opinion that special circumstances make it desirable to do so, hold the whole or any part of a public hearing in private.

Cessation of
existence of
reviewed
bodies.

48F. (1) Where a public body is reviewed by the committee and the committee recommends that the body should cease to exist then subject to this section on the first anniversary of the day on which the report of the committee is laid before the Parliament—

- (a) the body shall cease to exist; and
- (b) the members of the body shall go out of office.

(2) Where—

(2) Where—

- (a) a public body is reviewed by the committee;
- (b) the Parliament, after the report of the committee is laid before the Parliament, expressly provides that the body shall continue to exist; and
- (c) after the provision by the Parliament that the body shall continue to exist the body is again reviewed by the committee and the committee recommends that the body should cease to exist—

the provision by the Parliament that the body shall continue to exist shall not prevent sub-section (1) operating to terminate the body and remove its members from office unless the provision by the Parliament that the body shall continue to exist is expressed to override this sub-section.

48G. (1) Where a public body ceases to exist by virtue of section 48F (1) without provision having been made by the Parliament or by the Governor in Council with respect to such of the arrangements which it is necessary to make in consequence of the cessation of existence of the body and the going out of office of its members as may be made only by the Parliament or by the Governor in Council, the following provisions shall apply to the extent to which they are capable of doing so:

Consequences
of cessation
of existence of
reviewed body.

- (a) Where the body was established by or appointed pursuant to an Act, that Act shall be read and construed as if it did not—
 - (i) provide for the establishment of the body or the appointment of members of the body;
 - (ii) confer or impose powers, duties or functions or obligations or liabilities on the body or its members;
 - (iii) provide for the performance by any person of any action in relation to the body; or
 - (iv) contain any provision which otherwise depends for its efficacy upon the existence of the body;
- (b) Any other Act which—
 - (i) confers or imposes powers, duties or functions or obligations or liabilities on the body or its members;
 - (ii) provides for the performance of any action in relation to the body; or
 - (iii) contains any provision which otherwise depends for its efficacy upon the existence of the body—
 shall be read and construed as if it did not do so;
- (c) Where the body was established by or appointed pursuant to any rule, regulation, by-law, proclamation, order, Order in Council or other instrument of a legislative

character,

character, that instrument shall be read and construed as if it did not—

- (i) provide for the establishment of the body or the appointment of members of the body;
 - (ii) confer or impose powers, duties or functions or obligations or liabilities on the body;
 - (iii) provide for the performance by any person of any action in relation to the body; or
 - (iv) contain any provision which otherwise depends for its efficacy upon the existence of the body;
- (d) Any other rule, regulation, by-law, order, Order in Council, proclamation or other instrument of a legislative character which—
- (i) confers or imposes powers, duties or functions or obligations or liabilities on the body or its members;
 - (ii) provides for the performance of any action in relation to the body; or
 - (iii) contains any provision which otherwise depends for its efficacy upon the existence of the body—
- shall be read and construed as if it did not do so;
- (e) All real and personal property whatsoever (including, without limiting the generality of the foregoing, money and any interest in any real or personal property) vested in the body shall be vested in the Crown, subject to any existing charge or encumbrance;
- (f) Subject to paragraph (g), all contracts, agreements and arrangements to which the body is a party shall cease to have effect in relation to the body;
- (g) All debts lawfully owing to the body shall be deemed to be lawfully owing to the Crown;
- (h) All legal or other proceedings or claims to which the body is a party shall lapse insofar as they relate to the body; and
- (i) All other acts, matters and things of a continuing nature made, done or commenced by or on behalf of or in relation to the body and of any force or effect or capable of acquiring any force or effect shall cease to be of any force or effect or capable of acquiring any force or effect.

(2) Notwithstanding

(2) Notwithstanding anything in sub-section (1), where the Treasurer or the Government of Victoria has—

- (a) guaranteed the repayment by a public body which ceases to exist by virtue of section 48F (1) of a loan or the performance by such a body of any obligation of a financial nature; or
- (b) granted an indemnity against loss suffered as a result of the failure of such a public body to repay a loan or perform an obligation of a financial nature—

the loan or obligation shall on the cessation of existence of the body become and be repayable or performable by the Treasurer or the Government of Victoria (as the case may be) as if the loan had been made, or the obligation undertaken, by him or it; and the Consolidated Fund is hereby to the necessary extent appropriated accordingly.

(3) Where the Minister responsible for a public body is of opinion that a person has suffered undue hardship by reason of the operation of sub-section (1) in relation to the body, the Treasurer may pay to the person such amount by way of compensation as he thinks fit out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

(4) The exercise by a Minister of a discretion under sub-section (3) in relation to the payment of compensation or by the Treasurer in relation to the amount thereof shall not in any way be made the subject of or called into question in any proceedings before a court.

48H. Neither the proceedings of the committee nor any recommendation made by the committee shall give rise to any cause of action in law or be made the subject of, or in any way called into question in, any proceedings before a court. Judicial review.

48I. (1) The committee shall hold office as such and may exercise all powers conferred upon it by this Act or otherwise for the session during which it is appointed and thence until— Tenure of Committee

- (a) the day before the commencement of a new session of Parliament;
- (b) the expiry of the Assembly by effluxion of time; or
- (c) the dissolution of either House of Parliament—

whichever of such events first happens.

(2) The committee may sit and transact business during any adjournment or recess in the period for which it holds office, but the committee shall not sit during the sittings of either House of Parliament except by leave of such House.

(3) The committee may sit at such times and in such places in Victoria or elsewhere as are convenient for the proper and speedy dispatch of business

(4) Where

(4) Where a public body is being reviewed by the committee and the committee has lapsed or ceases to have legal existence before the committee has advised the Parliament whether or not the body should cease to exist, the evidence taken before the committee shall nevertheless be considered by any subsequent committee which may review the same body as if the evidence had been given before and for the information and guidance of the subsequent committee.”.

Amendment of
No. 7727 s. 1.

3. The Principal Act shall be amended as follows:

- (a) In the Table in section 1 (3), after the expression “Part VI.—House Committee ss. 45–48” there shall be inserted the expression “Part VIA.—Public Bodies Review Committee ss. 48A–48I.”;
- (b) In the interpretation of “Parliamentary Committee” in section 3 (1), after the expression “the Company Take-overs Committee” there shall be inserted the expression “, the Public Bodies Review Committee”; and
- (c) In section 51A (5), after paragraph (h) there shall be inserted the following paragraph:
 - “(i) the Public Bodies Review Committee;”.

APPENDIX 2

OPINION OF THE CROWN SOLICITOR ON THE POWERS OF
THE PUBLIC BODIES REVIEW COMMITTEE

CROWN SOLICITOR'S OFFICE
221 Queen Street,
Melbourne, Vic. 3000.

25 July, 1980.

1. I refer to the letter from the Clerk of the Parliaments dated 19 June 1980 setting out a number of questions which are asked of me concerning the operation of the provisions inserted in the Parliamentary Committees Act 1968 (the Act) by the Parliamentary Committees (Public Bodies Review) Act 1980. The effect of these latter provisions is to provide for the establishment of "a joint Committee of the Council and the Assembly" which is to undertake a review of public bodies which, from time to time, are nominated for such review. The experience of the Committee to the present time with respect to the bodies nominated for review by it has highlighted certain administrative difficulties which would arise if the whole Committee (or a quorum thereof) were to be involved in the actual investigation of each of the 390 bodies which together make up the first reference.

2. To overcome these difficulties it has been suggested that it may be possible for the Committee to take action under s.48D(1) of the Act which provides -

"Where a public body is under review by the committee the committee may commission any person or persons to investigate and report to the committee on any aspect of the body or its activities which the committee considers relevant to the review."

and commission one or more of its own members to undertake certain investigations and to report to the Committee. Attention is also drawn to the provisions in sub-s.(2) of the same section which provides -

"The expenses of any investigation commissioned under sub-section (1) shall be met out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly."

The question of the payment of expenses is of some significance because the relevant statutory provision governing allowances to members of parliamentary committees (being s.51A of the Act) only provides for payment for the attendance of members at a committee at which a quorum is present. The section provides in sub-s.(1) that -

"Each member of a Committee to which this section applies shall, subject to this section, be entitled to receive by way of reimbursement of his expenses in relation to his attendance in the discharge of his duties as a member of the Committee for each attendance at a meeting of the Committee at which a quorum is present an attendance fee of \$10 together with such other travelling allowances and expenses as are prescribed."

(It is noted that pursuant to s.3 of the Parliamentary Committees (Public Bodies Review) Act 1980 the Committee was included in sub-s.(5) of s.51A of the Parliamentary Committees Act as a committee to which the section applies.)

3. In the light of these provisions the specific questions which are raised for my consideration are -

- " (i) Does section 48D(1) of the Parliamentary Committees Act 1968 extend to the Public Bodies Review Committee commissioning one or more of its own Members to undertake investigations;
- (ii) Would Members so commissioned be entitled to reimbursement of actual expenses incurred (i.e., travelling, accommodation and meals) pursuant to section 48D(2); and
- (iii) Would Members who are (i) commissioned; and (ii) reimbursed for expenses incurred, be in conflict with Division 8 of Part II of the Constitution Act 1975."

4. In my opinion the provision in s.48D(1) of the Act that -

"the Committee may commission any person or persons to investigate and report to the committee on any aspect of the body or its activities." (my underlining).

when read in its context in the Act, does not empower the Committee to commission one or more of its own members to undertake such an investigation for the purpose of reporting to the Committee. There are several reasons which I believe support this conclusion. In the first place it appears that the Act makes a distinction between the work of members of committees and the remuneration therefor, along with the payment of expenses, which are provided for by s.51A, and the work of other persons who the Committee "may commission". It appears significant that the Act also limits the circumstances in which payment is to be made to members of committees to occasions when a quorum is present and a meeting of a specified duration takes place. As a matter of the ordinary use of language the expression, "the expenses of any investigations commissioned" appears, to say the least, an inapt way to describe an arrangement whereby a committee is to have one or more of its members inquire into some aspect of the public body or its activities, which the committee believes relevant.

I believe that, particularly when s.48D(1) is considered in the context of the following sub-section, it is clear that the legislature did not have in contemplation that the Committee was to be empowered to "commission" some of its number. It also is noted that, in addition to providing for the commissioning of "any person or persons", provision is made for the committee to "make use" of the services of officers or employees from the office of the Public Service Board. Again, the specific provision for the use of such persons tends to highlight the absence of any provision for the "commissioning" of committee members.

5. Since I am of the opinion that members of the Committee may not commission any of their number to undertake investigations as proceeded by s.48D(1) of the Act, it necessarily follows that the question as to the entitlement of members to re-imburement must be answered in the negative.

6. While my opinion is that the Act does not empower the Committee to "commission" its members as that word is used in sub-s.(1) and sub-s. (2) of s.48D, I am not to be taken as denying to individual committee members the right (if they wish) to gather relevant information concerning the body under review, which information they may share either formally or informally with other members of the Committee. I am aware of two decisions of the Supreme Court of Tasmania concerning the Municipal Commission of Tasmania which support my view being St. Leonard's Municipality and Williams and Ors (1967-68) 15 L.G.R.A. 62 and Re Municipal Commission of Tasmania (1967-69) 16 L.G.R.A. 211. The Municipal Commission of Tasmania which was considered in these cases was established under s.13 of the Local Government Act 1962 (Tasmania) and consisted of six members and in a number of ways the Commission can be likened to the Committee.

(For possible limitations on the powers of "delegates" of the Committee see Sykes Lanham and Tracy "Administrative Law" (1979) at paragraph 421.)

7. The next question is whether, in the event that, contrary to my advice, members of the Committee were to be commissioned under s.48D(1) to undertake investigations for which they were to be paid, they would be so doing offend against Division 8 of the Constitution Act 1975, which deals with "Offices and Places of Profit" and, in particular, s.49 which provides -

"Except where express provision is made to the contrary by any Act or enactment no person who holds any office or place of profit under the Crown, or who is in any manner employed in the Public Service of Victoria for salary, wages, fees or emolument, shall sit or vote in the Council or the Assembly; and the election of any such person to be a member of the Council or the Assembly shall be null and void."

8. Whilst it has been arranged that I should provide advice to the Committee from time to time, I do not consider that it would be appropriate for me, as Crown Solicitor, to advise the Committee on matters which might be described as personal to members of the Committee. In my view the application of the provisions contained in Division 8 of Part II of the Constitution Act 1975 in relation to specific fact situations involving individual members of the Committee would fall into this category. Thus, whilst I would not think it proper for me to express an opinion on such matters, I am prepared to set out views of a more general nature which have been arrived at the result of an examination of the relevant law which has been undertaken. There is, surprisingly, a dearth of relevant authority on the meaning of the phrase "office or place of profit under the Crown". The position in Britain is much different to that in Victoria since the passing of the House of Commons Disqualification Act 1957 (later re-enacted as the House of Commons Disqualification Act 1975). Indeed, in the 19th edition of Erskine May's Parliamentary Practice it is stated that before that Act was passed the law on disqualification for membership of the House of Commons, through the holding of certain offices, was exceedingly complicated (p.45). There is some authority on the meaning of the expression "office of profit" although mainly with respect to taxation legislation.

9. It was stated in Henry v. Galloway ((1933) 148 L.T. 453) that "office of profit" is not an easy expression to define - "everybody, I think, has a good idea of what it means, but certainly it is not easy of exact definition" (p.455).

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It was held in that case that a director of a company was the holder of an "office of profit" for taxation purposes, even though the remuneration of the director was a share in profits which did not necessarily occur. Reference can also be made to the case of Dale v. Inland Revenue Commissioners wherein it was stated that the term "office of profit" is not a term of art ((1954) A.C. 11, 26 and 32). The word "office" has been held to include many positions but, in general, it is "a right to exercise a public or private employment and to take the fees and emoluments thereunto belonging" (see Stroud's Judicial Dictionary, 1973 p. 1830 and generally pp. 1830-1832).

10. The provisions in Division 8 of Part II of the Constitution Act 1975 refer to persons holding an "office or place of profit under the Crown". Accordingly, to fall within the prohibition the duties performed, or business transacted, would require to be for or on behalf of the Crown. This suggests the question whether persons "commissioned" by the Committee can be said to hold office (if they in fact hold an "office or place of profit") "under the Crown", or whether they perform duties or transact business on behalf of the "Crown". The function of investigating and reporting "commissioned" by the Committee pursuant to sub-s.48D(1) is paid for out of funds specifically appropriated by the Parliament for the purpose. It can be argued that the function is performed for the Parliament and not "under the Crown" or "on behalf of the Crown". It appears that it is on this basis that members of Parliament are able to accept fees as members of parliamentary committees - that members of committees do not hold office under the Crown but are fulfilling a duty to Parliament. Some support for this proposition (indeed the only support I have been able to find) is to be found in a statement made by the Prime Minister in the House of Representatives on 27 August 1952 (1951-53 Parl. Pap. No. 114), reference to which is made in Australian Senate Practice by J. R. Odgers (1977) at pp. 146 and 614. A history of the various provisions contained in British statutes relating to the disqualification of Members of Parliament is contained in the 17th edition of May's Parliamentary Practice at pp. 211-218. Reference is made in that text to the questions of difficulty and urgency which have arisen in the past and to the fact that "because of the complexity of this question, acts of indemnity to save Members of Parliament who were office holders from possible penal consequences were frequently resorted to" (see pp. 217 and 218). If a member of the Committee were "commissioned" he would be further "removed" from Parliament when acting under his "commission" than when acting as a member of the Committee.

(Signed)

D. YEAMAN,
Crown Solicitor.Mr. A. R. B. McDonnell,
Clerk of the Parliaments.

APPENDIX 3

LIST OF WATER, SEWERAGE, DRAINAGE, AND RIVER IMPROVEMENT TRUSTS AND AUTHORITIES IN VICTORIA

Waterworks Trusts

Aireys Inlet Waterworks Trust
Alberton-Port Albert Waterworks Trust
Alexandra Waterworks Trust
Apollo Bay Waterworks Trust
Shire of Ararat Waterworks Trust
Avenel Waterworks Trust
Avoca Township Waterworks Trust
Axedale Waterworks Trust
Bairnsdale Waterworks Trust
Balmoral Waterworks Trust
Ballan Waterworks Trust
Bannockburn District Waterworks Trust
Barnawartha Waterworks Trust
Bealiba Waterworks Trust
Beaufort Waterworks Trust
Benalla Waterworks Trust
Boolarra Waterworks Trust
Boort Waterworks Trust
Briagolong Waterworks Trust
Bridgewater Waterworks Trust
Bright Waterworks Trust
Broadford Waterworks Trust
Bruthen Waterworks Trust
Buchan Waterworks Trust
Bungaree & Wallace Waterworks Trust
Buninyong Waterworks Trust
Cann River Waterworks Trust
Charlton Waterworks Trust
Chiltern Waterworks Trust
Cobram Waterworks Trust
Cohuna Waterworks Trust
Colac Waterworks Trust
Colbinabbin Waterworks Trust
Coleraine & Casterton Waterworks Trust
Corryong Waterworks Trust
Cudgewa Waterworks Trust
Daylesford Waterworks Trust
Shire of Deakin Waterworks Trust
Devenish Waterworks Trust
Donald Waterworks Trust
Dookie Waterworks Trust

Drouin Waterworks Trust
 Dumbalk Waterworks Trust
 Shire of Dundas Waterworks Trust
 Echuca Waterworks Trust
 Elmore Waterworks Trust
 Erica Waterworks Trust
 Euroa Waterworks Trust
 Fish Creek Waterworks Trust
 Forrest Waterworks Trust
 Foster Waterworks Trust
 Gellibrand Waterworks Trust
 Gembrook, Cockatoo & Emerald Waterworks Trust
 Gisborne Waterworks Trust
 Glenrowan Waterworks Trust
 Shire of Glenelg Waterworks Trust
 Goorambat Waterworks Trust
 Goornong Waterworks Trust
 Hamilton Waterworks Trust
 Healesville Waterworks Trust
 Heathcote Waterworks Trust
 Hermes Oak Waterworks Trust
 Heyfield Waterworks Trust
 Shire of Heytesbury Waterworks Trust
 Heywood Waterworks Trust
 Horsham Waterworks Trust
 Hurstbridge Waterworks Trust
 Inverloch Waterworks Trust
 Shire of Kaniva Waterworks Trust
 Katamatite Waterworks Trust
 Kerang Waterworks Trust
 Shire of Kerang Waterworks Trust
 Kiewa Waterworks Trust
 Kilmore & District Waterworks Trust.
 Koo-wee-rup Waterworks Trust
 Koroit Waterworks Trust
 Korumburra Waterworks Trust
 Shire of Kowree Waterworks Trust
 Shire of Kyneton Waterworks Trust
 Lakes Entrance Waterworks Trust
 Lancefield Waterworks Trust
 Landsborough Waterworks Trust
 Lang-Lang Waterworks Trust
 Learmonth Waterworks Trust
 Leongatha Waterworks Trust
 Lexton Waterworks Trust
 Lindenow Waterworks Trust
 Linton Waterworks Trust

Lismore & Derrinallum Waterworks Trust
Little River Waterworks Trust
Longwood Waterworks Trust
Lorne Waterworks Trust
Macedon Waterworks Trust
Maffra Waterworks Trust
Mallacoota Waterworks Trust
Malmsbury Waterworks Trust
Mansfield Waterworks Trust
Maryborough Waterworks Trust
Marysville Waterworks Trust
Meeniyan Waterworks Trust
Melton Waterworks Trust
Merrigum Waterworks Trust
Metung Waterworks Trust
Mirboo North Waterworks Trust
Moe Waterworks Trust
Mooroopna Waterworks Trust
Mortlake Waterworks Trust
Morwell Waterworks Trust
Mount Beauty Waterworks Trust
Mount Macedon Waterworks Trust
Shire of Mount Rouse Waterworks Trust
Moyhu Waterworks Trust
Murchison Waterworks Trust
Murrayville Waterworks Trust
Murtoa Waterworks Trust
Myrtleford Waterworks Trust
Nagambie Waterworks Trust
Shire of Nathalia Waterworks Trust
Neerim South Waterworks Trust
Nhill Waterworks Trust
Noojee Waterworks Trust
Shire of Numurkah Waterworks Trust
Omeo Waterworks Trust
Orbost Waterworks Trust
Paynesville Waterworks Trust
Peterborough Waterworks Trust
Plenty-Yarrambat Waterworks Trust
Port Fairy Waterworks Trust
Poowong, Loch & Nyora Waterworks Trust
Portland Waterworks Trust
Pyalong Waterworks Trust
Redbank Waterworks Trust
Riddells Creek Waterworks Trust
Rochester Waterworks Trust
Rokewood Waterworks Trust

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Romsey Waterworks Trust
 Rosedale Waterworks Trust
 Rushworth Waterworks Trust
 Rutherglen Waterworks Trust
 Seaspray Waterworks Trust
 Seymour Waterworks Trust
 Shepparton Urban Waterworks Trust
 Skenes Creek Waterworks Trust
 Skipton Waterworks Trust
 Smythesdale-Scarsdale Waterworks Trust
 Springhurst Waterworks Trust
 St. Arnaud Waterworks Trust
 Shire of Stawell Waterworks Trust
 Stratford Waterworks Trust
 Sunbury Waterworks Trust
 Swan Hill Waterworks Trust
 Swifts Creek Waterworks Trust
 Shire of Tallangatta Waterworks Trust
 Tatura Waterworks Trust
 Thornton Waterworks Trust
 Thorpdale Waterworks Trust
 Toora Waterworks Trust
 Trafalgar Waterworks Trust
 Traralgon Waterworks Trust
 Trentham Waterworks Trust
 Shire of Tullaroop Waterworks Trust
 Tungamah Shire Waterworks Trust
 Tyers & Glengarry Waterworks Trust
 Underbool Waterworks Trust
 Violet Town Waterworks Trust
 Wahgunyah Waterworks Trust
 Walwa Waterworks Trust
 Wangaratta Waterworks Trust
 Warburton Waterworks Trust
 Warracknabeal Waterworks Trust
 Warragul Waterworks Trust
 Westernport Waterworks Trust
 Whitfield Waterworks Trust
 Winchelsea Waterworks Trust
 Wodonga Waterworks Trust
 Woodend Waterworks Trust
 Woods Point Waterworks Trust
 Woori Yallock-Launching Place Waterworks Trust
 Yackandandah Waterworks Trust
 Yallourn North Waterworks Trust
 Yarragon Waterworks Trust
 Yarra Junction Waterworks Trust
 Yarram Waterworks Trust
 Yarrawonga Urban Waterworks Trust
 Yea Waterworks Trust

Sewerage Authorities

Alexandra Sewerage Authority
Anglesea Sewerage Authority
Apollo Bay Sewerage Authority
Ararat Sewerage Authority
Bacchus Marsh Sewerage Authority
Bairnsdale Sewerage Authority
Ballan Sewerage Authority
Ballarat Sewerage Authority
Barwon Heads Sewerage Authority
Beaufort Sewerage Authority
Beechworth Sewerage Authority
Benalla Sewerage Authority
Bendigo Sewerage Authority
Birchip Sewerage Authority
Bright Sewerage Authority
Broadford Sewerage Authority
Camperdown Sewerage Authority
Casterton Sewerage Authority
Castlemaine Sewerage Authority
Charlton Sewerage Authority
Chiltern Sewerage Authority
Churchill Sewerage Authority
Cobram Sewerage Authority
Cohuna Sewerage Authority
Colac Sewerage Authority
Coleraine Sewerage Authority
Corryong Sewerage Authority
Coves Sewerage Authority
Shire of Cranbourne Sewerage Authority
Creswick Sewerage Authority
Dandenong Sewerage Authority
Daylesford Sewerage Authority
Dimboola Sewerage Authority
Donald Sewerage Authority
Dromana-Rosebud Sewerage Authority
Drouin Sewerage Authority
Echuca Sewerage Authority
Edenhope Sewerage Authority
Euroa Sewerage Authority
Foster Sewerage Authority
Frankston Sewerage Authority
Shire of Gisborne Sewerage Authority
Hall's Gap Sewerage Authority
Hamilton Sewerage Authority
Hastings Sewerage Authority
Shire of Healesville Sewerage Authority
Heathcote Sewerage Authority

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Heyfield Sewerage Authority
Heytesbury Sewerage Authority
Heywood Sewerage Authority
Horsham Sewerage Authority
Hurstbridge Sewerage Authority
Inverloch Sewerage Authority
Jeparit Sewerage Authority
Kaniva Sewerage Authority
Kerang Sewerage Authority
Kilmore Sewerage Authority
Korumburra Sewerage Authority
Kyabram Sewerage Authority
Kyneton Sewerage Authority
Lakes Entrance Sewerage Authority
Lang Lang Sewerage Authority
Leongatha Sewerage Authority
Lilydale Sewerage Authority
Lorne Sewerage Authority
Maffra Sewerage Authority
Mallacoota Sewerage Authority
Mansfield Sewerage Authority
Marysborough Sewerage Authority
Melton Sewerage Authority
Shire of Mildura Sewerage Authority
Mildura Sewerage Authority
Minyip Sewerage Authority
Moe Sewerage Authority
Mooroopna Sewerage Authority
Mornington Sewerage Authority
Morwell Sewerage Authority
Mount Beauty Sewerage Authority
Mount Eliza Sewerage Authority
Murtoa Sewerage Authority
Myrtleford Sewerage Authority
Nagambie Sewerage Authority
Shire of Narracan Sewerage Authority
Nathalia Sewerage Authority
Nhill Sewerage Authority
Numurkah Sewerage Authority
Ocean Grove Sewerage Authority
Orbost Sewerage Authority
Pakenham Sewerage Authority
Paynesville Sewerage Authority
Portarlington Sewerage Authority
Port Fairy Sewerage Authority
Portland Sewerage Authority
Queenscliffe Sewerage Authority
Rainbow Sewerage Authority

Riddells Creek Sewerage Authority
Robinvale Sewerage Authority
Rochester Sewerage Authority
Romsey Sewerage Authority
Rosedale Sewerage Authority
Rupanyup Sewerage Authority
Shire of Rutherglen Sewerage Authority
St. Arnaud Sewerage Authority
Sale Sewerage Authority
Sea Lake Sewerage Authority
Serviceton Sewerage Authority
Seymour Sewerage Authority
Shepparton Sewerage Authority
Springvale & Noble Park Sewerage Authority
Stawell Sewerage Authority
Strathmerton Sewerage Authority
Sunbury Sewerage Authority
Swan Hill Sewerage Authority
Shire of Tallangatta Sewerage Authority
Tatura Sewerage Authority
Terang Sewerage Authority
Tongala Sewerage Authority
Toora Sewerage Authority
Torquay Sewerage Authority
Traralgon Sewerage Authority
Upper Yarra Sewerage Authority
Wangaratta Sewerage Authority
Shire of Waranga Sewerage Authority
Warracknabeal Sewerage Authority
Warragul Sewerage Authority
Warrnambool Sewerage Authority
Willaura Sewerage Authority
Winchelsea Sewerage Authority
Wodonga Sewerage Authority
Woodend Sewerage Authority
Wonthaggi Sewerage Authority
Wycheproof Sewerage Authority
Yackandandah Sewerage Authority
Yallourn North Sewerage Authority
Yarram Sewerage Authority
Yarrawonga Sewerage Authority
Yea Sewerage Authority

Special Authorities constituted under Special Acts

Dandenong Valley Authority
First Mildura Irrigation Trust
Geelong Waterworks and Sewerage Trust
Latrobe Valley Water and Sewerage Board
Mildura Urban Water Trust
West Moorabool Water Board

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River Improvement Trusts and Drainage Trusts

Shire of Alexandra River Improvement Trust
 Avoca River Improvement Trust
 Avon River Improvement Trust
 Bendigo Creek Improvement Trust
 Black Dog Creek Improvement Trust
 Broken River Improvement Trust
 Bullock Creek Improvement Trust
 Cann River Improvement Trust
 Fifteen Mile Creek Improvement Trust
 Glenelg River Improvement Trust
 Kiewa River Improvement Trust
 King Parrot Creek Improvement Trust
 Shire of Korumburra River Improvement Trust
 Latrobe River Improvement Trust
 Macalister River Improvement Trust
 Mitchell River Improvement Trust
 Mitta Mitta River Improvement Trust
 Ovens and King River Trust
 Pental Island River Improvement Trust
 Seymour Shire River Improvement Trust
 Snowy River Improvement Trust
 Tambo River Improvement Trust
 Tarwin River Improvement Trust
 Thomson River Improvement Trust
 Shire of Upper Murray River Improvement Trust
 Yarra River Improvement Trust
 Shire of Yea River Improvement Trust
 Shire of Alberton River Improvement Trust
 Longwarry Drainage Trust
 Lough Calvert Drainage Trust
 Strathdownie Drainage Trust
 Yatchaw Drainage Trust

Local Governing Bodies

City of Ararat
 Shire of Bacchus Marsh
 The Ballarat Water Commissioners
 Shire of Beechworth
 Shire of Bet Bet
 Town of Camperdown
 Shire of Creswick
 Shire of Korong
 Kyabram Water Authority
 City of Sale
 Town of Stawell
 Shire of Talbot & Clunes
 Shire of Walpeup
 City of Warrnambool
 Shire of Warrnambool

APPENDIX 4

LIST OF PUBLIC BODIES WHICH ARE CLEARLY RELATED TO
THE WATER INDUSTRY

Public Body

Nature of Relationship

AGRICULTURE

- | | |
|--|--|
| 1. Department of Agriculture,
166 Wellington Parade,
East Melbourne. | Responsible for agricultural
policy and agricultural economics,
which relate to irrigation policy. |
|--|--|

CONSERVATION

- | | |
|---|--|
| 2. Fisheries & Wildlife
Division,
250 Victoria Parade,
East Melbourne. | Responsible for fish and animals
in streams and wetlands. |
|---|--|

F.W.D. Committee:

- | | |
|---|--|
| 3. Edithvale, Chelsea,
Seaford Wetlands Advisory
Committee. | |
|---|--|

National Parks Committee:

- | | |
|---|--|
| 4. Eildon Water Reserve
Committee of Management. | |
|---|--|

- | | |
|--|--|
| 5. Environment Protection
Authority,
240 Victoria Parade,
East Melbourne. | Responsible for management of
waste discharge in Victorian
waters. |
|--|--|

E.P.A. Committee:

- | | |
|--|---|
| 6. Water Quality Data
Processing Committee. | |
| 7. Land Conservation Council,
464 St. Kilda Road,
Melbourne. | Responsible for constitution and
definition of water supply catch-
ment areas; advises Soil Conser-
vation Authority on use of land
in any catchment. |

CONSERVATION (contd.)

8. Soil Conservation Authority, Responsible for the efficient use and development of water resources by landholders.
378 Cotham Road,
Kew.

Non-statutory Ministry for Conservation Committees

9. Committee for the Co-ordination of Studies in the Gippsland Lakes Catchment Area.

HEALTH

10. Health Commission, Responsible for epidemiology and therefore the detection of health risks arising from inadequate sewerage or the lack of it.
555 Collins Street,
Melbourne.

LOCAL GOVERNMENT

11. Local Government Department, Responsible for supervision of municipalities, which may provide water supply and sewerage either under normal Acts or local Government Act.
480 Collins Street,
Melbourne.
12. Victoria Grants Commission, Recommends the allocation of untied grants money to municipalities.
480 Collins Street,
Melbourne.
13. Valuer General, Provide valuations used for water and sewerage rates.
235 Queen Street,
Melbourne.
14. Sewerage Advisory Committee of the Building Regulations Committee, Responsible for the revision of the sewerage provisions of the Uniform Building Regulations.
480 Collins Street,
Melbourne.
15. Municipal Clerks Board, Examines and issues certificates to municipal clerks, some of whom are water/sewerage authority secretaries.
480 Collins Street,
Melbourne.

16. Municipal Engineers Board, 480 Collins Street, Melbourne. Examines and issues certificates to municipal engineers, some of whom are water/sewerage authority engineers.

Non-statutory Local Government Department Committees

17. Committee on Municipal Accounting.
18. Municipal Grants Procedure Committee.
19. Rates - Equalisation of the Rating Base.
20. Rates - Differential Rating.
21. Street Works Co-ordination Committee.

MINERALS AND ENERGY

22. Department of Minerals and Energy, 151 Flinders Street, Melbourne. Responsible for the survey and regulation of mineral and groundwater resources and the drilling of water bores; responsible for extraction of gravel from river beds.
23. Sludge Abatement Board, 151 Flinders Street, Melbourne. Responsible for regulating mining activity by which polluted water may be discharged into water-courses for the protection of those water-courses.

PLANNING

24. Department of Planning, 500 Collins Street, Melbourne. Responsible for land use planning co-ordination, which theoretically would cover water and sewerage planning.
25. Geelong Regional Commission, Cnr. Fenwick and Little Malop Streets, Geelong. Responsible for planning and managing development in Geelong area.

PLANNING (contd.)

- | | |
|--|--|
| 26. Loddon/Campaspe Regional Planning Authority. | Responsible for regional/strategic planning in the Bendigo area. |
| 27. Upper Yarra Valley and Dandenong Ranges Authority, P.O. Box 104, Lilydale. | Responsible for regional planning matters in the Upper Yarra and Dandenong Ranges areas. |
| 28. Westernport Regional Planning Authority, 33-39 High Street, Cranbourne. | Responsible for regional planning matters in Westernport area. |
| 29. Lower Yarra Advisory Committee.) | Non-statutory Committees |
| 30. Maribyrnong Working Committee.) | responsible to the Minister |
| 31. Middle Yarra Advisory Council.) | for Planning. |

PREMIER'S

- | | |
|--|--|
| 32. Auditor-General, 1 Macarthur Street, Melbourne. | Audits Waterworks Trusts and the State Rivers and Water Supply Commission. |
| 33. State Co-ordination Council, 1 Treasury Place, Melbourne. | Reports on the co-ordination of resources and major projects. |
| 34. Westernport Catchment Co-ordinating Group, State Co-ordination Council (Cranbourne). | |
| 35. Natural Disaster Relief Committee. | Non-statutory committee advising the Premier. |

PUBLIC WORKS

36. Marine Board of Victoria, 530 Little Collins Street, Melbourne. Responsible for navigation of Victorian rivers.
37. Port of Melbourne Authority, 29 Market Street, Melbourne. Responsible for lower end of Yarra River.

STATE DEVELOPMENT, DECENTRALISATION AND TOURISM

38. Boating Facilities Review Committee. Non-statutory committee responsible to Minister of State Development, Decentralisation and Tourism.

TREASURY

39. Treasury Responsible for controlling capital works and borrowing programs of authorities.

WATER SUPPLY

(Other than bodies named in reference).

40. Ministry of Water Resources and Water Supply, 176 Wellington Parade, East Melbourne. Responsible for co-ordinating developing and planning water resource development.
41. Water Resources Council, 176 Wellington Parade, East Melbourne. Advises Minister on water supply matters.
42. Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne. Metropolitan water, sewerage and planning.
43. Drainage Tribunal, 250 Victoria Parade, East Melbourne. Hears civil actions arising out of damage to land caused by drainage.

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WATER SUPPLY (contd.)

44. Engineer of Water Supply Examination Board,
590 Orrong Road,
Armadale. Issues E.W.S. certificates.
45. Groundwater Appeal Board,
590 Orrong Road,
Armadale. Hears appeals against State Rivers and Water Supply Commission's refusal to grant or vary a groundwater licence.
46. River Murray Commission.

Non-statutory Committees:(a) Ministry of Water Resources:

47. Committee of Management for Operator Training.
48. Flood Plain Management Committee.
49. Fringe Area Committee.
50. Household Waste Treatment Committee.
51. Maribyrnong River Basin Water Resources Study.
52. Reclaimed Water Committee.
53. Reference Panel for Study on Retention of Bacteria, Viruses and Heavy Metals on Crops Irrigated with Reclaimed Water.
54. Research Co-ordinating Committee.
55. Standing Committee on Plumbing Regulations.
56. Thompson River Water Resources Joint Committee.
57. Water Education Committee.

Non-statutory Committees (contd.)

(b) State Rivers and Water Supply Commission:

58. Dartmouth Advisory Committee.
59. Dartmouth Dam Project Co-ordinating Committee.
60. Dartmouth Dam Project Environmental Studies Steering Committee.
61. Dartmouth Dam Project and Power Station - Industrial Relations Co-ordination Committee.
62. Financial Assistance to Irrigators in Northern Victoria - Inter-departmental Committee.
63. Geelong Flood Study Consultative Committee.
64. Gellibrand River Inquiry - Inter-departmental Consultative Group.
65. Kerang Wildlife Representative Group.
66. Merrimu Reservoir Environmental Consultative Group.
67. Mitchell River Project Environmental Consultative Group.
68. Sale Flood Study consultative Committee.
69. Salinity Control and Drainage Inter-departmental Group.
70. Seaspray Flood Study Consultative Committee.
71. Standing Consultative Committee on River Improvement.
72. Tanjil River (Blue Rock) Dam Inter-departmental Committee.

* * *

APPENDIX 5.

FULL LIST OF HEARINGS AND DISCUSSIONS HELD BY
THE PUBLIC BODIES REVIEW COMMITTEE

<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
29.5.80	Melbourne	The Hon. F. J. Granter, Minister of Water Supply.
"	"	Mr. W. E. Bromfield, Chairman, State Rivers and Water Supply Commission.
"	"	Mr. J. N. Mann, Director, Water Resources and Water Supply.
11.6.80	Melbourne	Mr. A. H. Croxford, Chairman, Melbourne and Metropolitan Board of Works.
"	"	Mr. I. G. Baker, Director of Finance, Treasury.
"	"	Mr. I. R. Pawsey, Secretary, Waterworks Trusts Association, Provincial Sewerage Authorities Association of Victoria, Municipal Association of Victoria.
12.6.80	Queenscliff	*Queenscliffe Sewerage Authority.
13.6.80	Queenscliff	*Queenscliffe Sewerage Authority.
13.6.80	Drysdale	*Ocean Grove Sewerage Authority.
26.6.80	Dandenong	*Dandenong Valley Authority.
27.6.80	Dandenong	*Dandenong Valley Authority.
2.7.80	Melbourne	Professor J. Power, University of Melbourne.
3.7.80	Wangaratta	*Ovens and King River Trust.
"	"	*Fifteen Mile Creek Improvement Trust.
4.7.80	Wangaratta	*Ovens and King River Trust.
"	"	*Black Dog Creek Improvement Trust.
9.7.80	Melbourne	State Rivers and Water Supply Commission
11.7.80	Ballarat	*Ballarat Water Commissioners and Ballarat Sewerage Authority.
18.7.80	Mildura	Mildura Urban Water Trust.
"	"	Mildura City Council.
"	"	Mildura Sewerage Authority.
"	"	Murrayville Waterworks Trust.
"	"	Underbool Waterworks Trust.
"	"	Shire of Walpeup Waterworks Trust.
"	"	Shire of Mildura Sewerage Authority.
"	"	Shire of Mildura.
31.7.80	Horsham	*Horsham Sewerage Authority.
"	"	*Horsham Waterworks Trust.
1.8.80	Horsham	Serviceton Sewerage Authority.
"	"	Shire of Kaniva Waterworks Trust.
"	"	Kaniva Sewerage Authority.
"	"	Shire of Kaniva.

<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
1.8.80	Horsham	Nhill Waterworks Trust.
"	"	Nhill Sewerage Authority.
"	"	Mrs. Turner, Wannan Conservation Socy.
"	"	Mr. G. Greenall, Resident, Hall's Gap.
"	"	Birchip Sewerage Authority.
"	"	Murtoa Sewerage Authority.
"	"	Murtoa Waterworks Trust.
"	"	Shire of Kowree Waterworks Trust.
"	"	Mr. V. H. Hausler, Resident.
"	"	Minyip Sewerage Authority.
"	"	Rupanyup Sewerage Authority.
"	"	Horsham Sewerage Authority.
"	"	Horsham Waterworks Trust.
"	"	Donald Sewerage Authority.
"	"	Donald Waterworks Trust.
"	"	Town of Stawell Water Supply District.
"	"	Stawell Sewerage Authority.
8.8.80	Portland	Coleraine and Casterton Waterworks Trust.
"	"	Koroit Waterworks Trust.
"	"	Yatchaw Drainage Trust.
"	"	Terang Sewerage Authority.
"	"	Strathdownie Drainage Trust.
"	"	Glenelg River Improvement Trust.
"	"	Shire of Dundas Waterworks Trust.
"	"	Hamilton City Council.
"	"	Hamilton Waterworks Trust.
"	"	Hamilton Sewerage Authority.
"	"	Balmoral Waterworks Trust.
"	"	Coleraine Sewerage Authority.
"	"	Portland Town Council.
"	"	Portland Waterworks Trust.
"	"	Portland Sewerage Authority.
"	"	Mr. R. C. Page, Resident
"	"	Shire of Glenelg.
"	"	Shire of Glenelg Waterworks Trust.
"	"	Mr. J. C. Fairbairn, REsident.
15.8.80	Bairnsdale	Avon River Improvement Trust.
"	"	Bairnsdale Waterworks Trust.
"	"	Bairnsdale Sewerage Authority.
"	"	Mitchell River Improvement Trust.
"	"	Tambo River Improvement Trust.
"	"	Bruthen Waterworks Trust.
"	"	Metung Waterworks Trust.
"	"	Lakes Entrance Waterworks Trust.
"	"	Lakes Entrance Sewerage Authority.
"	"	Sale City Council.
"	"	Sale Sewerage Authority.
"	"	Snowy River Improvement Trust.

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<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
15.8.80	Bairnsdale	Mallacoota Waterworks Trust.
"	"	Mallacoota Sewerage Authority.
"	"	Lindenow Waterworks Trust.
"	"	Paynesville Waterworks Trust.
"	"	Stratford Waterworks Trust.
"	"	Macalister River Improvement Trust.
"	"	Cann River Improvement Trust.
"	"	Mr. J. J. Hopkins, Resident.
"	"	Mr. G. W. Reddick, Resident.
21.8.80	Melbourne	*Sir Ronald East, Former Chairman, State Rivers and Water Supply Commission.
22.8.80	Wodonga	Wangaratta Waterworks Trust.
"	"	Wangaratta Sewerage Authority.
"	"	Kiewa River Improvement Trust.
"	"	Mount Beauty Waterworks Trust.
"	"	Black Dog Creek Improvement Trust.
"	"	Ovens and King River Trust.
"	"	Mitta Mitta River Improvement Trust.
"	"	Wodonga Waterworks Trust.
"	"	Wodonga Sewerage Authority.
"	"	Corryong Waterworks Trust.
"	"	Corryong Sewerage Authority.
"	"	Walwa Waterworks Trust.
"	"	Cudgewa Waterworks Trust.
"	"	Yackandandah Waterworks Trust.
29.8.80	Shepparton	*Shepparton Urban Waterworks Trust.
"	"	*Benalla Waterworks Trust.
"	"	*Benalla Sewerage Authority.
"	"	*Commissioner E. J. Guppy.
"	"	*Seymour Waterworks Trust.
"	"	*Seymour Sewerage Authority.
"	"	*Association of Victorian River Improvement Trusts.
"	"	*Seymour Shire River Improvement Trust.
"	"	*Devenish Waterworks Trust.
"	"	*Glenrowan Waterworks Trust.
"	"	*Broken River Improvement Trust.
"	"	*Goorambat Waterworks Trust.
"	"	*Alexandra Waterworks Trust.
"	"	*Alexandra Sewerage Authority.
"	"	*Shire of Alexandra River Improvement Trust.
"	"	*Thornton Waterworks Trust.
"	"	*Kilmore & District Waterworks Trust.
"	"	*Kilmore Sewerage Authority.

<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
29.8.80	Shepparton	*Kyabram Town Council.
"	"	*Kyabram Water and Sewerage Authority.
"	"	*Broadford Waterworks Trust.
"	"	*Broadford Sewerage Authority.
"	"	*Euroa Waterworks Trust.
"	"	*Dookie Waterworks Trust.
"	"	*Mooroopna Waterworks Trust.
"	"	*Mooroopna Sewerage Authority.
"	"	*Mr. F. Dawson, Resident.
"	"	*Lower Broken Creek Pumpers Assocn.
"	"	*Anti-Canal Committee.
"	"	*Shire of Tungamah Waterworks Trust.
5.9.80	Traralgon	Morwell Waterworks Trust.
"	"	Morwell Sewerage Authority.
"	"	Churchill Sewerage Authority.
"	"	Boolarra Waterworks Trust.
"	"	Leongatha Waterworks Trust.
"	"	Leongatha Sewerage Authority.
"	"	Latrobe Valley Water and Sewerage Board.
"	"	Traralgon Sewerage and Waterworks Trust.
"	"	Drouin Waterworks Trust.
"	"	Drouin Sewerage Authority.
"	"	Korumburra Sewerage Authority.
"	"	Korumburra Waterworks Trust.
"	"	Yarram Sewerage Authority.
"	"	Yarram Waterworks Trust.
"	"	Maffra Waterworks Trust.
"	"	Maffra Sewerage Authority.
"	"	Warragul Waterworks Trust.
"	"	Warragul Sewerage Authority.
"	"	Toora Waterworks Trust.
"	"	Toora Sewerage Authority.
"	"	Thomson River Improvement Trust.
"	"	Neerim South Waterworks Trust.
"	"	Noojee Waterworks Trust.
"	"	Latrobe River Improvement Trust.
"	"	Tyers and Glengarey Waterworks Trust.
"	"	Meeniyian Waterworks Trust.
"	"	Dumbalk Waterworks Trust.
"	"	Heyfield Sewerage Authority.
"	"	Heyfield Waterworks Trust.
"	"	Rosedale Waterworks Trust.
"	"	Rosedale Sewerage Authority.
"	"	Seaspray Waterworks Trust.
"	"	Mr. Tom Barnes, Cowwarr.

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<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
5.9.80	Traralgon	Poowong Loch and Nyora Waterworks Trust.
"	"	Shire of Korumburra River Improvement Trust.
12.9.80	Bendigo	Bendigo Creek Improvement Trust.
"	"	Bendigo Sewerage Authority.
"	"	Boort Waterworks Trust.
"	"	Bullock Creek Improvement Trust.
"	"	Maryborough Sewerage Authority.
"	"	Maryborough Waterworks Trust.
"	"	State Rivers and Water Supply Commission.
"	"	Goornong Waterworks Trust.
"	"	Bridgewater Waterworks Trust.
"	"	Avoca River Improvement Trust.
"	"	Loddon-Campaspe Regional Planning Authority.
"	"	City of Bendigo.
"	"	Kyneton Shire Waterworks Trust.
"	"	Kyneton Sewerage Authority.
"	"	Mr. B. G. Callaway, Resident.
"	"	Victorian Field and Game Association.
"	"	Mr. Andrew Adam, Resident.
"	"	Gisborne Waterworks Trust.
17.9.80	Melbourne	State Rivers and Water Supply Commission.
19.9.80	Ballarat	City of Warrnambool.
"	"	Warrnambool Sewerage Authority.
"	"	City of Warrnambool Water Supply District.
"	"	Linton Waterworks Trust.
"	"	Smythesdale-Scarsdale Waterworks Trust.
"	"	Learmonth Waterworks Trust.
"	"	Hall's Gap Sewerage Authority.
"	"	Shire of Ararat Waterworks Trust.
"	"	Willaura Sewerage Authority.
"	"	City of Ararat Water Supply.
"	"	Ararat Sewerage Authority.
"	"	Rokewood Waterworks Trust.
"	"	Daylesford Waterworks Trust.
"	"	Daylesford Sewerage Authority.
"	"	Save our Bushland Action Group, Daylesford.
"	"	Dr. A. J. Carless.
"	"	Shire of Ballarat.
"	"	Mr. A. O. Lawrence, Resident.
"	"	Mt. Clear-Mt. Helen Progress Assocn.

<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
19.9.80	Ballarat	Mrs. B. McNulty, Resident.
"	"	Mr. J. Elsworth, Smeaton, Resident.
"	"	Shire of Bungaree.
"	"	Mr. John Mildren, Resident.
"	"	Ballarat Water Commissioners.
"	"	Ballarat Sewerage Authority.
26.9.80	Geelong	Lough Calvert Drainage Trust.
"	"	Bannockburn District Waterworks Trust.
"	"	The Combined Ratepayers' Association of Bellarine.
"	"	Portarlington Sewerage Authority.
"	"	Ocean Grove Sewerage Authority.
"	"	Aireys Inlet Waterworks Trust.
"	"	Anglesea Sewerage Authority.
"	"	Torquay Sewerage Authority.
"	"	Colac Waterworks Trust.
"	"	Colac Sewerage Authority.
"	"	Forrest Waterworks Trust.
"	"	Geelong Waterworks and Sewerage Trust.
1.10.80	Melbourne	Latrobe Valley Water and Sewerage Board.
3.10.80	Dandenong	Wonthaggi Sewerage Authority.
"	"	Inverloch Waterworks Trust.
"	"	Inverloch Sewerage Authority.
"	"	Riddell's Creek Waterworks Trust.
"	"	Shire of Cranbourne Sewerage Authority.
"	"	Moe Waterworks Trust.
"	"	Moe Sewerage Authority.
"	"	Mirboo North Waterworks Trust.
"	"	Longwarry Drainage Trust.
"	"	Springvale and Noble Park Sewerage Authority.
"	"	Mr. P. C. Collins, Member of Parliament.
"	"	Dandenong Sewerage Authority.
"	"	Mr. G. Paull, Resident.
"	"	Woori Yallock-Launching Place Waterworks Trust.
"	"	Dandenong Valley Authority.
8.10.80	Melbourne	Mr. Tom Barnes, Cowwarr.
8.10.80	Melbourne	State Rivers and Water Supply Commsn.
22.10.80	Melbourne	Mrs. J. Erbs, Willow Grove.
22.10.80	Melbourne	State Rivers and Water Supply Commsn.
29.10.80	Melbourne	State Rivers and Water Supply Commsn.
31.10.80	Lilydale	Mount Martha Sewerage Action Group.
"	"	Mornington Sewerage Authority.
"	"	Mount Eliza Sewerage Authority.

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<u>Date</u>	<u>Location</u>	<u>Witnesses - * Representative/s</u>
31.10.80	Lilydale	Dromana-Rosebud Sewerage Authority.
"	"	Melton Waterworks Trust.
"	"	Melton Sewerage Authority.
"	"	Woori Yallock-Launching Place Waterworks Trust.
"	"	Mr. G. Coleman, Resident.
"	"	Yarra Junction Waterworks Trust.
"	"	Yarra River Improvement Trust.
"	"	Shire of Healesville Sewerage Authority.
"	"	Healesville Waterworks Trust.
"	"	Hurstbridge Waterworks Trust.
"	"	Hurstbridge Sewerage Authority.
"	"	Frankston Sewerage Authority.
"	"	Gembrook-Cockatoo-Emerald Waterworks Trust.
"	"	Marysville Waterworks Trust.
"	"	Sunbury Waterworks Trust.
"	"	Sunbury Sewerage Authority.
"	"	Westernport Waterworks Trust.
"	"	Cowes Sewerage Authority.
"	"	Lang Lang Waterworks Trust.
"	"	Lang Lang Sewerage Authority.
"	"	Chirnside Park Sewerage Action Group.
"	"	Lilydale Sewerage Authority.
19.11.80	Melbourne	State Electricity Commission of Victoria.
3.12.80	Melbourne	Association of Consulting Engineers Australia, (Victorian Chapter).

Discussions denoted by *

APPENDIX 6

PORTION OF TRANSCRIPT OF EVIDENCE OF
THE HON. F. J. GRANTER, M.L.C., TO THE FIRST PUBLIC HEARING
OF THE PUBLIC BODIES REVIEW COMMITTEE HELD ON 29 MAY 1980.

(Pages 1-7).

THE CHAIRMAN: I declare the first meeting in public of the Public Bodies Review Committee to be open. I welcome my colleagues and offer also a very warm welcome to what is a large component of the public. We are a full Committee - an eight-man Committee. The Committee's secretary is Mr. Matthew Tricarico, and on my right is the Director of Research pro tem, Mr. Bill Russell.

Although I have given you in the handout the reference that the Committee will be dealing with today and for some considerable time, I would like, for the public record, to read it to you. The Committee's first reference is:

"That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review."

To determine in the most general way the broad character of that reference as it is perceived by the major decision makers in this area, we are today going to take evidence from the Minister of Water Supply, the Hon. Jock Granter, M.L.C.: Mr. Bromfield, Chairman of the State Rivers and Water Supply Commission, and Mr. Mann, Director of the Ministry of Water Resources and Water Supply.

This is, as I have pointed out, a meeting in public, and consequently the public may not participate in any other way than to listen to the proceedings. Because of the nature of the Chamber and the proximity of the public to the Committee, I would ask the public to keep conversation and movement to a minimum, but of course people are free to move around.

This is a public meeting, and at this point it is worth indicating that there is another type of public meeting that this Committee is obliged to conduct. Under section 48E. of the Parliamentary Committees (Public Bodies Review) Act the Committee is obliged to hold another meeting

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at the end of its inquiry. I shall read from section 48E. to give an indication of the character of that meeting. Indeed, it is a meeting where not the components of the reference are under review, but the Committee itself and its report are under review. The section states, inter alia:

"(1) The Committee shall, before reporting to the Parliament on the question whether or not a public body should cease to exist, hold a public hearing.

(2) The Committee shall allow any person who is a member of the public body under review to give evidence to it at the public hearing.

(3) The Committee may allow any person to give evidence to it at a public hearing."

Given the wide public interest in our activities and the quite large public attendance here today, I am going to exercise my prerogative as chairman to make a number of general remarks about the Committee, about its approach to the first reference; to give some general indication of its broad research programme and point to at least two of the major principles on which we intend to operate, but before doing that I should indicate that we are all today taking part in what is an historic occasion and, I think, for the members of the Committee and certainly for myself, a very important occasion.

The Public Bodies Review Committee is the first Parliamentary Committee to sit in this beautiful Chamber in its 124 year history, and for the privilege of pioneering this new dimension in the use of the Victorian Legislative Council I wish to place on record our thanks to Mr. President, the Honourable Fred Grimwade, M.L.C.

As I will point out in a moment very briefly, the Committee is already well advanced on its first reference, and because of that I should like to place on record, on the Committee's behalf, the fact that we would not be so far advanced and have some research already completed, as we have, if it were not for the generous assistance provided to us by the Public Service Board, particularly the Board members, and more particularly, the Acting Chairman, Mr. Kevin Hayes.

The extent and spirit of the co-operation and support already given to this Committee by Mr. Hayes and his colleagues, by Mr. Viney, the Secretary of the Law Department, and Mr. Brian Waldron, Victoria's Auditor-General, augurs well for our future and for the wider issue of Parliamentary scrutiny. We are happily in their debt.

In both its breadth and authority the Public Bodies Review Committee is unique in Australia, and it is unique to the Westminster system of government. The Israeli Comptroller, the equivalent of our Auditor-General, in a letter to the Committee last week, suggested that from a close reading of our Act he believed that Victoria has indeed achieved a world "first" in its approach to evaluating public bodies.

In addition to that quite fascinating characteristic there are three features of this Committee that I wish to draw to your attention. Firstly, and most importantly, this is a policy review Committee. We are clearly and unambiguously in at least two places in our Act, charged with the responsibility of analysing and making judgment on Government policy.

Because of that and because of a number of other aspects of the Act, this is the first real opportunity that the Victorian Parliament has had in its 124 year history of scrutinizing, analysing, reporting on and "getting a feel for" the character of the non-Budget sector in this State.

THE CHAIRMAN: Secondly, as many would know from studying the Act, the Committee may recommend the cessation or winding up of a public body. That, of course, is nothing new. It can be done, as indeed it has from time to time, by any Committee of inquiry, Board and so on. New and unique to the Committee is that unless the Parliament otherwise resolves such a recommendation has the effect of law on the first anniversary of the day on which the Report of the Committee is laid before the Parliament.

Thirdly, the Committee of its own resolution, has determined that it will be guided by two broad principles. As manifested by the hearing today, the most important principle is openness. At its second meeting the Committee determined that it would, to the maximum extent, be a public, open Committee. Other points illustrate that commitment.

Hearings for taking of evidence will be held in public almost entirely and will be well advertised, as the Committee has advertised this hearing.

Submissions made to the Committee will be available for public scrutiny. The Committee has arranged with the State Library for those documents to reside in that place. The documents may be purchased by application to the Secretary of the Committee. From time to time the Committee intends to advertise in local newspapers the availability of those documents.

Everybody under review will have the opportunity of making an individual submission and to the very best of the ability of the Committee, bodies will have ample time to make their submissions and will have the opportunity of an individual hearing.

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The Committee has resolved to produce an annual report, not to set a standard or an example, but to fulfil what the Committee regards as an obligation to keep, firstly, Parliament and, secondly, the public, informed of its overall activities.

The second principle on which the Committee will operate is its intention, and it is already doing so, of making extensive use of independent research of the highest possible level. That principle is manifested in the appeal of the Committee through the press for those interested in involving themselves in its activities to enter on to the Committee's registry of consultants.

The Committee will be neither adversary or inquisitorial; it will be fair and will be seen to be fair, objective and sensitive. No one should doubt or underestimate the authority of the Committee and its dedication to meeting the obligations it assumes under the Act.

THE HONOURABLE FREDERICK JAMES GRANTER, Minister of Water Supply, Minister of the Crown and of Victoria, 40 High Street, Heathcote, was sworn.

THE CHAIRMAN: I welcome you to the Committee and thank you for the support you have given the Committee, and your ready response to attend the Committee today at short notice. The letter you have received from the Committee indicates to you that initially the Committee will obtain a general view of your perception of the elements of the reference and your relationship as a Minister of the Crown within the various entities of the reference and perhaps also with one important body that is not included in the reference but which will be essential to the reaching of balanced conclusions of the Committee, the Melbourne and Metropolitan Board of Works. Subsequently, detailed questions will be asked.

Do you wish to make a general submission to the Committee or would you prefer questions to be asked?

MR. GRANTER: Firstly, I should like to thank you for your welcome and congratulate you, Mr. Chairman, on the way in which you, in conjunction with your Committee and officers, have set up the general parameters of the Committee. I believe the organization has been good. I am honoured to be the first person to have been before the Committee but am nevertheless a little unsure as no doubt the first person would be. However, I am keen to enter into the spirit of the Committee's inquiry on the legislation set up by the Parliament. I have offered to you and you have acknowledged the co-operation of both the organization and the Ministry and myself. I wish to make a few general comments and have brought with me some rough notes.

It is implicit in the Government's objectives and policy that an assured water supply for urban communities be the basic essential requirement of modern life, also the provision of a reticulated sewerage system throughout Victoria for reasons such as health and safety of the community and for environmental purposes especially with waste water treatment plants. These matters will no doubt be gone into in detail by the Water Commission later. Although different Governments may have different emphases, the basic principle is to provide these services for the people.

I shall go back into the historic development of the services. The responsibility was given to water authorities by the creation of the State Rivers and Water Supply Commission in 1905. From that day the Government has supported authorities with funding and it is important to note that in 1866 the legislation following an inquiry by Alfred Deakin established that the right to use flow and control waters of this State was vested in the Crown, and that private rights in water were quite limited, such as riparian rights.

Not just this Government, but all Governments over a long period, have seen the necessity for local involvement and that has brought about the formation of water trusts, sewerage authorities and river improvement trusts. I believe this local involvement has made a considerable contribution to the way of life of this State. These bodies have served the people well with time and labour. I have seen this demonstrated as a country member and as a person living in a country town, and although some criticism may be made during the inquiry of the effectiveness and perhaps the efficiency of some of these authorities, I believe if you analyse their efforts fully, you will appreciate what has gone into their work.

The administrative structures of these authorities varies considerably, ranging from Government departments, part Government and part local representation to fully local representation. This will no doubt be further detailed in the submission by the Water Commission. There is no simple model on which to base administrative structures. However, fundamentally they all come down to the one solution of serving the people. The Bains Report on Local Government also recognizes the value of these authorities but makes some recommendations to which no doubt your Committee will refer later in its deliberations and inquiry.

The finances for local authorities have diminished to a degree over some 25 years and this must be a concern of the Minister of the day because finance is the key to maintaining any services instituted by the State. Subsidies can be justified in matters of decentralization of objectives and national significance and the development and productivity

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of the State. Once again your Committee will make an indepth study into subsidies that are paid both to water and sewerage authorities and to river improvement trusts.

I have already demonstrated that the public is involved in the statutory authorities set up by the State around the State. However, there is further public participation in the environmental aspects of all the undertakings engaged in by the Water Commission and the Board of Works in environmental studies. I submit that public participation is large, whether in local authorites or in environmental aspects.

I do not know whether you are conversant but I am sure you will be, Mr. Chairman, with the Acts that come under the Ministry of Water Services and Water Supply since 1975. They are: The Geelong Waterworks and Sewerage Act 1958; the Latrobe Valley Act 1958; the Melbourne and Metropolitan Board of Works 1958; the Mildura Irrigation and Water Trusts Act 1958; the Sewerage Districts Act 1958; the Water Act 1958; the Dandenong Valley Authority Act 1963; the West Moorabool Water Board Act 1968; the Groundwater Act 1969; the State Rivers and Water Supply Commission (Special Projects) Act 1969; and the Drainage of Land Act 1975.

It shall be the duty of the Minister to determine the means by which the water resources of Victoria can be conserved, developed and utilized to the best advantage for the people of Victoria and to promote the extension and development of sewerage and drainage services and to ensure that as soon as practicable that adequate water supply is provided for the conservation of flora and fauna in Victoria.

You will realize that the Water Resources Act 1975 brought all water and sewerage and main drainage activities within the Ministry of Water Resources and Water Supply and practically brought the State Rivers and Water Supply Commission and the Melbourne and Metropolitan Board of Works within one Ministry.

No doubt your members will want to ask me questions but before I conclude I wish to say that I believe the Committee should make, and I think this should be your desire also, Mr. Chairman, some visits to country municipalities, and should discuss the ramifications of the activities of water and sewerage authorities in the local districts. They should also perhaps visit some of the magnificent structures that the Water Commission has constructed for the benefit of the people of Victoria over a number of years.

* * *

APPENDIX 7.

LIST OF CONSULTANTS REGISTERED WITH
THE PUBLIC BODIES REVIEW COMMITTEE

Mr. E. J. Austin
Mr. T. J. Allanson
Arthur Andersen & Co., Chartered Accountants
Arthur Young & Co., Chartered Accountants
Lawrence J. Atley & Partners, Architects
Assetguard Pty. Ltd., Risk Management Consultants
Ms. Judy Arndt & Associates, Research, Planning Consultants
Australian Frontier Inc.
Mr. L. H. Banks
Mr. D. W. Boustead
Mr. V. C. Blackburn
Begg Barrack & Douglas Pty. Ltd.
Binnie International (Aust.) Pty. Ltd., Consulting Engineers
Birrell Management Pty. Ltd.
Bain Dawes Southern Pty. Ltd., Insurance Brokers
Binder Hamlyn & Co., Chartered Accountants
Mr. J. H. J. Campbell
Ms. Nancy Chamberlain
Colgan Australia Pty. Ltd., Management Consultants
Conservation Council of Victoria
Coopers & Lybrand, Chartered Accountants
Cullen Morton (Vic.) Pty. Ltd., Management Consultants
Wood Bromley Carruthers & Mitchell Pty. Ltd., Cons. Engrs.
Mr. J. E. Dixon, Canberra College of Advanced Education
David Syme Business School, Caulfield Institute of Technology
Economic Research Unit Pty. Ltd.
Ernst & Whinney, Chartered Accountants.
J. A. Feely & Associates Pty. Ltd., Consultants
Mr. G. R. Fraser
Mr. A. Freeman
Mr. David G. Freeman, Psychologist
Mr. Norman H. Gledhill, Chartered Surveyor
Mr. John Grant
Hardcastle & Richards Pty. Ltd., Consulting Engineers
Ken Hughan & Associates, Public Accountants
Mrs. Barbara Hocking, Barrister-at-Law, Owen Dixon Chambers
Institute of Applied Social Research, Griffith University, Qld
Institute of Water Administration.
Institute of Applied, Economic and Social Research, University
of Melbourne.
John Clements Consultants Pty. Ltd.
John Jackson & Associates Pty. Ltd.
Dr. B. Jinks, Macquarie University, North Ryde, N.S.W.
Mr. J. Janicke, Insurance Council of Australia, Melbourne

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Michael Kassler & Associates, Computing Consultants
 Mr. Michael Kelson, Public Accountant and Business Consultant
 Kinhill Pty. Ltd., Engineering Consultants
 Mr. G. E. Liney
 Mr. R. Lipscombe
 Loder & Bayley, Planning and Engineering Consultants
 Mr. M. Lyrmont, Psychologist, University of Tasmania
 Mrs. G. E. Morris, Australian National University, Canberra
 Melbourne Consulting Group, South Yarra, Victoria
 Multiple Sclerosis Society of Victoria
 Marquand & Co., Chartered Accountants
 Murray Edmonds Management Services, Adelaide
 Nafco & Partners Pty. Ltd.
 Mr. R. A. Nairn, Chartered Engineer
 Nationwide Food Service Pty. Ltd.
 Nelson English, Loxton & Andrews, Management Consultants
 Neilson Associates, Planning Consultants
 G. H. Norris & Partners
 Mr. H. W. Nunn
 Nicholas Clark and Associates, Economic & Planning Consultants
 O'Connor & Beveridge (Management) Pty. Ltd., Consult. Engrs.
 Mr. John G. Onto
 P.A. Consulting Services Pty. Ltd.
 P. G. Pak-Poy & Associates Pty. Ltd.
 Jaginder Singh Pasricha, University of Melbourne Law School
 Peat, Marwick, Mitchell Services, Management Consultants
 Planning Aid and Advocacy
 Price Waterhouse & Co., Financial Management Consultants
 T. T. Robinson & Associates, Management, Engr. & Develop.Svce.
 Mr. T. R. Russell, Management Services Consulting Practice
 Sinclair, Knight & Partners Pty. Ltd., Consulting Engineers
 Mr. Tony Stevenson, Organisational Communication Consultant
 Mr. J. S. Talbot
 Mr. Peter N. Thwaites, Chancellor, Deakin University, Geelong
 Task Consultants Pty. Ltd., Management Consultants
 Dr. Barrington Thomas, Educational & Staff Develop. Services
 Mr. David Langmore
 Torpak Management Services
 Touche Ross Services Pty., Management Consultants
 R. Travers Morgan Pty. Ltd., Planning & Engineering Consultants
 Urwick International Pty. Ltd., Planning and Management Conslt.
 Dr. George R. Webb, Dept. of Economics, Royal Military College
 Duntroon, A.C.T.
 Dr. C. R. Weston, School of Economics, LaTrobe University
 Weir & Smith Pty. Ltd., Marketing Communications Research
 Mr. E. J. Wertheimer, Manager, McLachlan Group Pty. Ltd.
 Dr. R. L. Wettenhall, Canberra College of Advanced Education
 Willing & Partners Pty. Ltd., Consulting Engineers
 Wood, Bromley, Carruthers & Mitchell, Pty. Ltd., Planning,
 Engineering & Development Consultants

APPENDIX 8.

Standard Working Arrangements and General Conditions for Consultancy Engagements

1. The Public Bodies Review Committee will invite several of those consultants registered with it to submit proposals to it outlining -
 - a) personnel to be deployed by the consultant on the project; their qualifications and experience;
 - b) proposed methodology;
 - c) estimate of resources to be allocated to project;
 - d) fees to be charged.
2. A Steering Committee will oversight the study and will be required to approve the work program by which the proposed methodology is to be carried out.
3. All consultants' staff associated with the study will be subject to the approval of the Steering Committee and no changes in consultants' staff will be made except under conditions approved by the Steering Committee.
4. All reports of the consultants will be submitted to the Steering Committee and the consultants will be solely responsible for each report.
5. The consultant will be required to submit to the Steering Committee, on the last day of the month, a written statement outlining -
 - a) consultant days worked by each staff member associated with the study;
 - b) contacts made in connection with the study;
 - c) computer usage associated with the study;
 - d) matters requiring attention of the Steering Committee concerning the study;
 - e) progress against target dates to meet the deadline.
6. The study shall commence no later than [date], and the Steering Committee will hold an initial meeting

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within a fortnight of that date to approve the consultants' work program and timetable.

7. The property and copyright in all contract material shall vest in the Government of Victoria and the consultant; its employees and agents shall not use any material produced for the purpose of this study for any purpose other than for the study without the prior approval in writing of the Public Bodies Review Committee.
8. The Public Bodies Review Committee at any time upon giving notice in writing to the consultant of its intention so to do may terminate or constrict the contract or any part or further part thereof and upon such notice being given the consultant shall cease or reduce work according to the tenor of the notice and the Committee shall only be responsible for costs incurred to that date.
9. The contract shall be governed by and construed in accordance with the law for the time being in force in the State of Victoria.
10. The deadline for the study will be [date], by which time six copies of a finalised typed and bound report or reports covering the terms of reference are to be submitted to the Committee.

* * *

APPENDIX 9 .

Example of advertisement for a Regional Hearing



**PUBLIC BODIES
REVIEW
COMMITTEE**

**WODONGA PUBLIC HEARING
22 AUGUST 1980**

The Public Bodies Review Committee which was established in March this year to review those public bodies referred to it by either House of Parliament or the Governor in Council, wishes to advise that it will hold a Public Hearing in Wodonga on 22 August 1980, on the following reference:

"That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works be referred to the Public Bodies Review Committee for review."

When reviewing the activities of a public body (there are 377 such organisations in the above reference) the Committee is obliged by its Act to consider, *inter alia*, the following matters:

- (a) Whether or not the objects of the body are worth pursuing in contemporary society;
- (b) Whether or not the body pursues its objects efficiently, effectively and economically;
- (c) Whether or not the structure of the body is suited to the activities it performs;
- (d) Whether or not the body duplicates the work of another person or body;
- (e) The financial and other liabilities and obligations of the body;
- (f) The extent to which the body seeks information as to the effect of its activities and acts on the information it receives;
- (g) The extent to which the body considers the public interest when performing its activities;
- (h) The extent to which the body encourages public participation in its activities;
- (i) The manner in which the body handles complaints about its activities; and
- (j) The extent to which the body is prepared to improve its structure, composition or procedures.

In order to consider these matters, the Committee may hear evidence from organisations and individuals. Those wishing to give evidence should indicate their intention to do so and provide a written submission outlining areas to be covered to the Committee's Secretary not later than Monday, 18 August 1980. Upon receipt of submissions the Committee will confirm the hearing arrangements.

The venue for this hearing will be the Wodonga Civic Centre, Hovell St, Wodonga, commencing at 9.30 a.m.

Dr Kevin J. Foley CHAIRMAN.

APPENDIX 10.

Advertisement inviting Registration of Consultants



PUBLIC BODIES REVIEW COMMITTEE

REGISTRATION OF CONSULTANTS

On 18 March 1980, the Victorian Parliament established an all-party Public Bodies Review Committee with wide powers to review the efficiency, effectiveness, structure and role of Victoria's public bodies. The Committee has been formed to provide the Victorian Parliament with additional information on the activities of its public bodies and implement the Government's policy on Sunset Legislation.

The Public Bodies Review Committee represents the first comprehensive adoption of the Sunset principle by a Government outside the United States.

When reviewing the activities of a public body, the Committee is obliged by its Act to consider, *inter alia*, the following matters:

- (a) whether or not the objects of the body are worth pursuing in contemporary society;
- (b) whether or not the body pursues its objects efficiently effectively and economically;
- (c) whether or not the structure of the body is suited to the activities it performs;
- (d) whether or not the body duplicates the work of another person or body;
- (e) the financial and other liabilities and obligations of the body;
- (f) the extent to which the body seeks information as to the effect of its activities and acts on the information it receives;
- (g) the extent to which the body considers the public interest when performing its activities;
- (h) the extent to which the body encourages public participation in its activities;
- (i) the manner in which the body handles complaints about its activities; and
- (j) the extent to which the body is prepared to improve its structure, composition or procedures.

The Committee has power to commission studies relevant to its work, and invites individuals and organisations wishing to be considered for engagement by the Committee as consultants to register with it. Such applications should be accompanied by evidence of the experience of the individual or firm wishing to be registered, and should be sent to The Secretary, Public Bodies Review Committee, Parliament House, Melbourne, Vic. 3002.

APPENDIX 11.

Advertisement inviting Applications for the
position of Director of Research.



**DIRECTOR OF RESEARCH
PARLIAMENTARY PUBLIC BODIES
REVIEW COMMITTEE**

The Victorian Parliament has established a Public Bodies Review Committee with wide powers to review the efficiency, effectiveness, structure and role of Victorian public bodies, particularly statutory authorities. The Committee has been formed to implement the government's policy committee to introduce Sunset legislation, and the Act gives to Committee power to recommend that a public body it has reviewed should cease to exist. Such a recommendation automatically takes effect on the anniversary of the Committee's report being laid before Parliament unless Parliament then expressly provides for the body to be continued.

The establishment of the Public Bodies Review Committee is the first comprehensive adoption of the Sunset principle by a Government outside the United States, and the Committee requires an outstanding Director of Research to provide the Committee with professional support in the design of studies and investigations, the selection and commissioning of consultants, liaison with public agencies and the development of the data base the Committee will require for its work.

The successful applicant must have suitable tertiary qualifications, and will have a proven record of achievement in a field such as consultancy, or research in organisational or program evaluation, and will have attained a senior level in public or business administration.

A salary in the range \$25,411 to \$32,866 will be negotiated according to qualifications and experience. The appointee will be appointed under conditions similar to those which apply in the Victorian Public Service. The committee will also consider applications for secondment or fixed term appointment for periods of not less than twelve months.

Applications, in strict confidence, should be sent, no later than Monday June 30, 1980 to:
Dr Kevin J. Foley,
Chairman,
Public Bodies Review Committee,
Parliament House,
MELBOURNE. VIC. 3002.

For further information, phone Mr Matthew Tricarico on 651-8179.

PUBLIC BODIES REVIEW COMMITTEE

SECOND REPORT TO THE PARLIAMENT

FUTURE STRUCTURES FOR WATER MANAGEMENT

Part 1 : Regional and Local Administration

Ordered to be printed

PUBLIC BODIES REVIEW COMMITTEECOMMITTEE MEMBERS

The Hon. Dr. K. J. Foley, M.L.C. (Chairman)
 S. M. Crabb, Esq., M.L.A. (Deputy Chairman)
 The Hon. B. A. Chamberlain, M.L.C.
 Mrs. J. H. Chambers, M.L.A.
 R. A. Jolly, Esq., M.L.A.
 E. J. Hann, Esq., M.L.A.
 G. Weideman, Esq., M.L.A.
 The Hon. D. R. White, M.L.C.

* * * *

COMMITTEE STAFF

Dr. E. W. Russell, Director of Research.
 Mr. M. Tricarico, Secretary.
 Mrs. J. Anderson, Stenographer.
 Miss M. Chrystiuk, Stenographer.

* * * *

CONSULTANTS TO THE COMMITTEE

Public Service Board of Victoria - Consultancy and
 Management Review Division.
 Touche Ross Services Pty.
 Sinclair, Knight & Partners Pty. Ltd.
 Institute of Applied Economic and Social Research,
 University of Melbourne.
 Neilson Associates.

* * * *

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY, 9 SEPTEMBER 1980

13. PUBLIC BODIES REVIEW COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables B. A. Chamberlain, Dr. K. J. Foley and D. R. White be Members of the Public Bodies Review Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 9 SEPTEMBER 1980

22. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mrs. Chambers, Mr. Crabb, Mr. Jolly, Mr. McGrath and Mr. Weideman, be Members of the Public Bodies Review Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.
-

WEDNESDAY, 2 APRIL 1980

18. PUBLIC BODIES REVIEW COMMITTEE - Motion made and question - That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review (*Mr. Mackinnon*) - put, after debate, and agreed to.
-

WEDNESDAY, 24 SEPTEMBER 1980

4. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mr. McGrath be discharged from attendance on the Public Bodies Review Committee and Mr. Hann be appointed in his stead (*Mr. Maclellan*) - put and agreed to.

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Introduction and Acknowledgements

By passing the *Parliamentary Committees (Public Bodies Review) Act 1980, No. 9367*, which received Royal Assent on 18 March 1980, the Victorian Parliament established a Select all party eight member Public Bodies Review Committee with powers to review the efficiency, effectiveness, structure and role of Victoria's public bodies. On 2 April 1980 the Public Bodies Review Committee received the following reference by Resolution of the Legislative Assembly -

That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review.

That reference includes 375 legally separate public bodies. The 344 bodies located outside the Melbourne region served a population at 30 June 1978 of more than one million people.

By establishing the Public Bodies Review Committee the Parliament of Victoria achieved an Australian first; indeed it became the first Westminster Parliament to address the public bodies issue with such purpose, independence and authority - Canada is the only other Westminster system of government looking seriously at examining this issue with such authority and *within the context of Parliament*.

The Public Bodies Review Committee, which is the first comprehensive adoption of the Sunset principle by a Government outside the United States, may receive a reference from *either* House of Parliament or the Governor-in-Council and has the authority to recommend that a public body cease to exist. Furthermore, such a recommendation *automatically* takes effect on the anniversary of the Committee's report being laid before Parliament unless Parliament otherwise resolves. To acquire the information necessary to meet the responsibilities that attend

such an authority the Committee may, with the full legal authority of Parliament, call for *any* persons, papers or records it regards as essential to its Inquiry.

When reviewing a public body, to determine whether it should cease to exist or continue in an altered form, the Committee is by its Act obliged (48 C (5)) to consider the following -

- (a) Whether or not the objects of the body are worth pursuing in contemporary society;
- (b) Whether or not the body pursues its objects efficiently, effectively and economically;
- (c) Whether or not the structure of the body is suited to the activities it performs;
- (d) Whether or not the body duplicates the work of another person or body;
- (e) The financial and other liabilities and obligations of the body;
- (f) The extent to which the body seeks information as to the effect of its activities and acts on the information it receives;
- (g) The extent to which the body considers the public interest when performing its activities;
- (h) The extent to which the body encourages public participation in its activities;
- (i) The manner in which the body handles complaints about its activities; and
- (j) The extent to which the body is prepared to improve its structure, composition or procedures.

The Public Bodies Review Committee has a number of interesting, if not unique features.

First, as illustrated by (a) and (b) above it quite clearly has a responsibility to evaluate, *judge and make recommendations on government policy*.

Second, the definition of a public body under which the Committee operates is particularly wide; indeed so wide as to include Ministerial departments.

48 B (5) In this Part, "public body" means any public body established by or appointed pursuant to an Act or established by or appointed pursuant to any rule, regulation, by-law, Order in Council, proclamation or other instrument of a legislative character.

Third, as mentioned above, when the Committee recommends a public body be wound up, then, unless the *Parliament* otherwise resolves that body ceases to exist one year after the date of recommendation.

48 F (1) Where a public body is reviewed by the Committee and the Committee recommends that the body should cease to exist then subject to this section on the first anniversary of the day on which the Report of the Committee is laid before the Parliament -

- (a) the body shall cease to exist, and
- (b) the members of the body shall go out of office.

(2) Where -

- (a) a public body is reviewed by the Committee,
 - (b) the Parliament, after the Report of the Committee is laid before the Parliament, expressly provides that the body shall continue to exist, and
 - (c) after the provision by the Parliament that the body shall continue to exist the body is again reviewed by the Committee and the Committee recommends that the body should cease to exist -
- the provision by the Parliament that the body shall continue to exist shall not prevent sub-section (1) operating to terminate the body and remove its members from office unless the provision by the Parliament that the body shall continue to exist is expressed to override this sub-section.

Fourth, and unlike most Parliamentary Committees, the Public Bodies Review Committee must go beyond a simple recommendation for change by recommending how and over what period change should be effected.

48 C (8) Where the Committee recommends in its report that a public body should cease to exist, the Committee shall include in its report recommendations as to the arrangements that should be made in consequence of the cessation of existence of the body and the going out of office of its members including, without limiting the generality of the foregoing, the arrangements that should be made in relation to -

- (a) the powers, functions and duties exercised or performed by the body;
- (b) the property (if any) owned by the body or in which the body has an interest;
- (c) where the body is established by or appointed pursuant to an Act, the repeal or amendment of that Act,
- (d) the repeal or amendment of any other enactment referring to the body,
- (e) where the body was established by or appointed pursuant to a rule, regulation, by-law, proclamation, order, Order in Council or other instrument of a legislative character, the revocation, amendment or variation thereof,
- (f) the revocation, amendment or variation of any other rule, regulation, by-law, proclamation, order, Order in Council or other instrument of a legislative character referring to the body,
- (g) the officers and employees of the body,
- (h) any contract, agreement or arrangement to which the body is a party,
- (i) any legal or other proceeding or claim to which the body is a party or in which the body has an interest, and
- (j) the financial and other liabilities and obligations of the body.

Fifth, the Committee may commission and make payment for research without reference to government.

48 D (1) Where a public body is under review by the Committee the Committee may commission any person or persons to investigate and report to the Committee on any aspect of the body or its activities which the Committee considers relevant to the review.

(2) The expenses of any investigation commissioned under sub-section (1) shall be met out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

sixth, the Committee must, *before* reporting to Parliament, allow public comment on a recommendation that a body be wound up.

48 E (1) The Committee shall, before reporting to the Parliament on the question whether or not a public body should cease to exist, hold a public hearing.

(2) The Committee shall allow any person who is a member of the public body under review to give evidence to it at the public hearing.

(3) The Committee may allow any person to give evidence to it at a public hearing.

(4) Notwithstanding anything to the contrary in sub-section (2) the Committee may refuse to hear evidence which in the opinion of the Committee is irrelevant to the question whether or not the public body which is under review should continue to exist or which in the opinion of the Committee is unnecessary to be made because of other information at the disposal of the Committee.

Seventh, persons or organizations appearing before the Committee are not able to have representation from a barrister or solicitor.

48 E (5) Neither the public body which is under review nor any person who appears before the Committee at a public hearing shall be entitled or permitted to be represented by a barrister or solicitor; but nothing in this sub-section shall prevent a person from giving evidence on his own behalf or a member or employee of the body from giving evidence on his own behalf or on behalf of the body.

Because of the size and significance of the public bodies sector in Victoria the Public Bodies Review Committee cannot, whatever its reference, avoid consideration of the structure and processes of government and Parliament. Given that focus and *responsibility* Victoria's Public Bodies Review Committee offers the Victorian Parliament its first real opportunity to make substantive and authoritative comment on the fundamentals of government.

Guided by its unique Act and principles enunciated in its First Report to Parliament (December 1980) the Public Bodies Review Committee has since that first report received further evidence and refined its views. However, although almost all relevant information has been received on some issues, complexity of the reference and the need to appreciate its wider context precludes conclusion and recommendation at this time. In spite of a particularly busy program thus far in 1981 there remains a need to receive considerably more information on matters already addressed in some detail (e.g. the operations of the State Rivers and Water Supply Commission, River Improvement Trusts and pricing policy, to name the more obvious) and there are major elements of the reference which have yet to receive the full attention of the Committee. In the latter case the most important issue is irrigation.

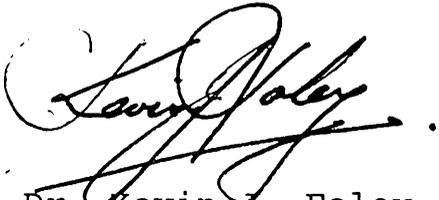
In the past several weeks the Committee has received either final drafts or completed reports on four issues central to its reference. Those studies and several others yet to be completed which were referred to in the Committee's First Report to Parliament are to be released either as independent Research Papers or as companions to a Committee Report. In this case we publish, as *received by the Committee*, a study conducted by the Victorian Public Service Board's Consultancy and Management Review Division. That research, which examined in some detail a number of Water Authorities, and is entitled The Performance and Structure of Local Water Authorities in Victoria, was led by Mr. Machmud Mackay.

Whilst complimenting Mr. Mackay on his study, thanking those water and sewerage authorities who co-operated so willingly and splendidly, and once again recording our appreciation for the co-operation and expert assistance provided by the Public Service Board, it is necessary to explain that recommendations made to the Committee in the study which accompanies this, the Committee's Second Report to Parliament, are merely inputs to the decision-making process of the Committee. Publication of The Performance and Structure of Local Water Authorities in no way assigns acceptance of the views and recommendations made in that document. Furthermore, as will be evident from what follows, that study is but one of a large number of inputs which has influenced the Committee's thinking on the question of structure. We publish The Performance and Structure of Local Water Authorities, with the primary object of fulfilling this Committee's commitment to place *on the public record* all (or as much as possible) of the information, evidence, research, etc., used to form the Committee's views.

It should be repeated that the Public Service Board study has been used to this point merely as a guide to refining the Committee's views on structure. It has not yet, and will not until construction of a Final Report to be tabled in the Spring 1981 Sessional Period of Parliament, be used to reach detailed conclusion and recommendation.

This Second Report to Parliament will provide the basis for further and more focussed and more detailed discussion with those water authorities included in our reference. The Committee anticipates that by keeping authorities in its reference fully informed on its thinking on major issues such as Structure, Audit and Reporting, and Irrigation, it will markedly increase the likelihood that final recommendations

will be objective, fully supported, and most importantly, produced in a spirit of co-operation. To date that spirit and a sense of common purpose between Committee and authorities under review is a hallmark of this Inquiry. To those very many Commissioners and Officers of Authorities in our reference who have contributed to this Report, the Committee extends its most sincere thanks.

A handwritten signature in cursive script, appearing to read "Kevin J. Foley". The signature is written in dark ink and is positioned above the printed name.

Dr. Kevin J. Foley, M.L.C.,

CHAIRMAN.

SECOND REPORT TO THE PARLIAMENT

FUTURE STRUCTURES FOR WATER MANAGEMENT

Part 1 : Regional and Local Administration

1. Purpose of the Report

On April 2, 1980, the Legislative Assembly resolved:

"That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review."

As outlined in its Report to the Parliament of December 11, 1980, the Committee has, in discharging the responsibilities implicit in this reference, undertaken an extensive program of public hearings, information gathering, research and consultation aimed at a final report on this reference by the end of 1981.

The purpose of this report is to present to the public some indication of the Committee's current thinking concerning the future of the water and sewerage bodies in the reference. This should enable Members of Parliament, the public, and those associated with bodies under review to respond to the thinking outlined here. The Committee has not at this stage made final judgments, nor does it wish to pre-empt debate on the future structure of the water industry. It does, however, wish to stimulate that debate, and invites comment on the options and proposals contained in this report.

This is the first of several Interim Reports and Research Papers the Committee intends to issue during 1981.

Others will concern the Auditing and Reporting of Public Bodies; the Economic Impact of Public Bodies; Technical Standards in the Provision of Water and Sewerage to Towns in Victoria; River Improvement and Drainage Trusts; and Irrigation Management. Each of these Reports will appear with a companion volume containing the relevant report of the Committee's consultants.

The Committee will be issuing these companion volumes not to convey any necessary endorsement of their recommendations, but to make publicly available the advice it has received. The Committee's own views on each matter will be conveyed by its Interim Report, and, ultimately, by its Final Report.

The consultant's report which is companion to this Report on Structure is entitled: The Performance and Structure of Local Water Authorities in Victoria¹, and it has been prepared by a team, led by Mr. Machmud Mackay from the Public Service Board's Consultancy and Management Review Division. The provision enabling the Public Bodies Review Committee to avail itself of the services of the Public Service Board in this way is Section 48D(3) of the Parliamentary Committees (Public Bodies Review) Act 1980 No. 9367.

1. Printed separately from this Report.

2. Accountability

This Committee believes that the future structure for water management in this State must operate within a defined and effective framework of accountability, both to Parliament, and to the communities water authorities¹ serve.

The Committee here underlines the comments on this subject made by its consultant, Touche Ross Services².

"Parliamentarians have a duty to ensure that public funds are utilized effectively, efficiently and for the public good. The managers of Public Bodies must therefore be held accountable to Parliament for the performance of the body which they manage."

Until now, the obstacles to the realisation of this aspiration, to the extent that it has indeed existed, have been many. To mention only some of them:-

- . Parliament has not been involved in, nor generally has it been aware of, the creation or continued existence of the majority of the bodies in the present reference; on existing evidence, less than five per cent of all public bodies in Victoria have been created by their own Acts of Parliament, for example, only eight of the 375 bodies specified in the reference were created by specific act of Parliament;

- 1 The term "water authorities" is used throughout this Report to refer to all types of bodies in the reference, not just waterworks trusts.
- 2 Touche Ross Services Pty., Report on a Study of the Auditing and Reporting Responsibilities of Public Bodies in Victoria, Public Bodies Review Committee Consultancy Report, March 1981, p. 3.

- . there is an unknown number of further bodies involved in the water industry in Victoria not specified in the reference because they could not be identified at the time the reference was framed;
- . a survey conducted by the Public Bodies Review Committee indicates that 78% of water authorities do not produce an annual report, other than the minimum required financial statements³;
- . financial statements produced by water authorities lack comprehensibility and comparability;
- . only two per cent of water authorities provide their financial statements to Parliament, and only six per cent provide them to their local Member;
- . no comprehensive, consolidated set of accounts for the water industry is provided to Parliament;
- . no comprehensive, descriptive report covering the whole of the water industry (as distinct from the activities of the State Rivers and Water Supply Commission) is provided to Parliament⁴;

3. Public Bodies Review Committee, Survey of Local Water Authorities, February 1981. Item 66.

4. Appendix 1 includes a comparison prepared by Touche Ross Services, Consultants to the Committee, of the Annual Report of the State Rivers and Water Supply Commission with that of the State Electricity Commission's Annual Report.

- . elections to water authorities, where they are required, are rarely contested; where they are contested, the choice is usually between personalities rather than issues; and, perhaps most fundamentally,
- . it is the Committee's general observation, based on evidence and survey results, that throughout the water industry in Victoria, there is little appreciation of the significance, either for purposes of democratic accountability or for those of practical management, of explicit statements of objectives and performance measures.

The Committee has gathered substantial evidence on each of these questions, and will in its Final Report make specific recommendations on each of them. From the point of view of regional and local structure in water management, however, the deficiencies listed above point to a most serious problem: that of comprehending, much less rendering accountable, an administrative system as diffused as that we have inherited. The Committee's current thinking is that, as well as specific measures in respect of each of the detailed points listed, the criterion of accountability requires a more ordered set of control relationships, and a less fragmented and diffused industry structure.

3. The Water Industry in Victoria

Victoria's average annual rainfall of around 650 mm produces an average annual flow in all Victoria's rivers of around 20 million megalitres, approximately half of which is discharged north, and half south, of the Divide. About 5 million megalitres are used annually for domestic, industrial, stock and agricultural purposes, in 1977, in the following proportions:-

Victoria : Water Consumption - 1977¹

<u>Purpose</u>	<u>Quantity (megalitres)</u>	<u>(%)</u>
Irrigation	4 041 889	81
Domestic and Industrial	853 409	15
Stock and Domestic	228 830	4
	<u>5 124 128</u>	<u>100</u>

Of the 853 000 megalitres consumed for domestic and industrial purposes, about half is consumed in the Melbourne metropolitan area. Of the remainder some 60 000 megalitres per annum are distributed through the major State Rivers and Water Supply Commission supply schemes (Mornington and Bellarine Peninsulas, Coliban and Otway systems), while the remainder is distributed by some 200 Waterworks Trusts serving communities throughout the State. This Report concerns the administrative structure associated with the distribution of this 400 000 megalitres of water, and the structure associated with the provision of non-metropolitan wastewater disposal.

1 Ministry of Water Resources and Water Supply, Review of Victoria's Water Resources and Utilization, Part 1, 22-3, 103-4.

While there are no aggregate data covering quantities of effluent treated by sewerage authorities or by other means of wastewater disposal, the number of non-metropolitan sewerage authorities is known, and appears to be growing rapidly. From 8 in the early 1930s, to 15 in the 1940s, to 60 in the early 1950s, it was 137 by 1980, with a further 85 proposals for new sewerage schemes in the pipeline².

Some salient features of the finances of the State's water, sewerage and drainage services are that³:-

- . Authorities have loan liabilities (at historical values) exceeding \$2000 million;
- . The State subsidises these activities at the rate of at least a million dollars a week;
- . A reticulated water supply is provided to over 3.5 million people;
- . A public waste disposal system is provided to over 2.6 million people;
- . A home-owner on average weekly earnings pays around two per cent of his income for these services.

The Committee has gone to considerable trouble to gather fresh financial information concerning aggregate finances of local water and sewerage authorities, and the results of initial analysis of these data give reason for concern.

2 Ministry of Water Resources and Water Supply.

3 Mann, J. N., 'Consumer Expectations and Standards of the Service Delivered', Paper at Seminar, Resource Management in the 1980s, State Rivers and Water Supply Commission, 1980.

Particular points to be noted are that⁴:-

- . The liquid asset holdings of local water and sewerage authorities are very high. The 235 authorities covered in the initial run of Public Bodies Review Committee survey data held \$77.5 million at 30 June 1980, equal to around 20 months of capital investment;
- . The liquid asset holdings of these bodies increased by 37 per cent in the two years to 30 June 1979;
- . Capital investment by 233 of these authorities (other than the LaTrobe Valley Water and Sewerage Board and the Geelong Water and Sewerage Board) was 19 per cent lower in real terms in 1979-80 than in 1976-77, although those 233 authorities held liquid assets of over 60 million dollars at 30 June 1979, an increase of 41 per cent over two years;
- . Despite complaints about shortages of funds for capital works, these authorities are extremely liquid, and in the two years to 1978-79, when they borrowed 36.7 million dollars at subsidized rates, about half of their subsidized borrowings went to increasing their liquid asset holdings;

4 Preliminary data from Study of the Economic Impact of Public Bodies being undertaken by the Institute of Applied Economic and Social Research, University of Melbourne, using data from the Public Bodies Review Committee's Survey of Local Water and Sewerage Authorities, December 1980. The full report of this Study will be published by the Committee later in 1981.

- . Authorities are generating substantial income by borrowing at subsidized rates and investing in high yield liquid assets. To the extent that these liquid assets are not invested in high yielding assets, the interest rate subsidy is subsidizing the profits of banks and other financial institutions.

The Committee believes even these preliminary data illustrate the need to view the activities of water and sewerage authorities as 'the water industry', not just as an accumulation of separate entities. The present administrative structure in the water industry in Victoria is in no small way the creation of past financial formulae and arrangements, and must be understood in aggregate as much as in its components. Unfortunately, the past absence of any consolidated financial or economic data on much of the industry in the Annual Reports of the State Rivers and Water Supply Commission has substantially impeded Parliamentarians and others from adopting this perspective.

The Committee has, in the course of its Inquiry, which embraces virtually the whole of the water industry in Victoria, outside the Melbourne and Metropolitan Board of Works area, come to understand some basic truths about that industry:-

- . public provision of water and sewerage is vital to the health and living conditions of the majority of Victorian citizens;
- . adequate industrial water supplies will be an essential requirement for key parts of Victoria's needed economic development, e.g. in the LaTrobe Valley;

- . proper provision of sewerage facilities is essential if the community's aspirations concerning freedom from pollution are to be met;
- . there is substantial competition for resources in the water industry - both water resources and financial resources - and the best possible means of comparing alternatives, evaluating projects and determining priorities, are needed;
- . the administrative structures the State has inherited in the water field are generally antiquated, parochial and ineffective: not by design, not as a result of lack of dedication on the part of those who work in them, but due to the sheer difficulties in expecting 75-year old legislation, and 35-year old financial formulae to provide answers in an environment their framers could hardly have foreseen;
- . even administrative arrangements effected in recent years show signs of confusion and contradiction;
- . Government policy has encouraged water and sewerage authorities to so conduct themselves as to produce in the public mind the image of water as a "free good"⁵.

5 The Committee has noted the 'use water wisely' campaigns conducted by some waterworks trusts, such as Stawell and Gembrook, Cockatoo and Emerald. But the Committee was astonished to find that some waterworks trusts have not yet installed water meters, surely a first step in the treatment of water as a scarce resource. In some cases serious inefficiency was disclosed when the Committee probed this issue. For example, the Koroit Waterworks Trust was found to have left the water meters of its major industrial consumer, the Murray-Goulburn Co-operative, out of order for no less than '6 or 7 years'. (Transcript of Evidence, Portland, 8 August 1980, p.397). The Daylesford Waterworks Trust disclosed that some of its consumers, including a Waterworks Trust Commissioner, not only lacked meters but were not even recorded as being connected to the system, and hence had never been charged for water. (Transcript of Evidence, Ballarat, 19 September 1980, p. 1085).

4. The Question of Structure: Evaluative Criteria

In reviewing the bodies in its reference, the Committee has had the benefit of evidence and submissions from the vast majority of bodies involved in the water industry in Victoria. It has on this basis, and as a result of its deliberations, been placed in a unique position to consider criteria for alternative structures for the water industry. Any recommendations from the Committee as to the future of the existing bodies in the water industry, even a recommendation that all present bodies should continue to exist, implies a judgment about future structure, and the Committee wishes to place on record the criteria it has come to believe must be met if the water industry is to meet future needs.

The first point of reference the Committee has in this regard are the criteria Parliament has laid down in Section 48C(5) of the Parliamentary Committees (Public Bodies Review) Act No. 9367.

The Committee believes that these are principles by which public bodies generally may be judged, and accordingly it considers that any future structural arrangements for the water industry should involve public bodies which:-

- . possess objectives worth pursuing in contemporary society;
- . are so structured as to be able to pursue these objectives efficiently, effectively and economically;
- . possess a structure suitable to the activities performed;
- . do not duplicate the work of other persons or bodies;

- . seek information on the effects of their activities and act on that information;
- . consider the public interest when performing their activities;
- . encourage public participation in their activities;
- . are responsive to complaints about their activities; and
- . are prepared to improve their structure, composition and procedures.

These, of course, are criteria which the Committee and community would expect all contemporary Government institutions to meet. These criteria embody the assumption that public bodies should be accountable, well-managed, capable of being controlled and susceptible, in some measure, to public participation and involvement. The Committee, in promoting any alternative to the existing structures in the water industry, would expect the new structures to more adequately meet these criteria than the structures they replace.

Any chosen structural solution will involve trade-offs between political, economic, social, environmental and technical considerations. Moreover, there is ample scope for differences in views as to the weight which should attach to any particular factor¹.

1 The Committee has found the discussion of these issues in Chapter Three of Wastewater Management in the Western Port Catchment and the Mornington Peninsula, State Co-ordination Council, 1979, to be useful.

It seems likely that the present administrative structure in the water industry reflects a past emphasis on the value of locally-based representative structures, and the desire to minimize costs to ratepayers, without great regard to factors which may be of substantial concern today, such as environmental effects, water quality, etc.

In applying these statutory criteria to the water industry, the Committee believes particular emphasis should be given to the following issues:-

- . the extent to which the structure is accountable and subject to democratic control;
- . the extent to which the structure meets community needs, and includes mechanisms for identifying needs, and setting priorities as a basis for allocating resources;
- . the extent to which the structure is consistent with the efficient management of water as a resource, throughout the water cycle;
- . the extent to which the structure is in harmony with equitable funding arrangements, and the efficient use of the limited capital available to the water industry;
- . the extent to which the structure provides for water management and planning to be in harmony with other land uses and planning processes;
- . the extent to which the structure ensures technical and administrative competence is brought to bear in water management;

- . the extent to which the structure is in harmony with State Environment Protection Policies or environmental standards, where they exist.

4.1 Meeting Community Needs.

The Committee considers that any administrative structure adopted in the water management field should have the capacity to identify community needs for the provision of water-related services, and to set priorities which accord with these needs¹.

While, in theory at least, a variety of administrative structures ought to be consistent with this criterion, there are reasons for believing that existing structures impose limits on the practicability of this approach, since:-

- . the number, functional diversity and arbitrary boundaries of existing water-related authorities involves a multi-dimensioned complex of fragmentation which must necessarily complicate the systematic assessment of needs²;

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- 1 Addressing this question, the Committee has noted a heavier emphasis on questions of supply than on those of demand.
 - 2 Touche Ross Services Pty., in their Report to the Public Bodies Review Committee on Audit and Reporting Responsibilities of Public Bodies in Victoria, identify fragmentation of public bodies as such a problem that 'the task of managing them effectively is beyond the capacity of the Victorian Government'.

- . the Committee has been unable to elicit from the Ministry of Water Resources and Water Supply or the State Rivers and Water Supply Commission or the State Treasury any evidence or documentation which would suggest that needs have been identified in this way³. Rather, the complexities of the present structure appear to have supported an ad hoc approach to the allocation of water and sewerage funding⁴, without any formal process involving comparative assessment of needs and priorities on a State or regional basis⁵.

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- 3 The Committee has established that a survey of unsewered areas in Victoria was initiated in 1977, not from within the Ministry of Water Resources and Water Supply, but by the Environment Protection Authority. Those data are reproduced at Appendix 2.
 - 4 The present system of funding new sewerage schemes depends on the initiative being taken by local communities. There appears to be no State-based needs assessment process, and few examples of regional-needs assessment processes. See Public Bodies Review Committee, Transcript of Evidence, 29 May 1980, p. 16; Wastewater Management in the Westernport Catchment, p. 122; Environment Protection Authority, Submission to the Public Bodies Review Committee, p. 23.
 - 5 The State Rivers and Water Supply Commission has provided the Committee with a useful description of the processes and dilemmas in priority setting at p. 33 of its Submission to the Public Bodies Review Committee, Priorities and Funding of Capital Works Programs, April 1981.

The Committee considers that a more coherent structure, involving fewer bodies, a more logical assignment of functions, and a better system of boundaries would facilitate the processes of needs assessment and priority setting rather than hinder it⁶.

4.2 The Management of Water as a Resource.

As with the assessment of needs and the setting of priorities, it is possible to have in mind the need to manage water as a resource no matter what administrative structure may be adopted. But, again, some structural arrangements are better suited to realizing this aspiration than are others.

As one of the Committee's consultants has put it, "the various functions of the water industry are linked together by the fact that they form part of an overall water cycle. Water is collected in a catchment area, reticulated and used in a number of ways and in different areas, and the residue, in the form of sewerage discharges, normal stream flow and drainage run offs ... ultimately returns to the environment ... The major implication of this is that, given a certain level of development in a catchment area or river basin, no water function can be performed without having some effect on the whole

6 It is noteworthy that the State Rivers and Water Supply Commission has developed extensive mechanisms on the supply side for water resource assessment, including 514 river gauging stations, but has no comprehensive means on the demand side of the equation for assessing community needs for water and sewerage services.

"water cycle and therefore the other water functions ... This functional interdependence is not generally reflected in the structure of the Victorian water industry ... What is immediately obvious is the immense fragmentation of responsibility for the performance of these functions ... as a result of the splitting of the overall 'water cycle' into component functions, each under the management of different authorities:

- . the sheer number of authorities;
- . the variety of types of authorities, and the differing types of control and accountability that this entails ..."⁷.

Other recent studies also stress this tension:

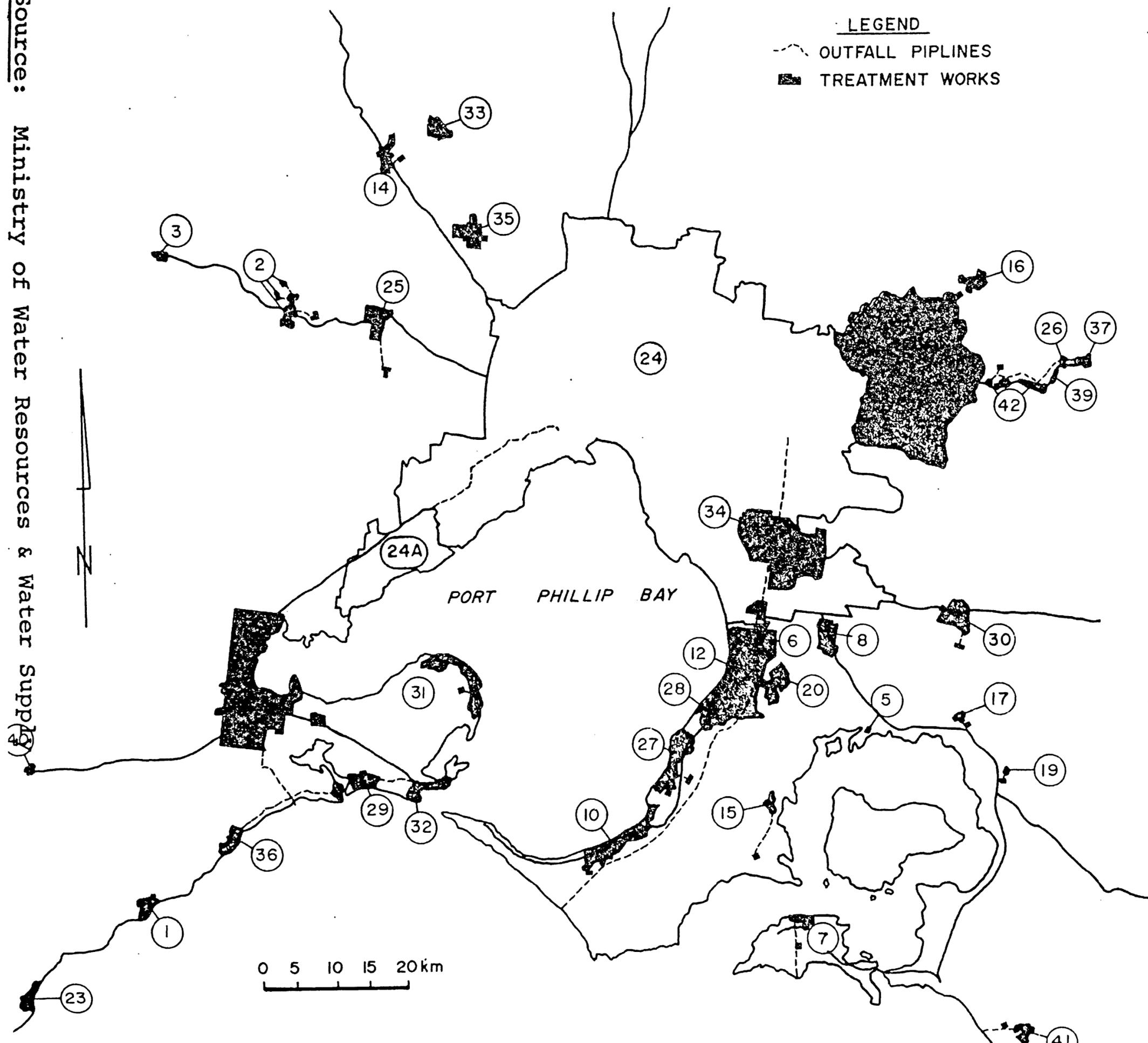
"A consideration of water resources administration illustrates the lack of an ecological approach in the past, and the ... fragmentation of management which has resulted. ... Studies of water resources management show a general belief in multi-purpose catchment management ... In England, Germany and the U.S.A. ... water management shows a trend towards multi-purpose river basin management, and consolidation of agencies on a larger scale ..."⁸.

7 The Performance and Structure of Local Water Authorities in Victoria, Consultancy Report to the Public Bodies Review Committee, 1981, p. 10-11.

8 Love, J., Mordialloc Creek: Policy and Management Problems of an Urban Waterway, M. Environmental Science Thesis, Monash University, 1977, p. 24.

The Committee does not fully embrace the multi-purpose catchment authority model as an ideal administrative solution in all parts of Victoria. However, it does believe that the adoption of variants of this model in recent re-structuring of the water industry overseas illustrates that there is a tension between the requirement for integrated water management on a multi-objective basis, and the functional and geographic fragmentation characteristic of present water industry administrative arrangements in Victoria.

The map reproduced as Figure 1 illustrates this fragmentation as it applies to the area surrounding Melbourne.



LEGEND

- - - - - OUTFALL PIPELINES
- TREATMENT WORKS

LOCAL SEWERAGE AUTHORITY DISTRICTS

- | | |
|-----|-------------------------|
| 1 | ANGLESEA |
| 2 | BACCHUS MARSH |
| 3 | BALLAN |
| 4 | BARWON HEADS |
| 5 | BLIND BIGHT |
| 6 | CARRUM DOWNS |
| 7 | COWES |
| 8 | CRANBOURNE |
| 9 | DANDENONG |
| 10 | DROMANA |
| 11 | DROUIN |
| 12 | FRANKSTON |
| 13 | GEELONG |
| 14 | GISBOURNE |
| 15 | HASTINGS |
| 16 | HURSTBRIDGE |
| 17 | KOO WEE RUP |
| 18 | KORUMBURRA |
| 19 | LANG LANG |
| 20 | LANGWARRIN |
| 21 | LEONGATHA |
| 22 | LILYDALE |
| 23 | LORNE |
| 24 | MELBOURNE |
| 24A | M.M.B.W. |
| 25 | MELTON |
| 26 | MILLGROVE |
| 27 | MORNINGTON |
| 28 | MOUNT ELIZA |
| 29 | OCEAN GROVE |
| 30 | PAKENHAM |
| 31 | PORTARLINGTON |
| 32 | QUEENSCLIFF |
| 33 | RIDDELL'S CREEK |
| 34 | SPRINGVALE - NOBLE PARK |
| 35 | SUNBURY |
| 36 | TORQUAY |
| 37 | WARBURTON |
| 38 | WARRAGUL |
| 39 | WESBURN |
| 40 | WINCHELSEA |
| 41 | WONTHAGGI |
| 42 | YARRA JUNCTION |

FIGURE 1.
FRAGMENTATION OF SEWERAGE SYSTEMS FOR
MELBOURNE AND SURROUNDING AREAS.

This tension, and the argument for resolving it by an administrative model involving greater geographic and functional integration, appears to be greatest in those areas of the State where industrial and domestic growth is greatest, where there is competition for water resources, where there is scope to integrate water and wastewater systems, and where the unilateral choice of low cost schemes without adequate allowances being made for external costs and benefits is to be avoided⁹. In some other areas of the State where growth may be slower and interdependencies fewer, the criterion of effective overall water management may be met with little or no modification to existing administrative arrangements.

Apart from functional and geographic fragmentation, another aspect of current administrative arrangements which appears to be in tension with the criterion of effective water management is the identification, particularly in the wastewater field, of the relevant public bodies (i.e. sewerage authorities) with one particular wastewater strategy, reticulated disposal.

Other strategies tend to be excluded from the administrative and financial framework, so that sanitary pan services are normally provided by municipal councils, septic tank installations are required and approved by municipal councils. Non-reticulated systems are generally not provided by or funded within the sewerage authority framework.

9 The Committee has received two submissions which cover some cost aspects of self-contained sewerage schemes versus integrated schemes in the LaTrobe Valley. See Submission from the Association of Consulting Engineers, Australia, and Submission from the LaTrobe Valley Water and Sewerage Board, March 1981.

The Committee has received evidence concerning costs imposed on individuals by this type of administrative separation¹⁰. As the Westernport Catchment Special Task Group put it, "reticulated sewerage is not the only solution, technical or managerial, to wastewater problems. Wastewater management must encompass all generation areas and develop practicable solutions to wastewater problems wherever they arise"¹¹.

In the Committee's view, the criterion of effective water management requires a structure which is geographically and functionally coherent, and in which the management roles of each administrative tier are well defined.

The present structure, at central, regional and local levels, lacks, in the Committee's view, the necessary coherence, and changes at each level are required.

10 Transcript of Evidence, Ballarat, 19 September 1980, p. 1143.

11 Wastewater Management in the Westernport Catchment and the Mornington Peninsula, op. cit., p. 117.

4.3 Funding Arrangements and Structure.

The current funding arrangements appear to offer incentives towards the creation and maintenance of a larger number of water-related public bodies than would otherwise exist. The mechanisms bringing this situation about include:-

- . the financial assistance formulae administered by the State Rivers and Water Supply Commission, which have provided extra subsidies where a new authority has been established¹²;

- . the provisions of the Loan Council Gentlemen's Agreement¹³ concerning borrowing by smaller authorities, which favours fragmentation in that it allows each separately constituted

12 See Rickard, J., The Use of Formulae for the Calculation of Government Grants for Water Supply and Sewerage Schemes, Position Paper prepared for Public Bodies Review Committee, March 1981.

13 Australian Loan Council: Borrowing by Semi-Government and Local Authorities: the Gentlemen's Agreement, as amended to 29 June 1979, (viii).

public body to borrow up to 1.2 million dollars without obtaining Loan Council approval¹⁴, although approval by the Minister of Water Supply and the State Treasury of such borrowing is required¹⁵.

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- 14 In evidence before the Committee on 11 June, 1980, Mr. I. G. Baker, Director of Finance, State Treasury, said that, if the number of authorities were to be reduced, the "Treasury concern would be that ... we would be giving up a lot of these \$1.2 million borrowing authorities ..."
Transcript of Evidence, p.113. The Secretary of the Hamilton Waterworks Trust, Mr. R. J. Worland, in evidence before the Committee at Portland on 8 August, 1980, stated that "at present, the three authorities (the City of Hamilton, the Hamilton Waterworks Trust and the Hamilton Sewerage Authority) between them have a total theoretical borrowing capacity of about \$3.6 million ... if the three authorities were to be absorbed, the \$1.2 million limit which would apply to the new authority would be an uncomfortable ceiling to have to live within." Transcript, p. 440. The State Rivers and Water Supply Commission in its submission of September 1980 to the Public Bodies Review Committee on Administration of Urban Water Supply and Sewerage Services gave evidence that "in the wastewater function particularly, there are funding advantages in having separate authorities set up for the initial construction of the systems serving separate towns. In this way advantage can be taken of a "loop-hole" in Treasury [sic] borrowing rules which at present effectively limits each individual authority to \$1.2 million per annum unless specially sanctioned by Loan Council." p. 36.
- 15 State Rivers and Water Supply Commission, Administration of Urban Water Supply and Sewerage Services, p. 23 - "Borrowing by Authorities"; Treasury of Victoria, Submission to the Public Bodies Review Committee, Interface with State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority except Melbourne and Metropolitan Board of Works, p. 7, "Borrowing Programs".

- . the exclusion of certain authorities from eligibility for Government subsidies, on a basis which does not appear consistent to the Committee, involves an incentive to the creation of new authorities in the areas adjoining bodies not eligible for subsidy¹⁶.

That existing methods of funding water and sewerage are deficient both on equity criteria, and by reason of the total level of capital funds they generate, are propositions quite widely understood in the industry. The Urban Finances Funding Study, being undertaken by the Victorian Water Resources Council, illustrates this concern. The State Rivers and Water Supply Commission has identified in a Submission to the Committee¹⁷ four major areas of deficiency in relation to the subsidy component of these funding arrangements:-

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- 16 Mr. K. T. Middleton, Engineer to the Bannockburn District Waterworks Trust in evidence before the Committee on 26 September 1980 at Geelong stated that, prior to the establishment of the Trust, "approaches were made to the Geelong Waterworks and Sewerage Trust re the possibility of their area being extended and us being included. The problems at that stage were that the Geelong Trust could not get the advantages of the Government formula for assistance to small trusts." Transcript of Evidence, p. 1183.
- 17 State Rivers and Water Supply Commission, Pricing Policy and Financial Assistance for Urban Water Supplies and Sewerage, August 1980, p. 28.

- . subsidies provided in more recent years have different relative values because of inflation in the cost of works. This is the prime reason for the large variation in charges and there is no compensating adjustment for inflation in the subsidy arrangements;
- . subsidies are directed primarily at reducing capital liability or reducing loan charges, whereas with many authorities and Commission undertakings, operation and maintenance costs are the predominant annual costs and increase in response to inflation;
- . financial assistance, especially interest subsidies, is still being provided to authorities which are capable of meeting all of their own costs at charges lower than the State average;
- . the idea of an upper limit of "reasonable" charge based on a rating level of 17.5 cents in the dollar of NAV is no longer appropriate because of the wide variation in valuations of urban developments across the State, due to different land values and different standards of development.

While the Committee will be commenting on funding arrangements in more detail in its Final Report, the Committee wishes to emphasize in the context of this Report on Structure its disquiet at a system of funding too closely identified with particular

administrative entities (i.e. waterworks trusts and sewerage authorities) and particular delivery strategies (i.e. reticulated water and sewerage schemes). In the Committee's view, Government financial assistance should be allocated according to a comparative assessment of need, not on the basis of the legislative form of the recipient body or the technology adopted. Funding should be independent of structure, and available to a voluntary co-operative, municipality, or private enterprise initiative, if needs-based criteria are met. Likewise, water tanks, package and non-waterborne wastewater strategies should be neutrally assessed¹⁸.

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- 18 In evidence before the Committee at Melbourne, on 25 February 1981, the Chairman of the Environment Protection, Mr. J. Fraser, pointed out to the Committee that "the Sewerage Districts Act actually limits sewerage to sewerage treatment plants in the conventional sense ... funds cannot be allocated under the Sewerage Districts Act to other than conventional sewerage facilities. Even though a less costly system might be perfectly satisfactory, under the present law, it cannot be implemented." Transcript of Evidence, p. 1845. The Environment Protection Authority's Report No. 65/79, Comparison of Sewerage and Common Effluent Drainage for Country Townships, September 1979, tabled in evidence to the Committee, states, inter alia, that "The State Rivers and Water Supply Commission has prepared a Forward Look Sewerage Program including about eighty country townships, of which only fifteen are constituted as sewerage authorities. It is estimated that more than \$80 million will be required to undertake the program and this will take some forty years if the 1978/79 funding of \$2 million per annum continues. Clearly, a cheaper alternative to sewerage is necessary if the available finance is to achieve maximum public and environmental benefit." The Committee has also studied a Submission to it from the Shire of Pakenham dated 4 March 1981, entitled Alternative Systems of Sewerage Treatment, which indicates substantial cost savings for alternatives to conventional reticulated sewerage schemes, such as Common Effluent Drainage and Modified Drainage. The Committee notes that Shire's contention that "administrative, legislative and financial arrangements should be reviewed to ensure that wastewater treatment alternatives can be initiated, funded and implemented on at least as favourable a basis as the provision of reticulated sewerage." For details of the cost savings suggested by this Study see Appendix 3.

4.4 Relationships Between Water and Sewerage Provision and Other Resource Planning Processes

The Committee considers that any structure chosen for the administration of water and wastewater services should be designed to operate harmoniously within the overall land use planning framework applicable to the area concerned. In Victoria, at present, there are working relationships between the diverse group of bodies engaged in water and sewerage provision on the one hand and municipalities and regional planning authorities on the other, but this Committee has had evidence of deficiencies in these relationships placed before it. At present, the bodies in the water management field whose activities must be harmonized with planning requirements range from the State Rivers and Water Supply Commission, through water and sewerage bodies closely integrated with municipalities, to autonomous water and sewerage trusts.

It has been submitted to the Committee that there are a number of deficiencies in relationships between other resource planning processes and the activities of water and sewerage bodies. Among other things, it has been suggested that:-

- . the State Rivers and Water Supply Commission has in parts of rural Victoria, e.g. in irrigation areas and in the environs of Lake Eildon, a de facto role of rural planning authority *"which (as far as subdivision is concerned) requires either to be made more explicit or be transferred to a more appropriate authority"*.¹

¹ Submission from Loder and Bayly, Planning, Engineering and Landscape Consultants to the Public Bodies Review Committee, 10 September 1980, p. 2.

- there is a lack of interchange between some planning bodies and the water and sewerage industry. For example, an officer of the Loddon-Campaspe Regional Planning Authority, in evidence before the Committee at Bendigo on 12 September 1980 stated that that authority had no formal interchange with water and sewerage bodies in its area, and that the authority had not been used even as a forum for discussing future capital works in the region.²
- there is a lack of co-ordination between some local government bodies and water bodies resulting in, for example, an individual being required by a shire council to install septic tanks only weeks before the announcement of a compulsory reticulated sewerage scheme by a separate water body.³

The Committee is conscious that there is scope even within a complex administrative structure such as that currently prevailing within the water industry for co-ordinative processes to be overlaid to ensure that the required harmony between water and sewerage planning and other aspects of land use planning is achieved. In particular, the Committee has noted such proposals as that of the report "A Sewerage Strategy for the Yarra Valley" which recommended that the sewerage authorities in the region should be co-ordinated through a Committee under the Chairmanship of the Director of Water Resources.⁴ In the Committee's view such ad hoc arrangements do not offer a general solution to this problem.

2 Transcript of Evidence, Bendigo, 12 September 1980, p. 932. The Committee found this strange, particularly in view of the fact that the Loddon-Campaspe Regional Planning Authority had established its own Water and Wastewater Committee in 1974 which by 1980 had prepared a draft report on Water Resources of the Loddon-Campaspe Region, Transcript of Evidence, p. 920.

3 Transcript of Evidence, Ballarat, 19 September 1980, p. 1117, and p. 1150.

4 Submission from the Upper Yarra Valley and Dandenong Ranges Authority to the Public Bodies Review Committee, December 1980, p. 19.

The Committee has also noted argument in a submission from the Upper Yarra Valley and Dandenong Ranges Authority against the incorporation of responsibility for water and sewerage functions in the role of a regional planning authority.⁵ The Committee accepts that there are dangers in a planning authority, which must review the works of other agencies, being itself responsible for "works" responsibilities.

In the Committee's view, any alternative structure for water and sewerage provision must seek to ensure that the reported instances of poor relationships between planning authorities, municipalities and water and sewerage bodies in the present structure are not perpetuated.

5 Ibid., p. 22.

4.5 Technical and Administrative Competence

The Committee has received some evidence and advice which cause it to question the adequacy of a structure based on a large number of very small water and sewerage trusts and authorities. The Committee's consultants on Technical Standards have advised that:-

- . *" this system is difficult for the (State Rivers and Water Supply) Commission to administer;*
- . *the large number of small bodies had hindered the development of potentially cheaper regional schemes;*
- . *the smaller Local Authorities often cannot afford full time administrators who are adequately trained or who have the capability to co-ordinate the complex administrative, financial and engineering functions;*
- . *the members of smaller Local Authorities often have difficulty in understanding major strategy planning initiatives and have difficulty in understanding complex engineering issues;*
- . *many local authorities lack the resources to fully understand the obligations of long term spending or to issue and manage consultant briefs."*

While the Committee is anxious to emphasize that many small individual trusts and authorities are clearly run cheaply and efficiently, it accepts that the criticisms of a system composed of such trusts advanced by the consultants are serious. A number of trusts and authorities have given evidence before the Committee concerning their administrative difficulties, particularly where laymen must assess complex technical alternatives.

1 Sinclair, Knight and Partners, Technical Standards in the Provision of Water and Sewerage to Towns, Study undertaken for Public Bodies Review Committee, April 1981, p. 51.

4.6 Environmental Criteria

In a Submission to the Committee in February 1981, the Environment Protection Authority presented argument concerning the inadequacy of present structural arrangements, particularly in the wastewater field, for meeting environmental requirements. This submission argued that, inter alia,

*"changes to the structure of sewerage authorities or changes to the Sewerage Districts Act should promote fewer entities and recognize and encourage direct means of achieving co-ordination and co-operation for handling waste on a regional or catchment basis. Many small, inadequately financed and somewhat independent sewerage authorities lead to inefficient inadequate management of some facilities ... we believe that organization of sewerage collection and treatment on a regional or catchment basis would provide for more efficient implementation of State Environmental Protection Policy. In particular this arrangement should allow consideration of overall waste loads discharged, priorities to be set (e.g. high growth areas), and cost effective systems to be developed."*¹

The Committee views with particular concern the environmental deficiencies of current sewerage arrangements, and has noted the examples provided by the Environment Protection Authority of particular areas of concern, such as:-

- . twenty-two unsewered townships in the shires of Lillydale, Sherbrooke and Pakenham; .

¹ Submission from the Environment Protection Authority to the Public Bodies Review Committee, February 1981.

- . serious pollution in areas where landholder plebiscites have blocked sewerage provision;
- . consistent breaching by Sewerage Authorities of E.P.A. licence conditions;²
- . failure of some municipalities to make sewerage a condition of subdivision;
- . failure of municipal councils to keep proper records of wastewater facilities and to conduct annual septic tank inspections as required by the Septic Tank regulations.

In the Committee's view these deficiencies are serious, and reflect on the existing structural arrangements for handling household wastes. The Committee is firmly of the view that any new administrative structure should be designed to lessen problems of divided or avoided responsibilities as are clearly widespread in the current scheme.

² see Appendix 4.

5. Options for Structure

5.1 Background

The Committee wishes to preface its remarks on future structural options for the water industry in Victoria with four important statements of principle:-

- . the administrative structure of the water industry, with up to five vertical tiers of authority, its random geographic coverage and its bewildering array of constitutional forms, is unsystematic and neglected. Consequently it does not effectively meet the present water management needs of Victoria: it certainly would be unable to meet those of future decades. The Committee believes that at the outset it can be stated that the continuance, unchanged, of the present administrative structure in the water industry is not an option the Committee is considering.
- . the Committee is aware of several global solutions to the problem of restructuring the water industry. The recommendation of the Bains Report¹ called for the municipalisation of the water industry, and the Waterworks Trusts and Provincial Sewerage Authorities Association of Victoria suggested that restructuring should take the form of the merging of

1 "The Board recommends that outside the metropolitan area the restructured municipalities should, wherever possible, be responsible for water and sewerage services." Report of the Board of Review of the Role, Structure and Administration of Local Government in Victoria, 1979, p. 28.

water and sewerage authorities where a joint administration currently operates, and the establishment of agency relationships between smaller water bodies and municipalities under certain circumstances.² The Committee wishes to emphasize that it has undertaken its inquiry into the water industry without preconceived ideas as to preferable structural solutions.

2 The policy of the Association on restructuring is as follows:-

- (i) Existing water and sewerage authorities should be merged where a joint administration currently operates.
- (ii) Administration for merged water and sewerage authorities, which would be identified as a separate corporate body, would be provided by -
 - . the municipality (if the administration is currently provided by the municipality)
 - . by separate specialist administration (if administration is currently separate from the municipality).
- (iii) Following a case by case examination of the existing circumstances, the provision of administration for smaller water trusts and smaller sewerage authorities could be rearranged so that municipalities (which currently administer water/sewerage) and merged water and sewerage bodies might undertake the administration of a number of small trusts and/or authorities within a defined area. In this event, an administrative contract should be entered into between the parties involved.

Submission to the Public Bodies Review Committee by the Provincial Sewerage Authorities Association of Victoria and the Waterworks Trusts Association of Victoria, 16 December 1980, p. 7.

- . the Committee does not believe it feasible to consider changes to the structure of local water and sewerage authorities without a concurrent examination of central and regional responsibilities in water management, and

- . the proposals discussed in this Report and the companion consultancy report are not fixed. They are presented as indications of the Committee's current thinking, which has been influenced by many hearings, submissions and representations. The Committee will however be equally attentive to responses during 1981 to the concerns and issues it has raised. And it will not foreclose options until its Final Report to be presented in the 1981 Spring Sessional Period of Parliament.

5.2 Current Arrangements

Current administrative arrangements in the water and sewerage industry involve:-

- . at central level, the involvement of four principal agencies: the Ministry of Water Resources and Water Supply; the State Rivers and Water Supply Commission; the Health Commission of Victoria and the Environment Protection Authority;
- . at regional level, the involvement of bodies such as the La Trobe Valley Water and Sewerage Board, and Dandenong Valley Authority, and
- . at local level, the involvement of some 193 local waterworks trusts and 132 local sewerage authorities, some of which are effectively integrated with municipalities.

The general pattern in Victoria has been one of specialisation of function. The State Rivers and Water Supply Commission - a water management body - has supervised special purpose water or sewerage bodies built around local communities. Such a pattern is in marked contrast to the general purpose orientation of New South Wales arrangements,¹ where the central agency concerned with overseeing local water and sewerage is the Public Works Department, and where the local authorities involved are municipalities.

¹ Neilson Associates, Interstate Comparative Study of Water Management: New South Wales, Consultancy Study for Public Bodies Review Committee, 1981.

5.3 The Central Management of Urban Water and Sewerage Outside Melbourne

Current arrangements, set out in a variety of legislation, but particularly in the Water Act 1958, the Water Resources Act 1975, the Sewerage Districts Act 1958 and the Health Act 1958 divide responsibility for the central management of country water and sewerage among the Minister of Water Supply, the State Rivers and Water Supply Commission and the Health Commission. A community seeking the provision of sewerage facilities could require approvals from each of these sources before such a scheme could proceed.¹ The Committee begins its comments on future structural options for the water industry by questioning these diffused arrangements for central approval whereby the constitution and oversight of local authorities is divided among several points in Melbourne.

In addition to the number of parties involved in central oversight at present, the Committee has given some attention to the level of detail involved, both in respect of technical and financial supervision.

¹ The Committee is sceptical as to the continued relevance of Health Commission involvement. At a public hearing held on 25 February 1981 at Melbourne, the Committee received evidence from Health Commission officers which suggested that Health Commission activity in the water and sewerage field duplicated work done or capable of being done, by the State Rivers and Water Supply Commission. Transcript of Evidence, Melbourne, p. 1862-3.

Currently, Sections 5, 12 and 121 of the Sewerage Districts Act provide for each proposed sewerage scheme, proposed sewerage authority or district and the tender documents of all principal sewerage works to be examined and approved in advance by the Health Commission. Section 59 of the Water Act gives responsibilities for reporting to the Minister on proposed water supply schemes to the State Rivers and Water Supply Commission.

The Committee has received evidence that the detailed nature of this supervision can represent a costly and needless constraint on local authorities.³

Accordingly the Committee commissioned a leading firm of interstate consulting engineers to study the possibility that supervision through threshold guidelines could replace case by case approval. This study found, inter alia, that:-

"The major role of the Commission should be in reviewing and influencing strategy planning of schemes and ensuring the co-ordination of overall schemes. The detail technical overview role should only be required for non-standard or very large works. The future role should place emphasis on:

- . promoting and developing innovation within the industry to lead to lower overall costs and a better standard of service*
- . providing a basis for communication with the diverse industry*

2 Although the Sewerage Districts Act is administered by the Minister for Water Supply, the Health Commission employs engineers to oversight new sewerage schemes, despite the fact that in the Minister's own department the same oversight is carried out with respect to waterworks trusts.

3 See, e.g. Submission by Waterworks Trusts Association of Victoria, 16 December 1980, p. 7.

- . *setting and maintaining minimum and desirable standards within the industry*

- . *providing an advisory service on operations and maintenance where special assistance is required by a Local Authority*

- . *reviewing overall schemes at the strategy, planning, comparative and concept stages which is where the important decisions affecting cost are made. It is recommended that the Commission develop an appropriate engineering capability to enable it to promote the most appropriate and cost-effective schemes that are critically reviewed at each of the planning, comparative scheme and conceptual design stages rather than just approving adequate schemes with little or no review in the formative stages."⁴*

Accordingly the Committee has concluded that the style of central oversight of local water and sewerage authorities should develop away from detailed control on a case by case basis, in the direction of control through guidelines, with as much local autonomy in matters of technical detail as possible.

The Committee also wishes to draw attention to what it regards as an imbalance of resources in the oversight of urban water and sewerage programs toward the discipline of civil engineering, with a corresponding neglect of economic analysis and financial management oversight and support to local authorities. While the Committee is aware that the State Rivers and Water Supply Commission has plans for upgrading its financial

⁴ Sinclair, Knight and Partners, Technical Standards in the Provision of Water and Sewerage to Towns, Consultancy Study for Public Bodies Review Committee, April 1981, p. 37-8.

management and creating a corporate planning function,⁵ it considers that the role of central oversight must involve economic and financial as well as technical scrutiny and support. The Committee was concerned to find from the results of its own computer analysis of survey information obtained from local water and sewerage authorities that 91% of such authorities reported that no financial statement produced by the body had been the subject of criticism, debate or feedback by the State Rivers and Water Supply Commission. The Committee was equally concerned to find that 18% of such bodies reported that they did not furnish the State Rivers and Water Supply Commission with annual financial statements.⁶

The Committee believes that in the future, central oversight of local water and sewerage authorities should be as concerned with social, economic and financial implications of new proposals as with their engineering aspects.

A further observation concerning central agency involvement in urban water and sewerage outside Melbourne concerns the variety of roles undertaken by the State Rivers and Water Supply Commission. As well as being among those agencies involved in policy, planning, oversight and approval of water and sewerage works on a state basis, it also has extensive

5 State Rivers and Water Supply Commission, A Background Paper on Water Management in Victoria: "The Commission's Role", Submission to Public Bodies Review Committee, 29 May 1980, Exhibit C, "Organization and Structure", pp. 7-8.

6 Public Bodies Review Committee, Survey of Local Water Authorities, February 1981, Items 63 and 65.

involvement in the operational aspects, particularly of water supply including both retailing and wholesaling operations. While no precise data are available as to market share,⁷ the Commission operates a number of major regional water supply systems, particularly the Bellarine, Mornington Peninsula, Otway & Coliban systems. In these areas, sewerage is generally provided through a fragmented network of local authorities. The Committee questions whether it is appropriate for the principal agency involved in Statewide planning and priority setting to also act as water retailer in a major way, and considers that the possibility of the divestment of the function of the retailing of urban water supplies to regional or local authorities should be actively pursued⁸.

7 The State Rivers and Water Supply Commission supplied water in 1980 to 128 towns, while local authorities were responsible for 332 towns.

8 The Committee regards it as paradoxical that, while the State is involved in water retailing (generally a local function), some major headworks of importance to multiple communities are vested in local authorities (where their management is clearly a State function) e.g. the Melbourne and Metropolitan Board of Works and the Thomson Dam, and the West Moorabool Water Board.

5.4 Regional Administration

Apart from the Melbourne and Metropolitan Board of Works, regional authorities have not in the past formed a significant component of water industry administrative arrangements in Victoria. The two main post war initiatives in this direction, the La Trobe Valley Water and Sewerage Board (1954), and the Dandenong Valley Authority (1963) each represent different versions of regional water management, and each represents a model capable of application in other parts of the State.

The La Trobe Valley Water and Sewerage Board is the more comprehensive of these initiatives, being responsible not only for bulk water supply to towns and industry in the La Trobe Valley, and the treatment and disposal of industrial wastes from the La Trobe Valley, but also for river gauging, scientific and laboratory surveys and pollution control in that catchment.¹ The philosophy underlying the Board's activities was well described by the Board in its major submission to the Committee as follows:-

"In modern society, water and wastewater management have become the link of greatest importance, ensuring the normal functioning of the whole economic mechanism as well as providing for man's social, cultural, aesthetic and hygienic needs. This task has to be performed against a background of increasing water shortage, increasing requirements as regards water quality and purity, and a growing differentiation of the forms and regimes of water consumption.

1 La Trobe Valley Water and Sewerage Board, Background Paper for the Public Bodies Review Committee, March 1980, p. 2.

The Board considers that the planning of the Latrobe River catchment should be properly co-ordinated under one authority with the objective of integrated evaluation and development of a water economy. Such a water economy plan would have the function of satisfying the Valley's various needs with the right quantity and quality of water, under the proper regime; including the protection of the water resources against pollution contamination and depletion, and protection of the environment against damages by water. In addition the water economy plan would provide for the collection of domestic and industrial wastewaters for treatment and disposal, including re-use potentials, having due regard to using the most effective technologies to minimise the environmental impact of the ultimate methods of disposal.

These systems require long term integrated planning, therefore, water management installations needed to ensure the right quantity and quality of water and the proper regime (distribution, regulation of flow, purification, etc.) and for the handling of generated wastewaters are generally highly capital intensive, take a long time to build and most of all have a long working life.

The Management of the water economy of the Latrobe River basin should be co-ordinated by a catchment authority because the development of the region's other natural resources will accelerate during the ensuing years. This will require careful co-ordination of management plans with technological, economic and social plans and forecasts, because the changes in those fields are more rapid than those in either providing or operating water and wastewater management installations especially dams, distribution networks, sewer pipelines and treatment plants.

The experiences of other countries, and the approach adopted by the Board under its enabling legislation, has been to consider the river basin as the basis for regional planning. The river basin approach in planning the water economy is necessary for a correct economic and technological policy or rational utilization and protection of water resources.

Water and Wastewater resources must be seen against the background of our knowledge of the water economy in a region. The water economy is part of the ecosystem and these two facts must be considered in any optimization of water resource use and management. Long term planning of the Latrobe River will require multi-objective optimization techniques; for the single objective of optimization of quantitative aspects is no longer valid." ²

The Committee was favourably impressed by this formulation of catchment management, as well as by the La Trobe Valley Water and Sewerage Board's approach to corporate management. Nevertheless the Committee pressed the La Trobe Valley Water and Sewerage Board to defend the need for its continued existence, and obtained a further submission on the merits of a separate regional authority compared with administration by the State Rivers and Water Supply Commission.³ The submissions of the La Trobe Valley Water and Sewerage Board establish in the Committee's view a case for regional administration of some kind where there is substantial urban and industrial development and interdependency among water functions.⁴

2 La Trobe Valley Water and Sewerage Board, Submission to the Public Bodies Review Committee, August 1980, p. 1-2.

3 La Trobe Valley Water and Sewerage Board, Further Submission to the Public Bodies Review Committee, February 1981.

4 The Geelong Waterworks and Sewerage Trust has provided the Committee with a valuable report on this issue as it affects the Geelong area.

The Dandenong Valley Authority represents a more restricted model of regional administration on a catchment basis.⁵ Its responsibilities are principally related to drainage and flood prevention, with water supply and sewerage provision being the responsibility of other authorities. The philosophy underlying its establishment was stated by the Minister of Water Supply in the second reading speech on the Dandenong Valley Authority Bill in 1964 as follows:

"It is desirable that an authority should have jurisdiction over the whole of any particular stream, because what is done upstream on streams and watercourses in the catchment has a major influence on what happens downstream."

In the Committee's view, the operations of both the La Trobe Valley Water and Sewerage Board and the Dandenong Valley Authority tend to throw into question the argument frequently advanced in Victoria against regional authorities in the water industry, namely, that such authorities must of necessity become

5 The Chief Engineer Manager of the Dandenong Valley Authority, (who has made a valuable personal contribution to the work of the Public Bodies Review Committee, e.g. through his paper The Sunset Concept: Interpretations into the Victorian Scene, Dandenong Valley Authority Technical Report No. 14, October 1980), has provided a useful discussion of alternative versions of the catchment model in Thompson, D. G., "Some Notes on Catchment Management", Paper at Seminar. Resource Management in the 1980s, State Rivers and Water Supply Commission, 1980.

"bureaucratic monoliths".⁶ The Committee is aware that proposals for regional management of drainage have been advanced and defeated more than once in Victoria,⁷ but notes that the resistance then offered resulted from a method of rating by which these authorities were to be financed.

On balance, the Committee has been struck by the emphasis on regional interdependency which has emerged in recent reports on water and sewerage management in growth areas.⁸ As well, the Committee's consultants⁹ have identified a range of tasks which need to be developed regionally to ensure optimum planning co-ordination and consultation on an appropriate area basis for the water industry. These tasks could include:-

- . Co-ordination or control of the regional water cycle, in accordance with regional strategies and local interests; includes the development and implementation of regional preservation and development strategies.

6 see for example, comments by Mr. G. R. Chamberlain, representing the Wodonga Sewerage Authority, at the Combined Special Business Session of the Provincial Sewerage Authorities Association of Victoria, and the Waterworks Trusts Association of Victoria, Horsham, 27 March 1980, p. 34.

7 Sir Ronald East, former Chairman of the S.R. & W.S.C., proposed catchment based drainage authorities in River Improvement, Land Drainage and Flood Protection, State Rivers and Water Supply Commission, 1952, and a proposal for river boards of this type followed in 1957. The Joint Select Committee on Drainage made similar proposals in the early 1970s, which were dropped from the Drainage of Land Bill in 1975.

8 particularly Wastewater Management in the Westernport Catchment and the Mornington Peninsula; Sewerage Strategy for the Upper Yarra Valley; Strategies for La Trobe Valley Wastewaters.

9 Public Service Board, The Performance and Structure of Local Water and Sewerage Authorities in Victoria, Consultancy Report for Public Bodies Review Committee, p. 28.

- . Co-ordination of water industry plans and activities with regional land-use planning and development strategies.
- . Co-ordination and liaison with other agencies operating at a regional level.
- . Co-ordination and monitoring of local authorities; performance and activities.
- . Design and construction of regionally-based technical schemes.
- . Collection of regional charges and rates.
- . Representation of regional interests to State Government.
- . Representation of local interests to State Government.
- . Provision of a forum for community participation and representation on a regional basis.
- . Regional administration of State Government programs and functions.

The Committee considers that there is scope for a regional level of administration in the water industry in Victoria, but that the type of regional structure adopted should reflect the scale and complexity of development and the degree of interdependency in the region. Moreover, the Committee considers that devolution of the State Rivers and Water Supply Commission's functions in water retailing to regional bodies deserves serious consideration.

The Committee therefore identifies the following regional water management options as means of addressing the regional tasks outlined above:-

Option R1: No regional authority as such, but a periodic consultative forum within each defined region among water and sewerage trusts and authorities, and between such authorities and other government agencies, particularly regional planning authorities.

Option R2: No regional authority as such, but a co-ordinating committee for each defined region, similar to that proposed in "A Sewerage Strategy for the Yarra Valley", though not necessarily chaired from the Ministry of Water Resources.

Option R3: A regional authority created as a second tier above separate local authorities, with responsibility for region wide issues, including the provision of common headworks and disposal facilities where appropriate.

Option R4: A regional authority responsible for all water, sewerage, drainage and flood protection works in its region.

The Committee's current thinking favours the adoption of one of these options in each region in Victoria, with Option R4 in those areas where development and inter-dependency is most obvious, and lesser options in other areas.

The Committee considers that the boundaries where options R1 or R2 are adopted should generally be the regional boundaries for government activity approved by Victorian Government in 1972. The reasons for this are strong and include:-

- . the need to ensure compatibility of regions adopted in the water area with those used in other areas of government activity;
- . recognition of the government's policy on regional boundaries;
- . need to align water management boundaries with those of Regional Planning Authorities;
- . recognition that government approved boundaries correspond with Australian Bureau of Statistics Statistical Divisions, hence simplifying data collection for forward planning purposes;
- . recognition that there are existing community consultative mechanisms based on government approved regional boundaries.

The Committee considers however that, where regional authorities of type R3 or R4 are adopted, and hence technical and operational considerations must be met, boundaries of regional authorities should be prepared with the government approved regional boundaries in mind, but only as one of the considerations to be accommodated.

Areas in which regional authorities of types R3 or R4
deserve serious consideration are:-

- . Upper Yarra Valley-Dandenong Ranges area;
- . Dandenong-Berwick-Cranbourne area;
- . Mornington Peninsula and Westernport
Catchment;
- . Geelong-Bellarine area;
- . Ballarat area;
- . Bendigo area,
- . La Trobe Valley.

The Committee will be seeking comment on the
applicability of these options during 1981.

5.5 Local Administration

Water and sewerage administration in country Victoria, to the extent that it has not been provided directly by the State, has essentially been the province of over three hundred separate waterworks trusts and sewerage authorities.

The advantages and disadvantages of this system as a means of providing service to individual country centres, have been summarized in the following terms by the Deputy Chairman of the State Rivers and Water Supply Commission:-

"Advantages:

Firstly, the system works, it is proven.

Secondly, it is the cheapest possible service. Take for example waterworks commissioners acting as turncocks; one could not get it much cheaper than that.

Thirdly, the various significant controls remain with the State.

Fourthly, it has developed a very competent private consulting system, probably the best in Australia.

Fifthly, it also has supported an extensive contract system. The main plan of Government at the present moment is to use contract wherever possible.

Sixthly, it has the most direct link to local representation.

"Disadvantages:

In many instances, it provides an unsatisfactory level of service.

"Disadvantages (continued)

Secondly, it cannot take advantage of scale effects, particularly better management techniques, and so on.

Thirdly, resources for management and operation are inevitably limited, particularly for emergency conditions.

Fourthly, too fragmented, and thus too little political 'clout'¹."

The Committee has extensively discussed the characteristics, workings, merits and demerits of this system at hearings throughout Victoria.

1 Rogerson, J. S. F., speaking at Combined Special Business Session of the Provincial Sewerage Authorities Association of Victoria, and the Waterworks Trusts Association of Victoria, Horsham, 27 March 1980, p. 14-15.

The Committee has identified the following Options for future water management in areas not covered by regional authorities of type R4, and not directly supplied by the State Rivers and Water Supply Commission.

These Options, for the provision of water and sewerage to individual country centres, are:-

Option L1: Retention of each existing separately constituted water and sewerage authority.

Option L2: Amalgamation of those water and sewerage authorities presently served by a joint administration, but retention of a separate corporate identity for the merged body.

Option L3: Amalgamation of those water and sewerage authorities whose administration is integral with that of a municipality with that municipality, with retention of a separate corporate identity for the merged water body².

Option L4: Amalgamation of those water and sewerage authorities whose administration is integral with a municipality with that municipality, without the retention of a separate corporate identity for the merged water body.

2 Both the State Rivers and Water Supply Commission in their Submission on Administration of Urban Water Supply and Sewerage Services, September 1980, p. 38, and the Waterworks Trusts and Provincial Sewerage Authorities Association, stress the retention of separate identity as desirable.

Option L5: Universal amalgamation of all water authorities with municipalities³.

Option L6: The unification within each local Government area of all water and sewerage bodies under a single but separate corporate entity.

Option L7: The unification within each local Government area of all water and sewerage bodies without a corporate identity separate from that of municipal Government.

3 Despite the fact that it is hedged by the qualification "wherever possible", this Option is what is generally understood as the Bains recommendation.

The Committee has identified the following advantages and disadvantages of each Option:-

Option L1: Retention of each existing separately constituted water and sewerage authority.

Advantages of this approach would include:-

- . a minimum loss of momentum due to change.
- . minimal problems of implementation.

Disadvantages would include:-

- . fragmentation would be institutionalized.
- . no key to the problem of interdependencies in areas of urban and industrial development, and of competition for water resources.
- . wide variations in charges and standards of service would be likely to continue.
- . many areas would fall outside the scope of existing authorities and not receive service.
- . no savings in administrative costs would be achieved.

Option L2: Amalgamation of those water and sewerage authorities presently served by a joint administration, but retention of a separate corporate identity for the merged body.

Advantages of this approach would include:-

- . support from within the water industry.
- . some reduction in fragmentation both georgraphic and functional.
- . only moderate implementation problems.

Disadvantages would be:-

- . broadly similar to those of Option L1.

Option L3: Amalgamation of those water and sewerage authorities whose administration is integral with that of a municipality with that municipality, with retention of a separate corporate identity for the merged water body.

Advantages of this approach would include:-

- . support from the water industry.
- . moderate savings in administrative costs.
- . scope for shared use of plant and day labour.
- . only moderate implementation problems.

Disadvantages would be:-

- . broadly similar to those of Option L1.

Option L4: amalgamation of those water and sewerage authorities whose administration is integral with a municipality with that municipality, without the retention of a separate corporate identity for the merged water body;

Advantages of this approach would include:-

- . the activity base of municipalities would be broadened, allowing greater size and some local economies of scale;
- . urban water and sewerage planning and priorities could be integrated with other aspects of local community planning;
- . urban water and sewerage would be subject to direct local elective control;
- . widely supported among local government bodies,
- . only moderate implementation problems.

Disadvantages would be:-

- . broadly similar to those of Option L1;
- . some opposition from present office holders in the water industry,
- . separate Loan Council borrowing authorities would be lost.

Option L5: universal amalgamation of all water bodies with municipalities;

Advantages of this approach would include:-

- . supported by most municipalities,
- . otherwise as for Option L4.

Disadvantages would be:-

- . differences in boundaries and electoral bases could result in significant divergences of interest between, e.g. urban and rural interests, leading, e.g. to a retardation in the provision of urban services in the interests of lower rates.
- . otherwise as for Option L4.

Option L6: the unification within each local government area of all water and sewerage bodies under a single but separate corporate entity;

Advantages of this approach would include:-

- . the creation of substantial conformity between local government boundaries and those of water bodies, thus simplifying planning processes and permitting unified administration with municipalities;
- . separate identification of the water body as a corporate body would retain Loan Council borrowing rights,
- . substantial reduction in both geographic and functional fragmentation.

Disadvantages would be:-

- . some opposition from existing office holders in the water industry,
- . some implementation problems.

Option L7: the unification within each local government area of all water and sewerage bodies without a corporate identity separate from that of municipal government;

Advantages of this approach would include:-

- . substantial reduction in the number of separate water bodies in the State;
- . broadening of the base of municipal government;
- . substantial reduction in both geographic and functional fragmentation;
- . possibility of integrating water and sewerage planning and priorities with other facets of local planning and administration;
- . permits local control through recognized local elective institutions;
- . widely supported among local government bodies,
- . basis for integrated responsibility for water and sewerage matters across the State without the constitution of further separate authorities.

Disadvantages would be:-

- . some opposition from the water industry;
- . possible loss of attention to water and sewerage matters;
- . possible loss of some dedicated volunteer commissioners;
- . problems of divergencies of interest between urban and rural elements in a municipality;

- . sacrifice of some Loan Council borrowing authorities,

- . considerable implementation work required.

The Committee's current thinking is that, provided that the necessary improvements at central and regional level foreshadowed above are made, there is scope for some diversity of structure in the water industry at local level. The Committee does not see compelling arguments for an absolutely uniform structure throughout Victoria, nor does it accept without qualification the need to maintain a separate corporate identity for the water industry in all country centres. Nor does it accept the Bains recommendation as a universal remedy.

Subject to the above qualifications, the Committee favours a substantial reduction in the current number of water and sewerage authorities in Victoria, and tends to favour:

****Option L4** in larger country cities and towns, where water and sewerage is already substantially integrated with municipal operations. The Committee would see this option as very suitable for communities such as:

Ararat	Mildura
Benalla	Stawell
Hamilton	Wangaratta
Horsham	Wodonga
Portland	Warrnambool

****Option L1** in circumstances where there are clear and significant divergences of interest or long geographical distances separating a community from other parts of the local government area of which it forms a part, e.g. Mallacoota.

****Option L6 or L7** in other circumstances.

6. The Next Steps.

During May and June 1981 the Committee will be giving detailed consideration to the application of these, or indeed other options, for the re-structuring of the water industry which may be placed before it. In particular, the Committee will be seeking means for the promotion of voluntary change through mechanisms such as incentives, wherever these are possible. The Committee has received a substantial body of evidence illustrating that the desire for constructive and voluntary change is widespread in the water industry.

The Committee's present intention is to focus and stimulate debate on these issues by producing several discussion papers covering various parts of the State. As well, the Committee is hoping that the water industry itself will come together collectively during 1981 to develop, in consultation with the Committee, more detailed proposals for re-structuring before the Committee makes its Final Report.

The Committee has no doubt that the community and its representatives in local Government, the water industry and the Government agencies concerned, have a genuine desire to seize the opportunity afforded by this Committee's work to provide a new structure for the water industry. Such a structure must be more closely tuned not only to the technical and infrastructural requirements of our communities in coming decades, but also to political and social aspirations concerning equity, rationality and effectiveness in the provision of services and democratic accountability. The Committee is confident these multiple objectives can be achieved through the unique process currently occurring.

COMMITTEE ROOM,
30 APRIL 1981.

APPENDIX 1.

COMPARISON OF STATE RIVERS AND WATER SUPPLY
COMMISSION ANNUAL REPORT WITH THOSE OF CERTAIN
OTHER BODIES*.

<u>Report Criteria</u>	<u>S.E.C.</u>	State Rivers & Water Supply Commission	Ballarat Water Commission/ Sewerage Authority	Moe Waterworks Trust/ Sewerage Authority
Size of Report (No. of pages)	80	202	21	3
Balance date	30/6/80	30/6/80	31/12/80	31/12/79
Financial:				
. Operating Statement	Yes	Yes*	Yes	Yes
. Comparison to last yr.	Yes	Yes	No	Yes
. Comparison to budget	No	No	No	No
. Balance Sheet	Yes	Yes*	Yes	Yes
. Comparison to last yr.	Yes	No	No	Yes
. Statement of Source and Application of Funds	Yes	No	No	No
. Auditor's Report	Yes 20/10/80	No	No	No
. Statement of Accounting Policies	Yes	No	No	No

APPENDIX 1 (continued)

<u>Report Criteria</u>	<u>S.E.C.</u>	State Rivers & Water Supply Commission	Ballarat Water Commission/ Sewerage Authority	Moe Waterworks Trust/ Sewerage Authority
Non-Financial:				
. Quantified Objectives	Yes	No	No	No
. Achievements Planned for past year	Yes	No	No	No
. Actual Achievements	Yes	Yes	Yes	No
. Achievements Planned for next year	Yes	No	No	No
. Comparative Performance Indicators (to other Public Bodies)	No	No	No	No
. Actions Taken/Planned to Improve Efficiency	Limited	Limited	No	No

* These are district statements only. A consolidated report for the State Rivers and Water Supply Commission is not prepared.

Source: Report on a Study of the Audit and Reporting Responsibilities of Public Bodies in Victoria, Touche Ross Services Pty., March 1981.

APPENDIX 2.
ENVIRONMENT PROTECTION AUTHORITY DATA ON UNSEWERED
AREAS IN VICTORIA.

EPA Survey

In 1977, the Authority initiated a review of unsewered dwellings and subdivisions in Victoria. This included a review of such matters as:

1. The status of unsewered dwellings in the MMBW area.
2. Unsewered subdivisions approved and built upon in the past five years outside the MMBW area.
3. The estimated number of new unsewered subdivisions proposed or contemplated.
4. The current rate and areas of application of available funds for sewerage facilities.
5. The extent of sewerage facilities provided by private developers.
6. Identification of problems associated with unsewered dwellings or subdivisions.
7. The estimated shortages of funds in the MMBW and other areas for sewerage facilities in the next 5 years? 10 years?
8. How can we ensure that adequate sewerage facilities are available commensurate with growth of the area?

Because of the construction by the MMBW of the Sugarloaf Reservoir and the pumping station on the Yarra River at Yering, it was decided to initially concentrate on the Yarra Catchment. With the cooperation of Council officers, the Shires of Healesville, Eltham and Upper Yarra surveys were completed. Lots 0.4 hectare (1 acre) in size, or less, were included.

The survey results are shown in the following table:

Summary of Domestic Wastewater Systems at dates shown:

Shire	Sewerage	Septic Tanks		Sanitary Pans	Vacant Lots
		WC-only	All-waste		
Eltham (31/12/80)	5214	3369 ¹	193	436 ²	2000
Healesville (30/9/79)	29 ³	1109	621	167	1268
Upper Yarra (30/9/78)	73 ⁴	1992	229	119	5107

- Notes:
1. 89 premises are seweraged but not connected.
 2. 74 premises are seweraged but not connected.
 3. Two groups of flats.
 4. Subdivision at Woori Yallock.

APPENDIX 2. (continued)

Surveys of the Shires of Lillydale, Sherbrooke and Pakenham encompassing some twenty-two unsewered townships have yet to be undertaken.

The major problem is the inadequacy of municipal records, except for the last two or three years, which necessitates site inspections of many areas.

1976 Census Data

To obtain an appreciation of the overall position of unsewered properties within the State, the 1976 Census data were analysed.

The question included in the Census was as follows:

D8. What is the method of sewage disposal for this dwelling?

Flush toilet connected to public sewer

Flush toilet connected to individual system, e.g. septic tank

Sanitary pan collection

Other

The question limits the amount of information that can be derived from the census but the data indicates that at 30 June 1976 there were some 187,000 unsewered properties existing in the Melbourne Metropolitan Planning Area, and about 110,000 in the non-metropolitan area, i.e. about 300,000 unsewered premises within the State.

Areas of Special Concern

Several areas within the State are of particular concern to the Authority:

(a) Macedon-Mt Macedon Area

Despite amalgamation of lots under the Shire of Gisborne Planning Scheme, numerous lots are incapable of retaining household waste waters within the bounds of the individual properties.

Unfortunately, despite the resulting pollution of streams draining the area, the provision of sewerage is unlikely in the near future because of a vote against it by the landholders in the proposed sewerage district.

This is an unsatisfactory situation.

(b) Gippsland Lakes Area

Even with the recent restructuring of old subdivisions, the provision of sewerage will almost certainly be needed when reticulated water supply is provided. Generally, the restructured lots drain to the lakes, and many are insufficient in area to adequately retain effluent within the boundaries of the lots under reticulated water supply usage conditions.

A number of townships, e.g. Metung, Lake Tyers, should be sewered now because of existing pollution problems.

APPENDIX 2. (continued)

(c) Bendigo sub-region

Many septic tank systems are unsatisfactory because of the clay-type soils, even where the lots are 0.4 hectare in size. Many of these lots have a reticulated water supply resulting in a three-fold rate of water usage compared to tank water supply.

In the Bendigo sub-region, the problem is worsened by groups of 0.2 hectare, and smaller, lots being scattered over a large area. The lots are too small for satisfactory on-site disposal systems, and probably too scattered for the economic provision of sewerage.

(d) Colac

The City Council is considering an application for a subdivision with 0.5 hectare size lots within the Colac Sewerage District. Lake Colac has poor water quality, and every effort should be made to ensure adequate treatment of household wastewater.

By not requiring sewerage for the subdivision, each householder must provide a septic tank system. It is believed that the cost would be better expended on providing sewerage.

Sewering of the subdivision could possibly improve the economics and operation of the existing sewerage facilities.

(e) Undeveloped Subdivisions

The potential for pollution of surface waters from undeveloped or partially developed unsewered subdivisions occur in many areas within the State.

Some examples of these are:

(i) Kennett River - Shire of Otway:

There are three unsewered subdivisions with 160 lots of 0.1 hectare or less. One of the subdivisions of 34 lots was sealed by the Council without a sewerage requirement.

(ii) Lake Tyers - Shire of Tambo:

Recently, the Council sealed a plan for a subdivisions of 31 lots without a sewerage requirement.

(iii) Gippsland Lakes:

Some 15,000 vacant lots exist within the immediate environs of the lakes.

Restructuring of old subdivisions has partially alleviated the problem providing water supply continues to be by tanks. Should reticulated water supply be installed there is a potential for pollution of the lake waters.

At Golden Beach, 2800 lots each 500-650 m² in area were released from planning control for development.

APPENDIX 2. (continued)

(iv) Westernport Bay:

There are many unsewered partially developed areas around the bay and on Phillip Island.

Some of these are at Coronet Bay, Corinella, Newhaven, San Remo, Rhyll, Ventnor, The Nobbies, Silver Leaves Estate (east of Cowes), and many other locations.

In all of these areas the part-time occupation has prevented severe pollution problems developing.

There is an increasing tendency, however, for retired persons to settle permanently in many of these locations, and this is likely to intensify the problem. In addition, the development of the Latrobe Valley will result in increased development of holiday homes around the Gippsland Lakes and coastal areas. Availability of public funds to provide the necessary domestic wastewater treatment facilities is doubtful.

(f) Inspection of Septic Tanks

A further matter of concern is the lack of regular inspection by Councils of septic tanks, and so lack of regular maintenance.

The Septic Tank Regulations require that each septic tank be inspected at least once every twelve months.

Only one instance is known where a Council undertakes such a task on a regular basis. Municipalities are understandably unwilling to perform such a duty without the necessary financial resources.

It has been proposed by the Household Waste Treatment Committee to the Water Resources Council, that appropriate amendments to the Health Act would enable Councils to charge a rate, or make an annual charge for the inspection of septic tank systems on private premises. The Authority would support such a move.

APPENDIX 3.COST COMPARISON OF RETICULATED SEWERAGE AND
ALTERNATIVE TREATMENTS : RETICULATED SEWERAGE -
vs - COMMON EFFLUENT DRAINAGE*COST COMPARISON OF RETICULATED SEWERAGE AND ALTERNATIVE TREATMENTSRETICULATED SEWERAGE -vs- COMMON EFFLUENT DRAINAGE

Nar Nar Goon - (93 Lots)

ITEM	SEWERAGE SCHEME (Without Grant) \$	SEWERAGE SCHEME (With Grant) \$	C.E.D. SCHEME (See Note 2) \$	C.E.D. SCHEME (Less Septic Tanks) \$	C.E.D. SCHEME (With Grant Less Septic Tanks) \$
a) Total Capital Cost	349,172	349,172	394,008	254,508	254,508
Per Lot	3,755	3,755	4,237	2,737	2,737
b) Operating Cost per annum	12,700	12,700	10,400	10,400	10,396
Per Lot	137	137	112	112	112
c) Annual Costs incl. "b"	55,130	24,350	59,370	42,420	20,054
Per Lot	593	262	638	456	216

1978 Cost Basis

- Notes
1. C.E.D. Scheme Capital Cost includes the cost of all waste septic tank (\$1,500) per lot, although of the 63 properties served by septic tank facilities, 11 use all-waste septic tanks and sand filtration.
 2. All costs include connection costs.
 3. Annual costs for C.E.D. Scheme and sewerage scheme without a grant are based on interest of 10.5% over 20 years.

APPENDIX 3 (continued)

COST COMPARISON OF RETICULATED SEWERAGE AND
ALTERNATIVE TREATMENTS : RETICULATED SEWERAGE -
vs - COMMON EFFLUENT DRAINAGE.*

RETICULATED SEWERAGE -vs- MODIFIED DRAINAGE

Young Street, Beaconsfield Upper - (44 Lots)

ITEM	SEWERAGE SCHEME (Without Grant) \$	SEWERAGE SCHEME (With Grant) \$	DRAINAGE SCHEME (As Con- structed) \$	MODIFIED DRAINAGE SCHEME \$	MODIFIED DRAINAGE SCHEME (With Grant) \$
a) Total Capital Cost	192,500	192,500	34,367	146,067	146,067
Per Lot	4,375	4,375	781	3,320	3,320
b) Operating Costs per annum	16,400	16,400	-	1,500	1,500
Per Lot	373	373	-	34	34
c) Annual Costs incl. "b"	40,850	25,500	4,180	20,450	8,048
Per Lot	928	580	95	455	183

1979 Cost Basis

- Notes
1. Modified Drainage Scheme costs do not include cost of treatment at outlet
 2. All costs include connection costs.
 3. Annual costs for Modified Drainage Scheme, drainage scheme and sewerage scheme without a grant are based on interest of 10.5% over 20 years.
 4. Modified Drainage Scheme costs include the cost of an all-waste septic tank and sand filter (\$2,300) per lot, although 50% of the properties have existing septic tank facilities which may only require upgrading.
 5. For comparison of the cost of reticulated sewerage vs. modified drainage, the costs involved in the drainage scheme should be added to sewerage scheme costs.

* Source: Shire of Pakenham. Submission to the Committee,
March 1981.

APPENDIX 4.ENVIRONMENT PROTECTION AUTHORITY DATA ON
SEWERAGE AUTHORITY LICENCE CONTRAVENTIONS.

1. Only licence breaches of environmental significance have been listed. Contraventions of a minor nature (eg. failure to submit monitoring results, discharge levels only very slightly in excess of limits) have been excluded.
2. The period over which the contraventions have occurred varies; however, in general the period covers mid-1978 to late-1980.
3. Two lists are provided. List 1 covers those Sewerage Authorities which have been actually in breach of the licence. List 2 sets out those Sewerage Authorities probably in breach. The licences for Authorities in this category specify limits based on the average of a number of samples collected in a specified time (eg. mean of 5 samples collected in 21 days). Resources do not normally permit this intensity of monitoring so that technically breaches have not been proved. The status of 'probably in breach' has been accorded where all or most samples collected over 2 to 3 years (on a monthly or quarterly basis) have exceeded the mean value specified in the licence.
4. Key to symbols:

BOD	Biochemical oxygen demand
SS	Suspended Solids
Total P	Total phosphorus
Ortho P	Ortho phosphorus
NH ₃	Ammonia nitrogen
TDS	Total dissolved solids
Org N	Organic nitrogen
DO	Dissolved oxygen
Free Cl	Free chlorine
TRC	Total residual chlorine
COD	Chemical oxygen demand
MBAS	Methyl blue active substances (surfactants)
Cd	Cadmium
Ni	Nickel
Cr	Chromium
Cu	Copper
Pb	Lead
Zn	Zinc
E.coli	Escherichia Coli bacteria

APPENDIX 4. (continued)

LIST 1 SEWERAGE AUTHORITIES IN BREACH OF LICENCE CONDITIONS

Bacchus Marsh Sewerage Authority	Intermittent discharge which contravenes BOD, Colour, NH ₃ , Total N, DO.
Bendigo Sewerage Authority	Consistently breaches NH ₃ , and TDS. Probably would also breach BOD, SS, E.coli
Castlemaine Sewerage Authority	Consistently breaches NH ₃ , Total P. Probably would also breach BOD, SS, E.coli
Cranbourne Sewerage Authority	Breaches BOD, SS, E.coli and Free Cl.
Dandenong Sewerage Authority	Occasional breaches of BOD, SS, Oil and grease, Total P, Ortho P, Org-N, NH ₃ , pH, Formaldehyde, cyanide, Cd, Ni, Cr, Cu, Pb, Zn. Consistently breaches E.coli.
Drouin Sewerage Authority (EX 18/1)	Breaches BOD, SS, TDS, pH, oil and grease.
Frankston Sewerage Authority (EW 494/1)	Breaches BOD, SS, E.coli, Total P, TRC.
Frankston Sewerage Authority (EX 86/4)	Occasional breaches of BOD, SS, Colour, Turbidity, COD, MBAS, oil and grease, Total P, ortho-P, NH ₃ , org-N, Cd, Cu, Pb, Zn, Fe. Consistently breaches E.coli.
Heyfield Sewerage Authority (LW 407/7)	Has never complied with licence. New plant proposed.
Kyneton Sewerage Authority (EX 55/0)	Breaches BOD, SS.
Leongatha Sewerage Authority (EW 17/8)	Breaches pH. Also the outfall pipeline has had many breaks.
Leongatha Sewerage Authority (EX 2/6)	Breaches NH ₃ , surfactants, TDS, TRC. Probably also breaches BOD, SS, E.coli.

APPENDIX 4. (continued)

Portarlinton Sewerage Authority (EW 378/0)	Breaches BOD, SS. TRC.
Toora Sewerage Authority (EW 294/3)	Breaches BOD, SS, E.coli, TDS, Turbidity, surfactants, oil and grease, NH ₃ , pH.
Wangaratta Sewerage Authority (EX 1/3)	Breaches NH ₃ , Colour, TDS. Probably also breaches BOD, SS. E.coli.

APPENDIX 4. (continued)

LIST 2 SEWERAGE AUTHORITIES PROBABLY IN BREACH OF LICENCE CONDITIONS

(See Note 3)

The following Sewerage Authorities are all probably in breach of BOD, SS and E.coli limits.

Beaufort Sewerage Authority (EX 11/0)

Casterton Sewerage Authority (EX 29/1)

Echuca Sewerage Authority (EX 33/0)

Hamilton Sewerage Authority (EX 56/3)

Maryborough Sewerage Authority (EX 22/0)

Shepparton Sewerage Authority (EX 52/1)

Stawell Sewerage Authority (EX 9/7)

Wodonga Sewerage Authority (EX 5/5)

EXTRACTS FROM THE PROCEEDINGS

The Minutes of the Proceedings of the Committee show Divisions which took place during the consideration of the Draft Report. A summary of those proceedings follows:

THURSDAY, 30 APRIL 1981

The Committee divided on the respective questions -

- (i) That paragraphs 2, 4 and 4.5, stand part of the Report.
- (ii) That paragraphs 3, 4.1, 4.2, 4.3, 4.4, 4.6, 5.1, 5.3, 5.4 and 5.5, as amended, stand part of the Report.
- (iii) That the Draft Report, as amended, together with the Appendices, be the Report of the Committee.

In each case, the result of the Division was:

Ayes, 6.

Noes, 1.

The Hon. B. A. Chamberlain	Mrs. Chambers
The Hon. Dr. K. J. Foley	
Mr. Jolly	
Mr. Hann	
Mr. Weideman	
The Hon. D. R. White	

Severally resolved in the affirmative.

* * *

PUBLIC BODIES REVIEW COMMITTEE

THIRD REPORT TO THE PARLIAMENT

AUDIT AND REPORTING OF PUBLIC BODIES

Ordered to be printed

D-No. 19

MELBOURNE
F. D. ATKINSON GOVERNMENT PRINTER
1981

PUBLIC BODIES REVIEW COMMITTEECOMMITTEE MEMBERS

The Hon. Dr. K. J. Foley, M.L.C., (Chairman)

S. M. Crabb, Esq., M.L.A. (Deputy Chairman)

The Hon. B. A. Chamberlain, M.L.C.

Mrs. J. H. Chambers, M.L.A.

R. A. Jolly, Esq., M.L.A.

E. J. Hann, Esq., M.L.A.

G. Weideman, Esq., M.L.A.

The Hon. D. R. White, M.L.C.

COMMITTEE STAFF

Dr. E. W. Russell, Director of Research

Mr. M. Tricarico, Secretary

Mrs. J. Anderson, Stenographer

Miss M. Chrystiuk, Stenographer

CONSULTANTS TO THE COMMITTEE

Public Service Board of Victoria - Consultancy and
Management Review Division.

Touche Ross Services Pty.

Sinclair, Knight & Partners Pty. Ltd.

Institute of Applied Economic & Social Research,
University of Melbourne.

Neilson Associates.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY, 9 SEPTEMBER 1980

13. PUBLIC BODIES REVIEW COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables B. A. Chamberlain, Dr. K. J. Foley and D. R. White be Members of the Public Bodies Review Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 9 SEPTEMBER 1980

22. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mrs. Chambers, Mr. Crabb, Mr. Jolly, Mr. McGrath and Mr. Weideman, be Members of the Public Bodies Review Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.

WEDNESDAY, 2 APRIL 1980

18. PUBLIC BODIES REVIEW COMMITTEE - Motion made and question - That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review (*Mr. Mackinnon*) - put, after debate, and agreed to.

WEDNESDAY, 24 SEPTEMBER 1980

4. PUBLIC BODIES REVIEW COMMITTEE - Motion made, by leave, and question - That Mr. McGrath be discharged from attendance on the Public Bodies Review Committee and Mr. Hann be appointed in his stead (*Mr. Maclellan*) - put and agreed to.

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Introduction and Acknowledgments

In its first report to the Parliament the Public Bodies Review Committee enunciated a number of principles which would guide its Inquiry into the Victorian water industry. Central to those comments was the notion that accountability, in addition to being a cornerstone of Westminster government, must be an essential focus in any objective assessment of the effectiveness of an organization.

In this, the Third Report to Parliament, the Public Bodies Review Committee addresses the question of accountability in some considerable detail. The Committee supports its very serious and sustained focus on accountability, and more specifically, on the audit and reporting procedures of all Victorian public bodies by repeating (and in some cases, extending) several of its first observations on the public bodies sector.

- . *There are in excess of 9,000 public bodies in Victoria, and approximately 1,000 such bodies may be regarded as significant.*
- . *Victoria's public bodies account for more than two-thirds of all public sector expenditure in Victoria.*
- . *The public bodies sector employs approximately two-thirds of Victoria's public sector workforce.*
- . *Victoria's public bodies significantly impact the Australian capital market. Some 25% to 30% of capital investment each year in Victoria is effected by State public bodies.*

- . Some of Victoria's public bodies (e.g. State Electricity Commission, Gas & Fuel Corporation, Vic Rail, Melbourne & Metropolitan Board of Works) are among Australia's largest enterprises.
- . Most public bodies are monopolies and many of those with monopoly power have autonomous taxing authority i.e. they may levy taxes, rates, fares, etc. without the approval of Parliament.
- . The greatest proportion of Victoria's public bodies (approximately 80%) do not report their activities to Parliament - many do not even report to the responsible Minister.
- . Most reports made to Parliament (usually provided on an annual basis) are in a form that has little relevance, even comprehensibility, to the Member of Parliament.
- . Less than 20% of Victoria's public bodies are audited by the Auditor-General.
- . Of the few bodies that do report to Parliament, many do so in a way that is meaningless to Members of Parliament.
- . Less than 5% of Victoria's public bodies are established by an independent Act of Parliament.
- . Even a cursory examination of a small sample of Victoria's public bodies population exposes a large number of anomalies, overlapping responsibilities and unclear or unstated objectives.

Although this Report makes no recommendations it can be fairly summarised as saying that: *the level of accountability of Victoria's public bodies to Parliament is unacceptably low - so low in fact that improvement must be regarded as a matter of high priority and urgency.*

Supported and guided by its unique Act and principles developed in its First Report to Parliament (December 1980) the Public Bodies Review Committee has since that First Report received further evidence and refined its views. However, although almost all relevant information has been received on some issues, complexity of the reference and the need to appreciate its wider context precludes conclusion and recommendation at this time.

In spite of a particularly busy program thus far in 1981 there remains a need to receive considerably more information on matters already addressed in some detail (e.g. the operations of the State Rivers and Water Supply Commission, River Improvement Trusts and pricing policy, to name the more obvious) and there are major elements of the reference which have yet to receive the full attention of the Committee. In the latter case the most important issue is irrigation.

To this date the Committee has received either final drafts or completed reports on four issues central to its reference. Those studies and several others yet to be completed which were referred to in the Committee's First Report to Parliament are to be released either as independent Research Papers or as companions to a Committee report. In this case we publish as a companion to this Third Progress Report, and as received by the Committee, a study conducted by Touche Ross Services Pty. That research, which is entitled, "A Study of the Audit and Reporting Responsibilities of Public Bodies in Victoria", involved the first ever comprehensive examination of audit and reporting of Government agencies in Victoria.

Whilst complimenting Touche Ross on their most impressive work and thanking those many hundreds of public bodies who co-operated so willingly and splendidly with them, it is necessary to explain that recommendations made to the Committee

in the study which appends this Report are merely inputs to the decision-making process of the Committee. Publication of A Study of the Audit and Reporting Responsibilities of Public Bodies in Victoria in no way assigns acceptance of the views and recommendations made in that document. Furthermore, as will be evident from what follows, that study is but one of a large number of inputs which has influenced the Committee's thinking on the question of structure. We publish A Study of the Audit and Reporting Responsibilities of Public Bodies in Victoria with the primary object of fulfilling this Committee's commitment to place *on the public record* all (or as much as possible) of the information, evidence, research, etc., used by the Committee to form its views. The Touche Ross study has been used to this point merely as a guide to refining the Committee's views on audit and reporting. It has not yet, and will not, until construction of a Final Report to be tabled in the Spring 1981 Sessional Period of Parliament, be used to reach detailed conclusion and recommendation.

In conjunction with the Committee's recently presented Second Report to Parliament this Report provides the basis for further, more focussed, and more detailed discussion with the 375 water, sewerage, drainage and river improvement authorities in our present reference. The Committee believes that by keeping authorities in its reference fully informed on the direction of its thinking on major issues such as Structure, Audit and Reporting, and Irrigation, it will markedly increase the likelihood that final recommendations will be objective, fully supported, and most importantly, produced in a spirit of co-operation. To date that spirit and a sense of common purpose between Committee and authorities under review is a hallmark of this Inquiry. Without that co-operation and support, especially that provided by the Institute of Water Administration and publicbodies not included in the Committee's reference, Touche Ross would not have been able to produce such

a comprehensive report in the relatively short time allocated for the research.

At the outset of its Inquiry the Public Bodies Review Committee took the view that it would be unlikely, perhaps impossible, to develop balanced, objective and workable recommendations, irrespective of the body or bodies under review, if information gathering and analysis were restricted to those bodies specifically mentioned in a reference. Put differently, the Committee believed it imperative that before proceeding to inquire into the efficiency and effectiveness of a specific public body (or an important issue such as audit and reporting), it should gain a relatively detailed understanding of the wider public bodies sector. In short, the Committee intends to reach its conclusions and make recommendation from a position of knowledge of the context in which the public body or bodies under review operate, or will operate, in the future. In addition to dealing with those bodies expressly mentioned in the Committee's present reference the Touche Ross study, as its title indicates, has been designed to provide that necessary contextual understanding. While both emphases are of immense importance to this Committee, it is the latter focus which makes the Touche Ross study one of the most important documents yet produced on the machinery of Government in Victoria.

That the conclusions and recommendations contained in the Touche Ross study are largely and often technically critical of existing audit and reporting arrangements, procedures, etc., is proof of the need for Government to allow, indeed encourage,

periodic review of its policies, structures and administrative machinery.

In the Spring Sessional Period of Parliament this year, the Public Bodies Review Committee will have completed one such review on a major function of Government and 375 of Victoria's public bodies.



Dr. Kevin J. Foley
CHAIRMAN.

1. Purpose of this Report

On April 2, 1980, the Legislative Assembly resolved:

"That the State Rivers and Water Supply Commission and each constituted water, sewerage, drainage and river improvement trust or authority, except the Melbourne and Metropolitan Board of Works, be referred to the Public Bodies Review Committee for review."

As outlined in its Report to the Parliament of December 11, 1980, the Committee has, in discharging the responsibilities implicit in this reference, undertaken an extensive program of public hearings, information gathering, research and consultation aimed at a final report on this reference by the end of 1981.

The primary purpose of this, and the Committee's recently presented Second Report to Parliament, is to provide those public bodies in its reference with some indication of the Committee's current thinking on major issues. Beyond that objective, which is aimed at producing more informed and detailed comment from bodies under review, the Committee believes it has a responsibility to keep Parliamentary colleagues and the public informed on its activities and thinking. The Committee has not at this stage made final judgments, nor does it wish to pre-empt debate on the future structure of the water industry. It does, however, wish to stimulate that debate, and invites comment on the observations and proposals contained in this Report.

This, as mentioned earlier, is the third of several Reports the Committee intends to issue during the next several months. Others will concern - Future Structures for Water Management: Part II; Central Administration; the Economic Impact of Public Bodies; Technical Standards in the

Provision of Water and Sewerage to Towns in Victoria; River Improvement and Drainage Trusts; and Irrigation. Each of those Reports will appear with a companion volume containing the relevant report of the Committee's consultants.

The establishment of the Public Bodies Review Committee in 1980 reflected a deep-seated concern, shared by all political parties, that greater efficiency and effectiveness in government was needed, and that a breakdown had occurred in the accountability of public bodies to Parliament. This breakdown was seen as having most significant implications not only for Parliament, as an institution, but for the public, whose interests representative institutions are intended to serve.

The Parliamentary Committees (Public Bodies Review) Act 1980 No. 9367 was framed to enable the Victorian Parliament to act upon this concern, and to provide it with a facility to undertake reviews of Government policy and Government agencies. But the question of the nature of and reasons for the breakdown in accountability was yet unanswered, and the issue of future mechanisms to secure and maintain public body accountability had yet to be addressed.

It was in this context, as well as in the context of the knowledge of the poor audit and reporting standards prevalent in its water industry reference, that led the Public Bodies Review Committee to commission, as its first major contextual consultancy assignment, an examination of audit and reporting practices in the Victorian public bodies sector. That study, for which Touche Ross Services Pty. was chosen from a field comprising many of Australia's leading firms of chartered accountants and management consultants, was not primarily diagnostic in character. Rather, it was intended to point the way to modern audit and reporting practices for public bodies. But the diagnosis the consultants undertook

confirmed so serious a breakdown in accountability that the Committee feels obliged to present this Report to the Parliament setting forth the dimension of the problem and outlining avenues for reform.

2. Accountability

The most comprehensive and excellent *Final Report of the Canadian Royal Commission on Financial Management and Accountability* (Lambert Report) leaves little doubt regarding the relevance of accountability to democratic government and the magnitude, seriousness and pervasive character of the "accountability problem" which seems to afflict most western democracies. The Commissioners reported a deeply-held conviction that the serious malaise pervading the management of government stems fundamentally from a grave weakening, and in some cases an almost total breakdown, in the chain of accountability, first within the government, and second in the accountability of government to Parliament and ultimately to the people.

Accountability is that quality of a system that obliges the participants to pay attention to their respective assigned and accepted responsibilities, to understand that it does matter.

For accountability to be realised, the Government system must be capable of planning and defining the Government's priorities into programs with clearly defined and agreed objectives¹, allocating the requisite resources and setting centrally imposed standards and procedures; delegating to managers the authority to implement programs by developing the assigned human, physical and financial resources; and, providing monitoring and appraising procedures to ensure that all the actors are held fully and clearly accountable in a progressive and unbroken chain of linkages carrying through to the sovereign Parliament.

1 When he was asked his system for allocating priorities, at a public hearing, the Chairman of the Melbourne and Metropolitan Board of Works, Mr. A. H. Croxford, replied:-

Demand, and need and necessity.

Transcript of Evidence, Melbourne, 11 June 1980, p. 88.

In spite of its general and increasing relevance, and in spite of the fact that it is the cornerstone of democratic government and central to evaluating machinery of government, accountability, and especially the accountability of Parliament has, until quite recently, received little serious attention in Australia.

Public bodies are responsible to the individual Ministers they serve, the Government of the day, the Parliament and ultimately to the electorate. A good manager in the public sector should see his mandate as understanding policy objectives and priorities as established by the political process, working to help develop programs to implement those policies and priorities and then seeking adequate resources to implement them effectively and with due regard to economy and efficiency.

Following that principle the relevant Minister is the link between the management of those public bodies for which he is responsible and the Government, Parliament and the electorate. Thus the Minister, as an executive member of Government has a responsibility to ensure that the public bodies in his portfolio are effectively and efficiently managed, for ensuring that adequate resources are made available for the implementation of the programs which have been initiated by Government and for reporting to Parliament on the progress of those programs towards the achievement of the Government's policy objectives.

Public policy direction implies the assignment of priorities to the activities of all Ministries and hence of all public bodies. Accountability to Parliament when given its full meaning therefore, embraces reporting on the distribution of resources between the various bodies as well as reporting on the achievements of each body within the constraints of the relevant legislation.

2.1 Victoria's Public Bodies: Character and Method of Creation

Government activity in Victoria is conducted through some nine thousand agencies and is characterised by extreme diversity in both the methods by which policies are effected and the methods by which the public bodies which effect those policies are established. However, in spite of that diversity, and some measure of confusion, Victoria's public bodies can be divided into two categories - statutory and non statutory.

Statutory bodies, which are the more important grouping (though not the largest by number), have a narrow and specific ambit and are created by express mention in an Act of Parliament. For example the State Rivers and Water Supply Commission is a statutory body. Sections 16 and 17 of the *Water Act 1958* state that -

there shall be three State Rivers and Water Supply Commissioners ... (and) ... the Commissioners shall be a body corporate by the name of the State Rivers and Water Supply Commission ...

The Commission was expressly mentioned and created in the *Water Act* and when it came into effect, the Commission thereby came into being.

Similarly the Grain Elevators Board and the Liquor Control Commission are statutory bodies. The Acts establishing those bodies state that there shall be a body with certain tasks, functions and obligations and upon commencement of the Acts, those bodies commence their existence. A statutory body is therefore one whose existence was within the certain contemplation of legislators at the time of its enabling Act and needs no further action apart from the Act's commencement to come into being.

But even here the distinction is not clear cut. A complication results from the difference between Public General Acts of Parliament and Personal and Private Acts. It is possible for a statutory authority to be created by express mention in both types of Act. For example most religious trusts are statutorily created organizations expressly brought into being by Private Acts of Parliament. Thus a distinction can (and should) be made between private and public statutory bodies. Using that distinction there appears to be 349 *public* statutory authorities in Victoria.

The remaining thousands of public bodies used by government to effect its business are not created by statute. The most important of the non statutory bodies are those created by Order in Council. Here statutes allow for the constitution of agencies of a specific type but the actual creation is by means of an Order made by the Governor-in-Council. Usually a statute is enacted to regulate activities and modes of conduct and penalties for infraction are established by the Act. However, it may be that the activities to be regulated are new or are rapidly changing and hence, the statute, to retain its flexibility and applicability, may state that an agency may be created to administer the Act but specify only the broadest outline of its duties and responsibilities. The Order in Council then constitutes the body and details its functions and obligations. Accordingly, although the body is created *pursuant to statute*, its actual creation does not occur until and unless an Order in Council is made. Such bodies are therefore not statutory but rather bodies created by Order.

Examples of such bodies are Wages Boards created pursuant to Section 20 of the *Labour and Industry Act*. That Act, which states that a Wages Board may be created for a particular industry, sets out the mechanisms for seeking creation and outlines the duties and functions of any Wages Board so created. To bring a Wages Board into being, the Governor-

in-Council promulgates an Order which delimits the Board's activities and establishes its composition within the powers contained in the Act. The legislature contemplated the existence of Wages Boards when it enacted the *Labour and Industry Act* but their creation remains the province of the Executive acting as the Governor-in-Council.

Bodies created by Order, while providing the Executive with considerable flexibility and versatility, do have disadvantages, at least for the Parliament and the community.

First, there is the difficulty of locating the statutory powers by which the body may be created and of then identifying whether the powers have been exercised. Put differently, there are problems in ascertaining all the provisions by which Orders in Council may be made constituting organisations and then in ascertaining the actual existence of those bodies. For example, Section 16 of the *Marketing of Primary Products Act 1958* contemplates that where marketing boards are established, there shall be a consumer committee for each board to represent the interests of product users. Thus to determine what actually occurs in this area of government activity it would be necessary to first ascertain the number of marketing boards established and then check to ensure that, in each case a corresponding committee is in existence.

In Victoria, and possibly elsewhere in the Commonwealth, the location of enabling statutory powers can be a particularly difficult task. Presently the number and type of statutory authorities and their statutory basis can be obtained by conducting an exhaustive and exhausting examination of all Victorian statutes. However, when one attempts to look for statutory powers enabling the creation of bodies by Order in Council the task is much more difficult. In that case it is not only necessary to examine each statute but in some

instances it is necessary to resort to legal interpretation. The latter requirement occurs when enabling powers are embedded in general statutory provisions that otherwise do not envisage the establishment of such bodies.

Establishing the existence of bodies *created* by Order in Council is more difficult again. No lists are kept, so anyone wishing to compile a list of such bodies would have to either examine all Orders in Council made in Victoria, a task of unbelievable magnitude, or canvass each department. However, when departments do not, as a matter of course, hold such information, the problem reverts to one of examining all Orders in Council.

Second, the creation of a public body severely restricts Parliament's ability to scrutinise the Executive. Statutes providing for the establishment of bodies by Orders in Council are, by design, a flexible and responsive framework for the creation of such bodies; they are devices to deal with the unpredictable and hence, usually set out only the broad purposes and limits perceived as sufficient to accommodate rapid responses to problems not initially foreseen by the legislation. At the same time, however, an Executive may use those Acts in ways not intended by the Legislature and avoid parliamentary scrutiny of their actions.

It is possible to gain some idea of the extent to which Orders in Council have been used to establish public bodies in Victoria by examining those bodies established to conduct water and effluent policy. Of the 384 Victorian water and effluent control bodies, 369 have been created by Order in Council. These are -

Sewerage Authorities (136) Although the existence of these bodies is contemplated by the *Sewerage Districts Act 1958*, the establishment of a particular authority is contingent upon

an Order in Council. Sewerage authorities are therefore not statutory bodies, rather they are authorities created by Order in Council pursuant to statute.

Waterworks Trusts (186) These Trusts are the creations of Orders in Council, made under the *Water Act 1958*.

River Improvement Trusts and Drainage Trusts (32) These bodies are constituted by Orders in Council pursuant to the *River Improvement Act 1958*.

Local Governing Bodies (15) This group is more difficult to identify since some originate from Orders in Council and others are created by proclamation.

Fortunately, as indicated earlier, the most important non statutory public bodies, that is, those created by Orders in Council pursuant to Acts of Parliament are also the most readily (though not easily) identified. Statutory bodies, other than those created by Orders in Council pursuant to Acts of Parliament present even greater difficulties of location and appreciation because they may be established by any of the following methods -

- . Proclamation
- . Cabinet minute
- . Ministerial fiat
- . Decision of a Permanent Head, or
- . Incorporation under the Companies Act.

3. The Problem - A Breakdown in Accountability

The Westminster model of responsible government is based, among other things, on the assumption that there is a chain of accountability reaching from executive government through cabinet and parliament to the people.

The passage of comprehensible information, not least financial information, along this chain, is a requirement of its effective operation. A fundamental adjunct is a system of monitoring, including review and audit processes, designed to critically and independently assess and report on the executive activities to which the basic informational elements - the budget papers, annual reports, parliamentary questions and so on, relate.

The Touche Ross Report is pointed on these matters. It finds, *inter alia*, that Parliament has, over the years,

- . *permitted the creation of so many Public Bodies that the task of managing them effectively is beyond the capacity of the Victorian Government*
- . *promulgated and sustained a maze of legislation and regulation which is imprecise, inconsistent and antiquated*
- . *failed to provide reporting mechanisms enabling judgements to be formed as to whether the people of Victoria receive value in exchange for the expenditure of public funds*
- . *developed no consistent policies aimed at ensuring effective and efficient management of Public Bodies*

- . *failed to update the role and responsibilities of public body auditors so as to provide advice to Government, Parliament and public body management.*

The outcome of this neglect has been a comprehensive breakdown in auditing and reporting, such that, in the opinion of the consultants:

- . *the practices currently in place in respect of audit and reporting for public bodies in Victoria are largely inadequate and generally so inconsistent as to make them of minimal value in the process of accountability;*
- . *the current audit situation for water authorities in Victoria has caused significant duplication of work;¹*
- . *the scope of the external audits at this stage is generally limited to an audit of financial and limited compliance aspects;*
- . *the quality of external audits undertaken for public bodies in Victoria is not uniform and may be inadequate at times;*
- . *a variety of accounting conventions are being applied in public body accounting and reporting;*

¹ Appendix 1 is a list of bodies audited by the Victorian Auditor-General. Many public bodies do not appear on this list. The Committee heard evidence of this issue at a Public Hearing at Melbourne on 1 April 1981. Transcript of Evidence, p. 2052.

- . *there is a wide disparity among public bodies in Victoria in their use of and need for internal audit;*
- . *the lack of consistency in format and content of the annual reports of public bodies in Victoria has made most of them meaningless to the Parliament and the public for the purpose of performance evaluation.*

Touche Ross, in arriving at these conclusions, examined a wide range of public body annual reports and financial statements; interviewed, at the Committee's request, a number of Members of Parliament, Ministers and Chairmen of public bodies, and drew on Surveys of over 200 public bodies outside the water industry, and of over 200 bodies within the water industry, which the Committee conducted late in 1980.

Touche Ross commented further on these matters in the following way:-

An examination of the financial statements produced by the water and sewerage bodies provides little information to assist the examiner in identifying the resources, activities or achievements of the bodies. There appears to be a lack of consistency in presentation and no means by which the financial statements can be used to provide either a consolidated picture of the State's investment in this important area of community services or comparisons between the activities of the individual bodies.

The examination of a sample group of financial statements from public bodies in other fields suggested that the lack of consistency was by no means limited to bodies in the water and sewerage fields. Both the financial statement formats and the underlying accounting principles adopted vary between public bodies to a very significant extent.

In particular, the reporting of the value of assets held and the reporting of revenue received is handled by different bodies in quite different manners. Some public bodies do not report the value of assets held at all, some report them at original cost but do not allow for depreciation, and some depreciate assets over their estimated life. Some bodies, including those created by virtue of the powers of the Water Act 1958, are required to maintain liquid funds in respect of accumulated depreciation on plant and machinery.

In the case of revenue, some grants and allowances received are treated as income, some as reductions in expenditure, and some public bodies apply such revenue in both manners in the same financial statements.

This preliminary examination indicated that the problems experienced by the Public Bodies Review Committee in attempting to establish, for the public bodies covered by their first reference, the value of the assets for which they are responsible, the scope of operations, the costs associated with those operations and the total cost to the community of the provision of services were not limited to public bodies in the reference area but were universal.

Reference to the reports of the Victorian Auditor-General confirmed the view that the presentation of financial information in respect of public bodies could have infinite variety and that it would not be possible to obtain from the financial statements reliable estimates of the assets, liabilities, income or expenditure of public bodies as a sector. This suggests that, from a financial point of view, little opportunity exists to exercise control over the sector.

In terms of actual achievement the reports of most public bodies provide little information on their progress towards the achievement of specific objectives and, indeed, for many bodies, what the specific objectives are.

The Committee's detailed examination of audit and reporting within the water industry is consistent with the picture painted by Touche Ross on their larger canvas.

Within the water industry, the key focus of its current work, the Public Bodies Review Committee has been concerned to note wide-ranging illustrations of the breakdown in accountability so evident in the wider scene.

Manifestations of this breakdown within the water industry include:-

- . the absence of any consolidated set of accounts designed to provide Parliament with the kind of aggregate analysis which the directors of a holding company would expect in group financial statements;

- . obsolete practices, such as waterworks trusts being required to comply with a set of accounting regulations promulgated in 1907 by a long-defunct department, even though these regulations are out of print²;

- . a lack of consistency among the accounting principles used within the water industry;

2 The Regulations are reproduced at Appendix 2.
See Transcript of Evidence, p. 2059.

- . a lack of consistency among financial year dates within the water industry, with four different accounting years being reported; (perhaps an improvement on the seven different reporting years used by non-water industry public bodies)³;
- . a set of audit charges for Waterworks Trusts determined in 1926⁴;
- . reports of audits being delayed by periods of one to two years;
- . a disclosure that until 1977 Officers of the Victorian Auditor-General's Office regularly prepared the books of some water authorities prior to auditing them!⁵;
- . a survey evidence indicating that financial statements seldom draw criticism, feedback or comment from supervisory or associated bodies (in only 6% of cases from the State Rivers and Water Supply Commission and in 1% of cases from associated local government bodies);

3 The Public Bodies Information Survey conducted by the Public Bodies Review Committee disclosed the following reporting dates:-

28 February	3.
31 March	3.
30 June	139.
30 September	7.
28 November	1.
1 December	38.
Other	7.
N/A.	33.

4 Transcript of Evidence, p. 2072.

5 Transcript of Evidence, p. 2072, and see Transcript of Evidence, Mr. B. J. Waldron, Auditor-General of Victoria, 1 April 1981, pp. 2048-2089.

- . survey evidence indicating that only 2% of water bodies furnish copies of their annual financial statements to Parliament, and only 6% to their Local Member;
- . survey evidence indicating that 78% of water bodies do not produce an annual report beyond the sketchy mandatory financial statements;
- . an almost total ignorance of the significance of performing measures, including unit cost measures, in reporting performance to managers and ratepayers and Members of Parliament
- . an arbitrary division of audit responsibility between the Auditor-General and municipal auditors in respect of the audit of water and sewerage bodies.

In summary, both the Touche Ross study and the Committee's own transcript and survey data establish a clear pattern of inadequate reporting, disparate and often incomprehensible accounting practices, or inadequate auditing.

Both lines of enquiry establish some instances of courageous attempts at reform, but these were few and far between⁶.

6 The Public Bodies Review Committee water body survey disclosed that 66% of water bodies had not modified their financial statements in the past five years. Survey Results, Item 74. In evidence at a public hearing at Melbourne on 1 April 1981, the Victorian Auditor-General described a process by which an attempt to update water body accounting practices initiated in 1969 had been frustrated. (Transcript of Evidence, p. 2062.) Before leaving the subject, the Committee wishes to compliment the Institute of Water Administration for its efforts to reform accounting and auditing procedures in the water industry.

4. Solutions - Towards Improved Accountability

The solutions to problems as besetting as those outlined above must of necessity take time, for not only must deficiencies in legislation, regulations, principles and convention be identified and overcome, but also the skills and attitudes of staff involved in audit and reporting areas must gradually be raised.

The Committee, in examining the many constructive recommendations and ideas advanced by Touche Ross, has reserved judgment on a number of those whose implications require further analysis.

The Committee has however reached views on several important avenues for the restoration of accountability, both in the light of the advice received from Touche Ross Services, and as a result of its own experience through public hearings and investigations pursuant to its present reference, which in itself constitutes one of the most searching Inquiries into public administration yet conducted in Victoria.

The aspects of accountability on which this Committee now wishes to report are:-

- . the necessity of explicit statements of objectives in public body management and reporting;
- . some basic future requirements for public body annual reporting, including the adoption of performance measurement and performance reporting;

- . the adoption of more modern, consistent and comprehensible accounting approaches;
- . improvements in the field of audit, and
- . the creation and naming of public bodies.

4.1 Explicit Statements of Objectives

Unless the objectives of a public body are clearly formulated, and stated in such key documentation as enabling legislation, corporate plans, and annual reports, the assessment of public body performance will at best be impeded. In fact without a clear statement of objectives, meaningful assessment is impossible. The Committee has very extensively pursued this issue, as its own legislation requires it to do, during public hearings¹. As well, statements of objectives were sought from the State Rivers and Water Supply Commission² and each of the other 374 public bodies in the reference.

The Committee has been concerned to note that bodies too often confuse statements of functions with statements of objective, and is also concerned that where objectives are stated, they are often formulated in terms too broad to be meaningful. Indeed, enabling legislation is often framed to confer functions on a public body rather than objectives. Statements of function, which set out what a body is to do in an open-ended way, may be contrasted with statements of objective which set out results to be achieved. Because performance can be assessed against a specified objective, but cannot be assessed against an open-ended statement of function, the Committee considers:-

that explicit statements of objectives should form a normal part of the enabling legislation, corporate and operational plans, and annual reports of public bodies.

-
- 1 The question of objectives was discussed on more than 200 occasions during the Committee's public hearings; see Public Bodies Review Committee, Index to Transcript of Evidence, 1980, p. 38-41.
 - 2 The State Rivers and Water Supply Commission in July 1980 submitted to the Committee a document on this subject entitled, The Objects of the State Rivers and Water Supply Commission.

4.2 Public Body Annual Reports

Public body annual reports are a major avenue to which the parliament, the public, government, management and staff look for information on public body performance. The Committee has obtained annual descriptive and financial reports from the majority of bodies in its reference, and from most Victorian government statutory authorities.

On the basis of those date the Committee considers it desirable that:-

- . *public body annual reports should be designed to provide information concerning the effectiveness, efficiency, comparability, finance and compliance of the body concerned. The information on efficiency and effectiveness should include reference to performance criteria and quantified targets¹,*
- . *each Minister table in Parliament both the Annual Reports, where relevant², and a summary of financial and performance information for all the public bodies for which he or she is responsible,*

1 Sample Annual Performance and Financial Reports proposed by Touche Ross for a hypothetical Waterworks Trust will be found at Appendix 3. The Committee intends to further discuss this matter in more detail in its Final Report.

2 The Committee considers that major public bodies should be required to report to Parliament, but very small bodies, of which there are thousands, should be required to lodge an annual report at some specified public office, e.g. that of a Registrar of Public Bodies (see below). All such returns and reports should as a matter of course be open to public inspection.

- . *where, for whatever reason, a public body is unable to report within four months of the required date, it should be obliged to lodge a statement explaining the reasons which prevent it from so reporting.*

4.3 Accounting Principles and Conventions

The two major surveys of water authorities and of Victorian Government statutory authorities, undertaken by the Committee, have disclosed wide variations in accounting treatments. The Committee has been concerned by the effect of such variations on the comprehensibility of financial statements, and has discussed this question with the Victorian Auditor-General at a public hearing in Melbourne on 1 April 1981. The Committee is concerned also that the variation in accounting treatments could impede the effective management of public bodies, and reflect a failure in some instances to adopt new developments in the accounting profession.

In the Committee's view:-

- . *a single conceptual framework should be applied to the financial statements of all public bodies and that where particular types of transaction are handled by different bodies they be treated for accounting purposes in a standard manner*

- . *research should be conducted as a matter of urgency to provide accounting standards for those public body principles and practices which do not have any equivalent in private enterprise accounting*

- . *the Annual Financial report of a public body should contain:*
 - . *an Operating Statement*

 - . *a Balance Sheet*

 - . *a Statement of Source and Application of Funds*

- . *a standard form of management representation¹ should be developed which requires public body management to certify that the financial statements are fairly presented in accordance with generally accepted accounting practices and that management accepts responsibility for their preparation and the accuracy of the statements which they contain*

- . *wherever possible, public bodies should adopt common balance dates unless there are valid reasons for departing therefrom*

- . *legislative emphasis on fund accounting should be restricted, at least from the viewpoint of financial reporting*

- . *clear guidelines for the appointment of auditors to public bodies be established*

- . *experienced audit resources from the private sector should be drawn into the process of regular public bodies auditing*

¹ For an example of the type of management representation the Committee has in mind, see Appendix 3, p. 78.

4.4 Audit

An effective internal and external audit function is clearly required if public bodies are to be made accountable. The Public Bodies Review Committee, on the basis of evidence received through its public hearings, surveys, and consultancy advice, has reservations as to the current standard of performance of the audit function as it affects public bodies in Victoria. The Committee had advised the Victorian Auditor-General of some of these concerns¹, and has obtained evidence from him on these matters.

On the question of audit, the Committee considers that:-

- . *audit findings should be documented against each objective distinguishing between those findings which are satisfactory and those which indicate a requirement for improvement*
- . *the external auditor should, where he considers it appropriate, comment upon any matters which, in his judgment, should be brought to the attention of Parliament*
- . *external reports should on financial and compliance audits be issued within four months of the end of the financial period to which they refer*
- . *external efficiency and effectiveness audit or review reports be published, as soon as possible after the conclusion of the relevant efficiency or effectiveness audit or review and no later than one month after that conclusion*

1 See Transcript of Evidence, p. 2049-2051.

- *internal audit reports be issued not more than fourteen days after completion of the relevant internal audit*

- *experienced audit resources from the private sector should be drawn into the process of regular public bodies auditing*

4.5 The Identification of Public Bodies

In its First Report to the Parliament, in December 1980, the Committee made the observation that:-

"The machinery of government in Victoria is notoriously fragmented, being composed of a bewildering array of over 7,000 departments, ministries, boards, commissions, trusts, authorities, corporations and committees; the terms being applied more or less indiscriminately. The concept of 'public body', established by Section 48B(5) of the Parliamentary Committees (Public Bodies Review) Act embraces all of these bodies."

The Committee considers that the following steps would be appropriate as a means of addressing this problem:-

- . *a Registrar of Public Bodies should be appointed with which the objectives of each public body be registered; who should approve the name by which each public body shall be known; who should record the Ministry with which each body is associated; and who should provide a place of deposit and inspection for the annual returns and reports of public bodies*
- . *the form of name prescribed for a public body should be descriptive of its role¹*

¹ The Committee sees merit in the systematic approach to the naming of public bodies proposed by Touche Ross, as follows:-

- | | |
|--------------------------|------------------------------------|
| . Regulatory Bodies | - Authorities |
| . Advisory Bodies | - Advisory Committees |
| . Trading Bodies | |
| (a) Principles | |
| (if incorporated) | - Corporations |
| (if not incorporated) | - Boards |
| (b) Agents | |
| (holding funds in trust) | - Trusts |
| (c) Fund Managers | - Superannuation and Pension Board |
| . Community Services | - Councils |
| . Industry Assistance | - Promotion Council |
| . Judicial | - Tribunals |

In addition, the Committee considers some consistency should be sought in the naming of ministerial departments. At present such bodies may be termed 'Ministries', 'Departments' or 'Commissions'.

5. Further Steps

During the remainder of 1981 the Committee will be giving further consideration to these questions, and analysing further some of the recommendations of the Touche Ross Study not directly taken up in this Report. The Committee will be looking to Parliamentarians, public body management and the relevant professions for guidance on these issues.

An improvement in the level of accountability of Victoria's public bodies will not be a simple nor rapid objective to achieve. But the Committee believes the proposals in this Report, if adopted, would mark a significant move in the right direction.

Committee Room,

6 May 1981.

APPENDIX 1.LIST OF PUBLIC BODIES AND DEPARTMENTAL UNITSAUDITED BY THE AUDITOR-GENERALGOVERNMENT DEPARTMENTS AND STATUTORY AUTHORITIES

Agent General
 Agricultural Department
 Arts, Ministry for the
 Audit Office
 Botanic Gardens
 Community Welfare, Department of
 Comptroller of Stamps
 Conservation, Ministry of
 Consumer Affairs Office
 Corporate Affairs Office
 Country Roads Board
 Crown Solicitor's Office
 Dartmouth Dam
 Education Department
 Environment Protection Authority
 Estate Agents, Registry.
 Explosives
 Fisheries & Wildlife, Division of
 Forests Commission
 Gas Examiner
 Government Computing Service
 Government Printing Office
 Government Statist's Office
 Health Commission
 Heatherton Hospital
 Housing Commission
 Housing, Ministry of
 Immigration & Ethnic Affairs, Ministry of
 Labour and Industry, Department of
 Land Conservation Council
 Lands and Survey, Department of
 Law Department
 Legal Aid Commission
 Liquor Control Commission
 Local Government Department
 Minerals and Energy - Petroleum Royalties
 Minerals and Energy, Department of
 Motor Registration Branch
 National Gallery
 Parliament of Victoria
 Parliament Refreshment Rooms

APPENDIX 1 (continued)

GOVERNMENT DEPARTMENTS AND STATUTORY AUTHORITIES

(continued)

Planning, Department of
Police and Emergency Services, Ministry of
Police Department
Port Phillip Authority
Premier, Department of the
Property and Services, Department of
Prothonotary
Public Record Office
Public Solicitor
Public Trustee
Public Works Department
Raffles and Bingo Permits Board
Railways
Reg. Co-op. Housing Soc. (Home Finance Trust)
Registrar of Probates Office
Road Safety and Traffic Authority
Sheriff's Office
Small Claims Tribunal
Soil Conservation Authority
State Development, Decentralization and Tourism
State Electoral Office
State Film Centre
State Library
State Rivers and Water Supply Commission
Superannuation Board
Supreme Court, Master of
Taxation Office
Tender Board
Titles Office
Town and Country Planning Board
Transport Regulation Board
Transport, Ministry of
Treasury
Valuer-General
Victorian Coal Mines Accident Board
Weights and Measures
Workers Compensation Board
Youth, Sport and Recreation, Department of

* * * *

APPENDIX 1 (continued)

GOVERNMENT DEPARTMENTS AND STATUTORY AUTHORITIES (continued)

- Albury-Wodonga (Vic.) Corporation
- Building Industry Long Service Leave Board
- Building Trustees of the State Library, etc.
- Cancer Institute Board
- Citrus Fruit Marketing Board, The
- Coal Mines Workers Pensions Tribunal
- Council of Adult Education
- Country Fire Authority
- Country Grain Handling Improvement Authority
- Dandenong Valley Authority
- Decentralized Industry Housing Authority
- Dietitians Registration Board
- Emerald Tourist Railway Board
- Exhibition Trustees
- Gas and Fuel Corporation
- Geelong Grain Handling Improvement Authority
- Geelong Harbor Trust
- Geelong Performing Arts Centre
- Grain Elevators Board
- Greyhound Racing Control Board
- Hairdressers Registration Board
- Hospitals Superannuation Board
- Institute of Education Administration
- Latrobe Valley Water and Sewerage Board
- Local Authorities Superannuation Board
- Marine Board of Victoria
- Marine Board - Pilotage Account
- Melbourne and Metropolitan Board of Works
- Melbourne and Metropolitan Tramways Board
- Melbourne Underground Rail Loop Authority
- Melbourne Wholesale Fruit and Vegetable M.T.
- Metropolitan Fire Brigades Board
- Metropolitan Fire Brigades Superannuation
- Motor Accidents Board
- Optometrists Registration Board
- Patriotic Funds Council
- Plumbers and Gasfitters Board
- Port of Melbourne Authority
- Portland Grain Handling Improvement Authority
- Portland Harbor Trust
- Poultry Farmer Licensing Committee
- Poultry Farmer Licensing Review Committee
- Railway Construction and Property Board
- Rural Finance Commission

APPENDIX 1 (continued)

GOVERNMENT DEPARTMENTS AND STATUTORY AUTHORITIES (continued)

Shrine of Remembrance Trustees
State Electricity Commission
State Employees Retirement and Benefits
State Insurance Office
State Insurance Supplementation Fund
State Relief Committee
Surveyors Board
Swan Hill Pioneer Settlement
Tattersalls Consultations
Teacher Housing Authority
Tobacco Leaf Marketing Board
Tobacco Quota Appeals Tribunal
Tobacco Quota Committee
Totalizator Agency Board
Trotting Control Board
Trustees of the Library Council of Victoria
Trustees of the National Gallery
Trustees of the National Museum
Trustees of the Science Museum
Upper Yarra Valley Authority
Urban Land Authority
Victoria Conservation Trust
Victorian Arts Centre Trust
Victorian Brown Coal Council
Victorian Dairy Industry Authority
Victorian Development Corporation
Victorian Dried Fruits Board
Victorian Egg Marketing Board
Victorian Film Corporation
Victorian Fishing Industry Council
Victorian Government Travel Authority
Victorian Institute of Marine Sciences
Victorian Nursing Council
Victorian Post Secondary Ed. Commission
Victorian Public Offices Corporation
Victorian Solar Energy Council
Victorian Young Farmers Association
West Gate Bridge Authority
Zoological Board of Victoria

106 Magistrates Courts.

APPENDIX 1 (continued)DISTRICT OFFICES OF THE STATE RIVERSAND WATER SUPPLY COMMISSION

Bendigo	Koo-wee-rup
Birchip	Maffra
Boort	Murtoa
Camperdown	Ouyen
Cobram	Pyramid Hill
Cohuna	Rochester
Eildon Centre	Rodney (Tatura)
Eildon Waterworks and Sewerage District.	Shepparton
Frankston	Sunraysia (Red Cliffs)
Geelong	Swan Hill/Nyah West
Horsham	Tongala
Kerang	Werribee

LICENCE TESTING STATIONS

Bairnsdale	Geelong
Ballarat (Sebastopol)	Greensborough
Benalla	Mentone
Bendigo	Mildura
Carlton, No. 1.	Mooroopna
Central, No. 2.	Mornington
Colac	Morwell
Dandenong	Ringwood
Ferntree Gully	Sale
Fishermen's Bend	Springvale
Frankston	Wangaratta
Gardenvale	Warnambool
	West Brunswick

APPENDIX 1 (continued)

DISTRICT OFFICES OF THE FOREST COMMISSION

Alexandra (Niagaroon)	Maffra
Ballarat	Mansfield
Barmah	Marysville
Beechworth	McIvor (Heathcote)
Benalla	Mildura
Bendigo	Mirboo North
Bright	Mitiamo
Broadford	Murrayville
Cann River	Myrtleford
Castlemaine	Neerim South
Cohuna	Nowa Nowa
Corryong	Nyah
Creswick	Omeo (Swifts Creek)
Dandenong (Kallista)	Orbost
Daylesford	Ouyen
Dimboola	Rennick
Erica	Rippon (Beaufort)
Forrest (East Otway)	Shepparton
Gellibrand	Stawell
Glenelg (Casterton)	Tallangatta
Healesville (Toolangi)	Tambo (Bruthen)
Heyfield	Trentham
Heywood	Tullaroop (Maryborough)
Kara Kara (St. Arnaud)	Upper Yarra (Powelltown)
Lara - You Yangs	Yarram.
Macedon	

PRISONS, YOUTH TRAINING AND REHABILITATION CENTRES

Allambie	Malmsbury
Ararat	Morwell River
Beechworth	Pentridge
Bendigo	Sale
Castlemaine	Sandhurst
Dhurringile	Turana
Fairlea	Winlaton
Geelong	Won Wron
Langi Kal Kal	

APPENDIX 1 (continued)DISTRICT LANDS INSPECTORS

Alexandra	Glenelg (Casterton)
Apollo Bay	Glenthompson
Arapiles (Natimuk)	Goroke
Ararat	Grenville (Linton)
Avoca	Hamilton
Avon (Stratford)	Harrow
Bacchus Marsh	Healesville
Bairnsdale	Heyfield
Ballarat	Hilgay (Coleraine No. 2)
Bannockburn (Geelong No. 2)	Horsham
Beech Forest	Inglewood
Beechworth	Kara Kara (St. Arnaud)
Benalla	Karkaroc (Hopetoun)
Bendigo	Keilor
Birchip	Kerang
Boolarra	Koo-wee-rup
Boort	Korumburra
Bright	Kyabram
Broadford	Kyneton
Bruthen (Bairnsdale No. 2)	Lake Boga
Buchan	Lancefield
Buninyong (Ballarat No. 2)	Leongatha
Camperdown	Lilydale
Castlemaine	Lorne
Chiltern	Lowan (Nhill)
Clunes	Macarthur
Cobden	Manangatang
Cohuna	Mansfield
Colac No. 1	McIvor (Heathcote)
Colac No. 2 (Elliminyt)	Meeniyan
Coleraine	Meredith
Corryong	Mirboo
Dartmoor	Mitta Mitta
Daylesford	Moe No. 1
Derrinallum	Moe No. 2
Dimboola	Mornington
Donald	Mortlake
Dunolly	Moyhu
Eltham	Murrayville
Euroa	Murtoa
Ferntree Gully	Myrtleford
Forrest	Nathalia
Foster	Numurkah
Geelong	Omeo
Gisborne	Orbost No. 1

APPENDIX 1 (continued)

DISTRICT LANDS INSPECTORS (contd.)

Orbost No. 2	Tallangatta
Ouyen	Timboon
Pakenham	Tongala
Piangil	Traralgon
Port Fairy	Tullaroop (Maryborough)
Portland	Underbool
Pyramid Hill	Wangaratta
Rainbow	Warracknabeal
Redcliffs and Merbein	Warragul
Rippon (Beaufort)	Warrnambool
Robinvale	Werribee
Rochester	Werrimul/Meringur
Rushworth	Winchelsea
Sale	Wodonga
Sea Lake	Wonthaggi
Seymour	Woomeland
Shepparton	Wycheproof
Shire of Mt. Rouse (Penshurst)	Yackandandah
Speed	Yarra Junction
Stawell	Yarram No. 1
Streatham	Yarram No. 2
Swan Hill/Nyah	Yarrawonga
Swifts Creek	Yea

CROWN RESERVES COMMITTEES OF MANAGEMENT

Albert Park
Buchan Cabes
Ferntree Gully National Park
Kinglake National Park
Mt. Buffalo National Park
Mt. Buller Alpine Reserve
Mt. Hotham Alpine Reserve
Mt. Macedon Memorial Cross
Olympic Park
Sir Colin Mackenzie Fauna Park
Wilson's Promontory National Park
Yarra Bend Park Trust

APPENDIX 1 (continued)MENTAL HOSPITALS, PSYCHIATRIC CENTRES, ETC.

Ararat Mental
Beechworth Mental
Bendigo Psychiatric
Bundoora Repatriation
Colac Training
Dandenong Psychiatric
Footscray Psychiatric
Geelong Psychiatric
Gresswell Rehabilitation
Hobson's Park Mental
Janefield Training
Kew Cottages
Kew Mental
Kingsbury Mental
Lakeside Mental
Larundel Mental
Malvern Clinic
Mont Park Mental
Moorakyne Hostel
Parkville Psychiatric Unit
Pleasant Creek Special School (Stawell)
Pleasant View Mental
Plenty Mental
Royal Park Mental
Shepparton Mental
St. Gabriels Clinic
St. Nicholas Mental
Sunbury Mental
Travancore Mental
Warrnambool Mental

APPENDIX 1 (continued)

POLICE AND EMERGENCY SERVICES

Central Firearms Registry
Central Licence and Registration - M.R.B.
Central Office for Payment of Penalties
Claro "2"
Criminal Investigations Branch
Forensic Science
Information Bureau
Interstate Warrants
Licensing Gaming and Vice
Motor Boat Squad
Police College Mess
Police Training Academy
Snr. Sgts. Office - Cadet Academy
24 Police Districts
Traffic School - Kew.

APPENDIX 1 (continued)RIVER IMPROVEMENT TRUSTS AND DRAINAGE TRUSTS

Alexandra River Improvement Trust
Avoca River Improvement Trust
Avon River River Improvement Trust
Bendigo Creek River Improvement Trust
Black Dog Creek River Improvement Trust
Broken River River Improvement Trust
Bullock Creek River Improvement Trust
Cann River River Improvement Trust
Fifteen Mile Creek River Improvement Trust
Glenelg River River Improvement Trust
Kiewa River River Improvement Trust
King Parrot River Improvement Trust
Korumburra Shire River Improvement Trust
Latrobe River River Improvement Trust
Longwarry Drainage Trust
Lough Calvert Drainage Trust
Macalister River River Improvement Trust
Mitchell River River Improvement Trust
Mitta Mitta River River Improvement Trust
Ovens and King River River Improvement Trust
Pental Island River Improvement Trust
Seymour Shire River Improvement Trust
Shire Upper Murray River Improvement Trust
Snowy River Improvement Trust
Strathdownie Drainage Trust
Tambo River River Improvement Trust
Tarwin River River Improvement Trust
Thomson River Improvement Trust
Yarra River River Improvement Trust
Yatchaw Drainage Trust
Yea River Improvement Trust

APPENDIX 1 (continued)

EDUCATIONAL INSTITUTIONS

I.C.E. - Aquinas College
I.C.E. - Christ College
I.C.E. - Christian Brothers
I.C.E. - Mercy College
Institute of Catholic Education - H.O.
S.C.V. - Burwood
S.C.V. - Central Office
S.C.V. - Coburg
S.C.V. - Frankston
S.C.V. - Hawthorn
S.C.V. - I.E.C.D.
S.C.V. - Melbourne
S.C.V. - Rusden
S.C.V. - Toorak
Ballarat School of Mines
Bendigo Institute - Non-Tertiary
R.M.I.T. - Non-Tertiary
Deakin University
La Trobe University
Monash University
University of Melbourne
Ballarat College of Advanced Education
Bendigo College of Advanced Education
Caulfield Institute of Technology
Footscray Institute of Technology
Gippsland Institute of Advanced Education
Lincoln Institute of Health Sciences
Prahran College of Advanced Education
Preston Institute of Technology
Royal Melbourne Institute of Technology
Swinburne Institute of Technology
Victorian College of Pharmacy
Victorian College of the Arts
Victorian Institute of Colleges
Victorian Institute of Secondary Education
Warrnambool Institute of Advanced Education

APPENDIX 1 (continued)

WATERWORKS TRUSTS

Aireys Inlet	Echuca
Alberton-Port Albert	Elmore
Alexandra	Erica
Apollo Bay	Euroa
Ararat	First Mildura Irrigation Trust
Avenel	Fish Creek
Avoca	Forrest
Axedale	Foster
Bairnsdale	Gellibrand
Ballan	Gembrook
Balmoral	Gisborne
Bannockburn	Glenelg Shire
Barnawartha	Glenrowan
Bealiba	Goorambat
Beaufort	Goornong
Benalla	Hamilton
Bonnie Doon	Hwalesville
Boolarra	Heathcote
Boort	Hernes Oak
Briagolong	Heyfield
Bridgewater	Heytesbury Shire
Bright	Heywood
Broadford	Horsham
Bruthen	Hurstbridge
Buchan	Inverloch
Bungaree and Wallace	Kaniva Shire
Buninyong	Katamatite
Cann River	Kerang
Charlton	Kiewa
Chiltern	Kilmore
Cobram	Koo-wee-rup
Cohuna	Koroit
Colac	Korumburra
Colbinabbin	Kowree Shire
Coleraine-Casterton	Kyneton Shire
Corryong	Lakes Entrance
Cudgewa	Lancefield
Daylesford	Landsborough
Deakin Shire	Lang Lang
Devenish	Learmonth
Donald	Leongatha
Dookie	Lexton
Drouin	Lindenow
Dumbalk	Linton
Dundas Shire	Lismore

APPENDIX 1 (continued)

WATERWORKS TRUSTS (contd.)

Little River	Rosedale
Longwood	Rushworth
Lorne	Rutherglen
Macedon	Seaspray
Maffra	Seymour
Mallacoota	Shepparton Urban
Malmsbury	Skene's Creek
Mansfield	Skipton
Maryborough	Smythesdale
Marysville	Springhurst
Meeniyan	St. Arnaud Borough
Melton	Stawell Shire
Merrigum	Stratford
Metung	Sunbury
Mildura	Swan Hill
Mirboo North	Swifts Creek
Moe	Tallangatta Shire (Bellbridge)
Mooroopna	Tallangatta
Mortlake	Tatura
Morwell	Thornton
Mount Beauty	Thorpdale
Mount Macedon	Toora
Mount Rouse Shire	Trafalgar
Moyhu	Traralgon
Murchison	Trentham
Murrayville	Tullaroop Shire
Murtoa	Tungamah Shire
Myrtleford	Tyers and Glengarry
Nagambie	Underbool
Nathalia Shire	Violet Town
Neerim South	Wahgunyah
Nhill	Walwa
Noojee	Wangaratta
Numurkah Shire	Warburton
Omeo	Warracknabeal
Orbost	Warragul
Paynesville	Westernport
Peterborough	Whitfield
Plenty-Yarrambat	Winchelsea
Poowong Loch and Nyora	Wodonga
Port Fairy	Woodend
Portland	Woods Point
Pyalong	Woori Yallock
Redbank	Yackandandah
Riddell's Creek	Yallourn North
Rochester	Yarra Junction
Rokewood	Yarragon
Romsey	Yarram
	Yarrawonga Urban
	Yea.

APPENDIX 2.

VICTORIAN WATER SUPPLY - 1907 INSTRUCTIONS -
RESPECTING BOOKS AND ACCOUNTS OF WATERWORKS TRUSTS.Department of Mines and Water Supply,Melbourne, 28 OCT. 1907 ~~1907~~Memorandum.

The accompanying publication, containing models of Books and Accounts, together with instructions relating thereto, embodies the form in which the books of account of Waterworks Trusts shall be kept, the said form having been duly prescribed by the Governor in Council, in pursuance of Section 133 of the *Water Act 1905* (No. 2016).

The adoption of the method of bookkeeping outlined, besides being advantageous to the Trusts themselves, will, through uniformity being thus achieved, greatly facilitate the work of the Inspecting Officers at time of audit.

Trusts finding any difficulty in following the models and instructions should apply to the Accountant, Mines and Water Supply, Melbourne, for directions.

W. DICKSON,Secretary for Mines and Water Supply.

APPENDIX 2 (continued)

ACCOUNTS OF WATERWORKS TRUSTS.

The Accounts required to be kept, as a general rule, are—

Loan Account.—(When loan moneys are being received and expended.)

Revenue Account.

Contractors' Deposit Account.

Depreciation Account.—(When any part of the loan has been expended on machinery, &c.)

BOOKS.—

The Cash Book.—The Cash Book comprises Rates Cash Book and General Cash Book for the Revenue Account, and a Cash Book for the Loan, Contractors' Deposit, and Depreciation Accounts. A separate book need not be obtained for each account; for example, the Loan and Revenue Accounts may (often with advantage) be kept in separate parts of the same book.

Loan Cash Book.—This calls for no special remark. A specimen, with specimen entries, is submitted. Care should be taken, in making out the cheques for payments, to group the accounts under the headings to which they will be posted in the ledger; a good deal of unnecessary labour in posting will thus be obviated.

Rates Cash Book.—This book is required by all Trusts, and it should be kept by the Collector. The amounts of rates (and meter accounts, if any) as received, are to be entered from the butts of the receipts, in order of date, in the columns to which they refer, and the totals carried out in the outer column, when the collections are paid to the bank—once at least in every seven days, as provided by the *Water Act 1905* (Section 137). These totals should be transferred to the General Cash Book not less than once in every four weeks (see Section 134 of the *Water Act 1905*).

General Cash Book.—The Dr. or Receipts side of the General Cash Book should be entered from the weekly totals of the Rates Cash Book, or, in the case of moneys which are not entered therein, from the butts of the Receipt Books. The amounts shown in the column "payments to bank" should agree exactly with the bank pass-book entries.

The entries on the Cr. or Expenditure side should be made when the cheques are drawn, the amount of each cheque being entered in the inner column, and the total of each head of expenditure in the outer column, the accounts being grouped under their respective headings so as to minimize the postings in the ledger.

Contractors' Deposit Account.—When the works of a Trust are under construction a number of deposits are usually held in connexion with the contract works, and a separate account should be kept for them in the books of the Trust. These moneys, being held in trust for the contractors, must on no account (except in the case of forfeited deposits) be used for any other purpose than the repayment of the deposits when they become due. The Debit and Credit entries should be made in the Cash Book in similar manner to the Revenue Account.

APPENDIX 2 (continued)

Depreciation Account.—By Section 270 of the *Water Act 1905* every Trust which has expended any part of its loan in the purchase of machinery, plant, or perishable structure is required to pay each year a sum equal to not less than 5 per cent. of the cost of such machinery, &c., into a Depreciation Account. The full amount of the percentage should be paid in yearly; payments on account of repairs, renewals, &c., may be made from the Revenue Account, and the amount legally chargeable against the Depreciation Account refunded at the end of the year from the latter account to the Revenue Account.

A Cash Book should be kept in the ordinary form, with a separate Bank Account, which can only be operated upon with the written sanction of the Minister. (See Section 270 of Act 2016.)

Ledger.—The accounts in the Ledger should be opened under such headings (and with sufficient detail) as will give a full and fair statement of the Trust's operations.

Attached are lists of accounts—Loan and Revenue—in which will be found most of the headings under which the expenditure of any Trust will need to be classified. Uniformity is absolutely necessary in the classification of the expenditure. At the close of the year, all the accounts in the Ledger should be balanced, and the balances of all Loan Accounts brought down, so that they may be continued in the following year, and that the total of each account will be the total expenditure (or receipts as the case may be) from the inception of the Trust.

As regards the Revenue, an account to be called the "General Revenue Account" is to be opened. This account should be credited with the total amount of the rates when determined, with the amount which has become due during the year for meter supplies (to be ascertained from the Meter Book), and with any miscellaneous items. It should be debited with the expenditure for the year, the individual accounts being thereby closed, except accounts on which there remains any asset or liability, as for example, Overpaid Rates, Contractors' Deposits, Depreciation Account, &c. All assets and liabilities should be brought into the Ledger, and the balance of the General Account should agree with the balance of the Assets over Liabilities, or *vice versa*. Unpaid accounts due at the end of the year should be debited to the Ledger Account to which they refer, the total amount thereof to be transferred to the General Account, and the balance due brought down as a liability. For example, assuming that wages amounting to £20 were due when the balance was made, the necessary entries would be as under:—

WAGES ACCOUNT.

Date.	Particulars.	Folio.	Amount.	Date.	Particulars.	Folio.	Amount.
19..			£ s. d.	19..			£ s. d.
Apr. 28	To Cash ..	C.B. 3	33 10 0	Dec. 31	By General Ac.	L.	53 10 0
Dec. 31	„ Balance due	..	20 0 0				
			53 10 0				53 10 0
				19..			
				Jan. 1	By Balance ..	..	20 0 0

APPENDIX '2 (continued)

The account would be closed by debiting it with the amount of £20 when paid.

Rates Abandoned.—The total of the rates abandoned and written-off by minute of the Trust during the year should be credited to the Rates Account affected (current or arrears) and debited to the General Account.

Interest Account.—This account should be debited and the Treasurer of Victoria credited each half-year with the amount of interest due as shown by the Treasury statement—the Treasurer to be afterwards debited with all payments made. The balance of this account at any time will be the amount due for interest, which at the end of the year should be brought down as a liability, and the balance of the Interest Account transferred to the General Account.

Overpaid Rates.—All rates overpaid should be credited to this account, a corresponding amount being debited to the Rates Current or Rates Arrears Account. The necessary refund should be made by cheque drawn in the usual way and debited to the account, any balance which may not have been refunded to be brought down as a liability.

Advance to Loan.—If at any time it should be necessary to temporarily pay from Revenue any accounts chargeable against the Loan, a cheque for the total amount required should be drawn on Revenue and paid into the Loan Account. The payments can then be made in the usual manner, and by this means the expenditure can be readily charged under the proper items in the Ledger.

Firewood.—In the event of there being a considerable stock of firewood on hand at the close of the year, it should, of course, be carried forward and appear in the Balance-sheet as an asset. In such case only the amount consumed (*i.e.*, the difference between the stock on hand at the end of the year and that on hand at the beginning, plus any supplies received during the year) should be transferred to the General Account, the balance (stock on hand) being brought down. For example, if the value of stock at commencement of the year were £150, purchases during year £350, stock at close of year £200, the account would stand thus—

FIREWOOD.

Date.	Particulars.	Folio.	Amount.	Date.	Particulars.	Folio.	Amount.
19..			£ s. d.	19..			£ s. d.
Jan. 1	To Balance ..		150 0 0	Dec. 31	By General Ac. ..	L. 350 0 0	
May	„ Cash ..	C. B.	350 0 0	Dec. 31	„ Balance ..		200 0 0
			500 0 0				500 0 0
19..							
Jan. 1	To Balance ..		200 0 0				

APPENDIX 2 (continued)

Opening Entries.—In the cases of existing Trusts it will be necessary to open accounts showing the assets and liabilities at the date of opening the books under this system, the difference between these being represented by the opening balance of the General Revenue Account. The Loan Liability Account should be written up as from 30.6.99, when the Redemption Fund was established. The cost of the works in the case of any Trust which has had any loan liability written off may be taken as the amount to which the loan was written down, plus any expenditure which has since been made from loan.

Rate Book.—General Remarks.—The specimen Form provides for a record of rates paid in two instalments, as the majority of the Trusts collect the rate half-yearly. Where the rate is paid in one amount or in more than two, the Form can be varied to meet the circumstances. After the close of the year, when all the postings have been made in the Rate Book, the totals of each page should be made and balanced across. If the combined total of columns 3, 4, 5, 7, and 8 is equal to that of columns 1 and 2, there is an assurance that all the necessary postings in those columns have been made.

When the totals on each page have been balanced, a summary of the different pages should be made by carrying the various totals into a separate part of the Rate Book and entering them in columns corresponding to those in which the postings have been made. This will be found more convenient and time-saving than carrying forward the totals from page to page. When the summary has been completed, the totals should be compared and made to agree with the Ledger entries.

Arrears brought Forward.—Great care should be exercised in carrying these forward into the new Rate Book. As soon as they are entered, the total should be made and compared with that in the previous Rate Book and made to agree.

Rates Overpaid.—Overpayments or double payments of rates should not, under any circumstances, be entered in the Rate Book as receipts, but should be entered in the Cash Book and Ledger to a separate account headed "Overpaid Rates Account." A note of the overpayment should be made in the Rate Book under "Remarks."

Rates Abandoned or Written off.—These should be entered in detail in the Minute Book, with the reasons for abandonment or writing off, and after confirmation of the Minutes, the necessary entry should be made in the Rate Book in the column set apart for the purpose.

Meter Book.—General Remarks.—This Book is mainly for the use of Urban Trusts, but should be used by every Trust whose area includes an Urban Division in which meters are used.

APPENDIX 2 (continued)

The readings of the meter should, when practicable, be taken by a person other than the keeper of the Meter Book. He should enter in a Memorandum Book the meter readings and date of reading, and hand it to the Secretary or other responsible officer, who should enter the particulars under the heading "Meter Registrations."

The last (or, if annual, the only) meter reading for the year should be taken in the first week of December so as to allow of an account being rendered, if necessary, and collected before the close of the year.

After 31st December, when all items have been entered in the Meter Book, the totals of columns 1, 2, 3, 4, 5, and 6 should be made and balanced across. If the total of columns 3, 4, 5, and 6 is equal to that of columns 1 and 2 there is proof that all postings have been made. The totals should also be compared and reconciled with the entries in the General Ledger.

Meter Rents.—Trusts which have meters out on hire should have the extra columns in the model inserted in the Meter Book, and make the necessary entries accordingly.

Receipt Books.—These should be obtained in a convenient size, not more than 200 forms with counterfoils in each, and properly numbered by the printer, each form to bear the same number as its counterfoil. Receipts are to be given for all moneys received, in proper sequence of dates—the counterfoil to be filled in with the date and particulars before the receipt is issued. When practicable, the issue of receipt books to collectors should be supervised either by the Finance Committee or the Treasurer.

Expenditure Vouchers.—As far as possible, the Trust's printed form should be used, and when payment is made care should be taken to see that a proper acquittance is given by inserting the date of payment and the amount. The signature of the payee should be witnessed by a third party, but when this is not practicable, by the Secretary of the Trust. When an agent draws the money, an order in his favour should be attached to the Voucher.

Balance-sheet.—The Balance-sheet may be entered either in the Ledger, or in a separate Balance Book, but preferably in a Balance Book.

General Remarks.—In making the entries in the Account Books, officers are requested not to cramp them, but to allow good space and have them as legible as possible, so as to be readily understood by the Inspecting Officers at audit. When a wrong entry has been made the incorrect figures should be ruled out and the correct entry made over the line. Knife erasures should not under any circumstances be made.

The forms of accounts as specified herein and the instructions relating to them must be strictly adhered to, and no alteration or deviation therefrom will be permitted without the approval, in writing, of the Minister of Water Supply.

APPENDIX 3.

SPECIMEN PERFORMANCE AND FINANCIAL REPORTS

FOR A WATERWORKS TRUST.

APPENDIX 3 (continued)

SPECIMEN PERFORMANCE REPORT - 1981

Anytown Waterworks Trust

1. The Anytown Waterworks Trust was constituted on May 1, 1925, and operates by virtue of Section 117 of the Water Act 1958. It is charged with the construction, maintenance and continuation of the Anytown Waterworks.
2. The Management of the Trust is vested in six Commissioners, each of whom is appointed for periods of three years. The present Commissioners are:
 - . A.B. Clark - Chairman - Elected by Ratepayers
 - . D.E. Foster - Government appointed
 - . G.H. Isaacs - Elected by Ratepayers
 - . J.K. Lawrence - Elected by Ratepayers
 - . M.N. O'Connell - Government appointed
 - . P.Q. Roberts - Elected by Ratepayers.

The next election of Commissioners is scheduled for October 1982.

3. The permanent staff of the Trust numbers 28, an increase of one over the previous year. The senior officers are:
 - . Mr. S.T. Underwood - Secretary
 - . Mr. V.W. Young - Chief Engineer.
4. The objectives of the Anytown Waterworks Trust are:
 - to ensure that by 1995 a supply of water is available to 100% of residents and industry within the boundaries of the Waterworks district to the following standards of :

APPENDIX 3 (CONTINUED)

Quantity.....

Pressure.....

Quality.....

- to provide such water at the lowest cost per kilolitre consistent with the need to maintain an effective system of water collection and distribution and in the lower quartile of cost for supplies from waterworks in the State of Victoria.

5. 1981 Goals

In their last annual report, the Commissioners of the Waterworks Trust outlined their plans for 1981 as being:

- to install a new inlet pipeline to the Anytown reservoir so as to decrease the risk of insufficient capacity during periods of heavy demand.
- to lay a further 6.0 km of reticulation extensions.
- to replace 0.40 km of reticulation.
- to augment the distribution system by the construction of a connecting main between Batman and Robin Streets.
- to convert a further 800 meters to metric measurement.
- to complete the reticulation pipe lines to the 480 lots on the proposed new Flinders estate.

During the early part of 1981, plans were approved to extend the new Flinders estate by a further 120 lots and the Commissioners extended their objectives to include these lots in their reticulation plans.

APPENDIX 3 (CONTINUED)

6. 1981 Achievements

The Commissioners are pleased to report that during the period covered by this report:

- the new inlet pipeline was installed with the result that the Anytown Reservoir was full to 92.67% of design capacity at December 31, 1980 (11.682 million cubic metres) compared to 74.17% (9.349 million cubic metres) at December 31, 1979.
- 6.24 km of reticulation extensions were laid and 0.48 km of reticulation replaced.
- the connecting main between Batman and Robin Streets was completed on February 24, 1981, and brought into use on March 16, 1981.
- 803 meters were converted to metric measurement.
- 520 lots on the new Flinders Estate were serviced. This was below the target figure of 600 services, the shortfall being due to difficulties experienced with removing a large rock formation beneath the surface of the new extension of the estate. This has now been removed and it is expected that the service program will be completed some six weeks later than originally planned.

APPENDIX 3 (CONTINUED)

7. Performance Indicators

The following data indicates the manner in which the Anytown Waterworks Trust has performed during this period. Actual results are compared with the year ending September 30, 1980 and with the targets for the year ending September 1981 established during the preparation of the budget.

	Actual	Budget	Previous Year
Average Population	28,612	28,500	27,689
Consumption l/h/day	496	480	467
Assessed consumption (megalitres)	5,181	4,993	4,720
Water storage (megalitres at 31.12)	11,682	11,500	9.349
Ratio storage/consumption	2.25	2.30	1.98
System loss (%)	16.24	16.00	15.72
Meters reported out of order	442	450	426
Complaints received from consumers	112	-	149
Complaints resolved	119	-	156
Complaints not yet resolved	4	-	11
Meters repaired	221	200	187
Meters changed	596	650	607
Meters converted	803	800	750
New meters connected	672	650	210
Meters removed	15	-	22
Applications for supply outstanding	88	10	15
Water rate (¢/\$NAV)	3.90	3.90	3.65
Water rate - minimum charge (\$)	30.00	30.00	27.00
Industrial and excess water charge per kilolitre (¢)	11.00	11.00	10.75
Change in CPI (%)	10.25	10.00	11.67

APPENDIX 3 (CONTINUED)

Significant indicators are:

- the increased system loss percentage was due to the fracture in the High Street water main in September 1980. The fracture occurred in one of the oldest parts of the system and proved particularly difficult to access for repair.
- the applications outstanding figure which is high due to the problems on the Flinders estate mentioned earlier in this report.
- workshop improvements have resulted in a higher proportion of faulty meters being repaired rather than changed.
- increases in charges have been kept below the CPI increase level whilst in most cases performance has improved.
- a reduction in the number of consumer complaints and an improvement in settling these achieved by a redistribution of duties and streamlining of the communication process.

8. Plans for 1981/2

During the coming year, the Commissioners have planned for the following major activities:

- to lay a further 7.2 km of reticulation extensions.
- to replace a further 0.62 km of reticulation.
- to commence the construction of the first stage of the High Street avoidance main. This will involve the

APPENDIX 3 (CONTINUED)

installation of 250 mm diameter pipes for a distance of 1.8 km from the junction of High Street and Brisbane Street, along Brisbane Street to Adelaide Terrace, along Adelaide Terrace to Burke Road, then along Burke Road to High Street. Distribution to the west of Anytown will thus be augmented at the same time that the old system along High Street is taken out of service. The total project is planned to take three years six months and is divided into four stages, the first of which should be completed in October 1982. The projected cost of the total project is \$114,000 of which \$32,000 will be incurred during the year ending September 30th 1982.

- to convert the remaining 1200 meters to metric measurement so that this program is completed.
- to construct reticulation pipe lines to the 200 lots of phase I of the Cook estate.
- to continue the program of updating the Waterworks Trust workshops so as to be self-sufficient in the repair and maintenance of all motorised and mechanical equipment.
- to keep the increase in charges to consumers below the CPI rate of increase.

APPENDIX 3 (CONTINUED)

DECLARATION

The Commissioners of the Anytown Waterworks Trust solemnly and sincerely declare that the information included in this performance report is accurate and that it includes reference to all material activities of the Trust.

Signed

A.B. Clark - Chairman

APPENDIX 3 (continued)

SPECIMEN FINANCIAL REPORT FORMAT

APPENDIX 3 (CONTINUED)

ANYTOWN WATERWORKS TRUST

Specimen Financial Statements

Explanation:

The attached financial statements have been drafted so as to illustrate a form of financial reporting which embodies the accepted classifications and style of modern commercial reporting. The particular points where the specimen statements differ from current accounts are:

- Balance sheet is presented in summarised form under common classifications used in contemporary company accounting. (Detail may be set out by way of note to the accounts.)
- "Capital" is included with reference to the providers, rather than as "capital assets" or similar balancing item.
- "Reserves" are appropriated after the operating result. These reserves are funds which are set aside for general purposes. Other funds set aside for specific purposes are classified as provisions and classified between current or non-current liabilities.
- An operating statement replaces the statement of income and expenditure, using major expense headings and including budgeted amounts.
- "Extraordinary items" i.e. expenditure or income not part of the normal operations of the year, are reported separately.

APPENDIX 3 (CONTINUED)

- The Funds Statement records the significant sources of funds and the manner in which those funds were invested.

The emphasis in the specimen accounts is to convey financial information in a clear, succinct, and comparable manner, and to allow further consolidation of these accounts (i.e. borrowings between water authorities are separately classified for subsequent elimination). Variations and additions would be desirable to allow for different sizes and operations of authorities. For example, if an authority had only one or two loans, these may well be recorded on the face of the balance sheet rather than in the notes to the accounts.

The specimen accounts are not intended to be comprehensive or complete nor necessarily illustrative of the required format for Waterworks Trust Accounts but rather as a general indication of the style and type of reporting which is recommended for Public Bodies in general.

The Report on Finances and Statement of the Commissioners and the Auditor's Report are included to illustrate the type of representations that should be included with the statements.

APPENDIX 3 (CONTINUED)

ANYTOWN WATERWORKS TRUST

For the year ended September 30, 1981.

Comprising the following Statements:

Commissioner's Report on Finances
Balance Sheet
Operating Statement
Notes to the Accounts
Funds Statement
Commissioner's Statement
Auditor's Report

APPENDIX 3 (CONTINUED)

Commissioner's Report on Finances

1. The Commissioners submit their report on finances of the Anytown Waterworks Trust in respect of the result of operations for the year ended September 30, 1981, and the financial position as of that date.
2. The Names of the Commissioners in office at the date of this report are:

A.B. Clark
 D.E. Foster
 G.H. Isaacs
 J.K. Lawrence
 M.N. O'Connell
 P.Q. Roberts

Result for Year

3. The result of operations for the year was a surplus of \$80,000 (1980 \$50,000 deficit) compared to a budgeted surplus of \$50,000. The principal reasons for the difference of \$30,000 between actual and budget was the increased Government interest subsidy of \$40,000, offset by higher administrative expenses of \$10,000.

Extraordinary Item

4. This surplus was reduced by an extraordinary expense of \$50,000 relating to costs in changing the Works maintenance base from Black Road depot to the White Street depot.

Appropriations

5. An amount of \$10,000 was appropriated to the Special Works Reserve (1980 Nil).

APPENDIX 3 (CONTINUED)

Changes in Financial Position

6. The following represent the significant changes in financial position for the year, and the planned financing for the subsequent year.

	1981	BUDGET 1982
	\$ '000	\$ '000
Grants Received from:		
Government operating grant	180	100
Government capital grant	<u>100</u>	<u>200</u>
	\$ <u>280</u>	<u>300</u>
Loans Obtained from:		
Government	500	200
Public	100	200
Other Authorities	<u>100</u>	<u>-</u>
	\$ <u>700</u>	<u>400</u>
Loans Repaid to:		
Government	200	-
Public	<u>100</u>	<u>100</u>
	\$ <u>300</u>	<u>100</u>
Works Expenditure:		
Inlet Pipelines	50	100
Reticulation extensions	200	200
Connecting Mains	25	-
Meter conversions	<u>25</u>	<u>50</u>
	\$ <u>300</u>	<u>350</u>

APPENDIX 3 (CONTINUED)

Financial Indicators

7. The following data indicates the measures of financial performance of the Trust for the period. Actual results are compared with the year ending September 30, 1980 and with the targets for the year ending September 30, 1981 established during preparation of the budget.

	Actual	Budget	Previous Year
Valuation of properties	13,000,000		13,000,000
Water rate			
- ordinary (¢/\$NAV)	3.90	3.90	3.65
- excess (¢/kl)	11.00	11.00	10.75
Cost per kilometre of water reticulation	\$10,000	\$10,500	\$12,000
Administrative cost per \$ rate	22¢	24¢	24¢

Other Information

8. The Commissioners took reasonable steps before the operating statement and balance sheet were prepared to:

- (a) ascertain what action had been taken in relation to writing off rate arrears and making provision for any doubtful rate receipts.
- (b) ascertain whether the amounts included in the balance sheet were materially correct in view of the circumstances of the Trust.

APPENDIX 3 (CONTINUED)

- (c) ensure that all contingent liabilities and capital commitments have been recorded in the financial statements.

- (d) determine that in the interval between the end of the financial year and the date of this report, no item, transaction or event of a material or unusual nature has arisen likely, in the opinion of the Commissioners, to affect substantially the results of operations or the financial position of the Trust in the next succeeding financial year.

By Order of the Commissioner

.....

(Commissioner)

.....

(Commissioner)

DATE

APPENDIX 3 (CONTINUED)

Balance Sheet at September 30, 1981

CAPITAL AND LIABILITIES

NOTES	1981	1980
	\$000	\$000

CAPITAL FUNDS AND RESERVES

Capital Funds contributed by

- Ratepayers	300	300
- Victorian Government	600	500
- Other	200	200

Reserves	2	200	190
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Accumulated surplus

(or deficiency)		<u>100</u>	<u>80</u>
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TOTAL CAPITAL FUNDS AND

RESERVES		<u>1,400</u>	<u>1,270</u>
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NON-CURRENT LIABILITIES

Government Loans	3	1,300	800
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Private loans	3	3,900	4,000
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Provisions	4	340	300
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Amounts payable to other Authorities		<u>100</u>	<u>-</u>
--------------------------------------	--	------------	----------

		<u>5,640</u>	<u>5,100</u>
--	--	--------------	--------------

CURRENT LIABILITIES

Contractors deposits		45	100
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Government loans		200	400
------------------	--	-----	-----

Private loans		100	-
---------------	--	-----	---

Provisions	4	25	25
------------	---	----	----

Other creditors		<u>50</u>	<u>100</u>
-----------------	--	-----------	------------

		<u>420</u>	<u>625</u>
--	--	------------	------------

TOTAL CAPITAL FUNDS, RESERVES & LIABILITIES		\$7,460	\$6,995
---	--	---------	---------

		=====	=====
--	--	-------	-------

APPENDIX 3 (CONTINUED)

Balance Sheet at September 30, 1981

ASSETS	Notes	1981	1980
		\$000	\$000
FIXED ASSETS	7		
Works		6,000	5,800
Mobile plant & motor vehicles		580	480
Office furniture & equipment		<u>20</u>	<u>20</u>
		<u>6,600</u>	<u>6,300</u>
INVESTMENTS			
Government securities	8	400	350
Other		<u>350</u>	<u>150</u>
		<u>750</u>	<u>500</u>
CURRENT ASSETS			
Cash at bank and on hand		15	60
Rates receivable	9	5	5
Other debtors		20	50
Stores and materials		20	30
Amounts due from other Water authorities		<u>50</u>	<u>50</u>
		110	195
TOTAL ASSETS		\$7,460	\$6,995
		=====	=====
Contingent Liabilities	5	30	-
Contracts for Capital			
Expenditure	6	400	-
Lease commitments	10	210	240

The attached notes set out on pages X to X form part of these Accounts.

APPENDIX 3 (CONTINUED)

Operating Statement for year ending September 30, 1981

	Note	Budget	1981	1980
		\$000	\$000	\$000
INCOME				
Rates - water rates	9	500	500	470
- water charges		50	50	50
Operating grants from Government		140	180	205
Interest received				
- investments		30	30	30
- other		10	10	20
Profit on sale of non- current assets		-	10	20
Licences and Fees		20	20	10
Rental income		30	20	20
Farming income (timber, cattle)		20	10	10
Other		-	-	-
TOTAL OPERATING INCOME		<u>800</u>	<u>830</u>	<u>835</u>
EXPENDITURE				
Operating costs				
Salaries and wages		95	105	120
Long Service leave		3	3	3
Repair of Mains		-	-	70
Materials		40	40	40
Depreciation		110	110	110
Mobile Plant				
Replacement Provision		10	10	10
Works Equipment				
Replacement Provision		20	20	20
Lease of Machinery		<u>30</u>	<u>20</u>	<u>40</u>
		<u>308</u>	<u>308</u>	<u>413</u>

The attached notes set out on pages X to X form part of these Accounts.

APPENDIX 3 (CONTINUED)

		Budget	1981	1980
		\$000	\$000	\$000
EXPENDITURE	B' fwd	308	308	413
Administration				
Salaries and wages		80	70	70
Long Service provision		2	2	2
Postage and Telephones		5	5	5
Depreciation		5	5	5
Office Expenses		10	10	10
Office Equipment replace- ment provision		10	10	10
Audit fees		5	5	5
Conference and Deputation expenses		1	1	1
Insurance		1	1	1
Other administrative expenses		<u>3</u>	<u>3</u>	<u>3</u>
		<u>122</u>	<u>112</u>	<u>112</u>
Financial				
Interest Paid - loans		290	300	290
other		20	10	30
Bank Charges		-	10	30
Other finance expense		<u>10</u>	<u>10</u>	<u>10</u>
		<u>320</u>	<u>330</u>	<u>360</u>
	C' fwd	750	750	885

The attached notes set out on pages X to X form part of these Accounts.

APPENDIX 3 (CONTINUED)

	Budget	1981	1980
	\$000	\$000	\$000
TOTAL OPERATING INCOME B'Fwd	800	830	835
TOTAL OPERATING EXPENDITURE B'fwd	<u>750</u>	<u>750</u>	<u>885</u>
OPERATING SURPLUS (DEFICIT)	50	80	(50)
EXTRAORDINARY ITEM			
Re-organisation expenses involved in changing maintenance base	<u>50</u>	<u>50</u>	<u>-</u>
OPERATING SURPLUS AFTER EXTRAORDINARY ITEM	-	30	(50)
ADD Accumulated Surplus at September 30, 1980	-	<u>80</u>	<u>130</u>
TOTAL AVAILABLE FOR APPROPRIATION TRANSFERS TO WORKS RESERVE	-	<u>110</u>	<u>80</u>
ACCUMULATED SURPLUS AT SEPTEMBER 30, 1981	-	\$100	\$ 80
	===	===	==

The attached notes set out on pages X to X form part of these accounts.

APPENDIX 3 (CONTINUED)

NOTES TO THE ACCOUNTS

NOTE 1 ACCOUNTING POLICIES

The accounts are prepared under the historical cost convention whereby assets are recorded at cost unless stated otherwise. Accrual accounting has been adopted in the current reporting period for all accounts.

Works:

The Works include reservoirs, treatment pumping plants, intake reticulation mains, land, installed meters and buildings to house equipment. The assets are valued at cost, except where an historical cost could not be ascertained, in which case the Commissioner's deemed a value at which they were to be recorded.

Depreciation is charged on a straight line basis at 7 1/2% on all works.

Materials and Stores:

Stocks of maintenance materials are valued at the lower of cost and net realisable value. Cost is determined on a FIFO Basis.

APPENDIX 3 (CONTINUED)

Reserves and Provisions

Where a specific project, equipment replacement, or loan redemption is quantifiable, amounts are transferred to provision accounts out of operating income (refer Note 4). Other amounts set aside for general purposes are treated as reserves and appropriated after determining the operating result of the period. The Commissioners have adopted a policy of appropriating \$10,000 to a special works reserve where surplus funds are available.

Long Service Leave:

Long service leave for employees is provided in accordance with the liability determined under existing LSL legislation based on current wage rates. The amount provided for LSL is divided between current and non-current portions.

NOTE 2 RESERVES

GENERAL PURPOSE RESERVE

Balance at September 30, 1980	100
Transfer from operating surplus	<u>-</u>
Balance at September 30, 1981	<u>100</u>

SPECIAL WORKS RESERVE

Balance at September 30, 1980	90
Transfer from appropriation	<u>10</u>
Balance at September 30, 1981	<u>100</u>

TOTAL RESERVES	\$200
	===

APPENDIX 3 (CONTINUED)

NOTE 3	LOANS PAYABLE	1981
		\$000
	CURRENT	
	Anytown Debenture	31.12.1981 100
	State Govt.	31.12.1981 <u>200</u>
	TOTAL CURRENT LOANS	<u>300</u>
	NON-CURRENT	
	State Government Loans	1,300
	Anytown debentures	
	Loan No. 7	4.1.95 1,000
	Loan No. 8	1.10.95 1,000
	Loan No. 9	1.12.97 <u>1,900</u>
		<u>3,900</u>
	TOTAL NON-CURRENT LOANS	5,200
		=====

NOTE 4 PROVISIONS

	Balance at June 30 1980	Amounts Provided in Year	Amount Charged Against Provision	Balance at June 30 1981
	\$'000	\$'000	\$'000	\$'000
Long Service Leave	50	5	-	55
Mobile plant replacement	50	10	-	60
Office Equipment Replacement	25	10	5	30
Works Equipment Replacement	200	20	-	220
	<u>325</u>	<u>45</u>	<u>5</u>	<u>365</u>
	===	===	=====	===
Current	25	-	-	25
Non-Current	<u>300</u>	<u>45</u>	<u>5</u>	<u>340</u>
	<u>325</u>	<u>45</u>	<u>5</u>	<u>365</u>

APPENDIX 3 (CONTINUED)

NOTE 5 CONTINGENT LIABILITY

The Trust has guaranteed a bank loan to an employee for an amount of \$30,000.

NOTE 6 CONTRACTS FOR CAPITAL EXPENDITURE

The Trust has entered into the following contracts for capital expenditure which are not otherwise reflected in the accounts.

Construction of subdivision A 4 pipelines	\$200,000
Development works on Main Dam	\$200,000

NOTE 7 FIXED ASSETS

	1981	1980
	\$000	\$000
Freehold land		
- at cost	1,500	1,500
- at Commissioner's valuation 1980	<u>200</u>	<u>200</u>
	<u>1,700</u>	<u>1,700</u>
Buildings		
- at cost	1,200	1,200
- at Commissioner's valuation 1980	<u>1,100</u>	<u>1,100</u>
	<u>2,300</u>	<u>2,300</u>
Accumulated Depreciation	<u>220</u>	<u>200</u>
	<u>2,080</u>	<u>2,100</u>
Earthworks and Structures		
- at cost	2,600	2,600
Plant and Machinery	<u>1,000</u>	<u>700</u>
	3,600	3,300
Accumulated Depreciation	<u>1,380</u>	<u>1,300</u>
	<u>2,220</u>	<u>2,000</u>
TOTAL WORKS	<u>6,000</u>	<u>5,800</u>

APPENDIX 3 (CONTINUED)

NOTE 7 FIXED ASSETS (CONTINUED)

Mobile Plant and machinery, at cost	1,500	1,390
Accumulated depreciation	<u>920</u>	<u>910</u>
	<u>580</u>	<u>480</u>
 Office furniture and equipment, at cost	 40	 35
Accumulated depreciation	<u>20</u>	<u>15</u>
	<u>20</u>	<u>20</u>
 TOTAL FIXED ASSETS	 \$6,600	 \$6,300
	=====	=====

NOTE 8 INVESTMENTS

Commonwealth Bonds	200	200
Australian Savings Bonds	<u>200</u>	<u>150</u>
	400	150
Geelong Harbour Trust Loan	<u>350</u>	<u>350</u>
 TOTAL INVESTMENTS	 <u>750</u>	 <u>500</u>

NOTE 9 RATES

The rates have been struck as follows:

Water Rate of 3.90¢ in the \$ on NAV with a minimum of \$30 on improved land and \$18 on vacant land.

Valuation	\$13,000,000
	=====

APPENDIX 3 (continued)

NOTES TO THE ACCOUNTS (CONTINUED)

Current	500,000
Arrears	<u>5,000</u>
Total Due	505,000
Total Collected	<u>500,000</u>
Arrears and Suspense	\$ 5,000
	=====

% Collected 99.00%

NOTE 10 LEASE COMMITMENTS

Finance leases undertaken by the Trust have rental commitments as follows:

YEAR PAYABLE	MOTOR CARS	EQUIPMENT	TOTAL	1980
1982	10,000	20,000	30,000	30,000
1983	10,000	20,000	30,000	30,000
1984	10,000	20,000	30,000	30,000
1985	10,000	20,000	30,000	30,000
1986	10,000	20,000	30,000	30,000
5 YRS+	<u>30,000</u>	<u>30,000</u>	<u>60,000</u>	<u>90,000</u>
TOTAL	<u>80,000</u>	<u>130,000</u>	<u>210,000</u>	<u>240,000</u>

APPENDIX 3 (CONTINUED)

STATEMENT OF SOURCES AND APPLICATIONS
for Year ended September 30, 1981

SOURCE OF FUNDS

	Budget	1981	1980
	\$000	\$000	\$000
Operating Income			
Rates	500	500	470
Government Subsidy	140	180	205
Other	<u>160</u>	<u>150</u>	<u>160</u>
	800	830	835
Less			
Operating Expenditure	460	450	595
Loan Interest Payments	<u>290</u>	<u>300</u>	290
	<u>750</u>	<u>750</u>	<u>885</u>
Operating Surplus (Deficit)	50	80	(50)
Add Items not requiring funds			
Depreciation	115	115	115
Mobile Plant Replacement	10	10	10
Works Equipment Replacement	30	30	30
Office Equipment Replacement	<u>10</u>	<u>5</u>	<u>10</u>
Total Funds from Operations	215	240	115
Capital Grants from Government	100	100	-
Loans received from Government	300	300	300
Loans received from other Auth.	100	100	-
Loans received from public	-	-	200
Total Sources of Funds	715	740	615
	=====	=====	=====

APPENDIX 3 (CONTINUED)

APPLICATION OF FUNDS

Expenditure on Works	300	300	400
Purchase of Mobile Plant	100	110	100
Purchase of Office Furniture	5	5	-
Investment in securities	250	250	100
Reorganisation Expense	50	50	-
Net Change in Operating Capital	<u>10</u>	<u>25</u>	<u>15</u>
Total Application of Funds	715	740	615
	=====	=====	=====

APPENDIX 3 (CONTINUED)

STATEMENT BY COMMISSIONERS

In our opinion, the accompanying balance sheet, funds statement and operating statement for the Anytown Waterworks Trust present a fair and accurate view of the financial position as at September 30, 1981, the changes in financial position and the results of operations for the year ended on that date.

The accounts have been maintained in accordance with the requirements of the Finance and Administration Act 1981 and Reporting Act 1981.

For and on behalf of the Commissioners

APPENDIX 3 (CONTINUED)AUDITOR'S REPORT

I have examined the balance sheet, funds statement and operating statement of the Anytown Waterworks Trust for the year ended September 30, 1981. My tests included such examination and enquiries as considered appropriate in accordance with the requirements of the Audit Act 1981, and such regulations made under that Act pursuant to financial and non-financial audit procedures of Waterworks Trust accounts.

In my opinion:

- (a) the balance sheet presents a fair and accurate view of the financial position at September 30, 1981.
- (b) the funds statement presents a fair and accurate view of the changes in financial position for the year.
- (c) the operating statement presents a fair and accurate view of the result for the year.
- (d) the Commissioners have complied with the requirements of the Reporting Act 1981 in relation to their accounts.

A report on the audit has been made to the Commissioners and to the Minister.

AUDITOR

DATE

ROAD SAFETY COMMITTEE

TWENTY FIRST PROGRESS REPORT

SAFETY ASPECTS OF THE
HIRE AND DRIVE OMNIBUS

Ordered to be printed

D-No.5

MELBOURNE
F D ATKINSON GOVERNMENT PRINTER
1980

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 12 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-The Honourable A.J. Hunt moved, by leave, That the Honourables B.P. Dunn, H.M. Hamilton, and H.A. Thomas be members of the Road Safety Committee.

Question-put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY 6 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That, contingent upon the enactment this Session of the Joint Select Committee (Road Safety) Bill, Mr Culpin, Mr Fogarty, Mr McArthur, Mr McCance and Mr Reynolds be appointed Members of the Committee (*Mr Thompson*) -put and agreed to.

WEDNESDAY 26 MARCH 1980

- 6 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That Mr Fogarty be discharged from attendance on the Road Safety Committee and that Mr Ernst be appointed in his stead (*Mr Maclellan*)-put and agreed to.

TERMS OF REFERENCE

JOINT SELECT COMMITTEE (ROAD SAFETY) ACT 1979

Section 4

4 The function of the Committee shall be to conduct an inquiry into and report and make recommendations to the Council and the Assembly upon the question of road safety in Victoria, and in particular-

- (a) to specify the accident countermeasures which, in the opinion of the Committee, have been proved to reduce accidents and their consequences;
- (b) to specify the accident countermeasures so proved which are not at present being used in Victoria and which in the opinion of the Committee should be introduced into Victoria;
- (c) to consider whether there are any countermeasures not being used in Victoria which the Committee believes would be likely to achieve a worthwhile reduction in accidents;
- (d) to report on the research which the Committee believes should be undertaken by the State-
 - (i) to obtain more knowledge of accidents; and
 - (ii) to assess the value of present or proposed accident countermeasures;
- (e) to report on any other matters which appear relevant to the inquiry.

REPORT

The JOINT SELECT COMMITTEE ON ROAD SAFETY, appointed pursuant to the provisions of the *Joint Select Committee (Road Safety) Act 1979* (No. 9252) has the honour to report as follows :-

INTRODUCTION

1 The Committee has conducted an Inquiry into certain safety aspects of the touring omnibus industry with particular emphasis on the legislative requirements for hire and reward as compared with those for hire and drive. Hire and reward is defined as submitting a vehicle and driver to the public for recompense. Hire and drive is defined as hiring a vehicle for a certain period at a single charge to be driven by one of a private group or an engaged chauffeur.

2 In Victoria the *Transport Regulation Act 1958* clearly sets out precise requirements for both vehicles and drivers who submit themselves to the public for hire and reward. Alternatively however, there is currently no specific legislation covering the operation of hire and drive vehicles, both motor cars and buses.

3 As a result the Committee undertook to examine whether this lack of regulation of the hire and drive industry presented a risk to the community from a road safety point of view and if so, what legislation should be introduced to improve the situation.

HIRE AND REWARD

4 The *Transport Regulation Act 1958* requires any passenger-carrying vehicle which operates in a commercial capacity to be licensed. The relevant definitions in the Act are :

- "*Commercial Passenger Vehicle*" means any motor car which is used for or intended to be used for carrying passengers for hire or reward or for any consideration or in the course of any trade or business whatsoever;
- "*Operate*" means carry passengers for hire or reward or for any consideration or in the course of any trade or business whatsoever;

- "Owner" includes every person who is the owner or the joint owner or part owner of a commercial passenger vehicle and any person who has the use of any vehicle under a hiring or hire purchase agreement, and includes any person in whose name a vehicle is registered under the Motor Car Act or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth, but does not include an unpaid vendor of a vehicle under a hire purchase agreement.

5 Section 19 of the Act states that -

"(1) A commercial passenger vehicle shall not operate on any public highway unless it is licensed in accordance with this Part.

(2) Subject to this Part on the application of -

(a) the owner; or

(b) a person who intends to become the owner - of a commercial passenger vehicle the Board may in respect of such vehicle grant that owner or intending owner a commercial passenger vehicle licence."

6 Once a commercial passenger vehicle licence has been granted by the Transport Regulation Board certain implied conditions are attached to it, namely -

(a) that the vehicle is maintained in a fit and serviceable condition;

(b) that in relation to the vehicle, the provisions of any Act or regulation thereunder are complied with in respect of -

(i) the manner in which and the persons by whom the vehicle may be driven;

(ii) the number of passengers that may be carried in the vehicle;

(iii) the construction equipment and condition of the vehicle; and

(iv) the limitation of hours of driving -
; and

- (c) that the vehicle is not, without the consent in writing of the Board, operated by any person other than the owner or a person employed by the owner.

7 In addition Section 23(2) of the *Transport Regulation Act 1958* provides that the Board has at its discretion the power to attach to any commercial passenger vehicle licence all or any of the following conditions :-

- (a) that the vehicle shall operate only upon specified routes or in a specified area;
- (b) that not more than a specified number of passengers shall be carried at any one time on the vehicle;
- (c) that specified time-tables shall be observed;
- (d) that reasonable specified fares or hiring rates shall be charged;
- (e) that prescribed records shall be kept;
- (ea) that goods shall only be carried in accordance with the conditions specified; and
- (f) such other conditions appropriate to the service to be provided as the Board thinks proper to impose in the public interest.

8 The Committee was informed that one of the reasons for including these conditions on a licence was to stop unrestricted competition, particularly with regard to price cutting and the inherent dangers that may result.

9 The Transport Regulation Board advised the Committee that licensed commercial passenger vehicles are inspected at least once a year by qualified examiners who are employed by the Board. These inspection tests may be done more often if it is considered necessary.

10 Insofar as the driver of a commercial passenger vehicle is concerned there is a need for him to have a driving certificate issued by the Board. The pre-requisites of this certificate are that the person is of good character, to provide a degree of protection to the public and that he passes a medical fitness test. The driver's certificate is issued by the Transport

Regulation Board for a maximum period of three years and is not renewed until satisfactory medical and eyesight reports are presented.

11 The Bus Proprietors' Association (Vic.) advised the Committee that in its opinion the test conducted by the Board to obtain the drivers certificate is not all that severe. However, the most important pre-requisite is that one has to work for a licensed operator before going for the test and it is the operator who really puts the driver through his test. It is up to the owner to satisfy himself that the person can drive a bus before he employs him.

12 The *Transport Regulation Act 1958* further provides for the licensing of private omnibuses and a private omnibus is defined in part as "*a motor car with a seating capacity for more than twelve adults (not including the driver) which is used for non profit organizations i.e. not a commercial passenger vehicle*".

13 Unlike the commercial licensed vehicle a private omnibus licence is issued 'as of right' provided the vehicle is fit and suitable for the purpose of use. However, the driver is required to have a certificate from the Transport Regulation Board in the same way as a commercial passenger vehicle driver.

14 Any vehicle with seating for 12 or less belonging to a non-profit organization is classified as a private vehicle and registered accordingly. The driver of such a vehicle needs only a normal driver's licence.

HIRE AND DRIVE

15 According to the Transport Regulation Board the distinction between a licensed touring vehicle and a hire and drive vehicle being used privately is that the former carries passengers at separate and distinct fares as the result of publicly promoted advertised tours on specified itineraries and at required standards with professional expertise in management and driver.

16 The hire and drive vehicle conversely is for private group travel of any number, at a single vehicle hiring charge, driven by a member of the group or an engaged chauffeur (not an employee of the hire and drive firm) with size and type of vehicle being of their choice. Itineraries are as preferred by the private group and the duration of vehicle hire is flexible, within the limits set by the hiring charges and hiring agreement.

17 The Board advised the Committee that the buses which are not subject to compulsory annual inspection are the hire and drive mini-buses and buses, unless used as a commercial passenger vehicle. Buses used solely on interstate travel are also not tested due to Section 92 freedoms, although most Victorian based operators voluntarily submit their buses for inspection.

18 The Transport Regulation Board advised the Committee that unless a hire and drive vehicle is used by a lessee for a commercial purpose, it is not required to be licensed, nor is the driver required to hold a certificate under the provisions of the *Transport Regulation Act 1958*.

19 The *Motor Car Act 1958* requires all vehicles to be registered and in practice a hire and drive vehicle is registered as one used for a private/business purpose. However, should the hire and drive vehicle be used by the lessee for the carriage of goods or passengers for reward or in the course of trade, the vehicle has to be registered at the commercial or hire rate of registration, which is a higher charge than for private/business.

20 In the hire and drive situation the driver is only required to hold a driver's licence under the *Motor Car Act 1958*. Should the vehicle have a tare weight in excess of three tonnes or be able to carry more than 12 passengers, the driver requires a heavy vehicle endorsed driver's licence. There are no other requirements on the driver of a hire and drive bus regardless of its seating capacity.

21 The Transport Regulation Board recommended to the Committee that consideration be given to legislative provisions to regulate safety standards of hire and drive vehicles with a seating capacity of more than seven seats.

22 The Board also recommended amending the legislation covering private omnibus services so that it covered those vehicles carrying over seven passengers. The main reason being that these vehicles are being used by groups of people who would expect that such vehicles are subject to a regular safety check.

23 The Bus Proprietors' Association (Vic.) expressed concern to the Committee that drivers of hire and drive vehicles are not subject to any form of licensing, inspection or control. The Association advised that the hire and drive market has recently seen the entry of a full size forty seater vehicle available under hire and drive conditions. Any person with an endorsed licence can drive this vehicle.

24 The Committee recognizes that the Association has a commercial interest in this matter, because the growth and development of hire and drive buses has had an adverse effect on the viability of the licensed bus industry. However, the Association submitted to the Committee that it believes there is a road safety risk because hire and drive vehicles are not subject to any specific legislation.

25 With regard to drivers of hire and drive vehicles, the Transport Regulation Board did not believe it would be necessary for these drivers to be certificated in the same way as drivers of commercial passenger vehicles, as normally the driver would be one of the group hiring the vehicle. However, the Board considered a different view might be necessary in the case of a person who holds himself to be a professional chauffeur and offers his services to a party hiring a vehicle.

26 The Bus Proprietors' Association (Vic.) maintained that drivers of hire and drive vehicles should hold a specially endorsed licence and undergo the same tests as a commercial bus driver. Likewise, it believed the vehicle should be subject to the same inspection and licence procedures as commercial passenger vehicles. The Association could not see any difference between their industry and the hire and drive market.

27 It is the Committee's opinion that there is a deficiency in the *Transport Regulation Act 1958* regarding the safety aspects of hire and drive buses, whereby these vehicles are not required to have an annual safety inspection.

28 All commercial passenger vehicles are required to at least have an annual safety inspection and the Committee believes there is no reason why hire and drive omnibuses should be exempt from the same requirement. People who pay for the use of these hire and drive vehicles are just as entitled as commercial bus passengers to expect the vehicle to be in good mechanical condition.

29 Accordingly, the Committee recommends that all hire and drive vehicles with a seating capacity of eight and over should be required to undergo a vehicle safety inspection at least once a year by qualified Transport Regulation Board examiners. Provision should also be included for more frequent inspections if necessary.

30 The Committee also recommends that all vehicles registered as a "private omnibus" and with a seating capacity of eight and over should be subject to a similar safety inspection requirement.

31 At present in Victoria any person who drives a motor vehicle weighing more than three tonnes or designed for the carriage of passengers and with a seating capacity for more than 12 adult persons (not including the driver) needs a heavy vehicle endorsed driver's licence. The Committee supports this requirement, but does not believe it should enable such a person to drive vehicles of a seating capacity in excess of twenty-two.

32 The Committee considers that stricter requirements must be introduced for drivers of all hire and drive vehicles with a seating capacity of more than twenty-two passenger seats. Drivers should be required to hold a certificate from the Transport Regulation Board declaring them fit and competent to drive such vehicles.

33 Consequently, the Committee recommends that all drivers of hire and drive vehicles with a seating capacity of more than twenty-two passenger seats should be licensed to do so by the Transport Regulation Board.

HAZARDOUS AREAS

34 The Transport Regulation Board has now defined certain hazardous areas in Victoria and is imposing more stringent conditions on the entry of buses into these areas, namely the snow mountain regions of the State.

35 The Bus Proprietors' Association (Vic.) advised the Committee that the whole programme of improving safety in hazardous areas has been a joint one between the Transport Regulation Board, the committees of management of the alpine areas, the Victoria Police, the Country Roads Board and their Association.

36 The Association indicated that the training programme has proceeded with the goodwill of all sides and the Government of Victoria has recognized its importance by paying the cost of the training required for a driver for a week at the Goulburn Valley training centre at Shepparton.

37 The Association recognizes the need for this type of training and expressed pleasure at its compulsory introduction. It was concerned however, that although stringent conditions for snow areas are being rigorously applied by the Board to licensed

vehicles, these conditions do not extend to hire and drive omnibuses. The Association believes that to continue the efforts towards greater road safety in hazardous areas the same conditions must apply to these hire and drive vehicles.

38 The Association did advise that, thanks to the co-operation of the committees of management of the Alpine areas, no hire and drive buses are being admitted to these hazardous areas unless the driver has an endorsed certificate authorizing him to do so. This action by the committees of management is purely their own resolution based on goodwill and commonsense, not of any legislative requirement.

39 The Association indicated it is moving towards greater compulsory training within the industry. Its next step will be to ensure coach drivers can handle mountainous areas not quite as hazardous as the snow mountains, but like Mount Dandenong, which can be extremely testing for a fully laden coach. Drivers employed by companies within the Association will require a certificate of competency to handle these areas.

40 The Committee is delighted to see these moves towards further compulsory training for all drivers within the licensed bus industry. The introduction of this training will help to minimise the number of bus accidents in hazardous areas.

41 The Committee believes it is imperative for this training and control to be taken further to include the drivers of hire and drive buses entering the same hazardous areas as licensed commercial passenger vehicles. Whilst the committees of management of the alpine areas have been extremely realistic and stopped all hire and drive buses from entering their areas unless the driver has a hazardous conditions endorsement, the Committee considers it should be made a legal requirement and not be the responsibility of these committees.

42 The Committee therefore recommends that drivers of all hire and drive vehicles with a seating capacity of eight and over must have a hazardous conditions endorsement to enter the areas defined by the Transport Regulation Board as hazardous.

SEATING CAPACITY

43 The Transport Regulation Board expressed concern at the habit of some organizations who take seats out of a large vehicle classified as a "private omnibus", so they can avoid the annual inspection that is required of such vehicles which have more than twelve passenger seats.

44 The Board quoted one case of a double decker bus having had most of its seats removed, so that it was outside the definition of a "private omnibus" in the *Transport Regulation Act 1958*. The Board advised the Committee that it was testing the legality of such a move under the *Motor Car Act 1958*. It was of the opinion that the manufacturer's original intention must be adhered to and that the seating capacity of a vehicle refers to its ability rather than its actuality.

45 The Committee shares the concern of the Transport Regulation Board over this habit of openly removing seats to avoid vehicle inspection, particularly in view of its earlier recommendation that all hire and drive vehicles with a seating capacity of eight and over be at least annually inspected.

46 The Committee recommends that for the purpose of annual inspections the manufacturer's original definitions and specifications of seating capacity must be adhered to. Under no circumstances should vehicles be allowed to have seats removed as a means of avoiding the annual vehicle safety check.

47 Alternatively, the Bus Proprietors' Association (Vic.) brought to the Committee's attention the situation whereby jump seats are being fitted to hire and drive buses to increase their capacity beyond the vehicle's original specification. The Association informed the Committee that these jump seats effectively close the aisles and increase seating capacity by five or six.

48 The Committee was advised by the Association that regulations prohibit the fitting of jump seats in commercial passenger vehicles, as they are considered unsafe, particularly in the event of an accident. A hire and drive omnibus is not a commercial vehicle and does not have to comply with this regulation.

49 It is the Committee's opinion that jump seats are unsafe and should be prohibited in hire and drive omnibuses.

CONCLUSIONS

50 In recent years there has been a considerable increase in demand for hire and drive buses. The Committee's Inquiry has considered the road safety risk arising from the lack of safety requirements for the hire and drive omnibus industry.

51 Recently the hire and drive market has seen the introduction of a forty seater vehicle which only requires the driver to have a heavy vehicle endorsed driver's licence. The Committee is of the opinion that this will probably be the first of many such vehicles and believes that only very experienced drivers with proper training in handling large vehicles should be able to drive these buses.

52 So far the safety record of hire and drive buses is very good. However, the Committee considers that with the continuing growth in this industry there is an increasing possibility of a major tragedy occurring.

53 The Committee believes it is essential for legislation to be introduced to control the safety standards of all hire and drive vehicles with a seating capacity of eight or more. Drivers of vehicles with a seating capacity of twenty-two or more should also be required to hold special licences.

SUMMARY OF RECOMMENDATIONS

54 The Committee recommends that :-

- (a) all hire and drive vehicles with a seating capacity of eight and over be required to undergo a compulsory safety inspection at least once a year;
- (b) all vehicles registered under the *Transport Regulation Act 1958* as a "private omnibus" and with a seating capacity of eight and over should be subject to a vehicle safety inspection at least annually;
- (c) the driver of any hire and drive vehicle with a passenger seating capacity in excess of twenty-two must be licensed by the Transport Regulation Board;
- (d) drivers of all hire and drive vehicles with a seating capacity of eight and over must hold a licence endorsed for driving in hazardous conditions as defined by the Transport Regulation Board;

- (e) legislation be introduced to ensure that the passenger carrying capacity of all hire and drive and "private omnibus" vehicles is based on the manufacturer's original specifications; and
- (f) jump seats must not be fitted to hire and drive omnibuses.

Committee Room
27 November 1980.

APPENDIX "A"

List of Witnesses

Mrs. P.E. Nichol, Managing Director,
Dreamtime Tours Pty. Ltd.

Mr. A. Blackman, Solicitor for Mrs. P.E. Nichol.

Mr. R. Jacobs, Secretary, Administration,
Transport Regulation Board.

Mr. J. Connell, Solicitor for the Transport Regulation Board.

Mr. M.C.G. Schrader, Director, Bus Proprietors' Association
(Vic.).

Mr. R. Brien, President, Bus Proprietors' Association (Vic.).

APPENDIX "B"

Organizations which forwarded submissions

Bus Proprietors' Association (Vic.).
Transport Regulation Board.

ROAD SAFETY COMMITTEE

TWENTY SECOND PROGRESS REPORT

RESTRAINT OF CHILDREN UNDER
EIGHT IN THE REAR SEATS OF
MOTOR CARS

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY, 12 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-The Honourable A.J. Hunt moved, by leave, That the Honourables B.P. Dunn, H.M. Hamilton, and H.A. Thomas be members of the Road Safety Committee.

Question-put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY, 6 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That, contingent upon the enactment this Session of the Joint Select Committee (Road Safety) Bill, Mr Culpin, Mr Fogarty, Mr McArthur, Mr McCance and Mr Reynolds be appointed Members of the Committee (*Mr Thompson*)-put and agreed to.

WEDNESDAY, 26 MARCH 1980

- 6 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That Mr Fogarty be discharged from attendance on the Road Safety Committee and that Mr Ernst be appointed in his stead (*Mr Maclellan*)-put and agreed to.

JOINT SELECT COMMITTEE (ROAD SAFETY) ACT 1979

Section 4

4 The function of the Committee shall be to conduct an inquiry into and report and make recommendations to the Council and the Assembly upon the question of road safety in Victoria, and in particular-

- (a) to specify the accident countermeasures which, in the opinion of the Committee, have been proved to reduce accidents and their consequences;
- (b) to specify the accident countermeasures so proved which are not at present being used in Victoria and which in the opinion of the Committee should be introduced into Victoria;
- (c) to consider whether there are any countermeasures not being used in Victoria which the Committee believes would be likely to achieve a worthwhile reduction in accidents;
- (d) to report on the research which the Committee believes should be undertaken by the State-
 - (i) to obtain more knowledge of accidents; and
 - (ii) to assess the value of present or proposed accident countermeasures;
- (e) to report on any other matters which appear relevant to the inquiry.

REPORT

The JOINT SELECT COMMITTEE ON ROAD SAFETY, appointed pursuant to the provisions of the *Joint Select Committee (Road Safety) Act 1979* (No. 9252) has the honour to report as follows:-

INTRODUCTION

1 The Committee has conducted an Inquiry into the need for and feasibility of compulsory restraint for all children under eight years of age travelling in the rear seats of motor cars, by means of an approved child restraint device or an adult lap/sash seat belt.

2 The present legislation in Victoria prohibits children under eight years of age from travelling in the front seat of a motor car without being properly restrained. However, the Committee has been very concerned at the trend which has developed since this legislation was introduced, whereby parents have transferred unrestrained children from the front seat to the back seat of motor cars. This transfer has led to a reduction in front seat casualties for children under eight years of age, but the wearing rate of restraints in the rear seat has been disappointingly low.

3 Studies and statistics have shown that the most important advantage of approved child restraint devices is that they prevent children from being thrown from the vehicle or projected around inside it in the event of an accident. Unrestrained children in motor vehicles are placed at extremely high risk and these dangers must be emphasized in order to improve the restraint usage rate.

4 Another matter of concern to the Committee is the widespread erroneous belief that holding a young child on a adult's lap in a motor car ensures the child's safety in the event of an accident. This belief is totally incorrect and it has been clearly established that it is physically impossible for an adult to hold onto a child if an accident occurs.

THE FIFTEENTH PROGRESS REPORT OF THE COMMITTEE

5 On 30 October 1975 the Committee presented to Parliament its fifteenth progress report (Parliamentary Paper D. No. 24 of 1974-75). This report related to an inquiry into the incidence of fatalities and injuries involving children under eight years of age who are unrestrained in motor cars. The major recommend-

ation from the report was as follows:-

- (a) that legislation be enacted to ban the carriage of children under the age of eight years in the front compartments of motor cars unless they are properly and securely fastened in an approved child restraining device.

6 This recommendation was accepted by the Government and Section 31AC was inserted in the Motor Car Act 1958 by means of the Motor Car (Child Seat Restraints) Act 1975. This section came into operation on 17 January 1976 and reads as follows:-

"31AC. (1) A person shall not drive a motor car on a highway if a child under the age of eight years is a passenger in a part of the motor car that is not behind the seat of the driver or behind a seat adjacent to the driver unless the child -

- (a) is properly restrained by a child seat restraint that is -

- (i) approved by the Chief Commissioner under section 31AB; and

- (ii) suitable for safe and effective use by a child of the body mass and height of the child; or

- (b) is seated and properly restrained by a safety belt that is -

- (i) suitable for safe and effective use by a child of the body mass and height of the child; and

- (ii) properly adjusted and securely fastened.

Penalty: \$36.

- (2) In sub-section (1), "motor car" does not include -

- (a) a motor car in respect of which a notice under sub-section (5) of section 31A or sub-section (3) of section 31AA is in force; or

- (b) a motor car to which a regulation under sub-section (3) relates.

- (3) *The Governor in Council may make regulations prescribing a class or description of motor cars as motor cars in relation to which subsection (1) does not apply."*

AUSTRALIAN EXPERIENCE

7 Victoria was the first State in Australia to introduce any requirement for the compulsory restraining of children in a motor car. The other States followed at various intervals between 1 March 1977 and 1 June 1980 with all, except Tasmania, going further than Victoria by introducing restraining requirements for the rear seat of motor cars.

8 New South Wales and Queensland legislation requires that all occupants under eight years of age must use any available suitable restraint when seated in the front or back of a motor car and can only be unrestrained if all suitable restraints are in use.

9 Western Australia has this same legislation operating, except that the restraint is only required between the ages of five and eight years.

10 The law in South Australia also requires that any child under eight years of age who is travelling in a motor car must use any available suitable restraint. However the South Australian legislation goes further towards protecting children in that they take precedence over adult occupants for the use of any available suitable restraint.

11 The Australian Capital Territory has a similar law operating, but it does not apply to children less than one year of age. However, unlike the legislation in other States, a child is not compelled to move from a rear seating position without a restraint to a front seat with a restraint.

12 Tasmania has similar legislation to Victoria, whereby all children under eight years of age must use a suitable restraint if travelling in the front seat of a motor car, but there is no requirement if the child is in the rear seat.

SURVEYS ON CHILD RESTRAINT USAGE

13 There have been a number of surveys conducted in Australian capital cities since 1975 relating to the usage of child restraints, all of which have revealed that the large proportion of children observed travelling in motor cars were unrestrained.

14 The most recent of the surveys known to the Committee was conducted in Melbourne in September 1980 by the Road Safety and Traffic Authority. C.J. Boughton in her paper "Use and Effectiveness of Child Restraints" presented at the Road Safety Initiatives Commemorative Conference 1980 indicated that the RoSTA survey suggested that at least 75 per cent of child travellers have a restraint available in the position occupied. Furthermore, if unoccupied seating restraints are also included, then a restraint is available for about 90 per cent of children travelling in cars. However, this same survey revealed that of the 1098 children observed, approximately 61 per cent were unrestrained, a most alarming figure.

15 Another of the more recent surveys of child restraint usage was conducted in Hobart in July 1980 and the Committee has compared the results with a similar survey done in 1978 to evaluate improvement.

16 The Hobart survey was conducted at three locations and of the 915 children observed only 22 per cent were found to be restrained in a safety seat and a further seven per cent were wearing a seat belt. Of the remaining 71 per cent who were unrestrained, less than one third were seated, in actual fact 49 per cent of the total children observed were both unseated and unrestrained.

17 The 1980 Hobart child restraint usage survey, when compared to the 1978 survey, revealed that the overall proportion of children using approved safety seats had doubled, from eleven per cent to 22 per cent, with a corresponding decrease in the proportion of children unrestrained in both front and back seats. Despite this improvement the degree of child restraint fitting and usage leaves a lot to be desired when over 70 per cent of children observed were totally unrestrained.

18 It would appear to the Committee from the results of the surveys conducted since child restraint legislation was introduced, that legal compulsion with strong enforcement is necessary to ensure a reduction in the number of deaths and injuries to children under eight years of age travelling in motor cars.

19 Mr. G.W. Trinca, National Chairman of the Road Trauma Committee of the Royal Australasian College of Surgeons advocated the introduction of legislation requiring all children under eight years of age to use either an approved child restraint device or an adult lap/sash seat belt whilst travelling in the rear seat of a motor car.

20 Mr. Trinca expressed concern to the Committee that Victoria, as a leader in both seat belt and child restraint legislation, had taken no action to compulsorily restrain children in the rear seats of motor cars. He stated that Victoria should complete the law regarding the restraining of children in motor cars.

THE USE OF ADULT SEAT BELTS BY CHILDREN

21 In recent years a number of research projects have been conducted into whether or not an adult seat belt is an appropriate restraint for a child under eight years of age.

22 The Traffic Accident Research Unit of the New South Wales Department of Motor Transport in a report upon "Performance of Child Restraints in Crashes and in Laboratory Tests" examined the use of adult seat belts by children and concluded that such a use *"is not a dangerous practice, and more desirable than the use of no restraint or the use of an 'unapproved' child seat"*.

23 The report emphasized that it is vitally important for the child that the restraint be properly adjusted. Children may be injured if the belts are loose and can easily be ejected from the restraint altogether.

24 Another Traffic Accident Research Unit report completed in 1977 and entitled "Child Restraint Field Study" examined 149 children who were restrained and involved in road accidents. There were 52 children under eight years of age who were wearing adult seat belts and seven of these were ejected. However, most of the adult seat belts were adjusted very loosely. Nevertheless 28 of these 52 children received no head injury.

25 This study agreed with a recommendation tentatively proposed in 1975 by Snyder and O'Neill in a report entitled "Are 1974-1975 Automotive Belt Systems Hazardous to Children?" that adult belts should be used by young children in the absence of properly designed child restraints. However, a proviso was added that the recommendation only apply to firmly adjusted seat belts. In its conclusions the TARU unit report stressed this point when it said *"Whereas there is no objection to children wearing belts supplied for adults, it is of great importance that such belts should be pulled tight, to the limit of comfort. Ejection of a child from a loose seat belt is not improbable in a crash."*

ENFORCEMENT

26 Child restraint legislation does not appear to be strictly enforced in all States of Australia. Failure to restrain a child as required by legislation appears to be perceived by the community as not the type of offence for which a driver should be prosecuted.

27 The Committee is extremely concerned at this attitude towards enforcement and believes that considerable effort is required by all road safety organizations to achieve a satisfactory level of protection for children under eight years of age whilst travelling in motor cars.

CONCLUSIONS

28 Child restraints have proved to be one of the most effective means of decreasing the number of children killed and injured in road accidents. The Committee believes that every child under eight years of age should be restrained in a motor car in an approved child restraining device.

29 However to legislate compulsorily for this type of restraint would present a number of problems to many parents. There are difficulties in transporting larger families, school journeys, two car families where restraints are not always transferable and the cost factor.

30 In the absence of an approved child restraint device, the Committee fully supports the use of adult seat belts for children under eight years of age. Examination of the various child restraint device studies conducted in recent years has demonstrated to the Committee that children under eight years of age are afforded good protection by a properly adjusted lap/sash adult seat belt. However it is clear that for full protection to be afforded to a child, the seat belt must be made as tight as comfort will allow and in the case of very young children a booster cushion is most desirable.

31 The Committee believes it is essential that Victoria extend its child restraint legislation. Accordingly, it recommends that legislation be introduced immediately making it compulsory for all children under eight years of age travelling in the rear seat of a motor car to use an approved child restraint device or an adult lap/sash seat belt whenever it is available.

32 The object of compulsory restraint legislation is to achieve a decrease in accident injuries and the Committee believes this will only be achieved by a high level of enforcement. It is essential also that the onus in respect of any offence under the child restraint legislation be placed on the driver of the motor car.

33 It is the Committee's opinion that the introduction of new legislation must be accompanied by an intensive publicity campaign educating the public to the need for child restraints and the requirements of the compulsory legislation. Enactment of legislation alone will not ensure the safety of children.

SUMMARY OF RECOMMENDATIONS

34 The Committee recommends that:-

- (a) legislation be enacted immediately making it compulsory for drivers to ensure that all children under eight years of age when travelling in the rear seat of a motor car use an approved child restraint device or an adult lap/sash seat belt whenever it is available;
- (b) the onus in respect of any offence occurring under the recommended legislation be placed on the driver of the motor car;
- (c) an intensive publicity campaign be initiated to educate the public on new and existing legislation and to encourage greater use of approved child restraining devices;
- (d) publicity should also be directed towards emphasizing the danger involved when a young child is held on an adult's lap in a motor car; and
- (e) enforcement of child restraint legislation should be increased.

Committee Room,
16 April 1981.

APPENDIX "A"

List of Witnesses

- Ms J. Hardy, Research Officer,
Transport Commission, Tasmania.
- Mr G.W. Trinca, O.B.E., F.R.A.C.S., National Chairman,
Road Trauma Committee,
Royal Australasian College of Surgeons.

APPENDIX "B"

References consulted by the Committee

- Herbert, Vazey, Stott - Car Crash Protection of Children -
Principles and Practice.
- Henderson, Herbert, Vazey, Stott - Traffic Accident
Research Unit - Department of Motor Transport, N.S.W.-
Performance of Child Restraints in Crashes and in
Laboratory Tests.
- Herbert, Lozzi - Traffic Accident Research Unit,
Department of Motor Transport, N.S.W. -
Child Restraint Size.
- Dr. I.R. Johnston - Commonwealth Department of Transport -
Child Restraints - Availability and Use -
Seat Belt Seminar, 1976.
- Dr. M. Prior-Hansen - Department of Psychology, Monash
University - Child Restraint Requirements from the
Viewpoint of a Mother and a Psychologist -
Seat Belt Seminar, 1976.
- G.A. Ryan - Department of Social and Preventive Medicine,
Monash University - Child Restraint Requirements -
A Medical Viewpoint - Seat Belt Seminar, 1976.
- E.A. Huxtable - Public Affairs Executive, N.R.M.A. -
Review of Child Restraint Standards - Seat Belt
Seminar, 1976.

APPENDIX "B" (CONT'D.)

- T.G. Molnar - Engineering Manager, Cooldrive Consolidated Industries, P/L., (Division of Repco Limited) - A Commonsense Approach to Child Restraints - Seat Belt Seminar, 1976.
- Boughton, Lancashire, Johnston - Commonwealth Department of Transport, Australia - Child Restraint Usage in Melbourne and Canberra: Evaluation of Victorian Legislation.
- Arnberg, Arnberg, Trinca - Road Trauma Committee - Royal Australasian College of Surgeons - Practical Aspects of Child Restraint System use.
- Dr. A.P. Vulcan - Chairman RoSTA - Effects of the Victorian Child Restraint Legislation.
- B.A. Vazey - Traffic Accident Research Unit - Department of Motor Transport, N.S.W. - Child Restraint Field Study.
- D.C. Herbert, D. Cutting - Traffic Accident Research Unit - Department of Motor Transport, N.S.W. - Crash Protection for Children After Their Third Birthday.
- K. Freedman, J. Lukin - Traffic Accident Research Unit, Department of Motor Transport, N.S.W. - Occupant Protection for Children: A Survey of Restraint Usage, Attitudes and Knowledge.
- C.J. Boughton, Office of Road Safety, Commonwealth Department of Transport, Australia - Australian Legislation Covering Child Restraints.
- C.J. Boughton, Office of Road Safety, Commonwealth Department of Transport, Australia - Use and Effectiveness of Child Restraints.
- J.L. Hardy, Transport Commission, Tasmania - Child Restraint Survey, Hobart - 1980.

ROAD SAFETY COMMITTEE

TWENTY THIRD PROGRESS REPORT
ALCOHOL PROHIBITION FOR
FIRST-YEAR DRIVERS

Ordered to be printed



EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 12 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-The Honourable A.J. Hunt moved, by leave, That the Honourables B.P. Dunn, H.M. Hamilton, and H.A. Thomas be members of the Road Safety Committee.

Question-put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY 6 JUNE 1979

- 4 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That, contingent upon the enactment this Session of the Joint Select Committee (Road Safety) Bill, Mr Culpin, Mr Fogarty, Mr McArthur, Mr McCance and Mr Reynolds be appointed Members of the Committee (*Mr Thompson*)-put and agreed to.
-

WEDNESDAY 26 MARCH 1980

- 6 ROAD SAFETY COMMITTEE-Motion made, by leave, and question-That Mr Fogarty be discharged from attendance on the Road Safety Committee and that Mr Ernst be appointed in his stead (*Mr Maclellan*)-put and agreed to.

TERMS OF REFERENCE

JOINT SELECT COMMITTEE (ROAD SAFETY) ACT 1979

Section 4

4 The function of the Committee shall be to conduct an inquiry into and report and make recommendations to the Council and the Assembly upon the question of road safety in Victoria, and in particular-

- (a) to specify the accident countermeasures which, in the opinion of the Committee, have been proved to reduce accidents and their consequences;
- (b) to specify the accident countermeasures so proved which are not at present being used in Victoria and which in the opinion of the Committee should be introduced into Victoria;
- (c) to consider whether there are any countermeasures not being used in Victoria which the Committee believes would be likely to achieve a worthwhile reduction in accidents;
- (d) to report on the research which the Committee believes should be undertaken by the State-
 - (i) to obtain more knowledge of accidents; and
 - (ii) to assess the value of present or proposed accident countermeasures;
- (e) to report on any other matters which appear relevant to the inquiry.

REPORT

The JOINT SELECT COMMITTEE ON ROAD SAFETY, appointed pursuant to the provisions of the Joint Select Committee (Road Safety) Act 1979 (No. 9252) has the honour to report as follows:

INTRODUCTION

1 The Road Safety Committee has always held the view that alcohol is the most significant single factor in the cause of road accidents. The Committee is constantly looking at ways to reduce the incidence of drink-driving in Victoria.

2 During the course of its latest examination of the drink-driving problem the Committee's attention was drawn to legislation which is in operation in Tasmania, whereby a first-year driver is prohibited from driving with any alcohol in his body.

3 The Tasmanian authorities believe this legislation is unique to Tasmania and the Committee considered that it warranted investigation. It has therefore conducted an Inquiry into whether it should recommend that similar legislation be introduced into Victoria.

TASMANIAN LEGISLATION

4 On 11 January 1971 the Road Safety (Alcohol and Drugs) Act 1970 was assented to in Tasmania. This Act came about after a great deal of research into statistics gained from investigations by coroners and pathologists and a public policy directed towards a general tightening of the laws relating to drinking and driving. As a result the alcohol and drug provisions were removed from the Traffic Act 1925.

5 The Tasmanian research which was conducted prior to the Road Safety (Alcohol and Drugs) Act 1970 revealed that young drivers were over-represented in the accident figures. The Tasmanian authorities concluded from these studies that of all drivers who drink, the young first-year drivers were the most likely to -

- (a) put themselves and others at risk;
- (b) need protection from themselves; and
- (c) need and desirably respond to education.

Consequently the total alcohol prohibition for first-year drivers was introduced as part of the 1970 Act.

6 In Tasmania the Road Safety (Alcohol and Drugs) Act 1970 states that "A first-year driver who drives a motor vehicle whilst alcohol is present in his body, is guilty of an offence". The penalties provided are the same as those that apply to all other drivers across all age groups for the basic offences of either exceeding .08 per cent Blood Alcohol Level or driving under the influence, namely a maximum fine of \$500 and three years licence disqualification and/or six months jail for the first offence. However, the Tasmanian authorities pointed out that these maximum penalties were rarely inflicted.

7 The Royal Automobile Club of Victoria in a submission to the Committee rejected the Tasmanian legislation. The Club contended that there is no objective or definitive evidence to suggest a disproportionate accident risk for first-year drivers with Blood Alcohol Content levels in the range .001 to .050 per cent.

8 The RACV maintained that there is no evidence to show that the Tasmanian legislation has been effective in reducing the accident risk of first-year drivers. The Club believes that first-year drivers should be assisted in a more positive way to overcome their difficulties, if they are found to have problems related to their driving. It considers the provision of alcohol rehabilitation centres and driver improvement programmes are constructive measures, whereas a punitive approach, such as implied in the Tasmanian legislation is counterproductive.

9 Mr. T.O. Kelly, Director of Road Safety in Tasmania, told the Committee that this legislation was the means by which the Tasmanian authorities attempted to make a significant contribution towards the survival of young drivers.

10 Mr. Kelly indicated to the Committee that for administrative purposes the young driver has to register a blood alcohol content of 0.02 before being taken to court so that the charge can stand up to any challenge. The Act says 'in the body' and the authorities regard 0.02 as an amount that the administration can support at law, because the alcohol is clearly identifiable.

11 Tasmania currently prosecutes about 800 first-year drivers a year, which represents about 10 per cent of all first-year drivers in the State. Of 2 834 drivers convicted in 1979 for alcohol related offences, 823, about 30 per cent, were first-year drivers. The average blood alcohol level of first-year drivers was .104 per cent, a most alarming figure.

12 In 1979, Tasmania extended its first-year driver prohibition legislation to include a requirement that every such driver convicted of a drink-driving offence must attend a short lecture on drinking and driving in addition to any other penalties incurred. The convicted driver is not entitled to re-apply for his licence until he has attended the course.

13 The course is conducted by uniformed Police Department Road Safety Officers and consists of discussions and lectures relating to -

- (a) the effect of the consumption of alcohol on driving and its contribution to accidents;
- (b) drink-driving laws and the operation of the breathalyser; and
- (c) such other matters relating to the effect of the consumption of alcohol on driving as the Minister may consider appropriate.

14 The Division of Road Safety maintains that the main function of the course is to bridge the gap of ignorance that exists about the effects of alcohol on the mind and body, particularly in relation to driving.

15 The course lasts two hours and includes the screening of a special film entitled "Drinking, Driving and Surviving". The officers who run the course also explain the relevant legislation and what alcohol does to a person's driving ability. The atmosphere is informal and drivers are encouraged to discuss their particular offence.

16 The Committee was told that the course is not designed to rehabilitate hardened drink drivers. It is an attempt to acquaint young drivers with the facts about drinking and driving. Practically all drivers attending such courses are under 20 years of age.

17 The education courses are conducted in Hobart, Launceston, Burnie, Devonport and Queenstown on specific evenings. These dates are given to the courts throughout the State so that they can direct a convicted driver to a location at a determined time.

18 There is no examination and following the course a Certificate of Attendance is provided. This certificate must accompany the driver's application for licence return after the disqualification is completed.

19 In evidence Mr. Kelly stated that parent and community reaction to the legislation was not adverse. The proposal was backed with a great deal of information about the effects of drinking and driving for the new driver. There was no suggestion of harassment or persecution of the young driver.

20 Mr. Kelly believes the 'no alcohol for first-year drivers' legislation has become an important component of Tasmania's total Road Safety Programme.

21 The Tasmanian authorities believe their experience has shown that it is possible to develop severe and somewhat discriminatory legislation and to have it accepted by the public, the drivers, the courts and Parliament, if the problem is identified and the need for action is urgent enough.

22 Mr. Kelly indicated to the Committee that Tasmania cannot prove that the legislation has been totally successful. Like any other road safety programme it is impossible to isolate each component and identify which one is doing the most good.

23 The Tasmanian authorities are convinced that the opportunity to educate approximately 800 first-year drivers every year is beneficial. Mr. Kelly believed that the legislation was influencing new drivers at a time when they might be most receptive because their driving licences depended on it.

24 The Tasmanian authorities are presently studying the progress of their young drivers through police records to establish the level of "repeaters" and other studies will be done to determine the effectiveness of the education course.

25 A small study was conducted over a one year period in the Southern Police Districts of Tasmania. Lectures were delivered to 272 first-year drivers, of whom 30 have been charged again with drink-driving offences. It is too early to gain any firm conclusions as to the recidivism rate.

CONCLUSIONS

26 Alcohol is still the largest single factor in the cause of road accidents. The Committee has always directed its attention to ways of curbing the incidence of drink-driving in Victoria. It firmly believes that such measures as .05 blood alcohol content limit, hospital blood tests and random breath testing have all contributed substantially to the reduction in recent years of Victoria's road toll.

27 It is essential that Victoria continues its efforts to reduce the number of drinking drivers on the roads. The drinking driver is a menace to every other road user and himself and should not be tolerated under any circumstances by the community.

28 Each year drivers under 25 contribute more to fatal and serious injury accidents than any other age group. For the young new driver and other road users, the combination of inexperience in driving and alcohol consumption can be disastrous. Consequently the Committee has closely studied the unique Tasmanian 'no alcohol for first-year drivers' legislation.

29 The Committee is impressed by the Tasmanian legislation and believes the idea of a new driver gaining driving experience free from the effects of alcohol to be an excellent one. New drivers must be made to realise that alcohol and driving should remain separate from each other and new attitudes on drink-driving must be developed within the community.

30 The Committee's examination of the 'no alcohol for first-year drivers' legislation has convinced it that the scheme is worthy of consideration for Victoria. Accordingly, the Committee recommends that legislation similar to that which operates in Tasmania be introduced into Victoria thereby making it an offence for any first-year driver to drive a motor vehicle whilst alcohol is present in his body.

31 The Committee also believes the legislation must include a requirement that any driver convicted has to attend a driver education course before being able to re-apply for his driver's licence. This education course should be similar to that which operates in Tasmania.

RECOMMENDATIONS

32 The Committee recommends that:

- (a) legislation be introduced making it an offence for any first-year driver to drive a motor vehicle whilst alcohol is present in his body;
- (b) penalties for this offence should be the same as those that apply to drivers who are convicted under the Motor Car Act 1958 of driving with a blood alcohol content between .05 and .10 per cent;

- (c) any first-year driver convicted under the recommended legislation must be required to attend a driver education course, similar to that which operates in Tasmania, before his licence can be reinstated;
- (d) post-studies be undertaken in Victoria to evaluate the effectiveness of the new legislation and to establish the recidivism rate;
- (e) an educational programme should be instituted whereby qualified persons give lectures and films on the dangers of drinking and driving to students in Victorian schools;
- (f) a section on the requirements of the new legislation for first-year drivers be incorporated in the learner driver's permit test; and
- (g) extensive publicity be given to the introduction of the legislation.

Committee Room
6 May, 1981.

APPENDIX "A"

List of Witnesses

Mr. T.O. Kelly, Director of Road Safety, Tasmania Police.

Superintendent B.B. Richardson, Superintendent of Traffic Control., Tasmania Police.

Mr. G.W. Trinca, O.B.E., F.R.A.C.S., National Chairman, Road Trauma Committee, Royal Australasian College of Surgeons.

APPENDIX "B"

Submission

Royal Automobile Club of Victoria.

LEGISLATIVE COUNCIL

GENERAL REPORT

from the

STANDING ORDERS COMMITTEE

Ordered to be printed

D.No. 10.

MELBOURNE
F D ATKINSON GOVERNMENT PRINTER
1980

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS
OF THE LEGISLATIVE COUNCIL

TUESDAY, 9 SEPTEMBER, 1980

- 14 STANDING ORDERS COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables the President, W. R. Baxter, P. D. Block, W. M. Campbell, B. A. Chamberlain, B. P. Dunn, J. V. C. Guest, W. A. Landeryou and Evan Walker be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question - put and resolved in the affirmative.

REPORT

The Select Committee of the Legislative Council on Standing Orders, appointed pursuant to resolution of the Council on 9 September, 1980, has the honour to report as follows:

1 The Committee has examined several suggestions for amendment of the Standing Orders, following debate which took place in the House on 26 September and 9 October, 1979, on a motion of the Honourable B.A. Chamberlain to refer specific subjects to the Committee for consideration. Subsequently, that motion was amended so as not to restrict the reference to the matters nominated by the Honourable Mr. Chamberlain.

QUESTIONS WITHOUT NOTICE

2 Standing Order 87 permits of a question being asked by leave of the Council without previous notice, but Questions without Notice were rare until 27 April, 1976 when, by agreement, a period of 10 minutes was set aside for the purpose prior to Questions on Notice being answered. The innovation was immediately successful and, in September, 1979, the time was extended to 15 minutes, with discretion to the President to extend the duration "where Ministers have unduly taken up that time".⁽¹⁾

3 The practice is now firmly established as a regular feature of a normal daily programme, and the Committee believes that authority for it should be enshrined in Standing Orders, so that it is not subject to the leave of the House pursuant to Standing Order 87. The Committee also considers that the duration of the segment should be extended to 20 minutes, whilst retaining the discretion informally given to Mr. President in September, 1979.

4 It is therefore recommended that new Standing Order 71A be adopted, as follows:

71A. Prior to Questions on Notice being answered, Members may ask Questions without notice, provided that no Question without notice shall be asked after the lapse of twenty minutes from the time the President calls on Questions, unless such time be extended at the discretion of the President.

(1) Hansard 18 September, 1979, p.2475.

5 Notwithstanding the recommendation in paragraph 4, the Committee believes that Standing Order 87 should be retained in its present form so that, if some special circumstance warranted it, a Member could be permitted to ask a Question, by leave, after the time set aside for Questions had passed.

QUESTIONS ON NOTICE

6 The practice of the House for the past ten years has been to suspend, at the commencement of each Session, so much of Standing Order 77 as requires a Member giving notice of a Question to read it to the House. Since that time, Questions submitted by Honourable Members to the Table of the House by 6 p.m. have, under the accepted arrangements, been included on the next day's Notice Paper. (2)

7 This practice, too, ought to be regularized by -

- (a) restricting the application of existing Standing Order 77 to Notices of Motion;
- (b) inserting a new Standing Order 76A to cater for the revised method of submitting a Notice of Question; and
- (c) making certain consequential amendments to Standing Orders 68, 78 and 80.

8 The action recommended is -

- (a) Amend Standing Order 77 by -
 - (i) omitting "Question or" in line 2; and
 - (ii) omitting "asking such Question or" in lines 5 and 6.
- (b) Add new Standing Order 76A, as follows:

76A. A Member may give notice of a Question by delivering to the Table a copy of such notice fairly written, and signed by him or on his behalf.
- (c) Amend Standing Order 68 by omitting "of Question or" in line 1.
- (d) Amend Standing Order 78 by omitting "of Question or" in line 2.

(2) Hansard 3 March, 1970, p.2888.

- (e) Amend Standing Order 80 by omitting "of Question or" in line 1.

URGENCY MOTION

9 The Committee had before it a suggestion that, in addition to the procedure of Standing Order 53, there should be improved opportunities for Members to bring forward for debate matters of current interest. Because, by practice, motions under Standing Order 53 (Adjournment Motions) are regarded as a vehicle to censure the Government, it was felt that it thereby created a barrier against members of the Government party raising matters by that means.

10 Following considerable discussion upon the existing avenues available to Members to raise subjects for debate, consensus was reached that any further procedure should be restricted to matters of an urgent nature, in order to justify giving them preference over motions on notice and other business of the House.

11 It was within that framework that the proposal was pursued. In deciding that such a procedure should be available, and be able to be invoked by a Member without leave of the House or support either by a seconder or a nominated number of other Members, the Committee recognized that such special device would necessarily require safeguards. It was also acknowledged that an essential ingredient of the facility would be for debate to take place on a motion moved in such a form as would not require a decision of the House on the merits of the arguments. In summary, with adequate safeguards, there should be opportunity for a Member to spotlight some specific matter of an urgent nature, and for the House to consider the issues without reaching or being required to reach a formal determination.

12 The following draft Standing Order, in the Committee's view, incorporates the elements necessary, and is recommended for adoption:

68A (a) A Member may propose that a definite matter of urgent public importance be brought before the House for discussion by submitting to the President in writing at least two hours before the time fixed for the President to take the Chair -

- (i) the subject-matter desired to be discussed; and
- (ii) a statement setting out the grounds considered to justify its urgent consideration -

and, if the President is satisfied that the matter is of such importance as to warrant urgent consideration, he shall permit the motion to be moved: Provided that, where the President is satisfied that unusual and extreme circumstances did not permit of a matter being submitted to him at least two hours before the time fixed for him to take the Chair, he may waive that requirement.

(b) Discussion upon a matter approved by the President pursuant to this Standing Order shall be entered upon immediately prior to Questions without Notice; a motion being made, without notice, "That the Council take note of ..(subject..)".

(c) A motion under this Standing Order shall not require a seconder, and shall take precedence of a motion for the adjournment of the Council pursuant to Standing Order No. 53.

(d) A motion under this Standing Order may not be amended, nor shall any motion for the adjournment of the debate be entertained.

(e) Not more than one motion under this Standing Order shall be made during any sitting of the Council.

(f) In the case of two or more subject-matters being proposed to the President for discussion at a sitting, the President shall decide, having regard to their relative urgency, which (if any) of those matters shall be the subject of a motion.

(g) No debate shall be permitted as to the exercise of discretion by the President under this Standing Order, except by motion to dissent from his ruling.

13 The proposal confers considerable discretion upon the President, and the Committee believes it necessary for the House to give some formal sanction to the criteria within which that discretion should be exercised. Whilst not deeming it necessary to incorporate such matters in Standing Orders, it is nevertheless recommended that the following guidelines be formally approved by the House:

Guidelines

In giving the President prior advice of a notice, a written statement is to accompany such advice, setting out the grounds relied upon for urgency.

In determining urgency, the President considers:

- 1 whether the matter is of recent occurrence;
- 2 whether the subject is being raised at the first opportunity;
- 3 whether the matter is of sufficient public importance to warrant invoking the urgency procedure;
- 4 whether the rights, welfare or security of citizens is in jeopardy; and
- 5 whether there is a distinct probability of the matter being brought before the House in reasonable time by other means.

If the President approves of a subject-matter being brought on for discussion under the procedure, he shall cause -

- 1 the Member who submitted the proposal to be notified that the discussion may proceed; and
- 2 the Party Leaders to be advised of the subject-matter of the motion

as soon as practicable after having reached his decision.

If the President is not satisfied that a subject-matter should proceed to debate, he shall -

- 1 notify the Member who submitted the proposal accordingly, giving his reasons for rejecting the request; and
- 2 report to the House that he has received representations for a subject-matter to be discussed and give reasons why he decided that it should not proceed.

ADJOURNMENT MOTION

14 During the course of its examination of the urgency motion procedure, the Committee concurred in the suggestion that, in accordance with the established practice of the House, Standing Order 53 should be amended to provide that only one such motion should be permitted at any sitting of the House.

15 In considering this matter, attention was focused on the concluding words of Standing Order 53:

And no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate.

The Committee believes that provision to be inconsistent with the content of Standing Order 53. First, the mover of such a motion requires not the support of a seconder, but of six other Members and, second, as the motion before the Chair under that Standing Order is "That the Council do now adjourn", it is difficult to conceive of the Chair accepting a similar motion during the same debate.

16 Motions for the adjournment of the House fall into three categories:

"Special", i.e., to discuss a definite subject (as provided in Standing Order 53);

"Dilatory", i.e., that moved during the course of a debate as a means of superseding the question before the Chair (as provided in Standing Order 91); and

"Substantive", i.e., the normal motion to conclude a Sitting.

The concluding words of Standing Order 53 are only intelligible in the dilatory sense, and the assumption must therefore be made that the provision was mistakenly included in Standing Order 53, and should properly relate to Standing Order 54, which deals with that motion within the dilatory concept.

17 The Committee recommends:

(a) that the words "And no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate" be removed from Standing Order 53 and added to Standing Order 54; and

(b) that the following be added to Standing Order 53, as amended pursuant to paragraph (a):

No second motion under this Standing Order shall be made during any sitting of the Council.

MINISTERIAL STATEMENTS

18 The priority afforded Ministerial statements in the daily order of business is unspecified at present. The Committee believes it wise to establish a footing for their place in the proceedings, and recommends that a new Standing Order be adopted, as follows:

71A. No Ministerial statement may be made until motions proposed pursuant to Standing Orders numbered 53 and 68A and Questions without Notice have been disposed of.

COMMITTEE STAGE

19 Bills of a non-controversial nature frequently attract no debate in Committee of the whole House. Several other Australian Houses of Parliament have made provision whereby, with leave of the House, the Committee stage in the passage of a Bill may be dispensed with.

20 The Committee sees this practice as a streamlining initiative with much to commend it and, subject to the protection of leave being required, recommends that it be adopted. Addition of the following words to Standing Order 269 would provide the necessary authority:

unless the Council grants leave for the question "That the Bill be now read a third time" to be proposed forthwith.

RECORDING OF DISSENT

21 When a Division is called, Standing Order 149 requires the President 'to appoint two Tellers for the "Ayes" and two Tellers for the "Noes"'. If two Tellers cannot be found, pursuant to May's Parliamentary Practice, the Division cannot take place and the decision is forthwith declared by the President.

22 It was suggested that, where a Member cannot secure the support of another Member, but wishes his vote to be recorded, some system should be available to enable this to be done.

23 The history of the Division procedure has as its basis the need of a means of clarifying a decision of the Chair about which there was some doubt. The system has, in its practical application, the advantage of both highlighting and having recorded the way in which particular Members voted on an issue, and it is probable that the device is today employed principally in that context in many Parliamentary debates.

24 The Committee recognizes that, just as a dissentient may wish his dissent to be recorded, so also may he wish, as a further option, to have the opposing Members' votes recorded (bearing in mind that all Members may not have voted), and believes that a mechanism should exist for this to be done. The method recommended by the Committee will achieve this in three stages by -

- (a) implanting into the Standing Orders the practice to be followed when two Tellers cannot be found (for which resort must at present be had to May's Parliamentary Practice);
- (b) providing an exception thereto for a single dissentient to have his dissent recorded, if he desires or, alternatively;
- (c) permitting the Division to be conducted in the normal way at the request of any Member, with a Table Officer acting as second Teller for the minority.

25 The following new Standing Orders are therefore commended to Honourable Members:

150A. If there be only one Member on a side when the doors are locked, the President shall forthwith announce the decision to the Council: Provided that if, on being asked by the President, that Member expresses a wish for his dissent to be recorded in the Minutes of the Proceedings, the Member's dissent shall be so recorded.

150B. Notwithstanding Standing Order 150A, if there be only one Member on a side when the doors are locked and any Member expresses his desire to have the Division recorded in the normal way, the President shall direct an officer at the Table to act as second teller for the minority, and the Division shall be permitted to proceed.

DURATION OF DIVISIONS

26 It is not unknown for a series of Divisions to be called on consecutive Questions put by the President. By Standing Order 147, the bells are required to be rung for two minutes as indicated by a sandglass kept for the purpose, following which the doors are locked and the opposing sides are counted.

27 The Committee has considered a suggestion that, where Divisions are called sequentially, it should not be necessary for the bells to be rung for the time presently specified in the Standing Order, and that a period of one minute should be substituted.

28 The Committee concurs in this view, and recommends that the following proviso be added to Standing Order 147:

Provided that when successive Divisions are taken, and there is no intervening debate, the bells for the ensuing Divisions shall be rung for one minute only.

READING OF SPEECHES

29 The Committee discussed the trend towards the reading of speeches by some Members in the House. As no mention is made of the matter in Standing Orders, the practice of the House of Commons has been called upon to handle situations as they arise. In the British House of Commons, a Member is not permitted to read his speech, but may refresh his memory from notes. May's Parliamentary Practice explains the rule as existing primarily to maintain the cut and thrust of debate, which depends upon successive speakers to some extent meeting the arguments of previous speakers. The rule is, however, not inflexible, and reference is made to exceptions in the following passage:

As the real purpose of the rule is to preserve the spirit of debate, it is not unreasonably relaxed in the case of opening speeches, whenever there is special reason for precision of statement, as in the case of important ministerial statements, especially on foreign affairs, or matters which involve agreements with outside bodies, or highly technical bills. Even at a later stage of a debate prepared statements on such subjects are read without objection being taken, though they should not constitute an entire speech. (3)

In applying those principles, the Chair does not usually intervene unless appealed to and, even then, is usually lenient unless there is good ground for interfering in the interests of the debate.

30 The majority of the Committee believes that, wherever reasonably possible, the practice of reading speeches should be actively discouraged and should be more firmly put down as being

(3) May's Parliamentary Practice, 19th Ed., p.414.

repugnant to the function of a debating chamber. The Committee is of opinion that some more direct guide should be available for Mr. President than that presently relied upon from the House of Commons. This matter is being further considered and will be the subject of another Report.

President's Suite
4 December 1980.

STATUTE LAW REVISION COMMITTEE

PROGRESS REPORT

on the

PROTECTION OF ANIMALS ACT 1966

RODEOS

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 29 MAY 1979

- 11 STATUTE LAW REVISION COMMITTEE - The Honorable A.J. Hunt moved, by leave, That the Honorables D.M. Evans, J.V.C. Guest, N.B. Reid, J.M. Walton and D.R. White* be members of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

WEDNESDAY 18 JULY 1979

- 17 STATUTE LAW REVISION COMMITTEE - The Honorable A.J. Hunt moved, by leave, That the Honorable Joan Coxside be a member of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

*The Honorable D.R. White ceased to be a Member of the Legislative Council on 14 July 1979 on expiry of his term. He was not re-appointed to the Committee after being sworn in for a new term as a Member of the Legislative Council.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 29 MAY 1979

- 35 STATUTE LAW REVISION COMMITTEE - Motion made, by leave, and question - That Mr Ebery, Mr Edmunds, Mr McInnes, Mrs Patrick, Mr Skeggs, Mr Smith (*South Barwon*) and Mr Wilton be Members of the Statute Law Revision Committee; and that the Committee have power to send for persons, papers and records (*Mr Hamer*) - put and agreed to.

TUESDAY 16 OCTOBER 1979

- 12 STATUTE LAW REVISION COMMITTEE - Motion made, by leave, and question - That Mrs Patrick be discharged from attendance on the Statute Law Revision Committee and that Mr Templeton be appointed in her stead (*Mr Maclellan*) - put and agreed to.
-

REPORT

The STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of the *Parliamentary Committees Act 1958*, has the honour to report as follows :

INTRODUCTION

1 By letter dated 4 August 1975, the Honorable Murray Byrne, the then Acting Attorney-General of Victoria, requested the Committee to examine certain matters relating to the *Protection of Animals Act 1966* and related provisions.

TERMS OF REFERENCE

2 The terms of reference for the Inquiry are as follows :-

- (a) Should rodeos be permitted and, if so, to what extent should the *Protection of Animals Act 1966* and the Regulations thereunder impose sanctions thereon.
- ¹(b) Should the method of destruction of unwanted animals be the subject of Regulations made under the Act.
- (c) To what extent, if any, should the Act provide for the regulation of the handling, care and treatment of animals and birds in commercial undertakings such as pet shops, market places, riding schools, kennels and aviaries and in domestic situations.
- (d) Are the present provisions of the Act relating to the use of animals for vivisection purposes adequate.
- (e) Should the use of whips in horse-racing and trotting racing be prohibited.

¹ The Committee reported on this term of reference on 5 May 1977. (D-No.20/1976-77).

- (f) Should particular provisions be incorporated in the Act in respect to the handling and care in transit of wild animals, such as brumby horses and wild donkeys.
- ²(g) Should the possession and use of steel-jawed leghold traps be prohibited or otherwise controlled in Victoria.
- (h) Should reptiles be brought within the provision of the Act.
- (i) Should the sizes of cages and compounds for birds and animals, including domestic birds and animals, be controlled by regulation.
- (j) Should all provisions relating to the welfare and treatment of animals contained in other Victorian Acts be incorporated in the *Protection of Animals Act 1966*.

3 The Committee agreed to undertake this Inquiry and notified the Acting Attorney-General by letter dated 6 August 1975. Advertisements were placed in the daily newspapers on 17 December 1975, setting out the Committee's terms of reference for the Inquiry and seeking comments from interested persons and organizations.

NATURE OF INQUIRY, WITNESSES AND INSPECTIONS

4 It is proposed in this Report to concentrate on the first term of reference, namely : "*Should rodeos be permitted and, if so, to what extent should the Protection of Animals Act 1966 and the Regulations thereunder impose sanctions thereon*". The remaining unreported terms of reference of the Inquiry will be dealt with by the Committee progressively in future reports.

² *The Committee reported on this term of reference on 7 December 1978. (D-No.19/1978).*

5 Appended to this Report are the Minutes of Evidence³ of the witnesses who appeared before the Committee during the Inquiry :

Dr. H.J. Wirth, President; and) Royal Society for the
Mr. I. Macintyre, Senior Inspector) Prevention of Cruelty
to Animals

Mr. B.F. Bourke, Representative, Lang Lang Pastoral
Agricultural and Horticultural Society.

Dr. D. Hoffman, President; and) Australian Veterinary
Dr. M.A. Harrison, Secretary) Association (Victorian
Division)

Cr. W. McCann, Vice-President, Geelong Agricultural
and Pastoral Society.

Mr. J. Bailey, President; and) Australian Rough Riders'
Dr. R. Tindal, Vice-President) Association Incorporated.

Mrs. J.D. Walker, Honorary Secretary; and) Animal Rights,
Miss L. Darcy, Committee Member) Victoria.

6 During the course of the Inquiry members of the Committee inspected the rodeo events at the Royal National Show in Brisbane and held discussions with the following representatives of the Royal National Agricultural and Industrial Association of Queensland :

Mr. F.H. Robertson, Assistant Ring Master; and
Mr. T.J. Burns, M.L.A., Steward.

7 The Committee noted that while there are no statutory controls in Queensland for the holding of rodeos, strict guidelines are followed by the Royal National Agricultural and Industrial Association in the conduct of the rodeo events at the Royal National Show.

STATUTORY CONTROLS FOR CONDUCT OF RODEOS IN VICTORIA

8 In Victoria, the statutory controls for the holding of rodeos are contained in the *Protection of Animals Act 1980*. The relevant Section reads as follows :

³ Minutes of Evidence not printed.

"11A.(1) Any person who conducts a rodeo without holding a permit for the time being in force under this section enabling him so to do shall be guilty of an offence.

Penalty : \$500 or imprisonment for three months or both.

(2) Upon receiving an application in writing for approval to conduct a rodeo and upon payment of the prescribed fee the Minister may grant the application and issue a permit to the applicant if he is satisfied that the applicant is a fit and proper person to have the management and control of the rodeo and that he will exercise due care with respect to any animals taking part in the rodeo.

(3) Every such permit shall be in the prescribed form and shall be subject to such conditions, limitations and restrictions as are prescribed or as the Minister thinks fit and may at any time be revoked or varied by notice in writing signed by him and served personally or by post upon the holder thereof.

(4) The Governor in Council may make regulations for or with respect to -

- (a) forms for the purposes of this section;
- (b) fees for the purposes of this section;
- (c) the conditions limitations and restrictions to which permits under this section shall be subject; and
- (d) generally all such matters and things as are authorized or required to be prescribed for carrying the purposes of the section into effect.

(5) For the purposes of this section 'Rodeo' means any entertainment or amusement to which the public are admitted whether with or without payment and which includes an exhibition of or competition in -

- (a) buck-jumping or rough riding; or
- (b) animal dogging, roping or tying."

Clause 5(b) of the above Section was changed from "calf dogging" to "animal dogging, roping or tying" by the *Protection of Animals (Amendment) Act 1980* which has been operative since 1 July 1980.

9 In addition, the Protection of Animals Regulations 1974 contain the following requirements in connexion with the issue of a permit to conduct a rodeo :

- (i) no animal under the age of 12 months is to be used in connexion with a rodeo;
- (ii) no electric charge is to be used in connexion with the movement or herding of stock other than with a battery-loaded stick known as a "Cattle Prod"; and
- (iii) this permit shall be produced on demand to a member of the Police Force at the place where the rodeo is held.

EVIDENCE

10 Evidence was tendered to the Committee that the major rodeos in Victoria are affiliated with the Australian Rough Riders Association Incorporated and that during 1979 approximately 35 rodeos were conducted in the State.

11 The Australian Rough Riders Association stated that professional rodeo is enjoying an unprecedented boom in Australia with the number of affiliated committees increasing from 19 in 1977 to 133 in 1979. During this same period the amount of prize money paid to event winners in one year increased from \$336,475 to \$555,196. The Association also stated that it has officially recorded 13,516 membership subscriptions and 1,200 rodeo athletes are currently active on the national circuit.

12 The Association stated in evidence to the Committee that briefly its aims and objectives are :

- (i) to promote competitive rodeos around Australia;
- (ii) to assist committees in promoting competitive rodeos; and

- (iii) to obtain uniformity of riding rules and to ensure that the rules for humane treatment of livestock are strictly enforced.

The Association's rules to ensure humane treatment of livestock are set out hereunder and are claimed to be strictly enforced :

"Rules to Ensure Humane Treatment of Livestock"

1 No locked rowels, or rowels that will lock on spurs or sharpened spurs may be used on bareback horses or saddle broncs.

2 No wooden paddles. Straps are permissible.

3 A neck rope must be used and a calf may not be busted. If horse stops and calf hits the end of rope in such a manner that calf throws itself down, roper will not be responsible. Contestant must adjust rope and reins in such a manner that will prevent horse from dragging calf. Rope to be removed from calf's body as soon as possible after 'tie' is completed. Roping calves shall weigh at least 200 pounds each, and be strong and healthy.

4 The placing of fingers in eyes, lips, or nose of steers while wrestling same is forbidden.

5 Animals for all events will be inspected before the draw, and no sore, lame, sick or injured animal, or animals with defective eyesight shall be permitted in the draw at any time. Should an animal become sick or injured between the time it is drawn and the time it is scheduled to be used in competition, that animal shall not be used in competition and another animal drawn for the contestant as provided in the A.R.R.A rulebook. An official veterinarian should be available at all events where possible.

6 No animal shall be beaten, mutilated, or cruelly prodded. Standard electric prods shall be used as little as possible. Animal shall be touched only on the hip or shoulder area with prod.

7 A conveyance must be available and used, if possible, to remove animals from arena in case of injury.

8 No sharp or cutting objects in cinch, saddle girth, or flank straps shall be permitted. Only sheepskin-lined flank straps shall be used on bucking stock and shall be of the quick-release type. Sheepskin-lined flank straps shall be placed on the animal so the sheepskin covered portion is over both flanks, and the belly of the animal.

9 No 'loose ropes' allowed in bare-back bronc riding.

10 No stimulants or hynotics to be used, or given to animal used for contest purposes.

11 Chutes must be so constructed as to prevent injury to stock. Maintenance men and equipment shall be stationed at chutes to assist in removal of any animal should it become caught. The arena shall be free of rocks, holes, and obstacles.

12 Clowns are not to abuse stock in any fashion.

13 No small animal or pets allowed in arena where restraint is necessary or subject to injury or attack by another animal.

14 Livestock to be removed from arena after completion of entry in contest.

15 Use of fireworks to frighten animals prohibited.

16 Contestant will be disqualified for any mistreatment of livestock.

17 No stock should be confined in vehicles beyond a period of 28 hours without being unloaded, properly fed, and watered. When animals are carried in conveyances in which they do have proper food, water, space and opportunity to rest, the provision for unloading shall not apply.

18 Any animal that becomes excessively excited so that it gets down in the chute repeatedly, or tries repeatedly to jump out of the chute, or in any way appears to be in danger of injuring itself, should be released immediately.

19 Any A.R.R.A. member, including stock contractor, guilty of mistreatment of livestock may be fined by the Board of Directors with fine not to exceed \$500.

20 The A.R.R.A. recognises only the R.S.P.C.A. as the sole authority for the humane treatment of animals in Australia."

13 The Royal Society for the Prevention of Cruelty to Animals informed the Committee that it is totally opposed to the holding of rodeos as it is an exploitation of animals purely for entertainment purposes and, even under the most careful management and supervision, cruel acts can occur. However, an Expert Committee set up by the Society recommended that the Society should be somewhat pragmatic in that rodeos were likely to continue, and in that event, an effort should be made to strengthen Section 11A of the Act, and the Society accepted this advice.

14 The Society said that, despite the rules of the Australian Rough Riders Association, the rough and tumble of the ring is conducive to cruelty in circumstances often so fleeting that checking is difficult and prosecution impossible. An example given by the Society was that a quickly and painfully tightened flank rope on an animal is almost impossible to check.

15 A witness representing Animal Rights, Victoria claimed that rodeos should be banned as they involve cruelty to animals and teach children who attend rodeos, or who see rodeo performances on television, that adults find it amusing, exciting and acceptable to inflict suffering on animals.

Attendance of a Veterinary Surgeon

16 The Royal Society for the Prevention of Cruelty to Animals suggested to the Committee that if rodeos are to be permitted it should be compulsory for a veterinary surgeon to attend for the duration of the rodeo to treat any stock suffering from sickness or injury.

17 The Australian Veterinary Association (Victorian Division) also suggested that every rodeo should be under the surveillance of a veterinary surgeon. The Association stated in evidence that, whilst it in general disapproves of rodeo events, it considers that a total ban on rodeos would probably lead to the events taking place in clandestine situations, thus operating illegally which could involve far more cruelty than is currently evident.

18 The Association further stated that there is very little recorded information about the way rodeos affect the health of the animals involved. To rectify this situation the Association stated that the duties of the veterinary surgeon should include

compiling a formal report sheet which would provide full information on the following :

- (i) the pre-exhibition condition of the animals;
- (ii) the post-exhibition condition of the animals; and
- (iii) an injury report.

It was stated that the injury report should be subdivided so that, in time, people will be able to refer to the facts concerning injuries which are transport injuries; injuries which are competition induced because they occurred during the actual event, and injuries which are induced during the handling of the animals.

19 In addition, the Association suggested to the Committee that the veterinary surgeon's attendance fee should be funded from a special licence fee created for the conduct of rodeo events. It was stated that the veterinary surgeon, not being paid by the rodeo operator or other parties concerned with the event, would be seen to be impartial.

Type of Stock used at Rodeos

20 The Royal Society for the Prevention of Cruelty to Animals informed the Committee that, in its opinion, the use of goats in rodeo events causes stress to these animals. Both the Society and the Australian Veterinary Association (Victorian Division) recommended to the Committee that if rodeos are permitted only animals to participate should be cattle and horses.

21 The Committee received evidence from a representative of the Lang Lang Pastoral Agricultural and Horticultural Society, which conducts an annual rodeo to raise funds for showground improvements. The bulls and horses for this rodeo are hired from a stock contractor, whilst the steers and bullocks are made available by local graziers. The witness stated that, as a rule, the steers and bullocks are only used once during a rodeo as the organizing Committee has prior knowledge of the number of entrants in each event and accordingly arranges for a sufficient supply of stock.

Age and Size of Stock used at Rodeos

22 The Vice-President of the Australian Rough Riders Association, who is by profession a veterinary surgeon, suggested to the Committee that the present requirement that an animal under

the age of 12 months cannot be used in a rodeo should be reviewed and consideration be given to a weight limit of 200 pounds being imposed on stock used at rodeos. The basis for this suggestion was that heavier stock are placed under more stress than lighter stock when handled for any purpose.

23 The suggestion contained in paragraph 22 was supported by the Vice-President of the Geelong Agricultural and Pastoral Society. This witness stated that it is difficult to determine the age of some cattle, but weight can at least be measured. He added that overseas experience has shown that animals that are either too heavy or too light tend to suffer injury. He also added that the American Humane Association's weight ruling, which has been accepted by both the Rodeo Cowboys Association of America and the Canadian Rodeo Cowboys Association, is that stock taking part in rodeos shall weigh at least 200 pounds.

24 The Royal Society for the Prevention of Cruelty to Animals stated that, if rodeos are to continue in Victoria, the age limit should be retained. However, the Society also stated that there is a difficulty in gauging the exact age of calves and this problem could be solved by approving calves of 18 months (where teeth development is the indicator) or simply by weight and condition. It was claimed that the latter method may be easier to control.

The use of Flank Straps on Rodeo Stock

25 The Committee received several submissions claiming that the flank strap, which is placed around the animals flanks to encourage the bucking action, causes discomfort to the animal. One organization stated that the strap is tightly cinched around the animals where there is no rib cage protection. Another organization stated that the strap is placed around the animals flanks applying pressure to sensitive lumbar nerves, to the inguinal canal area and the prepuce of the male animal.

26 It was stated in evidence that a bucking horse will buck without a flank strap, but it will buck higher and kick in a more exaggerated manner with a flank strap around its flanks.

27 The Vice-President of the Australian Rough Riders Association Incorporated advised that the flank strap, as used in rodeos, does not hurt the horses. He stated that, as a veterinary surgeon, in order to throw an animal for veterinary examination he regularly places a rope around livestock in a similar manner to the way the flank strap is placed around the horses at rodeos. He further stated that this method of throw-

ing livestock down is taught at universities and is used constantly by the veterinary profession and does not hurt the animal. The witness also claimed that if the flank strap is pulled too tight the animal would be unable to move and would collapse to the ground.

28 During the Committee's visit to the Brisbane Royal National Show, for the purpose of observing the rodeo events, a quick release flank strap was demonstrated to the Committee.

Inspection of Rodeo Permit

29 The Committee noted that the permit to conduct a rodeo, as set down in the Eighth Schedule of the Protection of Animals Regulations 1974, provides that the only person who has the right to demand the production of the permit at the place where the rodeo is held is a member of the police force. Under Section 21 of the *Protection of Animals Act 1966* any member of the police force, or an officer of the council of any city, town, borough or shire or any full-time officer of the Royal Society for the Prevention of Cruelty to Animals, may lay an information for an offence against any of the provisions of this Act.

30 The Royal Society for the Prevention of Cruelty to Animals suggested to the Committee that the above regulations be broadened to allow the Society's Inspectors, who attend rodeos for the purpose of examining alleged breaches of the law, to also demand the production of the rodeo permit at the place where the rodeo is held.

CONCLUSIONS

31 On the evidence submitted the Committee does not believe that rodeos should be banned in Victoria.

32 The Committee noted the Australian Rough Riders Association's, "Rules to Ensure the Humane Treatment of Livestock", and believes that these Rules should be considered as a basis for Statutory Regulations to govern the conduct of rodeos in Victoria.

33 The Committee is in agreement with the views of the Australian Veterinary Association (Victorian Division) and the Royal Society for the Prevention of Cruelty to Animals that all animals used at rodeos should be under the surveillance of a qualified veterinary surgeon.

34 The Committee considers that the appointment of a qualified veterinary surgeon should be the responsibility of the rodeo promoter.

35 The Committee is of the opinion that the duties of the veterinary surgeon should include :-

- (i) veterinary treatment of any sick or injured animals;
- (ii) a pre-exhibition and post-exhibition inspection of all animals taking part in a rodeo; and
- (iii) a written report to the responsible Minister, providing information on the pre-exhibition and post-exhibition condition of the animals.

36 The Committee is firmly of the opinion that goats should not take part in rodeos and considers that Section 11A (5) of the *Protection of Animals Act* should be expanded to exclude the use in rodeos of animal species other than cattle and horses.

37 The Committee believes that the existing requirement that an animal under the age of 12 months cannot be used in a rodeo should be amended to provide a weight limit of 100 kilograms on stock used at rodeos.

38 The Committee is of the opinion that the permit authorizing the conduct of a rodeo should be displayed publicly in a prominent position at the venue of the rodeo.

39 The Committee considers that flank straps should incorporate a quick release mechanism and be effectively lined to ensure that no injury or undue discomfort is caused to the animals used at rodeos.

RECOMMENDATIONS

40 The Committee recommends that -

- (a) rodeos be permitted;
- (b) the Australian Rough Riders Association's "Rules to Ensure the Humane Treatment of Livestock" 1979, be considered as a basis for Statutory Regulations to govern the conduct of rodeos in Victoria; and
- (c) the *Protection of Animals Act* 1966 and the Regulations thereunder be amended to -
 - (1) make it compulsory for a qualified veterinary surgeon to attend all rodeos;
 - (2) exclude the use of animal species other than cattle and horses from taking part in rodeos;
 - (3) specify that no animal under the weight of 100 kilograms is to be used in connexion with a rodeo;
 - (4) make it compulsory for the permit to conduct a rodeo to be displayed in a conspicuous position at the rodeo venue; and
 - (5) specify that the flank strap is to incorporate a quick release mechanism and be effectively lined to ensure that no injury or undue discomfort is caused to the animals.

Committee Room,
20 August 1980.

EXTRACTS FROM THE PROCEEDINGS

The following extracts from the Minutes of the Proceedings of the Committee show Divisions which took place during the consideration of the Draft Report :-

TUESDAY, 19 AUGUST 1980

Paragraph 34 (as amended)

The Committee considers that the appointment of a qualified veterinary surgeon should be the responsibility of the rodeo promoter.

Amendment proposed - That all the words after "should be" be omitted with the view of inserting in place thereof the following words -

"from a panel provided by the Australian Veterinary Association (Victorian Division) and that payment for services should be the responsibility of the rodeo promoter."

(Mr. Skeggs)

Question - That the words proposed to be omitted stand part of the paragraph - put.

The Committee divided.

Ayes, 6.

Noes, 2.

Mr. Ebery
The Hon. D.M. Evans
The Hon. N.B. Reid
Mr. Aurel Smith
The Hon. J.M. Walton
Mr. Wilton

Mr. Edmunds
Mr. Skeggs

And so it was resolved in the affirmative - Amendment negatived.

WEDNESDAY, 20 AUGUST 1980

Paragraph 36

The Committee is firmly of the opinion that goats should not take part in rodeos and considers that Section 11A(5) of the *Protection of Animals Act* should be expanded to exclude the use in rodeos of animal species other than cattle and horses.

Question - That paragraph 36, stand part of the Report - put.

The Committee divided.

Ayes, 7.

Noes, 1.

Mr. Ebery
Mr. Edmunds
The Hon. N.B. Reid
Mr. Skeggs
Mr. Aurel Smith
The Hon. J.M. Walton
Mr. Wilton

The Hon. D.M. Evans

And so it was resolved in the affirmative.

By Authority: F. D. Atkinson, Government Printer, Melbourne

STATUTE LAW REVISION COMMITTEE

PROGRESS REPORT

on the

PROTECTION OF ANIMALS ACT 1966

RIDING SCHOOLS

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 15 STATUTE LAW REVISION COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables Joan Coxside, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton be members of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 24 STATUTE LAW REVISION COMMITTEE - Motion made, by leave, and question - That Mr Ebery, Mr Edmunds, Mr Skeggs, Mr Smith (*South Barwon*), Mr Templeton, Mr Trewin and Mr Wilton be Members of the Statute Law Revision Committee; and that the Committee have power to send for persons, papers and records (*Mr Hamer*) - put and agreed to.

REPORT

The STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of the Parliamentary Committees Act 1968, has the honour to report as follows:

INTRODUCTION

1 By letter dated 4 August 1975, the Honourable Murray Byrne, the then Acting Attorney-General, requested the Committee to examine certain matters relating to the Protection of Animals Act 1966 and related provisions.

TERMS OF REFERENCE

2 The terms of reference for the Inquiry are as follows:

- ¹ (a) Should rodeos be permitted and, if so, to what extent should the Protection of Animals Act 1966 and the Regulations thereunder impose sanctions thereon.
- ² (b) Should the method of destruction of unwanted animals be the subject of Regulations made under the Act.
- (c) To what extent, if any, should the Act provide for the regulation of the handling, care and treatment of animals and birds in commercial undertakings such as pet shops, market places, riding schools, kennels and aviaries and in domestic situations.
- (d) Are the present provisions of the Act relating to the use of animals for vivisection purposes adequate.
- (e) Should the use of whips in horse racing and trotting racing be prohibited.

1 *The Committee reported on this term of reference on 9 September 1980. (D-No.1/1980).*

2 *The Committee reported on this term of reference on 5 May 1977. (D-No.20/1976-77).*

- (f) Should particular provisions be incorporated in the Act in respect to the handling and care in transit of wild animals, such as brumby horses and wild donkeys.
- ³(g) Should the possession and use of steel-jawed leghold traps be prohibited or otherwise controlled in Victoria.
- (h) Should reptiles be brought within the provision of the Act.
- (i) Should the sizes of cages and compounds for birds and animals, including domestic birds and animals, be controlled by regulation.
- (j) Should all provisions relating to the welfare and treatment of animals contained in other Victorian Acts be incorporated in the Protection of Animals Act 1966.

3 The Committee agreed to undertake this Inquiry and notified the Acting Attorney-General by letter dated 6 August 1975. Advertisements were placed in the daily newspapers on 17 December 1975, setting out the Committee's terms of reference for the Inquiry and inviting submissions from interested persons and organizations.

NATURE OF INQUIRY, WITNESSES, SUBMISSIONS AND INSPECTIONS

4 This Report relates to the following term of reference:

- (c) To what extent, if any, should the Act provide for the regulation of the handling, care and treatment of animals and birds in commercial undertakings such as pet shops, market places, riding schools, kennels and aviaries and in domestic situations.

The Inquiry, however, has concentrated solely on that term of reference as it applies to riding schools. The remaining aspects, together with terms of reference (d), (e), (f), (h), (i) and (j), will be dealt with progressively by the Committee in future reports.

3 *The Committee reported on this term of reference on 7 December 1978. (D-No.19/1978).*

Mrs. P. Ronald, of Pakenham.

Miss S. Rerden, of Lilydale.

Royal Society for the Prevention of Cruelty to Animals.

Miss E. Stagg, of Dromana.

World League for the Protection of Animals.

Department of Youth, Sport and Recreation.

The Committee also received a number of letters from individuals as a result of the advertisement on 4 June 1980.

8 The Committee visited a number of riding establishments during October 1980 and inspected their operations.

SUPPORT FOR CONTROLS

9 In Victoria at present there are no specific legislative controls over the conduct and operation of riding establishments. The evidence received during the Inquiry consistently maintained that such controls were desirable and necessary. Some witnesses suggested that the Protection of Animals Act 1966 be amended to provide for such a change. Others supported the enactment of separate legislation for the purpose. The Committee received no evidence opposing the introduction of such controls.

DEFINITIONS OF VARIOUS RIDING ESTABLISHMENTS

10 The Committee received much evidence to suggest that there are vastly differing standards of riding establishments in Victoria and that should controls be introduced it would be necessary to include a specific definition of "riding school". It was suggested by most witnesses that many "riding schools" could be better described as "horse hire centres", because such centres did not provide instruction by a qualified riding instructor but merely provided horses and ponies for use by clients for a fee.

Of the remaining riding establishments some provided instruction to clients on horses or ponies owned by the establishments and others provided the necessary instruction on horses owned by the clients. Many "riding schools" also provided escorted trekking or trail rides. It was submitted that any legislation imposing controls should clearly take into account the difference between the various types of riding establishments.

11 Many witnesses also told the Committee that due to the absence of instruction being given at horse hire establishments such operations should not be permitted to advertise themselves as riding schools.

REASONS FOR CONTROLS

12 The Committee received evidence criticising the operations of "horse hire centres" where, it was contended, the most blatant examples of ill-treatment of animals occurred. Although the Royal Society for the Prevention of Cruelty to Animals has the authority to act in cases where the health and treatment of animals is in question, the uncontrolled proliferation of horse hire establishments, many operating only on a weekend, makes it almost impossible for the Society to adequately police the situation.

13 Evidence submitted to the Committee indicated that there were two main aspects in assessing the welfare of horses at riding establishments:

- (a) the actual health of the horses - relevant factors being the age of the horse, the quantity and quality of feed and water available and the extent of injuries sustained in the paddock, i.e. bites, kicks and being caught in fences; and
- (b) the treatment of the horses whilst engaged in organized riding activity including the suitability of the horse for such activity, the suitability of the equipment used on the horse when being ridden and the type of instruction (if any) given to the rider whilst on the horse.

REGISTRATION AND LICENSING

14 Witnesses advocating controls upon riding establishments argued that such controls could best be effected through a system of registration or licensing, to include all types of riding establishments. It was submitted that before such establishments could begin operation a permit or licence should be issued, and that it should be an offence with a substantial penalty to operate without a permit or licence.

15 Witnesses differed in their opinions as to the guidelines for the granting of a permit or licence. While some witnesses suggested a more detailed system, the predominant

view was that the enabling legislation should specify the name of the granting authority which had the power of revocation of the permit or licence, and of the authority authorized to inspect the premises and report to the permit granting authority. The witnesses also submitted that the permit or licence to be granted pursuant to that legislation should specify the name of the person permitted to hold such permit or licence, the term of the permit or licence, and the actual criteria to be complied with regarding conditions for the animals at the riding establishment.

ENFORCEMENT AUTHORITY

16 While many witnesses did not specify which should be the responsible permit granting or inspecting authority, other witnesses suggested the Royal Society for the Prevention of Cruelty to Animals, the Department of Youth, Sport and Recreation or the Victoria Police Force.

EXISTING LEGISLATION

17 The Committee's attention was drawn to the United Kingdom Riding Establishments Act 1964 whereby the responsibility for policing the Act lies with the "local authorities".

In New South Wales regulations under the Prevention of Cruelty to Animals Act 1901 provide for the licensing, control and regulation of riding schools. Provision is made for the regulations to be enforced by the police, officers of the Royal Society for the Prevention of Cruelty to Animals, New South Wales, or various animal welfare organizations.

CONCLUSIONS AND RECOMMENDATIONS

18 The evidence received in this Inquiry indicates the need for some form of legislative control over riding schools. The Committee considers it significant that there was no opposition to the proposal. The Committee accepts the argument that the uncontrolled growth of riding establishments can produce a situation where there may be instances of cruelty to animals and, furthermore, can make it very difficult for the Royal Society for the Prevention of Cruelty to Animals or any other body to detect such acts. On the basis of the evidence before it the Committee therefore recommends that the Protection of Animals Act 1966 be amended to provide for the registration of all riding establishments hiring horses or other animals for riding

purposes. Such registration should apply to all horse hire establishments, including host farms, and also to those establishments offering riding instruction.

19 The difficulty in defining the varying types of riding establishments has been considered by the Committee. The Committee believes that uniform regulations should apply to all horse hire establishments and that provision should be made for establishments not providing riding instruction. The Committee therefore recommends that the amendments to the Protection of Animals Act 1966 clearly differentiate between those establishments providing horse hire with instruction and those which do not.

20 The Committee considers that the registration of riding establishments can best be effected through a system of issuing permits. It has also given consideration to the suitability of the permit granting authority. As the Ministry for Conservation is now responsible for the administration of the Protection of Animals Act 1966 the Committee believes it logical that such body be responsible for the issuing of permits. The Committee therefore recommends that the Ministry for Conservation be responsible for the granting of permits to riding establishments under the provisions of the Protection of Animals Act 1966.

21 The Committee recommends that the Protection of Animals Act 1966 make it an offence to be a riding establishment which is not registered with the Ministry for Conservation, and that a substantial penalty should be provided for breaches of this provision.

22 The Committee believes that three factors are essential considerations in the granting of a permit. Regard should be had to the suitability of the applicant, the premises and equipment, and the management and its ability to ensure the welfare of the animals. However, it wishes to draw attention to the legislation of both New South Wales and the United Kingdom, believing them to be worthy of consideration as the basis for legislation in this State.

23 The Committee believes that before a permit is issued the condition of the animals and the premises at the riding establishment should be subject to inspection. It recommends that the granting of such permit be subject to satisfactory reports on the condition of the animals and equipment by a veterinary surgeon and on the condition of the premises by a municipal health inspector. Any applicant failing to meet

the required standard should not be granted registration. The Committee also recommends that the permit should be subject to annual renewal.

24 In addition to the initial inspections carried out prior to the issuing of a permit by veterinary surgeons and municipal health inspectors, the Committee considers that there should be a continuing system of inspection carried out by suitably qualified persons nominated by the Ministry for Conservation. The Committee believes that the powers of the Ministry's inspectors should be wide and enforceable. It therefore recommends that inspectors have access at any time to any riding establishment to determine whether permit requirements are being observed. Should such inspectors consider that an animal is not in a suitable condition for use the Committee further recommends that the inspectors have the power to order that it be withdrawn from use.

25 During the Inquiry the Committee received much evidence concerning the safety of riders at riding establishments. It was suggested by many witnesses that riders should wear an approved type of crash helmet and suitable footwear. As the Inquiry relates only to animal welfare and not to the safety of riders this subject is not within the Committee's terms of reference. However, the Committee suggests that consideration be given to requiring persons hiring horses from riding establishments to use appropriate equipment.

SUMMARY OF RECOMMENDATIONS

26 The Committee recommends that -

- (a) the Protection of Animals Act 1966 be amended to provide for the registration of all riding establishments through a system of issuing permits;
- (b) the Act define both horse hire establishments and those riding establishments offering instruction for a fee;
- (c) the Ministry for Conservation be the permit granting and inspecting authority;
- (d) the granting of a permit to a riding establishment be subject to satisfactory reports on the condition of the animals and equipment by a veterinary surgeon and the condition of the premises by a municipal health inspector;

- (e) the permit be subject to annual renewal;
- (f) inspectors have access at any time to any premises to determine whether permit conditions are being observed; and
- (g) inspectors have the power to order the withdrawal of an animal from use.

Committee Room,

26 November 1980

D-No. 7.-29366/80- Price 65 cents

STATUTE LAW REVISION COMMITTEE

REPORT ON
PECUNIARY INTERESTS
OF MUNICIPAL COUNCILLORS

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 15 STATUTE LAW REVISION COMMITTEE-The Honourable A.J. Hunt moved, by leave, That the Honourables Joan Coxsedge, D.M. Evans, J.V.C. Guest, N.B. Reid and J.M. Walton be members of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.

Question-put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 24 STATUTE LAW REVISION COMMITTEE-Motion made, by leave, and question-That Mr Ebery, Mr Edmunds, Mr Skeggs, Mr Smith (*South Barwon*), Mr Templeton, Mr Trewin and Mr Wilton be Members of the Statute Law Revision Committee; and that the Committee have power to send for persons, papers and records (*Mr Hamer*)-put and agreed to.

REPORT

The STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of the *Parliamentary Committees Act 1968*, has the honour to report as follows:

INTRODUCTION

1 By letter dated 13 November 1978, the Honourable Haddon Storey, Q.C., the Attorney-General, requested the Committee to examine certain matters relating to the *Local Government Act 1958*.

TERMS OF REFERENCE

2 As detailed by the Attorney-General, the terms of reference for the Inquiry were:

- (a) to undertake a full review of the operation of Section 181 of the *Local Government Act 1958* and its suitability for preventing conflicts of councillors' interests. This review to include a consideration of the proposal that councillors be permitted to participate in proceedings in which they have an interest but not be permitted to vote thereon;
- (b) to examine the penalty provisions contained in Section 53 of the *Local Government Act 1958*; and
- (c) to examine the need to amend the relevant sections of the *Geelong Waterworks and Sewerage Act 1958*, the *River Improvement Act 1958*, the *Sewerage Districts Act 1958* and the *Water Act 1958* in order to bring them in line with the provisions of the *Local Government Act 1958*.

3 Subsequently, these terms of reference were expanded by the Attorney-General by letter dated 26 March 1979, to include the question of whether registers of pecuniary interests should be established for municipal councillors and, if so, the requirements in respect thereof.

4 At the outset of the Inquiry the Committee received inquiries from authorities which were not included in the terms of reference but which have in their statutes provisions similar to Section 181 of the *Local Government Act 1958*.

5 As a result of these inquiries the Committee suggested to the Attorney-General that term of reference no. (c) be broadened to include all other statutes which contained similar provisions to Section 181 of the *Local Government Act 1958*. The Attorney-General agreed to the extension of the terms of reference.

SUBMISSIONS AND WITNESSES

6 The Committee sought comments on the terms of reference from municipalities, waterworks trusts, sewerage authorities, river improvement trusts, drainage trusts and other bodies and persons interested in the operation of local government. The Committee received a total of 292 written submissions*, which are appended to this Report, from the parties listed in Appendix "A".

7 Appended to this Report are the Minutes of Evidence* of the witnesses who appeared before the Committee during the Inquiry:

The Honourable A.J. Hunt, M.L.C., Minister of Education.
(Formerly Minister for Local Government.)

Councillor W.S. McCann, Shire of Barrabool.

Mr. M.W. Hair, Shire Secretary, Shire of Barrabool.

Mr. Ian H.M. Lonie, LL.B., Maddock, Lonie and Chisholm,
Solicitors.

The Honourable D.G. Crozier, M.L.C., Minister for Local
Government.

Mr. G.C. Pentland, Secretary for Local Government.

Mr. J.V. O'Donoghue, Deputy Secretary, Local Government
Department.

Councillor L.J. Howarth, M.B.E., J.P., President;) Municipal
Councillor G. Evans, Metropolitan Vice-President;) Association
Mr. I. Pawsey, Secretary.) of Victoria

Mr. N.G. Haynes, Secretary for Planning.

Mr. R.J. Jackson, Legislation Officer, Department of
Planning.

* *Submissions and Minutes of Evidence not printed.*

8 Whilst in Darwin in relation to other matters the Committee took the opportunity of discussing this Inquiry with the following representatives of the Darwin City Council:

Alderman Cecil Black, Lord Mayor; and
Mr. G.T. Hoffman, Town Clerk.

PECUNIARY INTEREST PROVISIONS

9 In Victoria the provisions relating to pecuniary interests of municipal councillors are contained in the *Local Government Act 1958* which provides:

181. (1) *If a councillor of any municipality has any direct or indirect pecuniary interest in any contract or proposed contract with the municipality or in any other matter in which the municipality is concerned, and is present at a meeting of the council or any committee of the council at which the contract, proposed contract or other matter is being considered, he shall at the meeting, as soon as practicable after the commencement thereof, disclose his interest, and shall not remain in the room in which the meeting is being held during any consideration or discussion of, or the taking of any vote on any question with respect to, the contract, proposed contract or other matter.*

(2) *This section shall not apply to an interest in a contract, proposed contract or other matter which a councillor may have -*

(a) *only because the contract, proposed contract or other matter entails expenditure from the municipal fund or other moneys belonging to or in the charge of the municipality and he is as a ratepayer of the municipality or a subdivision thereof a contributor to that fund or those moneys;*

(b) *only as a ratepayer of the municipality or a subdivision thereof and in common with and to the same extent as other ratepayers of the municipality or subdivision; or*

(c) *only as a consumer of gas electricity or water supplied to him by the council in like manner and subject to the same terms and conditions as are applicable in the case of persons who are not members of the council -*

or to any interest which a councillor may have in any matter relating to the terms and conditions on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section a person shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter, if -

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Notwithstanding anything to the contrary in sub-section (3) -

(a) that sub-section shall not apply to membership of any body or institution, whether incorporated or not, resulting from an appointment or nomination for appointment made by the council;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body.

(4A) Where a councillor has an indirect pecuniary interest in any contract, proposed contract or other matter and would not be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed \$1 000 or one-hundredth of the total nominal value of the issued share capital of the company or body (whichever is the less), so much of sub-section (1) as precludes him from taking part in the consideration or discussion of, or voting on, any question with respect to the contract, proposed contract or other matter shall not apply to him.

- (4B) Where the share capital of a company or other body is of more than one class, sub-section (4A) shall not apply if the total nominal value of all the shares of any one class in which he has a beneficial interest exceeds one-hundredth of the total nominal value of the issued share capital of that class of the company or other body.
- (5) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.
- (6) A general notice given in writing to the municipal clerk by a councillor of a municipality to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.
- (7) The municipal clerk shall record in a book to be kept for the purpose particulars of any disclosure made under sub-section (1), and of any notice given under sub-section (6), and the book shall be open at all reasonable hours to the inspection of any person whose name is inscribed upon the municipal roll.
- (8) A person who fails to comply with the provisions of sub-section (1) shall unless he proves that he did not know-
- (a) that he had a pecuniary interest in the contract proposed contract or other matter; or
 - (b) that a contract proposed contract or other matter in which he had a pecuniary interest was a subject of consideration at the meeting-
- be guilty of an offence against this Act.

Penalty: \$500.

- (8A) A Magistrates' Court shall have cognizance of any information under this section notwithstanding that the title to any land is bona fide in question.

- (9) *The Minister may, subject to such conditions as he may think fit to impose, remove any disability from taking part in any consideration or discussion of, or voting on any question imposed by sub-section (1) in any case in which the number of members of the council so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business.*
- (9A) *The power of the Minister under sub-section (9) to remove any disability imposed by sub-section (1) shall include power to remove, either indefinitely or for any period, any such disability which would otherwise attach to a member or class of members by reason of such interests, and in respect of such matters, as may be specified by the Minister.*
- (9AA) *Any instrument made by the Minister pursuant to the powers conferred by sub-section (9) may at any time be revoked but the revocation of any such instrument shall not affect the previous operation of the instrument so revoked.*
- (9B) *Nothing in this section shall preclude any person from taking part in the consideration or discussion of, or voting on-*
- (a) *any question whether the amount payable for goods or services previously supplied or provided under any contract should be paid from the municipal fund or any other moneys belonging to or in the charge of the municipality; or*
 - (b) *any question whether an application should be made to the Minister for the exercise of the powers conferred by sub-section (9).*
- (10) *In this section, the expression "shares" includes stock and the expression "share capital" shall be construed accordingly.*

Definition of pecuniary interest

10 A criticism received by the Committee in respect to the provisions of Section 181 was that the definition of a pecuniary interest is not clear.

11 Mr. Ian H.M. Lonie representing the legal firm Maddock, Lonie and Chisholm submitted that the most difficult question which faces councils, individual councillors and council officers is deciding when a councillor has or has not a pecuniary interest in a particular matter.

12 It was added by Mr. Lonie that the difficulty of determining when a councillor has a pecuniary interest is accentuated by the lack of a clear statutory definition and the fact that the only readily accessible working definition is that contained in the judgement of Mr. Justice Gowans in the decision of Downward V. Babington (1975, V.R., pp.872-882) where he stated that:

..... I would, attribute to the words 'any direct or indirect pecuniary interest' a meaning which would have the effect of saying that a councillor has a pecuniary interest in a contract or proposed contract or matter in which the municipality is concerned, if the contract or matter would, if dealt with in a particular way, result in the payment of money to him or by him or would give rise to an expectation (so long as it was not too remote) of the payment or receipt, or gain or saving or loss of money by or to him.

13 Mr. Lonie further submitted that it is difficult to apply the above definition to the numerous practical situations that face councils from time to time in such a manner as to provide a definitive answer in each case.

14 The Chief Justice's Law Reform Committee submitted that Section 181 contains a number of ambiguities and that one such ambiguity is the expression *pecuniary interest*. The Committee stated that the expression *pecuniary interest* has remained in the Act and its predecessors since at least the Boroughs Statute 1869 (Act No. 359, Section 122), without apparent injustice being perpetrated. It was also stated that the existence of such ambiguities in Section 181 are inherent in the subject matter dealt with and the exceptions and defences provided. The Committee added that such ambiguities are unavoidable and where they exist they usefully encourage caution in the councillor whose position is perhaps borderline on his entitlement to participate in the proceedings.

15 It was suggested by that Committee that the present Section 181 goes a long way towards achieving the useful purpose of deterring a councillor from seeking, either overtly or covertly, to influence the vote of others on a matter in which he has a pecuniary interest.

Participation in debates

16 That Committee also rejected any suggestion of an amendment to permit a councillor to be present during consideration discussion or voting on a matter in which he has a pecuniary interest.

17 A submission received from the Municipal Association of Victoria, which was based on responses received from municipalities, supported the present intent of Section 181.

18 In this respect, the Association communicated with 211 councils by way of a questionnaire. The Association received 169 responses on the subject of a councillor being able to participate in a debate in which he has a pecuniary interest. Of these, 103 councils favoured the view that a councillor with a pecuniary interest should not participate in the relevant debate.

19 The Honourable D.G. Crozier, M.L.C., Minister for Local Government, presented evidence to the Committee supporting amendment to Section 181 to permit a relaxation of the pecuniary interest requirements for councillors.

20 Mr. Crozier referred to an earlier proposal which was included in, and later withdrawn from, the Local Government (Miscellaneous Provisions) Bill 1977, for the requirements of Section 181 to be amended to allow a municipal councillor with a pecuniary interest to remain in the room and participate in proceedings but not to vote on the question on which he had declared an interest.

21 In reviewing the practical possibilities for amendment Mr. Crozier put forward the following options as worthy of consideration:

- (i) Declare, retire, no discussion, no vote;
- (ii) Declare, remain, no discussion, no vote;
- (iii) Declare, remain, discuss, no vote;
- (iv) Declare, remain, discuss and vote;
- (v) Unrestricted - no declaration - remain, discuss and vote.

22 Mr. Crozier advised that he supported the option which would allow a councillor who declares an interest to remain in the room, to participate in the debate, but not to vote. He stated that this option, if adopted, would answer the criticism

of the present provisions that councillors, who are most likely to have specialised knowledge on a particular topic, are not entitled to assist their colleagues by participating in the debate. In addition, the prohibition on voting that the option provides would allay some of the fears that public respect for local government would be adversely affected by removal of controls.

23 The Committee received comments from 185 interested parties on the proposal that councillors be permitted to participate in proceedings in which they have an interest but not be permitted to vote thereon. Of these 52 per cent supported the proposal. The main reason given for the support of this stance was that the councillor with the interest may well have the most expertise on the subject, and accordingly the council could be deprived of advice necessary for it to make the best informed decision on the matter.

24 In evidence, Mr. Crozier stated that he would support amendments to Section 181 which would assist a councillor in making a judgement as to whether he had a pecuniary interest in a particular matter, particularly where his interest is remote or trifling. In this regard, he added that he was attracted to the British system which is to disregard any interest which is so remote or insignificant that it could not be reasonably regarded as likely to influence the councillor in discussing or voting on a particular matter.

25 Furthermore, Mr. Crozier submitted that the exemptions set out in Section 181 (2) should be extended to embrace:

- (i) the making of all rates and charges and the fixing of all licences and other fees;
- (ii) the interests of a councillor merely as a ratepayer, inhabitant, consumer or participator in a service offered to the public; and
- (iii) service on local communities bodies and membership of sporting bodies and the like where no personal gain is involved.

26 The Shire of Barrabool submitted that it is concerned as to the intent and operation of the pecuniary interests sections of the *Geelong Regional Commission Act 1977* in relation to planning matters. The Shire stated that having a representative on the Commission who is a rural ratepayer, had highlighted a need for

consideration to be given to the operation of these provisions where a commissioner (as a rural ratepayer) is technically prevented from discussing such items as minimum subdivisional areas although his interest is possibly indirect.

27 Mr. N.G. Haynes, Secretary for Planning, submitted to the Committee that provision should be made to allow a member of a regional planning authority or a councillor to discuss and vote on an issue of planning that applied generally throughout the municipality. Mr. Haynes favoured this course being achieved by exemption.

Declaration of a councillor's interest

28 A basic feature of the legislation as it now stands is that a councillor who has a pecuniary interest and who is present at the council or committee meeting concerned, must disclose his interest as soon as practicable after the commencement of the meeting.

29 The town clerk or shire secretary is required to keep a book specifically for the purpose of recording all disclosures of interest. The book is required to be open for inspection at all reasonable hours by anyone whose name is inscribed on the municipal roll.

30 The Secretary for Local Government, Mr. G. Pentland, submitted that a councillor declaring a pecuniary interest should give a full declaration of the nature of his interest and its relevance to the matter before the council immediately prior to any consideration or discussion on that matter.

31 Mr. Pentland also submitted that there should be a requirement for the declarer to commit his declaration to writing and for such declaration to be incorporated in the council minutes.

REGISTER OF INTERESTS

32 The Committee received comments from 75 interested parties on the question of whether a register of interests should be established for municipal councillors. Of these 55 were opposed to the mandatory introduction of a register, their principal objection being that councillors act in an honorary capacity and therefore should not be required to declare their private interests.

33 In addition, the Municipal Association of Victoria sought the views of the 211 municipalities in Victoria on this subject.

34 The Association submitted that the results of its survey showed that a majority did not favour the introduction of a register.

35 The Association added that there was, nevertheless, considerable support for the keeping of a register containing only the property and business interests which a councillor holds within the municipality. It was stated that some councils, in fact, keep a register of this nature.

36 The Local Government Department submitted that it opposed the mandatory introduction of a register of interests as such a register could represent an intrusion into privacy and could affect the number and calibre of persons offering themselves for local government.

37 The Committee noted in the Final Report of the Board of Review of the Role, Structure and Administration of Local Government in Victoria that councils should be encouraged to keep a register of pecuniary interests, but that this should not be mandatory.

PENALTY PROVISIONS

38 The legislation relating to the disqualification of councillors is contained in Section 53 of the *Local Government Act 1958* which provides -

(2) *A person who is convicted of an offence against -*

(a) section 181 of this Act; or

(b) any of the provisions of sections 175-186 of the Crimes Act 1958 -

shall not be capable of being or continuing a councillor of any municipality for a period of seven years after his conviction unless upon application for relief from the disqualification imposed by this sub-section made by the person convicted the court by which he is convicted or a court hearing an appeal under this section thinks fit in the circumstances of the case to reduce the period of disqualification or to declare that he shall not by virtue of his conviction be disqualified from holding the office of councillor.

- (3) Any person who feels aggrieved by the decision on any application made under sub-section (2) may, within six months of the decision, appeal therefrom -
- (a) where he was convicted by a Magistrates Court -
to the County Court; and
 - (b) where he was convicted by any other court -
to the Full Court of the Supreme Court.
- (4) Any such appeal shall be by way of re-hearing of the application for relief and the County Court or the Full Court of the Supreme Court (as the case may be) shall inquire into and decide upon the appeal and for that purpose may do all such things as it would be entitled to do if the appeal were an appeal against the sentence imposed on the conviction giving rise to the disqualification.
- (5) The decision of the County Court or the Full Court of the Supreme Court (as the case may be) shall be final and without appeal.

39 The Chief Justice's Law Reform Committee submitted that the penalty prescribed by Section 53 fits what is a serious offence and accordingly, supported the retention of the existing penalty which provides for the disqualification of councillors who transgress Section 181.

40 One witness stated that the fine of \$500 provided by Section 181 (8) should be increased to \$1 000. In respect of the penalty provided by Section 53 it was stated that a minimum period of ban should be imposed and there should be provision for imprisonment in the case of a subsequent offence against Section 181.

41 The witness also pointed out that, by virtue of the provisions of Section 165 of the *Magistrates (Summary Proceedings) Act 1975*, any proceedings under Section 181 must be launched within one year of the commission of the offence. The Committee received evidence indicating that provision should be made to extend this period to at least three years.

42 During the course of the Inquiry the Committee's attention was drawn to Section 53A of the *Local Government Act 1958* which provides -

53A. A councillor of a municipality shall not make improper use of information acquired by virtue of his position as such a councillor to gain directly or indirectly a pecuniary advantage for himself or for any other person or to cause detriment to the municipality.

43 The Committee noted that no specific penalty is expressly imposed by Section 53A. The only penalty provided is that contained in the general penalty provision of the Act, namely Section 891. That penalty is a fine of \$400.

44 One witness submitted that the penalty provisions of Section 53 should also apply to Section 53A.

45 Another witness stated that an offence against Section 53A merits a higher penalty than that imposed by Section 891 and recommended that the appropriate penalty would be that applicable to a breach of Section 181, namely a fine of \$500 and a seven year disqualification as imposed by Section 53.

UNIFORMITY OF LEGISLATIVE PROVISIONS RELATING TO PECUNIARY INTERESTS

46 The responses received by the Committee were overwhelmingly in favour of uniform legislative provisions for pecuniary interests.

47 Submissions pointed out the confusion at present caused by differing legislative provisions in relation to pecuniary interest applying to councillors in their roles as councillors, as members of sewerage authorities, waterworks trusts and other bodies including regional planning authorities.

48 It was stated that, generally, pecuniary interest provisions relating to members of regional planning authorities are adaptations of Section 181 of the *Local Government Act 1958*. However, whilst Section 53 of the Act makes provision for the disqualification of a councillor who is convicted of an offence against Section 181, there is no similar provision in the *Town and Country Planning Act 1961*. This deficiency was highlighted recently when a councillor, as a member of a regional planning authority, was convicted of two offences in relation to Section 12A of the *Town and Country Planning Act 1961*. If the councillor had been convicted of an offence against Section 181 of the *Local Government Act 1958* he would have been disqualified.

49 Another reason given for the need for uniform legislation was that it is desirable that a councillor, who holds a number of statutory offices, be required to know only one set of rules to determine how he should act, rather than having to study and adhere to different legislative provisions for each meeting he attends.

CONCLUSIONS

50 The Committee believes that councils and ultimately the ratepayers would be better served in the decision making process if the council had the opportunity of hearing, discussing and assessing all points of view including those of a councillor having a pecuniary interest in the subject matter before the council.

51 However, the involvement of a councillor with a pecuniary interest should be strictly limited to his participation in the council chamber for the discussion part of the subject matter only and under no circumstances should he be permitted to remain in the environs of the council chamber for the vote or to vote on the issue.

52 The Committee considers that this course would best preserve public scrutiny in that all points of view are expounded in the open forum of the council chamber.

53 The Committee therefore concludes that a councillor should be permitted to remain in a council chamber and participate in any debate upon a matter in which he has a pecuniary interest but should exclude himself from the environs of the chamber immediately before the vote on the matter.

54 Furthermore, the Committee considers it essential that, immediately prior to any consideration or discussion by a council on a subject matter, any councillor with a pecuniary interest in that matter must give a full declaration of the nature of his interest and its relevance to the matter before the council. Such declaration should be incorporated in the council minutes.

55 The Committee supports the views presented in evidence that a councillor should be permitted to discuss and vote on matters in which he has only a general or remote interest. These matters should also embrace planning issues where the interest of a councillor is an interest in common with a large number of other occupiers or owners of property within the area affected by the scheme. Such exemptions should be specified in the relevant legislation.

56 Accordingly, the Committee agrees that at this stage the exemption provisions in Section 181(2) should be widened to include:

- (i) the making of all rates and charges and the fixing of all licences and other fees;
- (ii) the interests of a councillor merely as a ratepayer, inhabitant, consumer or participator in a service offered to the public;
- (iii) service on local communities bodies and membership of clubs, unions or organizations, and the like where no personal gain is involved; and
- (iv) planning issues which have general application throughout the area of the planning scheme or where the interest of a councillor is an interest in common with a large number of other occupiers or owners of property within the area affected by the scheme.

57 Having regard to the present legislative provisions for the declaration of interests and the conclusions outlined in paragraph 54, the Committee considers that there should be no mandatory requirement for councils to keep a register of pecuniary interests.

58 The Committee is in favour of extending the period for the launching of proceedings for offences under Section 181 from one year to three years from the commission of the offence.

59 The Committee considers that the penalty of \$500 provided by Section 181(8) should be increased to \$1 000 and for any subsequent offence under this section provision should be made for a term of imprisonment.

60 The Committee is also of the view that an offence under Section 53A warrants similar penalties to those recommended for a breach of Section 181, namely a fine of \$1 000, a seven year disqualification by virtue of Section 53 and for any subsequent offence a possible term of imprisonment.

61 The Committee supports the overwhelming view presented in evidence that there be a uniformity of legislative provisions relating to pecuniary interests of councillors in respect to their appointments under all relevant statutes.

RECOMMENDATIONS

62 The Committee recommends that -

- (a) Section 181 of the *Local Government Act* 1958 be amended to permit a councillor to remain in the council chamber and participate in a debate upon a subject matter in which he has a pecuniary interest, but the councillor be required to leave the environs of the council chamber prior to the vote on the matter;
- (b) Section 181 of the *Local Government Act* 1958 be further amended to make provision for a councillor with a pecuniary interest in a matter before the council to give a full declaration of the nature of such interest and its relevance to the matter before council immediately prior to the consideration or discussion of the matter; such declaration to be incorporated in the council minutes;
- (c) Section 181 (2) of the *Local Government Act* 1958 be widened to include the following exemptions -
 - (i) the making of all rates and charges and the fixing of all licences and other fees;
 - (ii) the interests of a councillor merely as a ratepayer, inhabitant, consumer or participator in a service offered to the public;
 - (iii) service on local communities bodies and membership of clubs, unions or organizations and the like where no personal gain is involved; and
 - (iv) planning issues which have general application throughout the area of the planning scheme or where the interest

of a councillor is an interest in common with a large number of other occupiers or owners of property within the area affected by the scheme;

- (d) there be no mandatory requirement for councils to keep a register of pecuniary interests;
- (e) the period for the launching of proceedings for offences under Section 181 of the *Local Government Act 1958* be extended from one year to three years from the commission of the offence;
- (f) Section 181 of the *Local Government Act 1958* be amended to provide for the penalty of \$500 to be increased to \$1 000, and for any subsequent offence under this section provide for a term of imprisonment;
- (g) Section 53A of the *Local Government Act 1958* be amended to provide for similar penalties to those recommended for an offence under Section 181, namely a fine of \$1 000, a seven year disqualification by virtue of Section 53 of the Act, and for any subsequent offence a possible term of imprisonment; and
- (h) there be a uniformity of legislative provisions relating to pecuniary interests of councillors in respect to their appointments under all relevant statutes.

Committee Room,
29 April, 1981.

EXTRACTS AND SUMMARIES FROM THE PROCEEDINGS

The following summary from the Minutes of the Proceedings of the Committee show Divisions which took place during the consideration of the Draft Report.

TUESDAY 28 APRIL 1981

The Committee divided on the respective questions, That paragraphs 51, 52 and 53, as amended, stand part of the Report.

In each case, the result of the Division was:

Ayes, 7	Noes, 3
The Hon. Joan Coxsedg	Mr. Ebery
Mr. Edmunds	The Hon. N.B. Reid
The Hon. D.M. Evans	Mr. Wilton
Mr. Skeggs	
Mr. Aurel Smith	
Mr. Trewin	
The Hon. J.M. Walton	

Severally resolved in the affirmative.

Paragraph 54 (as amended)

Furthermore, the Committee considers it essential that, immediately prior to any consideration or discussion by a council on a subject matter, any councillor with a pecuniary interest in that matter must give a full declaration of the nature of his interest and its relevance to the matter before the council. Such declaration should be incorporated in the council minutes.

Amendment proposed-That after the words "Such declaration should" there shall be inserted the words "be committed to writing and the written declaration should".

(Mr. Wilton)

Question-That the words proposed to be inserted be so inserted-put.

The Committee divided.

Ayes, 2

Noes, 7

The Hon. Joan Coxsedg
Mr. Wilton

Mr. Ebery
Mr. Edmunds
The Hon. N.B. Reid
Mr. Skeggs
Mr. Aurel Smith
Mr. Trewin
The Hon. J.M. Walton

And so it passed in the negative.

WEDNESDAY 29 APRIL 1981

The Committee divided on the respective questions, That paragraphs 55 and 56, as amended, stand part of the Report.

In each case, the result of the Division was:

Ayes, 6

Noes, 3

The Hon. D.M. Evans
The Hon. J.V.C. Guest
Mr. Skeggs
Mr. Aurel Smith
Mr. Trewin
The Hon. J.M. Walton

The Hon. Joan Coxsedg
Mr. Ebery
The Hon. N.B. Reid

Severally resolved in the affirmative.

The Committee divided on the question, That paragraph 57, as amended, stand part of the Report.

The result of the Division was:

Ayes, 6

Noes, 1

Mr. Ebery
The Hon. D.M. Evans
The Hon. N.B. Reid
Mr. Aurel Smith
Mr. Trewin
The Hon. J.M. Walton

The Hon. Joan Coxsedg

And so it was resolved in the affirmative.

Paragraph 62 (as amended)

- (a) Section 181 of the *Local Government Act* 1958 be amended to permit a councillor to remain in the council chamber and participate in a debate upon a subject matter in which he has a pecuniary interest, but the councillor be required to leave the environs of the council chamber prior to the vote on the matter;
- (b) Section 181 of the *Local Government Act* 1958 be further amended to make provision for a councillor with a pecuniary interest in a matter before the council to give a full declaration of the nature of such interest and its relevance to the matter before council immediately prior to the consideration or discussion of the matter; such declaration to be incorporated in the council minutes;
- (c) Section 181 (2) of the *Local Government Act* 1958 be widened to include the following exemptions -
 - (i) the making of all rates and charges and the fixing of all licences and other fees;
 - (ii) the interests of a councillor merely as a ratepayer, inhabitant, consumer or participator in a service offered to the public;

- (iii) service on local communities bodies and membership of clubs, unions or organizations and the like where no personal gain is involved; and
- (iv) planning issues which have general application throughout the area of the planning scheme or where the interest of a councillor is an interest in common with a large number of other occupiers or owners of property within the area affected by the scheme;
- (d) there be no mandatory requirement for councils to keep a register of pecuniary interests;
- (e) the period for the launching of proceedings for offences under Section 181 of the *Local Government Act 1958* be extended from one year to three years from the commission of the offence;
- (f) Section 181 of the *Local Government Act 1958* be amended to provide for the penalty of \$500 to be increased to \$1 000, and for any subsequent offence under this section provide for a term of imprisonment;
- (g) Section 53A of the *Local Government Act 1958* be amended to provide for similar penalties to those recommended for an offence under Section 181, namely a fine of \$1 000, a seven year disqualification by virtue of Section 53 of the Act, and for any subsequent offence a possible term of imprisonment; and
- (h) there be a uniformity of legislative provisions relating to pecuniary interests of councillors in respect to their appointments under all relevant statutes.

Amendment proposed-That sub-paragraph (a) be omitted with the view of inserting in place thereof the following sub-paragraph-

- "(a) Section 181 of the *Local Government Act 1958* be amended to permit a councillor to remain in the council chamber and declare his interest and participate in a debate upon a subject in which he has a pecuniary interest and vote on that subject matter;"

(Hon. N.B. Reid)

Question-That the sub-paragraph proposed to be omitted stand part of the paragraph-put.

The Committee divided.

Ayes, 7

Noes, 2

The Hon. Joan Coxsedg	Mr. Ebery
The Hon. D.M. Evans	The Hon. N.B. Reid
The Hon. J.V.C. Guest	
Mr. Skeggs	
Mr. Aurel Smith	
Mr. Trewin	
The Hon. J.M. Walton	

And so it was resolved in the affirmative.

Amendment proposed-That sub-paragraph (c), as amended, be omitted from the paragraph.

(Hon. N.B. Reid)

Question-That the sub-paragraph proposed to be omitted stand part of the paragraph-put.

The Committee divided.

Ayes, 6

Noes, 3

The Hon. D.M. Evans	The Hon. Joan Coxsedg
The Hon. J.V.C. Guest	Mr. Ebery
Mr. Skeggs	The Hon. N.B. Reid
Mr. Aurel Smith	
Mr. Trewin	
The Hon. J.M. Walton	

And so it was resolved in the affirmative.

Amendment proposed-That sub-paragraph (d), as amended, be omitted from the paragraph.

(Hon. Joan Coxsedg)

Question-That the sub-paragraph proposed to be omitted stand part of the paragraph-put.

The Committee divided.

Ayes, 7

Noes, 2

Mr. Ebery

The Hon. D.M. Evans

The Hon. J.V.C. Guest

The Hon. N.B. Reid

Mr. Aurel Smith

Mr. Trewin

The Hon. J.M. Walton

The Hon. Joan Coxsedge

Mr. Skeggs

And so it was resolved in the affirmative.

APPENDIX "A"

WRITTEN SUBMISSIONS

Organizations and other bodies

Chief Justice's Law Reform Committee
Dandenong Valley Authority
Department of Planning
First Mildura Irrigation Trust
Geelong Regional Commission
Geelong Waterworks and Sewerage Trust
Institute of Municipal Administration
Institute of Water Administration
Latrobe Valley Water and Sewerage Board
Local Government Association of New South Wales
Local Government Department
Local Government Engineers' Association of Victoria
Maddock, Lonie and Chisholm, Solicitors, Melbourne
Minister for Local Government
Ministry of Water Resources and Water Supply
Municipal Association of Victoria
Provincial Sewerage Authorities Association
Town and Country Planning Board
Victorian Chambers of Commerce and Industry
Waterworks Trusts Association of Victoria
Western Port Regional Planning Authority

Cities, Towns and Boroughs

Cities

Altona	Echuca
Ballaarat	Essendon
Benalla	Fitzroy
Bendigo	Geelong
Berwick	Geelong West
Box Hill	Hamilton
Brighton	Hawthorn
Brunswick	Horsham
Broadmeadows	Kew
Camberwell	Malvern
Castlemaine	Maryborough
Caulfield	Melbourne
Coburg	Mildura
Colac	Mordialloc
Croydon	Moorabbin

Cities (cont'd.)

Port Melbourne
 Preston
 Prahran
 Ringwood
 Sale
 Sandringham
 South Barwon
 South Melbourne

Springvale
 Sunshine
 Wangaratta
 Warrnambool
 Waverley
 Williamstown
 Wodonga

Towns

Kyabram
 Portland
 St. Arnaud
 Stawell

Boroughs

Eaglehawk
 Kerang
 Sebastopol
 Wonthaggi

Shires

Alberton
 Arapiles
 Ararat
 Avoca
 Bacchus Marsh
 Bairnsdale
 Ballan
 Bannockburn
 Barrabool
 Beechworth
 Bellarine
 Belfast
 Benalla
 Bet Bet
 Birchip
 Bright
 Broadford
 Buln Buln
 Chiltern
 Cobram
 Colac
 Corio
 Cranbourne
 Creswick
 Deakin
 Diamond Valley
 Dimboola
 Dundas

Eltham
 Flinders
 Gisborne
 Goulburn
 Hampden
 Hastings
 Healesville
 Heytesbury
 Huntly
 Kaniva
 Kara Kara
 Karkaroc
 Kerang
 Kilmore
 Korong
 Korumburra
 Kowree
 Kyneton
 Lexton
 Maffra
 Marong
 Mansfield
 Melton
 Metcalfe
 Mildura
 Mirboo
 Morwell
 Mornington

Shires (cont'd.)

Mortlake	Swan Hill
Mount Rouse	Strathfieldsaye
Myrtleford	Tallangatta
McIvor	Tambo
Narracan	Traralgon
Newham and Woodend	Tullaroop
Newstead	Tungamah
Numurkah	Upper Murray
Omeo	Violet Town
Orbost	Walpeup
Otway	Wangaratta
Pakenham	Wannon
Portland	Waranga
Rochester	Warrnambool
Rodney	Warragul
Romsey	Werribee
Rosedale	Whittlesea
Rutherglen	Wimmera
Seymour	Winchelsea
South Gippsland	Worrayl
Stawell	Yackandandah

Sewerage Authorities

Apollo Bay	Lilydale
Bairnsdale	Leongatha
Benalla	Maffra
Churchill	Maryborough
Cohuna	Melton
Colac	Moe
Coleraine	Mount Beauty
Corryong	Morwell
Cowes	Myrtleford
Cranbourne	Ocean Grove
Dandenong	Portarlington
Deakin	Queenscliff
Drouin	Romsey
Echuca	Rutherglen
Hamilton	Swan Hill
Heathcote	Tongala
Heywood	Torquay
Horsham	Warracknabeal
Inverloch	Willaura
Kerang	Wodonga
Kyabram	Yarram
Lang Lang	

Waterworks Trusts

Apollo Bay	Maffra
Ararat	Malmsbury
Avoca	Maryborough
Axedale	Melton
Bairnsdale	Metung
Ballan	Moe
Barnawartha	Morwell
Benalla	Mount Beauty
Briagolong	Mount Rouse
Bruthen	Myrtleford
Cohuna	Neerim South
Colac	Noojee
Corryong	Peterborough
Deakin	Poowong Loch and Nyora
Drouin	Portland
Dundas	Rochester
Echuca	Rokewood
Elmore	Romsey
Gisborne	Rosedale
Glenrowan	Rushworth
Hamilton	Rutherglen
Healesville	Skenes Creek
Heathcote	Shepparton Urban
Heywood	Swan Hill
Horsham	Tullaroop
Inverloch	Violet Town
Kyabram	Wahgunyah
Kyneton	Warracknabeal
Lakes Entrance	Westernport
Lancefield	Wodonga
Landsborough	Yackandandah
Lang Lang	Yarram
Leongatha	Yarrawonga

River Improvement Trusts and Drainage Trusts

Association of Victorian River Improvement Trusts
 Avoca River Improvement Trust
 Black Dog Creek Improvement Trust
 Kiewa River Improvement Trust
 Korumburra River Improvement Trust
 Longwarry Drainage Trust
 Lough Calvert Drainage Trust
 Mitchell River Improvement Trust
 Mitta Mitta River Improvement Trust
 Pentall Island River Improvement Trust
 Tambo River Improvement Trust

STATUTE LAW REVISION COMMITTEE

REPORT

ON THE

STATUTE LAW REVISION BILL

Ordered to be printed

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS
OF THE LEGISLATIVE COUNCIL

TUESDAY, 9 SEPTEMBER 1980

- 15 STATUTE LAW REVISION COMMITTEE - The Honourable A. J. Hunt moved, by leave, That the Honourables Joan Coxsedge, D. M. Evans, J. V. C. Guest, N. B. Reid and J. M. Walton be members of the Statute Law Revision Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

TUESDAY, 7 APRIL 1981

- 10 STATUTE LAW REVISION BILL - The Honourable Haddon Storey moved, by leave, That the proposals contained in this Bill be referred to the Statute Law Revision Committee for examination and report.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS
OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 9 SEPTEMBER 1980

- 24 STATUTE LAW REVISION COMMITTEE - Motion made, by leave, and question - That Mr Ebery, Mr Edmunds, Mr Skeggs, Mr Smith (*South Barwon*), Mr Templeton, Mr Trewin and Mr Wilton be Members of the Statute Law Revision Committee; and that the Committee have power to send for persons, papers and records (*Mr Hamer*) - put and agreed to.

REPORT

The STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of the Parliamentary Committees Act 1968, has the honour to report as follows:

1 On 1 April 1981, the Statute Law Revision Bill - a Bill to revise the Statute Law - was initiated and read a first time in the Legislative Council. On 7 April, debate on the second reading was adjourned and the proposals contained in the Bill were referred to the Statute Law Revision Committee for examination and report.

2 Mr. J.C. Finemore, O.B.E., Q.C., Chief Parliamentary Counsel, and Mr. J. Butera, Legal Officer, Parliamentary Counsel's Office, appeared before the Committee on 30 April 1981 and explained the provisions of the Bill. The relevant Minutes of Evidence* are appended to this Report.

3 The object of a Statute Law Revision Bill is not to deal with matters of policy but simply to ensure that the patent intention of Parliament will be given effect to. It is recognized that the Bill should be confined to matters such as the correction of references, spelling, printing, drafting and grammatical errors and amendments which should have been made as consequential amendments simultaneously with the passage of legislation. In examining the Bill the Committee endeavoured to ensure that the items were not of a substantive nature and therefore were within the ambit of a Statute Law Revision Bill.

4 The Committee was advised that none of the items in the Bill were of a substantive nature and that they could be classified as follows:

- (a) Items which correct patent spelling or grammatical errors -

Items 8, 18, 19, 20, 33 paragraph (c), 35, 45, 49, 52, 53, 55, 62, 73, 78, 81, 82, 83, 84, 85, 86, 87, 91, 99, 116, 121, 131, 136, 137, 140, 141, 146, 147, 151, 155, 174, 180, 182, 187, 190, 234, 236, 248, 252, 259, 264.

- (b) Items which make consequential amendments and references to Acts or provisions of an Act, bodies, persons or things which should have been made simultaneously with the passage of legislation -

* Minutes of Evidence not printed.

Items 10, 11, 12, 13, 14, 23, 24, 25, 26, 28, 29, 32, 33 paragraphs (a) and (b), 34, 37, 44, 48 paragraph (c), 51, 54, 58, 59, 60, 63, 64, 65, 66, 67, 69, 71, 72, 75, 76, 98, 100, 105, 107, 108, 109, 110, 111, 112, 113, 114, 117, 119, 120, 122, 123, 125, 126, 127, 129, 130, 132, 135, 138, 139, 143, 144, 145, 148, 149, 150, 152, 158, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 185, 186, 188, 192, 199, 203, 204, 205, 206, 207, 208, 209, 210, 211, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 235, 237, 238, 239, 240, 241, 243, 246, 253, 255, 256, 257, 260, 261, 262.

- (c) Items which correct or clarify incorrect or ambiguous references or numbering -

Items 1, 2, 3, 6, 7, 21, 22, 27, 36, 39, 40, 41, 42, 43, 46, 50, 57, 61, 79, 89, 90, 92, 93, 94, 95, 96, 97, 102, 103, 104, 106, 128, 157, 161, 181, 184, 189, 191, 196, 198, 213, 215, 226, 233, 258, 263.

- (d) Items which correct patent printing or drafting errors resulting in the duplication or omission of words and expressions -

Items 4, 15, 16, 17, 38, 56, 70, 74, 101, 115, 118, 124, 133, 134, 153, 156, 159, 183, 197, 200, 201, 202, 212, 242, 244, 245, 250, 251.

- (e) Items which are of a non-substantive nature but do not fall precisely within any one of the four preceding categories -

Items 5, 9, 30, 31, 47, 48 paragraphs (a)(i) and (b), 48 paragraph (a)(ii), 68, 77, 80, 88, 142, 154, 193, 194, 195, 214, 247, 249, 254.

The Committee was given detailed advice in respect of the items in the final category.

5 As a result of its examination of the Bill and the advice of Mr. Finemore and Mr. Butera, the Committee is satisfied that the amendments proposed by the Bill are not of a substantive nature and are appropriate to a Statute Law Revision Bill.

6 The Committee's examination of the Bill together with the advice given by Mr. Butera has shown a necessity for amendments to be made to the Bill. These amendments, which

are of a minor nature, were accordingly drafted by Mr. Butera and are reproduced as an appendix to this Report together with explanations thereof.

7 The Committee desires to comment upon amendment No. 10 which proposes to omit paragraph (g) of Item No. 211 of the Bill. This paragraph seeks to amend paragraph (v) of section 3(2) of the State Co-ordination Council Act 1975 by altering the title "Director, Department of State Development, Decentralization and Tourism" to "Director of State Development, Decentralization and Tourism".

8 Mr. Butera advised the Committee that the amendment was no longer appropriate because of an amendment to the same paragraph of section 3(2) of the State Co-ordination Council Act 1975 contained in the Economic Development Bill presently before Parliament. This provision proposes to substitute the term "Director-General for Economic Development" for that which presently appears.

9 In his evidence Mr. Butera explained that amendment No. 10 was necessary in order to avoid conflict between the Statute Law Revision Bill and the Economic Development Bill as the former Bill would include a redundant reference in the event of the latter Bill being passed.

10 The Committee accepts Mr. Butera's advice. It believes that as a matter of principle it is inappropriate to omit a provision from a Bill on the assumption that the Parliament will in fact pass another Bill. However, whilst highlighting this principle the Committee accepts the amendment as a matter of convenience.

11 The Committee considers the suggested amendments should be made to the Bill. Accordingly, the Committee commends the Statute Law Revision Bill to Honourable Members to be passed into law subject to those amendments.

12 Following the recommendations of the Committee contained in its Report on the previous Statute Law Revision Bill (Parliamentary Paper D. No. 13/1979-80), the Committee notes with approval the introduction of this Bill in this Session. It is twelve months since the last Statute Law Revision Bill was passed and even during that short period it has been found necessary to include 264 items in this Bill. The Committee hopes that the present practice of introducing these Bills at such twelve monthly intervals will continue.

Committee Room,
5 May 1981.

APPENDIX

AMENDMENTS SUGGESTED BY
PARLIAMENTARY COUNSEL

- 1 Schedule, page 5, item 26, fourth column, after the expression "3(1)" insert "- (a)" and at the end of the item insert -
'(b) for the expression "Social Welfare Department" there shall be substituted the expression "Department of Community Welfare Services".'
- 2 Schedule, page 6, item 45, fourth column, omit "195 (4)." and insert "197 (4)".
- 3 Schedule, page 7, item 48, fourth column, paragraph (c), omit "substituted the following sub-section" and insert "inserted the following sub-section".
- 4 Schedule, page 7, item 49, fourth column, omit "Statisticians" and insert "Statistician".
- 5 Schedule, page 8, item 59, fourth column, paragraph (a), after '"magistrates' court"' insert 'and for the expression "courts of petty sessions" there shall be substituted the expression "magistrates' courts"'.
- 6 Schedule, page 10, item 79, fourth column, before "In" insert "(a)" and at the end of the item insert -
'(b) In section 17(c) after the expression 'for the word "practising"' there shall be inserted the expression "(wherever occurring)".'
- 7 Schedule, page 13, item 119, fourth column, paragraph (b), omit "Heathl" and insert "Health".
- 8 Schedule, page 17, item 180, fourth column, omit "performanance" and insert "performanace".
- 9 Schedule, page 19, item 206, fourth column, omit "occurrs" and insert "occurring".
- 10 Schedule, page 20, item 211, fourth column, omit paragraph (g).
- 11 Schedule, page 20, item 213, fourth column, omit "paragraph-" and insert "paragraphs -".
- 12 Schedule, page 21, item 215, third column, omit "Statue" and insert "Statute".
- 13 Schedule, page 22, item 235, fourth column, omit '"the Minister"' and insert '"Minister"'.
- 14 Schedule, page 23, item 257, fourth column, omit "Court" and insert "Courts".

EXPLANATION OF SUGGESTED AMENDMENTS

- 1 This amendment is designed to ensure that the now out-dated expression "Social Welfare Department" in section 3(1) of the Children's Court Act 1973, which was not covered by the Bill, is now brought up to date.
- 2 This amendment corrects a printing error in the Bill.
- 3 This amendment corrects a drafting error in the Bill.
- 4 This amendment corrects an incorrect reference in the Bill.
- 5 This amendment ensures that the now outdated expression "courts of petty sessions" in section 64 of the Farm Produce Merchants and Commission Agents Act 1965, which was not covered by the Bill, is now brought up to date.
- 6 This amendment is necessary to ensure that wherever the word "practising" occurs in section 10(4) of the Hairdressers Registration Act 1958 the word "performing" will be substituted.
- 7 This amendment corrects a printing error in the Bill.
- 8 This amendment corrects an incorrect reference in the Bill to a typographical error in section 27(4)(b) of the Post-Secondary Education Act 1978.
- 9 This amendment corrects a drafting error in the Bill.
- 10 For details see paragraphs 7 to 10 of this Report.
- 11 This amendment corrects a drafting error in the Bill.
- 12 This amendment corrects a printing error in the Bill.
- 13 This amendment amends the reference to be substituted in sections 13, 19 and 21 of the Unlawful Assemblies and Processions Act 1958.
- 14 This amendment corrects the title of the Act to be substituted.

SUBORDINATE LEGISLATION COMMITTEE

PROGRESS REPORT UPON A
GENERAL INQUIRY INTO SUBORDINATE LEGISLATION
(PUBLICATION, TABLING AND DISALLOWANCE)

Ordered to be printed

D-No. 4

MELBOURNE
F D ATKINSON GOVERNMENT PRINTER
1980

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 16 SUBORDINATE LEGISLATION COMMITTEE - The Honourable A.J. Hunt moved, by leave, That the Honourables D.E. Kent and D.N. Saltmarsh be members of the Subordinate Legislation Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 25 SUBORDINATE LEGISLATION COMMITTEE - Motion made, by leave, and question - That Mr. Birrell, Mr. Brown Mr. Jasper, Mr. Kirkwood, Mrs. Patrick and Mr. Roper be Members of the Subordinate Legislation Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.

REPORT

THE SUBORDINATE LEGISLATION COMMITTEE, appointed pursuant to the provisions of the Parliamentary Committees Act 1968, has the honour to report as follows:

Introduction

1 Pursuant to resolution of both Houses of Parliament, the Committee is presently conducting a general inquiry with the following terms of reference:

- (a) *whether there is a need for a systematic program of consolidation and review of the published subordinate legislation of Victoria;*
- (b) *whether the present arrangements as to publication and public availability of current subordinate legislation are satisfactory; and*
- (c) *whether the present procedure as to disallowance of statutory rules by Parliament is satisfactory.*

2 In addition to hearing evidence and obtaining information in relation to the general inquiry, the Committee also touched on relevant matters when investigating and reporting on the Liquefied Gases (Transportation and Gas Transfer) Regulations 1979 and the Liquified Petroleum Gas (Amendment) Regulations 1979 (Report No. SL3/1980 of 6 May 1980). In that report, the Committee recommended that the regulations in question should be disallowed on the grounds that -

- (a) copies were not available at the time their making was notified in the Government Gazette; and
- (b) they were not laid before both Houses of Parliament within the time prescribed by the Subordinate Legislation Act 1962.

3 In paragraph 5 of that report the Committee pointed out that there may be other regulations which have not been published or presented to Parliament strictly in accordance with the provisions of the Subordinate Legislation Act 1962, and in paragraph 9 recommended that action be taken to determine the extent of any such regulations with a view to enacting appropriate validating legislation at the earliest opportunity.

In addition, the Committee indicated in paragraph 10 of the report that it would examine the present legislative provisions of the United Kingdom and the Commonwealth of Australia as to publication of statutory rules.

4 This report relates primarily to the matters raised in the Committee's report of 6 May 1980 and therefore touches to some extent on term of reference (b). However, for reasons which will become apparent, the opportunity has also been taken to report on term of reference (c).

The Committee has been assisted in its inquiries by Mr. J.C. Finemore, Q.C., Chief Parliamentary Counsel. A visit was also made to the Government Printing Office where discussions took place with relevant staff as to the problems encountered in that office in relation to the printing and publication of subordinate legislation in accordance with the prescribed time scale.

Publication and tabling requirements

5 The relevant sections of the Subordinate Legislation Act 1962 are as follows:

- 4.(1) *All statutory rules made on or after the commencement of this Act shall forthwith after they are made be numbered printed and published by the Government Printer.*
- (2) *A notice of the making of a statutory rule and of the place where copies of the rule can be obtained shall be published in the Government Gazette forthwith on the making of the statutory rule.*
- (3) *Where by or under an Act any statutory rule is required to be published in the Government Gazette a notice in the Government Gazette that the statutory rule has been made and of the place where copies of the rule can be obtained shall be a sufficient compliance with that requirement.*
5. *A copy of every statutory rule shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament; and a copy of every such statutory rule shall be posted or delivered to each member of Parliament.*

These provisions have appeared in their present form since the inception of the Act.

The general thrust of Sections 4 and 5 seems to be that subordinate legislation should be readily available to the public and should be presented to Parliament as quickly as possible after adoption by the Governor in Council. These provisions are reinforced by the Subordinate Legislation (Statutory Rules) Regulations 1976 (Statutory Rule No. 148/1976) and administrative instructions issued by the Attorney-General. A copy of the instructions is appended to this report as Appendix A.

6 The following difficulties have arisen in respect of the existing provisions:

- (a) Section 4(2) requires publication of notice of making and the place where copies can be obtained forthwith on the making. Although existing administrative procedures are designed to ensure that statutory rules are presented to the Governor in Council in proof print form (to facilitate printing within a short time after promulgation) there are occasions on which it is not possible to produce proof copies prior to submission to the Governor in Council; for example, urgent regulations or those regulations giving rise to general increases in salaries and allowances of certain statutory office holders. In addition, some sets of statutory rules are lengthy and complex, and take considerable time to typeset. The Government Printing Office also experiences peaks where the printing of other material must take priority; for example, towards the end of each Sessional period of the Parliament. The effect may therefore be that, because of printing problems, urgent regulations or regulations designed to confer benefits may not be available within the prescribed time and therefore technically breach the Act.
- (b) Section 5 requires tabling in Parliament within fourteen days after making. If difficulties similar to those outlined in sub-paragraph (a) arise, it may be impossible to meet this requirement. From the Committee's inquiries it appears that this provision is the most stringent in Australia, as the provisions of most other States and the Commonwealth are expressed in terms of sitting days.

7 During the course of the inquiry the Committee became aware that existing administrative procedures had not been followed in a number of cases, giving rise to breaches of the Act. The Committee considers that these procedures should be strictly adhered to. However, it recognizes that there will be occasions on which this may not be possible. It therefore seems appropriate that action should be taken to arrive at a more satisfactory and soundly-based provision. Accordingly, consideration was given to the general principles which could be applied to publication and tabling, and in this respect Mr. Finemore made certain suggestions to the Committee. The principles which the Committee considers acceptable are -

- (a) Many regulations do not create offences or impose liabilities on the public but are of a purely administrative nature or are facultative. In fact, many confer benefits of some sort. It would be unfair in these cases to penalise persons likely to benefit by enforcing requirements as to publication and tabling which could have the effect of delaying operation or could lead to disallowance and the necessity for re-promulgation;
- (b) Insofar as regulations prejudicially affect anyone they should remain inoperative until published - penalties should not be imposed and offences should not be created under regulations until such time as the regulations are published and freely available (or their effects have been well publicised). However, legislative requirements as to tabling and publication should not be so harsh as to lead to the disallowance of regulations which are in all other ways satisfactory;
- (c) The publication of regulations is in the public interest whereas legislative requirements as to tabling are machinery matters and are of lesser significance; and
- (d) Some allowance should be made to cater for emergency situations when it may not be possible to produce printed copies of regulations within a reasonable time but urgent action is required.

8 As indicated in its report of 6 May 1980, the Committee intended to examine the existing legislative provisions of the Commonwealth and the United Kingdom. The Commonwealth provision, made under the Statutory Rules Publication Act 1903 is as follows:

- 5.(1) All statutory rules shall forthwith after they are made be sent to the Government Printer, and shall, in manner prescribed, be numbered, and (save as prescribed) printed and sold by him.
- (2) Any statutory rules may, without prejudice to any other mode of citation be cited by the number so given and the calendar year.
- (3) Where any statutory rules are required by any Act to be published or notified in the Gazette, a notice in the Gazette of the rules having been made, and of the place where copies of them can be purchased, shall be sufficient compliance with that requirement.
- (3A) Where a notice of statutory rules having been made is published in accordance with sub-section (3), copies of the statutory rules shall, at the time of publication of the notice or as soon as practicable thereafter, be made available for purchase at the place, or at each of the places, specified in the notice.
- (3B) Where, on the date of publication of a notice referred to in sub-section (3A), there are no copies of the statutory rules to which the notice relates available for purchase at the place, or at one or more of the places, specified in the notice, the Minister of State for Administrative Services shall cause to be laid before each House of the Parliament, within 15 sitting days of that House after that date, a statement that copies of the statutory rules were not so available and the reason why they were not so available.
- (3C) Failure to comply with a requirement of sub-section (3A) or (3B) in relation to any statutory rules shall not be taken to constitute a failure to comply with sub-section (3) or with any provision of any Act with respect to the publication or notification of the statutory rules in the Gazette.
- (4) Regulations under this Act may prescribe the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of a statutory rule within the meaning of this section.

After considering this provision and discussing its impact with Mr. Finemore, the Committee is of the opinion that its adoption would not be appropriate. In the Committee's view, the provision is too loose and appears to amount to an admonition that the

proper steps should be taken but, if they are not, no breaches of the Act are committed.

9 By contrast with the Commonwealth provision, the Statutory Instruments Act 1946 of the United Kingdom provides as follows:

3. *Supplementary provisions as to publication*

- (1) *Regulations made for the purposes of this Act shall make provision for the publication by His Majesty's Stationery Office of lists showing the date upon which every statutory instrument printed and sold by the King's printer of Acts of Parliament was first issued by that office, and in any legal proceedings a copy of any list so published purporting to bear the imprint of the King's printer shall be received in evidence as a true copy, and an entry therein shall be conclusive evidence of the date on which any statutory instrument was first issued by His Majesty's Stationery Office.*
- (2) *In any proceedings against any person for an offence consisting of a contravention of any such statutory instrument, it shall be a defence to prove that the instrument had not been issued by His Majesty's Stationery Office at the date of the alleged contravention unless it is proved that at that date reasonable steps had been taken for the purpose of bringing the purport of the instrument to the notice of the public, or of persons likely to be affected by it, or of the person charged.*
- (3) *Save as therein otherwise expressly provided, nothing in this section shall affect any enactment or rule of law relating to the time at which any statutory instrument comes into operation.*

This provision has more appeal in that reasonable steps must be taken to bring statutory instruments under public notice, but does not appear to go far enough in the Committee's view. Generally, it seems to the Committee that what are to some extent technicalities should not lead to the invalidation of regulations which are acceptable in every other sense.

10 In view of the shortcomings which the Committee saw in the United Kingdom and Commonwealth provisions, it asked Mr. Finemore to prepare draft amendments encompassing the principles enunciated in paragraph 7 of this report. In the Committee's view the draft amendments to the Subordinate Legislation Act 1962 which are appended to this report as Appendix B adequately meet these principles.

11 In addition to the general amendments, provision is also made in the draft to cover regulations made from 1962 to date, which may not have been published or tabled strictly in accordance with the Act. The Committee considers a broad retrospective provision to be desirable in this instance, as it has ascertained that it would be virtually impossible to determine the extent to which other regulations have not been published in accordance with the existing legislative requirements. The task of establishing regularity in accordance with tabling requirements, although possible, would also be immense.

Disallowance

12 Under the Subordinate Legislation Act 1962, the following provisions apply in relation to the disallowance of regulations:

6.(1) Where -

(a) the power to make a statutory rule is expressed to be subject to the statutory rule being disallowed by Parliament; or

(b) a statutory rule has been adversely reported on by the Subordinate Legislation Committee or by any previous Subordinate Legislation Committee -

the statutory rule shall be disallowed if each House of the Parliament passes a resolution in accordance with the requirements of sub-section (2) of this section.

(2) Notice of a resolution to disallow a statutory rule must be given in the House in question on or before the twelfth day upon which that House sits after the rule is laid before that House and the resolution must be passed on or before the twelfth day upon which that House sits after notice of the resolution has been given in that House but the power of either House to pass a resolution disallowing the statutory rule shall not be affected by the prorogation or dissolution of the Parliament or of either House of the Parliament and for the purpose of this section the calculation of days upon which a House has sat shall be made as if there had been no such prorogation or dissolution.

(2A) Notice of a resolution to disallow a statutory rule may be expressed to apply to the whole or to any part of the statutory rule and a resolution to disallow the whole or any part of a statutory rule shall have effect according to its tenor.

(3) Where a statutory rule is disallowed by Parliament the disallowance shall have the like effect to the repeal of an enactment.

13 The requirement that notice of disallowance must be given on or before the twelfth sitting day after a rule has been tabled has formed part of the Act since its inception in 1962. At that time, however, both Houses sat less frequently and the situation has now changed considerably. Current practice in the Legislative Assembly is for that House to sit on three days per week from the commencement of the Session. This in effect means that there may be only four calendar weeks from the date of tabling in which notice can be given in that House for disallowance.

14 When examining regulations the Committee has before it advice from Parliamentary Counsel, an explanatory memorandum from the relevant department, and the printed regulations themselves. As delays can often occur between the publication or tabling of regulations and the provision of legal opinions or explanatory memoranda, the Committee may find it impossible on occasions to meet the time scale. In addition, many of the problems which the Committee encounters in relation to regulations are resolved by contact and discussion with the relevant department and it is not necessary to move for disallowance. However, in order to preserve its rights the Committee may find itself in the position of having to give notice for disallowance simply because of this time constraint. Such action could cause undue concern and prove unnecessarily embarrassing to the Committee and to the departments concerned in the event that any difficulties are resolved (as is frequently the case). In the Committee's view an extension of the time for giving notice, from twelve to eighteen sitting days, would compensate for the change in the pattern of sittings of the Parliament.

15 During the course of the Committee's general inquiry several members of the Committee had the opportunity of participating in the first conference of Delegated Legislation Committees, held in Canberra from 29 September to 3 October 1980. As a result of the conference the Committee was able to compare provisions relating to the operation of similar bodies, and in this respect was attracted to the disallowance provisions of the Commonwealth.

Under sections 48 and 49 of the Acts Interpretation Act 1901 of the Commonwealth, provision is made, amongst other things, to the effect that disallowance motions must be disposed of within fifteen sitting days after notice has been given. Failure to pass, reject, or withdraw such a motion leads to automatic disallowance. A provision along these lines offers the advantage that such motions will always be disposed of in one way or another. For this reason the Committee is attracted to the provision and believes that consideration should be given to its introduction in Victoria.

Recommendations

16 All of the foregoing matters have been dealt with in this report as they involve amendments to the existing legislation. The Committee recommends as follows:

- (a) that the amendments outlined in Appendix B to this report be made to the Subordinate Legislation Act 1962 as soon as possible;
- (b) that a further amendment be included in the amending legislation to provide for an extension of the time for giving notice of disallowance from twelve to eighteen sitting days; and
- (c) that consideration be given to the introduction of a provision along the lines of the Commonwealth whereby motions for disallowance will be automatically carried if not dealt with in any other way within a prescribed time.

Committee Room
11 November 1980.

APPENDIX A

PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND PUBLICATION OF STATUTORY RULES

1 In future, statutory rules should be prepared and made with strict compliance being given to the requirements of the Subordinate Legislation Act 1962. To achieve this the following steps should be followed:

- (i) When draft statutory rules are in proper form they should first be sent to the Government Printer for type-setting and printing.
- (ii) Except in the cases of great emergency, only printed copies of the statutory rules should be submitted to the Governor in Council for the rules to be made.
- (iii) Where a case of such emergency arises which requires the statutory rules to be sent to the Governor in Council for making in a form other than a printed form -
 - (a) an accompanying letter should be sent to the Governor in Council informing him of the reason for the emergency;
 - (b) The Government Printer should be alerted that the regulations are being made (preferably before the regulations are sent for making), and arrangements made with the Government Printer for priority printing when made; and
 - (c) care should be taken to see that the statutory rules do not purport to come into operation on a day when it will not be possible for printed copies to be available to the public.

2 Notification of the making of the statutory rules should not be published in the Government Gazette until the Government Printer is sure that copies of the rules are available for purchase at the place or places mentioned in the notification.

APPENDIX BDRAFT AMENDMENTS TO SUBORDINATE LEGISLATION ACT 1962

1 After section 2 of the Principal Act there shall be inserted the following section:

"3.(1) Subject to section 4(3) of the Acts Interpretation Act 1958 a statutory rule shall come into operation on the day that it is made or on such later day as is expressed in the rule as the date of coming into operation of the rule.

(2) Notwithstanding the coming into operation of a statutory rule, a person shall not -

- (a) be convicted of an offence consisting of a contravention of the statutory rule; or
- (b) be prejudicially affected or made subject to any liability by the rule -

where it is proved that the statutory rule had not been printed and published by the Government Printer or notice of the making of the rule had not been published in the Government Gazette at the relevant time unless it is proved that at that time reasonable steps had been taken for the purpose of bringing the purport of the statutory rule to the notice of the public or of persons likely to be affected by it or of the person charged."

2 The Principal Act is hereby amended as follows:

- (a) In section 4(2) for the words "forthwith on" there shall be substituted the words "as soon as is practicable after";
- (b) For section 5 there shall be substituted the following section:

"5.(1) A copy of every statutory rule shall be laid before both Houses of Parliament on or before the sixth sitting day after notice of the making thereof has been published in the Government Gazette and a copy of every such statutory rule shall be posted or delivered to each member of Parliament.

(2) A failure to comply with sub-section (1) does not affect the operation or effect of the statutory rule but the Subordinate Legislation Committee may report the failure to each House of Parliament and the statutory rule shall be disallowed after each House of Parliament passes a resolution in accordance with section 6(2)."

3 The Principal Act as amended by this Act applies to and in relation to statutory rules whether made before or after the commencement of this Act.

SUBORDINATE LEGISLATION COMMITTEE

FINAL REPORT UPON A

GENERAL INQUIRY INTO SUBORDINATE LEGISLATION

(CONSOLIDATION AND REVIEW)

Ordered to be printed

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1980-81

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL

TUESDAY 9 SEPTEMBER 1980

- 16 SUBORDINATE LEGISLATION COMMITTEE - The Honourable A.J. Hunt moved, by leave, That the Honourables D.E. Kent and D.N. Saltmarsh be members of the Subordinate Legislation Committee, and that the said Committee have power to send for persons, papers and records.

Question - put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY

TUESDAY 9 SEPTEMBER 1980

- 25 SUBORDINATE LEGISLATION COMMITTEE - Motion made, by leave, and question - That Mr. Birrell, Mr. Brown, Mr. Jasper, Mr. Kirkwood, Mrs. Patrick and Mr. Roper be Members of the Subordinate Legislation Committee; and that the Committee have power to send for persons, papers and records (*Mr. Hamer*) - put and agreed to.

REPORT

THE SUBORDINATE LEGISLATION COMMITTEE, appointed pursuant to the provisions of the *Parliamentary Committees Act 1968*, has the honour to report as follows:

Introduction

1 The Subordinate Legislation Committee, in its regular work in recent years, became aware of problems associated with the publishing, consolidation, public availability and disallowance of Statutory Rules, and the resolution first adopted by both Houses of Parliament on 4 May 1977 provided the following terms of reference to conduct a general inquiry into these matters:

- (a) *whether there is a need for a systematic programme of consolidation and review of the published legislation of Victoria;*
- (b) *whether the present arrangements as to publication and public availability of current subordinate legislation are satisfactory; and*
- (c) *whether the present procedure as to disallowance of statutory rules by Parliament is satisfactory.*

2 During the course of the inquiry the Committee's attention was directed to the question of the validity of certain statutory rules because of failure to comply with the provisions of the *Subordinate Legislation Act 1962*. The matter related to the availability of copies of regulations at the time that the Notice of Making was published in the *Government Gazette*, and the procedures to be followed in tabling statutory rules in Parliament. It was indicated in a report to Parliament (SL3/1980 of 6 May, 1980) that there may have been a number of regulations not published or presented in strict accordance with statutory provisions and that there was a pressing need to enact validating legislation at the earliest opportunity. Subsequently the Committee reported to Parliament on this matter under terms

of reference (b) and (c) (D4/1980 of 12 November, 1980). Following that report the *Subordinate Legislation (Amendment) Act 1980*, brought into effect the recommendations of the Committee in relation to the publication and availability of statutory rules and extended the time for giving notice of a resolution to disallow a statutory rule from twelve to eighteen sitting days.

Terms of Reference

- (a) *whether there is a need for a systematic programme of consolidation and review of the published subordinate legislation of Victoria;*

3 In the three years immediately preceding this report 1414 statutory rules have been placed before the Committee, indicating the volume of law that is handled by way of delegated legislation, thus emphasizing the importance of availability of up to date records.

It is the opinion of the Subordinate Legislation Committee that in the past the administration of regulation making has not received detailed attention in some departments, particularly in maintaining amended sets of the regulations. The Committee is aware of instances where members of the public were unable to obtain information on the current laws administered by certain departments. There seemed to be a lack of responsibility to maintain these records and a lack of acceptance of the role of advising the public of the content and application of statutory rules. This problem did not extend to the majority of statutory authorities who have had legal officers on staff for a number of years. There has been improvement lately, with the appointment of specific legislation officers in some departments and the Committee commends this development.

4 It has been the role of the Committee to draw attention to the need for consolidation, this need being magnified in the case of regulations made prior to 1962. The significance of that year is that prior to 1962 regulations did not appear in annual bound volumes and were only available in the weekly issues of the *Victoria Government Gazette*. An examination of the *Index to Subordinate Legislation of the State of Victoria*, as contained in the bound volume of statutory rules, revealed the existence of many of these regulations. The following are examples: -

Cancer Institute Regulations 1949
Cattle Sale-yards Regulations 1933
Housing (Procedural and Forms) Regulations 1940
Labour and Industry Act - Principal Regulations 1930

Melbourne and Metropolitan Tramways Act -
 Regulations (Appeal Board) 1935
 Nurses Regulations 1941
 Registration of Cow-keepers, Dairymen, and Purveyors
 of Milk, and Inspection of Dairies Regulations 1890
 The Marine Board Rolls and Election Regulations 1916
 Vegetation and Vine Diseases Act - Regulations
 (Consolidated) 1916

To seek information as to the scope of regulations administered, a series of questions were forwarded to 32 departments, ministries and statutory authorities listed in the Appendix. The resulting replies provided valuable guidelines for the inquiry. The Committee sought information *inter alia*, on: -

- a list of the statutory rules administered;
- an outline of the consolidation programme and the criteria for initiating consolidation;
- whether pre-1962 regulations were administered;
- whether an up to date set of each regulation administered was maintained.

Evidence was taken verbally from representatives of the -

Victorian Railways Board;

Health Commission;

Ministry for Conservation; and

a detailed written submission was obtained from the Department of Minerals and Energy.

The information resulting from the questionnaire indicated that there is an increasing acceptance of the importance of subordinate legislation and increasing efforts to consolidate regulations have been noted in the past two years. There is no doubt that the Committee's request for information has resulted in this trend, whilst continual reminders, week by week, to individual departments have also proved effective.

5 It is difficult for the Committee to set down precise guidelines for a systematic programme of consolidation. Whilst the Committee must continue to play a role of a permanent nature in reminding departments of their responsibilities in this area, it is the prime responsibility of the administering departments to constantly review their

regulations and to have them available in consolidated form.

In 1979 it was necessary for a report to be presented to Parliament on the progress of the consolidation of Police Regulations 1957 and Motor Car Regulations 1966. A continuous flow of correspondence had emanated from the Committee, commencing as early as 1970, to encourage the responsible department (the then Chief Secretary's Office, now the Ministry for Police and Emergency Services) to proceed with a consolidation. The Motor Car Regulations have been amended on all occasions since they came into force in 1966 and even at this date the consolidation is not complete.

In another instance the Committee sought information in June of 1979 with regard to the consolidation of certain regulations made under the *Stamps Act* 1958 and was informed that the consolidation would be *made available to Parliamentary Counsel for sighting within the next few weeks*. On 10 September, 1980 it was again necessary for the Committee to pursue information on the progress of the consolidation and subsequent correspondence indicated that, because of problems associated with senior staff appointments, consolidation had been delayed. In this instance the principal regulations were published in the *Victoria Government Gazette* of 23 May 1960 and have since been amended on 37 occasions.

Whilst the Committee can be sympathetic to delays caused by unforeseen circumstances, protracted postponements are neither wise nor desirable. In certain cases departments were unable to offer satisfactory explanations as to why consolidation had not been undertaken. The Committee will continue to pursue the progress of the consolidations and will, if necessary, press the issue through further reports to Parliament.

A review of the index of regulations contained in the annual volumes of statutory rules reveals the presence of regulations, by-laws and other instruments of subordinate legislation which are no longer operative, mainly through effluxion of time. In many cases the consolidation of the principal regulations would have brought about the revocation of such laws but nevertheless, there appears to be a need for the various departments and authorities to undertake a comprehensive study to evaluate this type of subordinate legislation.

6 One matter which has exercised the Committee's mind over a number of years is the need for clarification of terms to provide a more recognisable and singular classification of delegated legislation. An examination of the provisions of various Acts to make subordinate legislation indicates the following diversity of types of instruments of delegated legislation presently in existence: -

<u>Act</u>		<u>Instrument of delegated legislation</u>
Cancer Act 1958	-	Regulations, Orders
Explosives Act 1960	-	Regulations, By-laws
Marine Act 1958	-	Regulations, Rules
Marketing of Primary Products Act 1958	-	Regulations, Proclamations, Orders
Supreme Court Act 1958	-	Regulations, Orders, Rules

No standard guidelines are available as to the matters which should be contained in each of the instruments and it appears to be merely an historical selection of a title based on the terminology of the relevant Act.

For some time the Committee has favoured the drafting of a Subordinate Legislation Interpretation Act. The General Inquiry into Subordinate Legislation (D9/1970) made mention of this matter on page 11, as follows: -

12.1 *The Committee notes that the Commonwealth Acts Interpretation Act goes much further than the Victorian Act in relation to subordinate legislation. It was contended before the Committee that the time has come to bring together in legislative form a working code for the interpretation of subordinate legislation. The Committee sees great value in this contention and recommends that a Bill be drawn to create such a code. The Bill should include guidelines for interpretation, rules relating to commencement of subordinate legislation, its repeal and amendment, transitional provisions, legislation by reference, powers delegated or sub-delegated, retrospectivity and other matters directly relating to subordinate legislation.*

12.2 *Clarification is required as to the classification of the types of delegated documents. At present subordinate legislation can be made by regulation, by-laws or proclamations with no interpretation as to the use of these forms of legislation by governments or subordinate bodies.*

Mr. Finemore, Parliamentary Draftsman, recommended in evidence to the Committee that legislative supplements to Acts should be called regulations, but by-laws should

be restricted generally to subordinate bodies, especially council by-laws. There is a need to look at the practice of other bodies such as the State Rivers and Water Supply Commission to decide whether their by-laws should in fact be by-laws, regulations or rules. With reference to proclamations, Mr. Finemore can see nothing but confusion coming from the use of proclamations to make regulations. The Committee agrees.

12.3 As there has never been any clear-cut view as to what should properly be done by regulations rather than by by-laws or proclamations, the Committee recommends that a clear interpretation be laid down in a Subordinate Legislation Interpretation Act.

There are classes of subordinate legislation which, in the opinion of the Committee, ought not to be published as statutory rules. Limited interest regulations, a typical example being the Secondhand Dealers' Exemptions, would be more appropriately published in the *Victoria Government Gazette*. Such matters as staffing levels in the Police Department, and salary levels set by the Public Service Board Determinations ought to be recognised as being beyond the confines of true statutory rules, with their need for wide circulation and their content of some interest beyond the internal workings of a department.

As there has never been any precise direction as to what should be the content of regulations rather than by-laws or proclamations, the Committee reinforces the recommendation contained in the 1970 report that a clear interpretation be laid down in a Subordinate Legislation Interpretation Act.

7 It is obvious to the Committee that departments are seeking legislation which contains a general regulation making power rather than set out the matters which are to be dealt with by subordinate legislation. In these cases the Bill is drafted to lay down particular principles but reliance is placed on the contents of statutory rules for day to day administration and implementation of policy. Matters on which subordinate legislation may be made should be set out in precise and not general terms. If Parliament is to delegate powers such delegation should be beyond doubt and clearly limited.

As the Committee has earlier indicated, there is an increasing volume of statutory rules. The Committee believes that proper detail of the items under which subordinate legislation may be made would obviate unnecessary amendments and certainly lessen the volume of statutory

rules. Too frequently the Committee has had to seek amending regulations to clarify intent and, in some instances, has found it necessary to advise departments that legislation is necessary to allow for the making of certain statutory rules.

It is not the role of the Committee to examine regulation making clauses in Bills prior to submission to Parliament but it points out the inherent problems if this examination is not carried out during initial drafting.

Summary and Conclusions

8 Over the years the Subordinate Legislation Committee has developed the role of watchdog on the consolidation of regulations. Whilst not strictly one of its functions under the powers conferred by the *Parliamentary Committees Act 1968*, there was a need to adopt this role in the interest of concise and defined sets of regulations.

The Committee has noted a recent awareness in departments of the necessity to properly administer delegated legislation, no doubt as a result of the volume of this form of law in recent years. The appointment of specialist officers in this field should greatly improve departmental supervision and supply the required expertise to assist in initial drafting, amendments and advice to the public.

9 An immediate requirement is the consolidation and inclusion in the annual volumes of statutory rules of any subordinate legislation made prior to 1962. From information obtained from the questionnaire the Committee ascertained that many departments had items of subordinate legislation in this category - the following are examples: -

<u>Government Department/ Authority</u>	<u>Number of 1962 regulations to be consolidated</u>
Health Commission	65
Department of Agriculture	18
Marine Board of Victoria	16
Mines Department	15
Railways Department	Various (a number of which are not published.)

It was indicated that consolidation was in hand in some cases. However, the Committee cannot stress too strongly the need for this work to proceed without delay, particularly in the case of the Health Commission.

10 The matter of a Subordinate Legislation Interpretation Act is one which now requires prompt attention. As mentioned in the report, this was dealt with in detail in the General Inquiry conducted between 1967 and 1970. The then Attorney-General, in a letter dated 29 December 1970 in relation to the recommendations contained in the report, indicated that - *It is not practicable to implement these recommendations at present but they will be reserved for future consideration.*

When it is realised that the annual number of statutory rules has increased from 337 in 1970 to 501 in 1980 it must be accepted that the time for legislation is now. Any further delay will only add to the confusion.

11 Another matter for review is the subordinate legislation declared by the Attorney-General to be statutory rules. It is the opinion of the Committee that some of the items which have been so declared do not warrant the status of statutory rules and therefore this matter should be examined in conjunction with the drafting of a Subordinate Legislation Interpretation Act.

COMMITTEE ROOM

5 May 1981

A P P E N D I X

LIST OF DEPARTMENTS, MINISTRIES, AND STATUTORY AUTHORITIES WHICH SUBMITTED INFORMATION IN REPLY TO THE SUBORDINATE LEGISLATION COMMITTEE'S QUESTIONNAIRE OF 10 JUNE, 1977.

AGRICULTURE

ARTS - Ministry, Library Council, National Gallery, National Museum, Science Museum, State Library.

AUDITOR-GENERAL

CHIEF SECRETARY

CONSERVATION

COUNTRY ROADS BOARD

EDUCATION - Head Office, Council of Adult Education, Council of Public Education, Deakin University, Latrobe University, Monash University, State College of Victoria, Teachers Tribunal, Victorian Institute of Colleges.

FORESTS COMMISSION

FUEL AND POWER

GAS AND FUEL CORPORATION

HEALTH

HOUSING - Housing Commission, Decentralized Industry Housing Authority and Teacher Housing Authority, Registry of Co-operative Housing Societies, Permanent Building Societies and Home Finance Trust.

LABOUR AND INDUSTRY

LANDS

LAW

LOCAL GOVERNMENT

MELBOURNE AND METROPOLITAN BOARD OF WORKS

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD

MINES

PLANNING

PREMIER

PUBLIC SERVICE BOARD

PUBLIC WORKS - Architects Registration Board,
Geelong Harbor Trust,
Marine Board,
Melbourne Harbor Trust,
Portland Harbor Trust,
Ports and Harbors Branch

RAILWAYS

RURAL FINANCE AND SETTLEMENT COMMISSION

SOCIAL WELFARE

STATE DEVELOPMENT AND DECENTRALIZATION

STATE RIVERS AND WATER SUPPLY

STATE SAVINGS BANK

TRANSPORT REGULATION BOARD

TREASURY - Head Office,
Land Tax Office,
Probate Duty and Gift Duty Office,
State Superannuation Board,
Stamp Duties Office

YOUTH SPORT AND RECREATION

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